

**EVALUATION OF THE PERFORMANCE OF NIGERIAN
POLICE FORCE IN THE CRIMINAL JUSTICE SYSTEM IN
TARABA STATE**

BY

**EGBITA, Abel Ukwumonun
NSU/PGD/SSS/0003/17/18**

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OCTOBER, 2018.

DECLARATION

I hereby declare that this project has been written by me and it is a report of my research work. It has not been presented in any previous application for any Postgraduate Diploma in Security and Strategic Studies. All quotations are indicated and sources of information specifically acknowledged by means of references.

EGBITA ABEL UKWUMONUN
NSU/PGD/SSS/0003/17/18

DATE

CERTIFICATION

This is to certify that this project titled “Evaluation of the Performance of Nigerian Police Force in the Criminal Justice System in Taraba State” meets the regulations governing the award of Postgraduate Diploma in Security and Strategic Studies, School of Postgraduate Studies, Nasarawa State University, Keffi, and is approved for its contribution to knowledge.

Dr. Abdul Adamu
Chairman, Supervisory Committee

Date

Prof. Olayemi Akinwumi
Director, IGDS

Date

External Examiner

Date

Prof. S.A.S Aruwa
Dean, School of Postgraduate Studies

Date

DEDICATION

I dedicated this project to Almighty God.

ACKNOWLEDGMENT

I thank the Almighty God for providence and wisdom in directing my attention to the topic “Evaluation of the Performance of Nigerian Police Force in the Criminal Justice System in Taraba State”.

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ABSTRACT

This study examines how well the police in Taraba North Senatorial District have been able to administer criminal justice, especially against the backdrop of allegations of gross abuse of power arrest, detention, investigation and prosecutions as well as operational inefficiency often leveled against them by critics. To assess the level of credibility in these allegations the researcher administered questionnaires on one hundred crime suspect and fifty police officers selected from the five police divisions out of the existing eight in Taraba North Senatorial District. Though, not all the questions in the questionnaire were freely answered by the respondents for fear of apprehension. They were thus assured that every information, that was released by them will enjoy top confidentiality. At the end of the whole exercise it was discovered that the police have not been able to live up to expectation as a results of an over weighing influence of their own sub-culture which is largely emphasized by brutality, bribery and corruption as well as outright lack of motivation among serving police officers. The study recommended an overhauling of criminal justice system among other recommendations.

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

The Nigeria police force was founded in 1930 through the amalgamation of the Northern and Southern Constabulary force which were under the leadership of A.G. Uniacke (Inspector – General for the North) and C.W.D Can (Inspector – General for the South) (Tarnuno 1970), the police constitute the primary gatekeepers of the criminal justice system and citizens come in contact with them more than the other agencies, namely-state security services, civil defense corps, customs and immigration, etc, which also reserve the power of arrest , detention and interrogation. The Nigeria Police is charged with the following responsibilities under section 194(1) of the constitution and section 4 of the police act, of 1943 reprinted in 1967 and 1990 respectively:

- i. Arrest and Summons
- ii. Detention, investigation and prosecution
- iii. Bail and remand
- iv. Maintenance of law and order
- v. Protection of lives and property
- vi. The enforcement of all laws and regulations with which they are directly charged and the performance of such military duties as may be required of them by law.

This study focuses on the first four stages (1-4) namely; arrest and summons detention, investigation and prosecution, bail and remand as well as maintenance of law and order. In other words, the aforementioned represent the parameter on which the performance of the police in criminal justice administration is measured. An

assessment of the police may play an integral role in society by ensuring peaceful co-existence among varied individuals.

However, in spite of this functional role of the police in maintaining peace in society, the organization has been subjected to a barrage of attacks by critics. For instance, in a study conducted by Sa'ad (1998) on selected former Gongola State prisons, 243 out of the 360 prisoners whose views were sought alleged man handling during and after arrest. In another study conducted by Olufokunbi in Odekunle (1996) the police is accused of collecting money from suspects and looking away while prosecutable offences were committed. In his own assessment of the performance of the police in the administration of criminal justice, Whyte (2001) argues that the major factor working against them is the incidence of work over load arising from inadequate man power compared to the number of people that commit crime at any given time in Nigeria

1.2 Statement of the Problem

The role of the Nigerian police in the administration of criminal justice is very vital to the maintenance of peace, order and stability. However, the standard set for the police remained contradictory considering the constitutional provision that guaranteed the Nigerian police to use force in initiating arrest and yet constrains the extent to which such powers given can be exerted. According to Saad (1998) Section 31 of the NCPC 1960 which is in tune with section 261 of the CPC, permits the Nigerian police to use all means necessary to effects an arrest and to even kill where the offence committed is one capable of fetching a fleeing offender a death penalty or at least seven years imprisonment. Similarly, section 37 of the NCPC 1963 cautions the police against the excessive application of power, especially where restraint is most necessary for fear of escape. Section 10(1) of the CPA goes even a step further by making the police

criminally liable for any excessive application of force. In view of the aforementioned Sections, this study examines the extent to which the police enforce the Law. Though, there have been some study on criminal Justice System and the police in particular but little attention was given to the double standard set for the Nigerian police. Hence, this study will fill the literature gap that exists in term of the double standard set for the Nigerian Police by the constitution.

1.3 Research Questions

This study answers the following questions:

- i. How well have the police performed their constitutional duties in the maintenance of law and order in Taraba North Senatorial District?
- ii. What is the mode of arrest used by the Nigerian police on crime suspects in Taraba North senatorial District?
- iii. What method do the police use in retrieving information from crime suspects?
- iv. How do the police and the crime suspects view each other?

1.4 Objective of the Study

The main objective of this study is to assess the performance of police in the maintenance of law and order in Taraba Northern Senatorial District.

The specific objectives are to:

- i. Assess the mode of arrest by the Nigerian Police in Taraba North senatorial District
- ii. Examine the methods used by the police in retrieve information from suspects.
- iii. Examine the relationship between the police officers and the crime suspects in Taraba north senatorial district.

1.5 Significance of the Study

This study would be significant to the law makers and the Nigeria police particularly as it would serve as a policy guide when making decisions and laws. This study would be of immense significance to the host (Taraba North Senatorial district) as it would the people to under why police act the way they do. Thus, this study is significant to humanity in general.

According to Leonard (1980), “Basically, the police serve as the catalyst which moves the criminal law out of books and into social action” that is to say the police play a prominent role in the formulation of our criminal policy. A study that focuses on the performance of the police in the administration of criminal justice will among others;

- a. Serve as guidance to policy makers
- b. It will add to already existing knowledge in the area
- c. It will serve as a frame of reference to other researchers in the area.

1.6 Scope of the Study

The scope of this study is the assessment of the performance of the Nigeria Police in the maintenance of law and order in Taraba North Senatorial District Nigeria. And the study is delimited to the police and crime suspects in the study area. This study covers the period from 2013 to 2015.

CHAPTER TWO

LITERATURE REVIEW

This chapter presents reviews of existing ideas from researches in books, journals, magazines, internet and the likes as it relates to the topic of this study. It begins by examining the major concepts of this research which includes: The criminal justice system, the police, the criminal and Justice.

2.1 Conceptualization of Criminal Justice

Criminal justice may be defined as a system or as a process. As a system, it is made up of three sub-systems or components: the police, the courts and corrections responsible for law enforcement.

Iwarenu-Jaja (2008) defined the criminal justice system as a process when the different components co-ordinate their independent functions by processing the criminal suspect from one stage to the other. Criminal justice process basically involves arrest, booking, trial and confinement. Once a crime 'is reported to the police investigation begins; witnesses are interviewed or interrogated. Sufficient information obtained leads to the arrest of a suspect who may be detained or placed in police custody, or even released on bail, where there seems to be no threat; Police discretion could be exercised at this stage, either to charge or discharge the suspect.

According to Clare and Kramer (1998) criminal justice can be defined as a legal process or as an academic discipline. As a legal process, it involves the procedure of processing the person accused of committing crime from arrest to the final disposal of the case.

It is possible to view criminal justice as a consequence of decision making stages. Through this system offenders are either passed on to next stage or diverted out of the system. This diversion may be due to any number of reasons such as lack of evidence or a desire to reduce the load on the system. Each subsequent stage of the process is dependent upon the previous stage for its elements; it is this dependence that best exemplifies the 'system' nature of criminal justice (Clare & Kramer, 1998).

As an academic discipline, criminal justice studies provide a thorough understanding of the criminal justice system in relation to the society. Students interested in pursuing professional careers within the criminal justice system focus on subjects with concentration on law enforcement, corrections or legal studies. The subjects covered include criminal law, criminal investigation, police science and management, introduction to criminology, security management etc. The criminal justice scholar must be knowledgeable in law and the legal process because the criminal justice system is a legal entity (Clare & Kramer, 1998).

2.2 Defining Criminal

For Oluwatoyin (2001) the term criminal is derived from the word "crime" this is in turn defined as an act or omission which under any written law is deemed a crime, thus attracting punishment. From the legal point of view, a criminal is someone who has committed crime(s), and has been found to commit the crime(s) through a criminal justice process involving the police and the criminal justice process involving the police and the criminal courts, leading to conviction. In order to ascertain that an individual is legally a criminal, that person must have violated a known criminal law; must have been processed through the criminal courts and found guilty; and subsequently convicted and punished.

Clare and Kramer (1998) there is a problem, however, with this strict legal definition because not all persons who violate the criminal law are processed through the criminal justice system. The law, for example, excuses certain categories of persons such as the insane from criminal responsibility. Similarly, by virtue of the positions certain persons occupy, they have immunity against criminal actions, and in this category are diplomats serving in foreign countries. In the recent years the case of the US President, Bill Clinton, is a typical one of those with immunity by virtue of their positions-though he is accused of perjury and deliberate obstruction of justice. The worse that could have happened to him was impeachment, but not criminal conviction. The 1999 Nigeria constitution confers such immunity on the Executive at the Federal and State levels.

Young (1998) considers the value system of a society as an integral factor in the making of a criminal. In a place like Nigeria where there is a less emphasis on accountability and anything goes for money, it is feared by critics that some people indulge in sharp practices, e.g. advance fee fraud, armed robbery, drug trafficking, prostitution etc. Representing the means in order to fulfill their cultural goal of the society (Merton, 1996) Against this background, young argues that the criminal may not be entirely guilty if external environment which in this case is incentive to acts of criminality is taken into consideration. Hence his conclusion that, both external and internal influence should be adequately considered in the making of the criminal justice.

2.3 Conceptualization of Justice

Justice means different thing to different people. Thus for a victim of crime (Moore 2000, 15) justice means “Law and order” which attracts punishment when violated,

To the defender, justice means “fair treatment” or even “acquittal” while for the ordinary person it stands for “impartial” or “equality of treatment”.

The word ‘justice’ according to Rawls (2011) “is the first virtue of social institutions as truth is of systems of thought”. He noted that in “Justice as fairness, the original position of equality corresponds to the state of nature in the traditional theory, social contract”. To understand how the criminal justice system works, it is necessary to grasp the working relationships of all its agencies: the use, functions and decision-making process of the police; the structures of the courts system and how judges reach decisions; and the intricacies of penal institutions.

Criminal justice agencies are the main actors in the fight against crime: the police are responsible for detecting crime and apprehending people who violate the criminal law; the courts decide guilt or innocence, and sentence those who are convicted or those who plead guilty; and the prisons or correctional institutions carry out the sentence of the court and rehabilitate criminals.

2.4 The Police

The police are the biggest, most visible and important sub-system of the criminal justice system. The police provide the entry point into the criminal justice system either through crime reports from the public or its own discovery. The police organization is the main institution that makes it unique among the other components of the criminal justice system (Oluwatoyin, 2001). The uniqueness of the police borders on the fact that the decision of the policeman on the street is as important as the existence of the criminal justice system. The policeman is the ‘gatekeeper’ of the criminal justice system as he decides who goes into the system and his decision has wider implications for the other system components (Oluwatoyin, 2001). The

policeman lubricates the system through the arrest of suspects, who are essentially the inputs into the criminal justice system.

2.5 Criminal Justice System in Nigeria

The origin of the Nigerian legal system is traceable to Britain, which in turn originated its laws from the common law. Originally, English judges applied norms and rules peculiar to each community whenever they were settling disputes. It was through such rules that Britain eventually established what came to be known as the common law. According to Dambazau (2004), common law is a judge-made law because the rules were determined by judges and not by any legislative body.

The law has two principal divisions, criminal and civil. By definition, criminal law is a body of rules listing the various criminal offences, identifying the ingredients thereof and specifying the potential punishment (Clarkson, 1999). A major goal of the criminal law is the prevention and control of crime. Crime under criminal law is considered a public wrong prescribed by law, to which punishment is prescribed in the event of violation. Criminal law is concerned with public wrongs, or wrongs against society, matters deemed by society to be so serious that in the event of a person transgressing a legal rule, it is society itself which must punish the offender (Devaham, 2000).

Criminal cases begin with arrest by the police on behalf of the state. By implication then, it is the state that initiates action on behalf of the person wronged. Since criminal cases have the possibility of penal sanctions, the rules of evidence are stricter and in this case the prosecution is required to prove “beyond reasonable doubt” before an accused can be convicted. An essential feature of criminal law in Nigeria is the fact that an accused is presumed innocent until proven guilty, and following it, there is

another feature which rests the burden of proof on the prosecutor. It is the prosecution which must prove beyond reasonable doubt that the accused has committed the offence with which he has been charged.

A system, according to Schoderbek (2001) is an organized or complex whole and assemblage or combination of things or parts forming a complex or unitary whole. A major operating characteristic of systems is that what affects the function of one part can potentially affect other parts, as well as the entire system. The criminal justice system is a legal entity, the interrelationships of criminal justice elements comprising the police, courts and the prisons, or what the Americans would rather refer to as the correctional facilities. It is a loose federation of agencies each separately budgeted, each drawing its manpower from separate wells, and each a profession unto itself (Newman, 2008).

Moore (2002) noted that the criminal justice system is not a “system” in the sense that all its agencies are directed towards a particular objective with the help of a centralized authority, but that it is a limited system to the extent that the different agencies are linked ...“ through a process in which one agency’s ‘output’ ‘Become the next agency’s ‘inputs’. The output of the police, for example, is the arrest of offenders which in turn and based on the outcome of police investigation, becomes the input into the courts. The cases when developed as the output of the prosecution and defense invariably become the output of the courts after conviction and sentencing, thereafter, they become input for the prisons, and so on. It is through the criminal justice system that due process is achieved, with offenders processed right from arrest until they are finally released from prison after serving sentence, or until execution for those sentenced to death.

2.6 General Duties of the Police

In line with section 4 of the police act 1943 as reprinted in 1967 and 1990 respectively, the general duties of the police include prevention and detected of crime, the apprehension of offenders and the enforcement of all laws and regulation with which they are directly charged and the performance of such military duties as may be required of them under the act. Others include; assisting in regulating traffic on the high ways, providing assistance during disasters. Acting, as escorts in various spheres as well as prosecuting cases. In consonance with this provision, the constitution also provides for each of the four cardinal responsibilities of the police which shall be discussed below.

2.6.1 Arrest and Summons

Arrest is defined by Sloan (1992:32) as ‘the taking or restraining of a person from his liberty in that he shall be forth coming to answer an alleged or suspected offence. ‘Similarly, “a person under arrest when a restrain which deprives him of his liberty is applied to him, usually by seizing, or touching his body “According to this source, words along cannot amount to an arrest except if it is brought to the notice of the person being arrested that he is under arrest. The police Act, 1990 which is consistent with S.10 of the CPA offers the following conditions under which arrest could be made.

Any person whom he finds committing any felony, misdemeanor or simple offence or whom he reasonably suspects of having committed or being about to commit any felony misdemeanor or breach of the peace. Any other person been charged with having committed a felony or misdemeanor.

Anybody who any other person suspects of having committed a simple offence, if such other person is willing to accompany the police officer to the police station and to enter into a recognizance to prosecute such charge.

However, where summonses are to be use the law in S.80 (26) of the police Act, 1990 provides that these be issued by any police officer during the hours of daylight. And where the arrest is to be made by the officers in plain clothes, the law requires such arresting police officers to disclose their identity to the person being arrested. Against this background, “no arrest is lawful unless the person arrested is informed of the ground for the arrest (Sloan 1992; 32).

2.6.2 Detention

This is the next stage that comes on the line immediately an arrest has successfully taken place. The power of detention is conferred on police officers by section 42 and 129 (1) of the NNCPD which require the charging of a person arrested without warrant to the nearest court competent to take cognizance of his/her offence within 24 hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court and any interviewing public holiday. At the court however the police are expected to make formal application that the accused be detained in the police station pending further investigation and the court may make an order for a term not exceeding 15 days (NNCPD 1963 S. (3). However, the police may release the arrested person if he satisfies S.340 (1) of the criminal procedure of northern states of Nigeria.

2.6.3 Investigation

The police according to (V.A Leonard, 1980) being life to bear on the criminal justice process. They are responsible for identifying the suspected offender and involving official action to prosecute the matter further. The investigation process according

to this source can be initiated in two ways; when the citizen makes a formal complaint starting that some type of criminal activity is taking place or already has taken place or the police action themselves based on information received and or the observation of a suspected criminal act.

In a case which involves disputed identification and where the identity of the person is not known to the police, the method of identification by witness which may be use are (i) parade (ii) a group identification (iii) a video film (iv) a confrontation (Sloan 1992, 57).

However before embarking on this norm, certain factors need to be considered. These according to (Remington et'al 1989), include;

- i. **Available Resource:** In the face of available measure resources, it is the duty of the police to decide what to investigate and what not to investigate especially in cases in which justice is most likely and where it prevails, it may be attended by paltry fine e.g. violation of a local government edict on law making.
- ii. **Seriousness of the offence:** like the former, police are seriously influenced to the seriousness of the crime for instance the police are more likely to be stung into action by an offence of armed robbery rather than smoking of cigarette in the police-an act that was prohibited by government several years ago but which remain a popular behavior in Nigeria.
- iii. **Reputation and status of the victim:** In view of the meager resources available to the police, not all complaints are tolerated especially these that do not have brighter prospects. For example, the police may decide to parley an allegation brought by a housewife against her husband because she is most likely to follow it up.

- iv. **Pressure from the groups in the community:** Here, police investigation is more likely to be provoked by issues that have evolved commentaries in the press than those that are under group. For example, the high incidence of armed robbery in Nigeria may be a case for investigation not only because it is roundly condemned by member of the community but also because it has received a wide range of commentaries from the press.
- v. **Potential for solution by the criminal process:** Here, the police swing into action if they are convinced that the investigation is likely to achieve its objectives of immense consideration here is the likelihood of the criminal justice process forcing down crime, given its application.
- vi. **Concern for negative impact of enforcement:** Under this category, the police are weary of the environment of investigation, especially where that is likely to hinder investigation or provoke wide spread disorder. For an example, an investigation in the ghetto or on student's campus is most likely to provoke a situation of unrest. Taken into consideration is the police/Public relation.

The last lap in the investigation process is the taking or writing of statements. To give room for fair hearing, Silia of the judges Rules which permits the suspect to keep his statement to his chest until in court or release same in the presence of his lawyer or a relation is brought in reckoning her (see Sa ad 1988 and Ajomo et al, 1991). In all, all criminal investigation is often supported by surveillance if should produce needed results.

A US National Advisory Commission on Criminal Justice Standards and Goals identified eleven functions of the police, and from all indications, these functions have universal application:

- a. Preventing criminal activity;
- b. Detecting criminal activity;
- c. Apprehending criminal offenders;
- d. Participating in court proceedings;
- e. Protecting constitutional guarantees;
- f. Assisting those who cannot care for themselves or who are in danger of physical harm;
- g. Controlling traffic;
- h. Resolving day-to-day conflicts among families, friends and neighbours;
- i. Creating and maintaining a feeling of security in the community;
- j. j. Investigating crimes and
- k. k. Promoting and preserving civil order.

According to the Nigeria Police Act, the police are employed to prevent and detect crime; apprehend offenders; preserve law and order; protect life and property; enforce laws and regulations they are directly charged with; and perform such military duties as may be required of them.

Criminal Courts

In the triangular relationship of the criminal justice system, the second most prominent component is the criminal court. A court has been defined as “... an agency set up by government to define and apply the law, to order its enforcement, and to settle dispute points on which individuals or groups do not agree.” (Hemphil &

Charles 1997) Criminal courts play a pivotal role in the criminal justice system. The adjudication of cases, in which there is reasonable cause to believe that an accused person has violated a specific law or laws is a basic role of criminal courts. When a crime is committed, formal action must be channeled through the courts. It is only the courts that determine the guilt or innocence of the accused person, and the decisions of the courts have important consequences for the other components of the criminal justice system. According to Pound, the administration of justice revolves around the court system. A person who violates the criminal law is brought before the court and provided with a trial in the court, and it is followed through with the disposition or judgment made by the court accordingly (Pound, 1990).

Criminal courts have a very important symbolic role. As the symbols of justice, depicted by the justice, scale, the public sees the courts as the platform for fairness and impartiality. Courts are impartial to the extent that they allow each side the opportunity to present its case. Courts provide the forum for resolving disputes through the application of the law, although not all disputes are brought before them. In resolving disputes, criminal courts must enjoy judicial independence, free from outside pressures, and judging their cases dispassionately, most especially because citizens perceive them as the guarantors of their fundamental rights. A very important characteristic of the courts is the fact that they have asserted the right to be the arbitral interpreters of the constitution.

The Prisons

In the triangular relationship of the criminal justice system, the third leg carries the prison. The prison is responsible for the custody of the final product in the criminal justice process. Maintaining custody involves carrying out measures to prevent

escape, such as erecting high walls or chain-link fence, placing armed guards, constant checks of cells, providing a system of passes for movements within the prison, constant surveillance, and such stringent measures which may be applied from time to time to prevent escapes, riots, and so on.

Modern Nigeria Prisons Service could be traced to 1861, when the colonial concept of prison was established; coincidentally it was the beginning of formal colonial machinery of government. It was in 1872 that the Broad Street prison was established with an initial inmate capacity of 300. By 1910, the British colonial government had established prisons in Calabar, Onitsha, Benin, Ibadan, Jebba, Lokoja and Degema. Colonial prisons were not designed for reform, but rather prisoners were used mainly for public works and other jobs for the colonial administration, they served the colonial interest of ensuring law and order and collecting taxes. The prisons were poorly run and the local prison conditions varied from one prison to another in their “disorganization, callousness and exploitation”. The prison served the purpose of punishing those who opposed the British colonial administration.

It is important to note that physical control is not enough to maintain sanity and prevent escapes, especially among frustrated, hardened criminals who may present all kinds of behavioral problems. All kinds of vices such as drug abuse, Homosexuality, theft, Brutality among inmates, are likely to exist within the prison wall. The prison according to Goffman (1998) is a “total institution”. To be locked up in a physical, Psychological and social sense, a situation in which there is no escape and the prisoner has no control’ is to deny the individual the “rudimentary choices of everyday life” (Silverman, 1993).

2.7 Problems of Administration of Nigerian Criminal Justice

Let us highlight some fundamental issues touching on the administration of Nigerian criminal justice and problems relating thereto. In particular, issues concerning the police, the court and the prisons are examined.

Problems Relating to Police Search and Seizure

These are some of the preventive powers of the law. It is the law that where a magistrate is satisfied that there is reasonable ground for believing that there is in any building, ship, carriage, receptacle or place (a) anything upon or in respect of which any offence has been or is suspected to have been committed; or (b) anything which there is reasonable ground for believing will afford evidence as to the commission of any offence; or (c) anything which there is reasonable ground for believing is intended to be used for the purpose of committing any offence, the magistrate may, at any time, issue a search warrant authorizing an officer of the court, member of the police force, member of a native authority or other persons named therein

- To search such place for any such thing, and to seize and carry such thing before the magistrate issuing the search warrant, or some other magistrate to be dealt with according to law, and
- To apprehend the occupier of the house or place where the thing was found if the magistrate directs so on the warrant.

Use of Extra-Legal Force

It is lawful for a person who engages in the Lawful execution of any sentence, process or warrant, or in making any arrest, and for any person lawfully assisting him, to use force on persons resisting such execution of arrest. The degree of force which is

justifiable under the above provision is only that which is reasonably necessary for the purpose stated, and if force in excess of that is used, the person using it will be criminally responsible for any excess according to the nature and quality of the act which constitutes the excess.

Planting of Criminal Evidence

This is another problem, almost a tradition of the Nigeria Police Force. It involves the planting of criminal or incriminating substance within the property and on the person of a suspect in order to arrest or convict the suspect. Such practice is induced by the poverty conditions of officers who use the accruable gain to supplement their meager earning.

Police Line-up and Identification Parades

When the identification of an accused person is in dispute, the practice of the police in Nigeria is to conduct an identification parade. In an identification parade a number of persons, usually of the same height, color and social status, are lined up with the suspect among them, and a witness is asked to identify the suspect. The witness is not allowed by the Police to see the suspect alone or to see his photograph prior to the parade, neither is the witness given a description of the suspect before the parade. Some police personnel make the mistake or intentionally breach this rule, and do so with impunity.

Police Impersonation

There are many problems associated with staff strength of the police force, and the abuse of duty role call. In recent times there have been serious cases of impersonation of duty police men or retired officers, who adorn their “discarded uniforms” and pose as officers. There are cases of off-duty impersonation, where officers that are not on

official duty posting, undertake unauthorized officiating to commit crimes, e.g. mounting of illegal road blocks to extort money from drivers and other road users.

2.8 Problems relating to the court: Qualification, Experience and Integrity of Judicial Officers

Obviously the proper functioning and development of any judicial system depends on the caliber of the personnel appointed to man the courts. Quite apart from requisite academic qualification and experience, it is vital that only persons of high moral standard and integrity are appointed judges and magistrates. Nothing frustrates the citizenry and erodes their confidence in judicial system more than having a judiciary that cannot be trusted as a fair and unbiased arbiter. Since the judiciary is the last hope of the citizen, judicial officers must dispense justice only in accordance with the laws of the land, and without sentiments, fear or bias. An impression or bias on the part of the judge even if he is actually not biased is enough to cause worry for as it is often said, justice must not only be done, it must be seen to be done.

Training of Court Personnel

In the legal profession, as it is with any other profession, the desirability of constant learning and on-the-job cannot be overemphasized. This is even more so for judicial officers. They need constant training by way of courses, seminars, workshops etc., to keep them abreast of the latest developments in the field of law and methods of facilitating the dispensation of justice. Such training is important not only for judicial officers but also for court registrar's bailiffs, clerks and all others who work in the judiciary. The result of this would be the enhancement of the productivity of court personnel.

Inadequate funding and lack of infrastructure

It is very unfortunate that the judiciary has always been starved of required funds, and has therefore, suffered considerable neglect from successive Nigerian governments. This has had the concomitant effect of reducing the influence and impact of this very important arm of the government. In most cases, courtrooms are inadequate and this has resulted in the use of all sorts of undignified places as courts. Essential items of office stationery are usually lacking and libraries are filled with out-dated books. This situation has greatly affected the efficiency and proper functioning of the machinery of justice, and the blame is always at the door-steps of government. Until adequate funds for the running of the judiciary, their services shall continue to be less than satisfactory.

Poor Remuneration of Judicial Officers

Judicial officers, like other public servants, are known to be very poorly remunerated. The monthly salaries of most judicial officers are barely enough to feed them for a week, and one wonders how they make up for the remaining three weeks. This is a dangerous reality, considering the fact that judicial officers are expected to be incorruptible, as earlier discussed. In an economy such as ours, it is very tempting for judicial officers to accept bribes from desperate litigants to augment their meager salaries. The effect of this is devastating and disastrous, as justice is turned into a commodity to be sold to the highest bidder.

Discretionary Powers and Corruption

As already discussed the consequences of the poor conditions of service of judicial offices is corruption. One area which gives ample opportunity to judicial officers to be corrupt is where the law empowers them to exercise their discretion one way or the other. In such a situation, some judicial officers would find it convenient not to reckon

with the statement made by Lord Halsburg that judicial discretion means that judges were to act “according to the rules of reason and justice and not according to private opinion according to law and not humor” Their discretion is not to be “arbitrary, vague and fanciful, but legal and regular”. Earlier, the concept of judicial discretion was stated by Lord Mansfield to amply a duty to be “fair, candid and unprejudiced; not arbitrary, capricious or biased, much less warped by resentment or personal dislike.” In an old English case, Coke, an eminent jurist of his time, described discretion as “a science or understanding to discern between falsity and truth, equity and colorable glosses and pretences and not to do according to their wills and private affections.”

The Judiciary in Politics

The concept of the independence of the judiciary means more than just independence from the other arms of government-namely the legislature and the executive. It also means independence from political influence, whether exerted by the political organs of government, or by the public, or brought in by the judges themselves through their involvement in politics. Judicial involvement in politics takes two main forms- decisions biased in favor of a ruling party, and judicial membership of political parties.

2.9 Problems relating to the Prisons:

Criminal Policy and the Prison Sub-system

The criminal policy of the country encouraged the adoption of central prison administration. The policy, though essentially directed towards punishment as retributions and humiliation, and at best, as a deterrent to particular or specific accused persons and potential offenders made more than marginal effort at implementing the policy of rehabilitating criminals with their families into society.

There appears, now, a policy of the Nigerian Prison to Endeavour to identify the reasons for the anti-social behavior of offenders, train and reform them so that they can return to the society as good and useful citizens.

Criminal Policy and Juvenile Criminality

Very little attention was paid to correctional policies concerning juvenile offenders. In our indigenous societies, civil responsibility, or criminal liability is clearly limited to adults of the age of discretion. The child or young person is never held responsible for any wrongs. The family was responsible for the deviant behavior of their juveniles. The unwritten convention was that every adult had the responsibility to correct an erring juvenile in the society. The criminal code and Penal Code have made specific provisions as to the age of criminal responsibility. A child under 7 years of age is incapable of criminal responsibility. The age of criminal responsibility is fixed at 12 years. A boy under 12 years is presumed incapable of committing the offence of rape. Children under 12 years are presumed incapable of committing offences. The presumption is, however, refutable.

Criminal Policy and Sentencing

The criminal policy of any administration manifests itself most forcibly in the nature of the sentences prescribed by the law and imposed on persons convicted for criminal offences or based on the discretion of judges who have tried the criminals and have found them guilty. The sanctions for guilt prescribed in the Criminal and Penal Codes suggest clearly a tendency towards deterrent and retributive rather than reformatory theories of punishment. Generally, the reformation of the offender does not appear to be a conscious aim of the prescribed sentence. The sentence prescribed is determined by the nature and gravity of the offence and its corporate existence. The criminal

policy of the Government was demonstrated in the prescription of capital sentence and mandatory minimum terms of imprisonment in respect of certain offences.

A judge, after convicting an offender, has the final duty of imposing sentence. Where the sentence is one fixed by law, such as capital or mandatory sentence, the judge has no discretion but to impose the sentence so prescribed. Where however, there is a mandatory minimum sentence, the judge cannot impose a sentence below the mandatory minimum. The exercise of discretion is with respect to any term above such minimum. Where the law prescribes a maximum term of years of imprisonment or fine, the judge has discretion to impose any term of year or fines not exceeding the maximum prescribed. In determining the sentence or fine to be imposed, the judge takes into consideration circumstances of aggravation or extenuation, the prevalence of the particular offence.

Poor Socio-Economic Conditions

Prison conditions in Nigeria are not impressive. The cells are overcrowded and lack good ventilation. There is a mixture of persons convicted for crime and persons waiting trial-contrary to section 16 of the Prisons Regulations and Section 11.3 and 15 of the Children and Young Persons Act, including Rule 26.3 of Beijing Rules. There is a poor supply of electricity and water to inmates. As a result, reading in poor light conditions causes blindness, and bathing daily is impossible. Many of the inmates wear tattered clothes and are disease afflicted due to poor sanitary conditions and lack of adequate medical care, where prison clinics lack both personnel and equipment. The number of death is rising daily, and government has not been able to redress these problems.

The institution of criminal justice (the police, courts and “correctional”) is a state’s apparatus designed to bring about social order in contemporary Nigeria. In an attempt to ensure order in the Nigerian polity, it makes arrests, convictions and imposes sanctions or punishments for wrongs done on the state. At some stage, it focuses on deterrence, incapacitation, incarceration and rehabilitation. It protects the interest of those in power who own and control the forces of production. It pretends to guarantee equal justice for the powerful and the relatively powerless. In all its ramifications, the institution of criminal justice in Nigeria is a political entity. It has real existence, which is felt in its operations, authority and decisions. It is part of the general governmental structure that makes rulings which are recognized for proper organization of the Nigerian political process. It helps to interpret laws, particularly the Constitution, which governs life activities in Nigeria. It implements the doctrine of stare decisis, due process and rules of law. However, in recent times, the Nigeria criminal justice system seems to be losing its autonomy and independence. It is no longer completely independent of interference. Its decision is now known to be interfered with by members of the upper-class. The continuation of interferences is bound to cripple it as, it is not allowed to function under its limitations and set objectives.

At present, corruption has adversely affected the Nigerian criminal justice system, and its modus operandi; due process is not very much revered, and it lacks vitality, which is caused by social inequities. Justice is not persistently achieved or guaranteed all the time, because it is rationed as the constitutional rights of defendants which are overtly violated. There is the loss of personal freedom and individual rights (established by the Constitution statutes, and court decisions) due to differential treatment based on class inclinations, ethnic sentiments and social status. We accept the conclusions

made by Reid (1994:309) and Blumberg (1967:33) that “procedural protections have been established to balance the scales between the accused and the state, but “the rules do not effectively control the police, the prosecutor, and to some extent, the courts”. “These agencies rework the rules for organizationally prescribed ends, which are consistent with values of efficiency, high production, and maximizing individual careers”. Therefore, the result is that the prisons end up not being conformed and reformed by the number of criminals who commit crimes and are incarcerated in contemporary Nigeria. The issues and problems of administration of Nigerian criminal justice which are highlighted in this chapter need to be resolved.

2.10 Theoretical Framework

In sociological inquiries as in criminology, many theories exist but the functionalist and Marxist models are used for the purpose of this work and greater emphasis was placed on the Marxist model.

Conflict Marxist Perspective

According to Marx (Spitzer: 1980), law is an instrument of oppression, suppression and exploitation often resorted to by the ruling class. Dwelling on his theory of instrumental rationality, he argues that he who controls the economy also control the instrument of authority and the laws therein and by virtue of that makes his own interest the interest of the wider society.

In the opinion of Engels (1980: 680) there is interpenetration between the law and the economy. In other words, law is influenced by the economy in the same way that law also influences other elements of the superstructure such as the state, norms etc.

However, writing under the Marxist polemics, Orun (1980) argued that the relationship between the workers group and the capitalist is one of alienation,

subjugation and suppression which often arise from the control which the ruling class enjoys over the means of production at the detriment of workers group. An attempt to correct this imbalance often results in crime which is often attended by subsequent arrest, trials and imprisonment.

Looking at criminal justice administration in Nigeria today, it is capitalist- oriented because it seeks to protect the yearnings and aspirations of the ruling class than those of the poor. For instance, the five police cells visited in Taraba North by the researcher, none did he find a member of the privileged class. This goes to confirm the allegation by the Fulani Kwajaffar, a commissioner during the Shagari administration that members of the ruling class often bring their influence to bear on the law enforcement officers (police) each time their cronies run into trouble with the law (Liwuram, 1989).

Sa'ad in the same publication argues that trials involving top functionaries who at one time or the other are taken up on allegations for embezzlement often end in favor of the accused parties if only he maintains the statuesque. To further Justify the reason why Marxist Model is agreeing to these conclusions Ken-ford (1980) qualifies the police as a coercive bureaucratic regime of the ruling class.

The Marxist theory also provides a good structural explanation to the phenomenon under study; it provides proper explanations on the conflicts arising from the two groups with different interest. That is to say, the police being a law maintaining agency and the crime suspect the law breakers. And Marxist model also highlights the basic factor between law breaking and law maintenance which involves strives for economic gain or interest. Majority of crime are committed for economic gain while the police are paid to maintain law and order.

Hence, this study agreed with the Marxist position on the roles of police in subjugating the weak and poor masses in the society just like those in Taraba North Senatorial District of Taraba State. The police in an effort to maintain law and order ended up being an instrument of suppressing the voices of the poor in the study area.

However, the quest for economic benefit had made maintenance of law and order in the study area an object to be bought and sold. The wealthy political elites in the study area only have the interest of their lives and properties to be protected by the police. The police usually perceived the poor masses as criminal minded people who have nothing of economic value to offer rather than violating the laws and order in the study area.

A cursory look at the situation revealed that, all the crime suspects in the police cells as at when the researcher visited the police divisions were people from low socio-economic background which point to the fact that the law is an instrument in the hands of the rich business people and highly politically placed persons in Taraba North Senatorial district of Nigeria. Thus, the researcher concludes that this exploitative relationship between the rich and poor will continue and the poor would continue to suffer in the hands of the police except the masses revolt and demand their rights from the Nigeria government else, they would continue to suffer in the current scheme of things in Taraba North Senatorial district.

CHAPTER THREE

RESEARCH METHODS

This chapter presents the methodology; the research design, study area, instruments of data collection, data sources; population of the study, sample size and type as well as the method of data analysis.

3.1 Location of the Study

Taraba North Senatorial District is one of the three senatorial Districts in Taraba State. It comprises of five Local Government Areas which includes: Lau, Karim-Lamido, Zing, Yorro and Ardo-Kola. With an estimated land area of about 16,213,178 SQ KM and it lies roughly between latitude 6.25N and 9.30N and between longitude 9.30E and 11.45E. Taraba North Senatorial District has an estimated population of about 1,230,823 people whose major occupation is Agriculture with Yandang, Mumuye, Jenjo, Fulani and Kunini as the major languages spoken in the area.

For the purpose of this research, a total of five Police Divisions out of the existing eight in Taraba North Senatorial District will be studied to enhance proper work looking at the fact that the researcher intends to select 20 crime suspects from the five stations and 10 police officers each from the five divisions to make up the 150 respondents for a balanced framework. These include, Jalingo Police Station, G.R.A Police Station, Lau Police Station, Karim-Lamido and Ardokola Police Station. At these Police Stations, views of officers of the Police Force as well as crime suspects on certain research questions bordering on arrest, detention and prosecution will be sought.

3.2 Research Design

This study adopted the social survey research design; this involves the collection of data using questionnaires instrument or interview guide. The choice of social survey is owing to the fact that it makes the collection of data easy from a large populatio

3.3 Population of the Study

The total population of people living in Taraba North Senatorial district was estimated to be 1,230,823 people. However, the target population of this study is the total number of Police in the eight police divisions in Taraba North Senatorial Districts and the total number of crime suspect in the eight police Cells located in the eight divisions.

The number of Police Officers in the eight Police divisions in Taraba North Senatorial District is 772, TSPCR (2014) and 203 Crime suspect as at when the researcher visited the police divisions.

3.4 Sample Size

The sample size for this study was one hundred and fifty (150) respondents. The study purposively selected twenty (20) respondents from each of the five police divisions which made the study to have a total of one hundred (100) crime suspects' respondents.

While ten (10) police officers were randomly selected from the five selected police divisions from the study areas which make a total fifty (50) Police Officers. Hence, the study arrived at one hundred and fifty (150) as the sample of this study.

3.5 Sampling Techniques

This study adopted the purposive sampling technique for the selection of crime suspects' respondents while stratified random sampling technique was used in the selection of police officer respondents. The choice of the stratified random sampling

technique was due to the large number of the police officers selected from five units ((1) administration and finance unit, (2) operation, (3) information and communication, (4) traffic and (5) force criminal investigation) in the police divisions in the study area and to eliminates possibility error in the sample distribution and provides us with a sample that is highly representative of the population under study. Thus, the choice of the purposive sampling technique was due to the limited numbers of crime suspects in the five selected police divisions in the study area. It also allows the researcher to make statistical conclusions from the data collected valid. However, the researcher took two police officers each from the constituent units (head of the departments and their assistants) from the divisions under study.

3.6 Method of Data Collection

The data was collected using questionnaire instruments which contained; both open and closed-ended questions bothering on socio-economic data as well as questions on research problems with reference to the objective of the study.

Thus, the questionnaire was administered to heads of each unit in the divisions as well as other ranks at random. However, the crime suspects were given questionnaires to fill in their respective cells by the researcher. To assure them of confidentiality, the researcher collected every filled questionnaire and kept inside brown envelope. As for those who could not read, the researcher and his research assistant (female) read and filled the questions as appropriate.

3.7 Method of Data Analysis

Data collected in this study from both the police officers and the crime suspects in the police cells was analysed using descriptive statistics. Thus, the data was analysed

independently using frequency percentage and tables. However, the choice of the descriptive statistics is to enable easy reading and understanding.

CHAPTER FOUR

DATA ANALYSIS AND INTERPRETATION

This chapter presents analysis and interpretation of data collected from both the suspects and law enforcement officers of the five selected police Divisions in Taraba North Senatorial District.

The chapter is therefore sub-divided into two major sections: section one, is also sub-divided into two; (A) suspects and (B) law enforcement officers, descriptive statistics was used to analyze the data collected from crime suspects and the police.

4.1 SECTION ONE

(A) Analysis of Data from Suspects

This section is sub-divided into (i) the socio-economic background of suspects and (ii) their opinions on criminal justice administration.

Table: 1 Showing Socio-economic Distribution of suspects

Age	Frequency	Percentage
19-30	72	80
31-40	15	16.7
41-50	3	3.3
Total	90	100
Sex	Frequency	Percentage
Male	84	93.3
Female	6	6.7
Total	90	100
Marital Status	Frequency	Percentage
Single	59	65.6
Married	28	28.9
Separated	3	3.3
Divorced	2	2.2
Total	90	100
Educational Qualification	Frequency	Percentage
Primary	36	40
Secondary	28	31.1
Tertiary	5	5.6
Others	20	22.2
Abstained	1	1.1

Total	90	100
Occupation	Frequency	Percentage
Civil servant	16	17.8
Farmer	9	10
Student	3	3.3
Unemployed	27	18.9
Business	45	50
Total	90	100

Field Survey 2018.

The **age distribution** section in table 1 indicated that 80 percent of the respondents were within the age bracket of 19-30 years, and 16.7 percent of the respondents fall within the age gap of 31-40 while, 3.3 percent represent respondents within the age of 41-50. It can therefore be concluded that majority of the respondents are youth.

The **sex distribution** section in table 1 indicated that 93.3 percent of the respondents are male, while female were fairly represented with 6.7 percent in the research. It can therefore be concluded that majority of the respondents were male.

The **marital status** section in table 1 indicated that 65.6 percent of the respondents were single, 28.9 percent in the research are married and 3.3 percent are separated while, 2.2 percent are divorced. It can be concluded that majority of the respondents are single.

The **section of qualification** in table 1 indicated that 40 percent of the respondents were primary school certificates holders, 31.1 percent were holders of Senior Secondary School Certificates, and 22.2 percent of the respondent possesses other certificates while 5.6 percent have tertiary certificates. It can therefore be concluded that majority of the research population were people with primary school certificates.

The **occupation section** in table 1 indicated that, 50 percent of the respondents were into business, 18.9 percent of the respondent are unemployed, 17.8 percent of the

respondents are civil servant and 10 percent are farmer while, 3.3 percent are student. It can be concluded that majority of the respondents were business people.

SECTION TWO:

Opinions of Crime Suspects on Criminal Justice Administration

Table 2 Showing Distribution of respondents on number of arrest

No of arrest	Frequency	Percentage
Once	75	83.4
Twice	12	13.3
Several time	3	3.3
Total	90	100

Field Survey 2018.

Table 2 shows the number of times the respondents (crime suspects) have been arrested by the police. The table shows that, 83.4 percent of the respondents indicated once, 13.3 percent indicated being arrested twice while 3.3 percent have been arrested severally. It can therefore be concluded that, majority of the respondent have been arrested once. I.e. this is their first time in police custody.

Table 3 Showing Distribution of respondents on knowledge of their offence during arrest

Knowledge of offence	Frequency	Percentage
Were told offence	53	56.9
Were not told offence	24	26.7
No response	12	11.2
Total	90	100

Field Survey 2018.

Table 3 shows that 56.9 percent suspects were told their offences at the time of their arrest, 26.7 percent were not told their offences at the time of their arrest while, 112 percent of the respondent did not respond to the questions. Therefore, it can be concluded that majority of the respondents were told their offences at the point of arrest.

Table 4 Showing Distribution of respondents based on mode of arrest

Mode of arrest	Frequency	Percentage
Handcuffed	10	11.2
Not handcuffed	67	712
No response	13	112
Total	90	100

Field Survey 2018.

Table 4 indicated that, 712 percent of the respondents were not handcuffed during their arrest, 11.2 percent of the respondents were handcuffed, and 112 percent of the respondents did not respond to the question. Therefore, it can be said that majority of the respondents were not handcuffed at the time of arrest.

Table 5 Showing Distribution of respondents on offence committed

Types of offence	Frequency	Percentage
Being in possession of stolen item	9	10
Rape	3	3.33
breach of peace	24	26.66
Murder	1	1.11
Stealing	21	23.33
Assault	8	8.88
Being in possession of narcotics	12	13.33
Cheating	12	13.33
Total	90	100

Field Survey 2015.

Table 5 shows that, 10 percent of the respondents were arrested of being in possession of stolen item, 3.3 percent of the respondent were arrested for rape, 26.66 percent of the respondents were arrested for breached of peace, 23.33 were arrested for stealing, 8.88 percent were arrested for assault and mischief and 13.33 percent were arrested for being in possession of narcotic while, 13.33 were arrested for cheating. Thus, 1.11 percent was arrested for murder. It can therefore be concluded that, majority of the respondents were arrested for breached of peace.

Table 6 Showing Distribution of respondents on condition for making confessional statement to the police

Condition for making statement	Frequency	Percentage
Coercion	62	68.9
Voluntarily	15	6.7
No response	13	12
Total	90	100

Field survey, 2018

Table 6 shows that, 6.7 percent of the respondents voluntarily made statement to the police, and 68.9 percent were coerced to make statement to the police while 112 of the respondents did not respond to the question. Therefore majority of the respondents in the research were forced to make statement to the police under pressure.

Table 7 Showing Pattern used in retrieving information from suspects

Interrogation method	Frequency	Percentage
Threatened	2	2.2
Handcuffed	1	1.1
Beaten	6	6.7
Persuaded	4	12
Prolonged detention	77	85.6
Total	90	100

Field survey, 2018

Table 7 shows that, 85.6 percent of the respondents suffered prolonged detention during investigation by the police, 6.7 percent of the respondents were beaten during investigation by the police, 12 percent of the respondents were persuaded during investigation, 2.2 percent were threatened while, 1.1 percent was handcuffed during investigation by the police. Therefore, we can conclude that majority of the respondents were kept in the police cells beyond the twenty four hour speculated by the constitution.

Table 8 Showing Distribution of suspects on whether they were cautioned before writing statements

Caution Before Statement	Frequency	Percentage
Cautioned	72	80
Not cautioned	6	6.7
No response	12	13.3
Total	90	100

Field survey, 2018

Table 8 shows that, 80 percent of the respondents accepted that they were cautioned by the police that whatever they wrote should be the truth because it would be used by the court of law, 6.7 percent indicated that they were not cautioned while, 13.3 percent did not respond to the question. It can be concluded that, the police performed their constitutional duty by informing the suspect that whatever they wrote would be used against them in the court of law.

Table 9 Showing Time Spent in the Police cell

Time spent	Frequency	Percentage
24 hours	36	40
48 hours	13	14.5
72 hours	12	13.3
168 hours	2	2.2
336 and above hours	22	24.2
No response	5	5.6
Total	90	100

Field survey, 2018

Table 9 shows that, 40 percent of the respondents spent (24 hour) in the police cell, 14.5 percent of the respondents spent 48 hours in the police cell, 13.3 percent spent (72 hours) in police, 24.2 percent spent 336 and above in police, 2.2 percent of the respondents spent 168 hours in police cell while, 5.6 percent of the respondents did not respond to the question. Therefore, we can conclude that majority of the respondents spent 24 hour in police custody and a hand full also spent up to two weeks in police cell.

Table 10 Showing Distribution of respondents on the condition of the cell

Condition of the cell	Frequency	Percentage
Very good	6	6.7
Good	16	17.8
Bad	62	68.8
Very bad	6	6.7
Total	90	100

Field survey, 2018.

Table 10 shows that, 6.7 percent of the respondents agreed that the cell condition is very good, 17.8 percent of the respondents indicated that the cell condition is good,

68.8 percent of the respondents indicated that the cell condition in the police station is bad while, 6.7 percent indicated that the cell condition was very bad. Therefore, we can conclude that majority of the respondents regarded the police cell condition as bad.

Table 11 Role of police in crime Control

Crime Control	Frequency	Percentage
Has not control crime	69	76.7
Control crime	9	10
No response	12	13.3
Total	90	100

Field survey, 2018.

Table 11 indicated that, 76.7 percent of the respondents disagreed that the criminal justice system has succeeded in reducing crime in the research area, 10 percent of the respondents indicated that the criminal justice system had reduced crime in the research area. And 13.3% percent of the respondents did not respond to the question. It can therefore be concluded that majority of the respondents disagreed that the criminal justice system has reduced crime in the study area

SECTION THREE

This section is sub-divided into two; the socio-economic background and opinion data.

Section I: Analysis of Data from Police Officers

Table 12 Showing Socio-Economic Background of Police Officers

Sex	Frequency	Percentage
Male	36	90
Female	4	10
Total	40	100
Age	Frequency	Percentage
19-30	15	37.5
31-40	19	47.5
41-50	5	12.5
51-60	1	2.5
Total	40	100
Educational Qualification	Frequency	Percentage
Primary	29	72.5
Secondary	1	2.5
Tertiary	5	12.5
Others	5	12.5
Total		100
Ranks of police officers	Frequency	Percentage
Constable	9	22.5
CPL	5	12.5
SGT	7	17.5
INSP	9	22.5
ASP	5	12.5
DSP	1	2.5
ACP	1	2.5
Abstained	3	7.5
Total	40	100

Field Survey 2015.

The sex section in table 12 indicated that, 90 percent of the respondents were male, 10 percent were female. Therefore, majority of the research population are male.

The age section in table 12 indicated that, 37.5 percent of the respondents' falls within the age gap of 19-30, 47.5 percent of the respondents were within the age bracket of 31-40, 12.5 percent of the respondents were within the age bracket of 41-50 while, 2.5 percent are within the age limit of 51 and above. It can be concluded that, majority of the respondents in the research were youths.

The qualification section of table 12 indicated that, 72.9 percent of the respondents were with primary school certificate, 2.5 percent possessed senior school certificate

and 12.5 percent of the respondents have tertiary certificate while, 12.5 percent have other certificates (computer school, apprenticeship certificate etc). It can be concluded that majority of the respondents were people with primary school certificate.

The rank section in table 12 indicated that, 22.5 percent of the respondents were constables, 12.5 percent were corporals, 17.5 percent were sergeants, 22.5 percent were inspectors, 12.5 percent were Assistant Superintendents of police, 2.5 percent were Divisional Superintendents of police, 2.5 percent were Assistant Commissioner of police while, 7.5 percent abstained. Majority of the officers were constable and inspectors in the research.

Table 13 Showing Distribution of Respondents on Conditions of Service

Condition	Frequency	Percentage
Very attractive	5	12.5
Attractive	24	60
Unattractive	10	25
No response	1	2.5
Total	40	100

Field Survey 2018.

The section of condition of service in table 13 indicated that, 60 percent of the respondents indicated that the condition of service at place of work is attractive, 12.5 percent of the respondents indicated that the condition of service is very attractive and 25 percent of the respondents indicated that the condition of service is unattractive while, 2.5 percent of the respondents did not respond to the question. Therefore, we can conclude that, the condition of service is attractive based on the majority.

Opinion of Police Officers on Criminal Justice Administration

Table 14 Showing the Relationship between Crime Suspects and Police Personnel

Relationship	Frequency	Percentage
Friendly	4	9.30
Hostile	38	95
No response	1	2.5
Total	43	100

Field survey 2018.

Table 14 indicated that, 9.30 percent respondents agreed that the relationship was friendly, 22.5 percent of the respondents indicated that the relationship is not friendly, 95 percent of the respondent indicated that the relationship is hostile while, 2.5 percent of the respondent did not respond to the question .It can be concluded that the relationship between police and suspect was hostile.

Table 15 Showing Distribution of Respondent Based on Whether the Suspects Were Charged to Court on Time

Charged to court	Frequency	Percentage
Charged	29	72.5
Not charged	10	25
Abstained	1	2.5
Total	40	100

Field survey 2018.

Table 15 shows that, 72.5 percent of the respondents agreed that suspects are charged to court within twenty hours of their arrest, 25 percent of the respondents disagreed that suspects are charged to court within twenty four hours while, 2.5 percent of the respondents did not respond to the question. It can be concluded that majority of the suspects were charged to court within twenty four hours of their arrest.

Table 16 Distribution of respondents on necessity of brutality

Necessity of brutality	Frequency	Percentage
Necessary	8	20
Not necessary	31	77.5
No response	1	2.5
Total	40	100

Field survey 2018

Table 16 shows that 20 percent of the respondents agreed that brutality is a necessary condition in criminal justice administration, 77.5 percent indicated that brutality is not a necessary condition in criminal justice administration while, 2.5 abstained. It can therefore be concluded that brutality is not a necessary condition in criminal justice administration.

Table 17 Showing Distribution of respondents based on resistance of arrest

Suspect resistance	Frequency	Percentage
Comply	19	47.5
Do not comply	20	50
Abstained	1	2.5
Total	40	100

Field survey 2018.

Table 17 shows that, 47.5 percent of the respondents indicated that suspect usually comply with arrest orders, 50 percent of the respondents indicated that suspect do not comply to arrest order while, 2.5 percent of the respondents did not respond. It can therefore be concluded that suspect do not comply with arrest orders as was indicated by majority.

Table 18 Showing Distribution of respondents based on whether police were being obstructed during arrest of suspect

Obstruction of duty	Frequency	Percentage
Obstructed	30	75
Not obstructed	10	25
Total	40	100

Field survey 2018

Table 18 shows that, 75 percent of the respondents indicated that most times police officers were always obstructed from doing their duty, 25 percent of the respondents indicated that police officers were not always obstructed from doing their duties. It can be concluded that most times police officers are always obstructed from performing their duties.

Table 19 Showing Distribution of respondents on the use of warrant to make arrest

Use of warrant	Frequency	Percentage
used warrant	8	20
do not used warrant	32	80
Total	40	100

Field survey 2018

Table 19 shows that, 20 percent of the respondents agrees that the use of warrant is always a precondition for arrest, 80 percent of the respondents indicated that the use of warrant is not always a precondition for arrest. It can therefore be concluded that the police do not use warrant as a precondition to make arrest most of the time.

Table 20 Showing Distribution of respondent on why police uses handcuff

Handcuff	Frequency	Percentage
It prevent escape	36	90
Not to prevent escape	4	10
Total	40	100

Field survey 2015

Table 20 shows that 90 percent of the respondents indicated that handcuffing suspect during arrest prevent suspect from escaping, 10 percent of the respondent indicated that handcuffs do not prevent suspect from escaping. It can therefore be concluded that handcuffs prevents suspects from escaping hence 90 percent concurred.

Table 21 Showing a cross tabulation of time spent in the Police cell by Suspect and Response of Police on time spent by suspects in the cell

Detention of Suspect	Suspect	Police	Total
24 hours	36 (40%)	18(45%)	54
48 hours	13(14.4%)	5(12.5%)	18
72 hours	12 (13.3%)	10(25%)	22
168 hours	2 (2.2%)	2(5%)	4
336 and above hours	22(24.4%)	1(2.5%)	23
No response	5(5.5%)	4(10)	9
Total	90	40	230

Field survey, 2018

Table 4.21 above shows a cross-tabulation of the crime suspects in police cells and the police officers. Table 4.21 shows that 40 percent being majority of the suspects indicated that they spend 24 hours in the police cells from the time of arrest to the period when the research visited, while 2.2 percent of the suspects indicated that they

have spent more 336 hours in the police cells. On the other hand, majority of the police officers 45 percent indicated that suspects in their custody had spent 24 hours since the time of their arrest while 2.5 percent agreed that suspects were kept in the police cells more than 24 hours.

However, it can be concluded that suspects were being kept in the police custody more than the 24hours stipulated by the Nigeria constitution.

Table 22 Cross-tabulation of Numbers of time Suspects was Arrested

No of times arrested	Male	Female	Total	Percentage
Once	57	4	61	67.7%
Twice	6	2	8	8.8
Several time	21	-	21	23.3
Total	84	6	90	100

Source: Field Survey 2018.

Table 22 shows that majority 67.7 percent of the suspects in the police cells indicated that this was their first time in police cells, while 23.3 percent of the suspects indicated that they have been arrested several times.

Thus, the cross-tabulation revealed that majority of the suspects in the police cells were first-timers. However, the sex ratio indicated male suspect respondents dominated the female suspects respondents in the police cells.

4.3 Discussion of Findings

The study revealed that the police has not played effective role in the criminal justice system with regards to controlling crime in the study area, this is so because the police often arrest the poor offender and allow the rich and mighty to violate the law and walk free in Taraba north senatorial district. In same vein, this finding confirmed Ajomo and Okagbue (1991:103) and Sa'ad (1995), when they argued that, the police

agency remains a repressive institution whose handling of criminal justice in Nigeria leaves much to be desired. In both cases, different types of maltreatment are alleged by respondents, the implication is that crime rate is progressively going up instead of coming down.

This study discovered that, majority of the respondents (suspect) were not handcuffed as at the time of their arrest by the police. According to Sa ad (1988) and Ajomo et al, (1991) when they opined that the last lap in the investigation process is the taking or writing of statements.

The study revealed that majority of the respondents was forced to make statement to the police under pressure. It was discovered that the police officers in the study area violates the rules of engagement with the suspects in getting information, as they were not allowed to give their statement voluntarily. Thus, it can be concluded that, the police were brutal in retrieving statement from suspects in Taraba north senatorial district. This was not in line with the law of “**Habeas Corpus**” of the UN declaration on “Human Rights” which also forms the bedrock of the Nigerian constitution, an accused person should be sent to court within 24 hours of his arrest. Under article 6 of the African Charter, Every individual shall have the right to liberty and security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular no one may be arbitrarily arrested or detained (CLO 1996; 125).

The study also shows that, relationship between police officers and suspect in the police cells was not friendly. This finding affirmed the argument of the conflict Marxist theory which argued that “the law is like a cob-web which traps the weak flies and allow the big one to pass”. Thus, the suspects are bound to view the police in

negative light while the police would do same. Hence, this finding justifies the theoretical orientation of this study.

It was discovered that, majority of the respondents (suspect) were first offenders. I.e. it is their first time in police custody and they were told their offences at the point of arrest, the officer in charge told them their offence and asked them to be quiet until they get to the police station else whatever they say, may be used against them in the court of law. This finding is in line with Sloan (1992; 32) where arrest is to be made by the officers in plain clothes, the law requires such arresting police officers to disclose their identity to the person being arrested. Suspects are not to be handcuffed except if there is a possibility or an attempt to escape. Against this background, “no arrest is lawful unless the person arrested is informed of the ground for the arrest. To give room for fair hearing, Silia of the judges Rules which permits the suspect to keep his statement to his chest until in court or release same in the presence of his lawyer or a relation is brought in reckoning her.

Majority of the respondents were arrested for breached of peace. The study shows that most of the suspects in the police cells as at the time of this study were detained for breach of public peace were not handcuffed at the time of arrest, they were escorted to the police station by the officer in charge of the case. According to Sloan (1992; 32) where arrest is to be made by the officers in plain clothes, the law requires such arresting police officers to disclose their identity to the person being arrested. Against this background, “no arrest is lawful unless the person arrested is informed of the ground for the arrest.

Majority of the respondents regarded the police cell condition as bad considering the nature of its hygiene and hence need an urgent attention for rehabilitation. This

findings was in line with Sloan (1992) when he opined that “the condition of police cells in developing countries is always almost the same; enmeshed with dirt, urine and bad aura leaving little to be desired”.

Finally, the study revealed that brutality is not a necessary factor in criminal justice administration, see table 4.16.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Summary

The Nigeria Police Force since creation has recorded some successful outings, these were manifest in the celebrated cases of such kingpins as Sunday Oyenusi in the 1970s, Lawrence Anini in the 80s and Rambo in the 90s. Also celebrated was the arrest of B.S. Dirnka who was declared wanted by the Federal Military Government shortly after the aborted coup de'tat of February 13, 1976. Apart from these, it is also to the credit of the Nigeria Police Force vis-à-vis criminal justice system that social interaction among various segments of the society is sustained which in turn makes governance possible.

However, granted that both crime and correction are normal features of social structure (Goktale et al 1988:77) the criminal justice system in Nigeria cannot be aid to be without some shortfalls. From its organization through the agency personnel such as the Police and judicial workers to role implementation, scores of problems have been noticed. For instance, a cross section of Police officers interviewed, believe that the fundamental problem that attends the criminal justice system in Nigeria today is lack of motivation among serving Police officers. According to them, law enforcement officers in this country are hardly ever paid well yet they are riddled with the most important function in our society (maintenance of law and order). This they argue affects output. Continuing, they argue that salaries do not come frequently while promotion is often a prolonged affair. Yet for some of them, the major problem militating against the criminal justice system in Nigeria is absolute lack of time frame and operational deficiency in our law courts. To this end, they believe that while the courts are flooded with age-long cases which continuously make the cycle, it usually

takes very long time before the new ones get attention. And for as long as happens, the fate of the accused person keeps hanging in the balance.

Looking at the above mentioned cases, one thing which is clear is that criminal justice system as it is in Nigeria is attended by a catalogue of problems which one way or the other affect productivity. Thinking along this parameter, one would not be far too wrong to observe that in spite of efforts to curtail crime in our society through the criminal justice system, crime and incarceration rates are accelerating in absolute and relative terms while there is no corresponding increase in the workforce to adequately control crime situation in the country. This plight is not even made better by the existing facilities which are simply not equipped to take the vastly increased numbers, leading to a virtual breakdown of the system. The result of this breakdown is what we have today as ethnic militia groups.

Apart from the aforementioned problem, another factor that seems to be working against the criminal justice in Nigeria is an outdated legal framework. In this regard, it is observed that the legal codes and operational manuals that were developed many years ago have been neither sufficiently updated to match the growing trends nor repealed. The provision of six months imprisonment or a fine of N50 or both for the assault of police officer on duty as provided for in S.39 of the Police Act, 1990 says it all.

5.2 Conclusion

The existing legal system is not equivocal on state perpetrated crimes (crimes by individuals in government). In other words, why is it that individual who steal at gunpoint are executed while criminals or those who steal with the pen are treated with kid-gloves? In essence there are no corresponding control, punishment and correctional measures provided for under the system. Of course one does not deny the

existence of crime commissions such as the NDLEA, Civil Rights Commission of Nigeria and the Code of Conduct Bureau, but how effective are these organizations especially when one takes cognizance the rate at which those in authority commit crimes these days.

Apart from the above Mentioned, confusing ideologies and legal contradictions extensively jeopardize the efficacy of the system in the same way that Lack of co-operation from the Nigerian public also affects the performance of the Police in their execution of criminal justice in Nigeria. The major reason often adduced here to justify this behavior is fear of victimization and betrayal by members of the Police agency especially when it is widely believed that no matter how hard you work to make a criminal pay for his crime, he regains his freedom soon after he is arrested. This is largely due to the influence of an undesirable Police subculture emphasized by acts of conspiracy by serving Police officers in armed robbery, brutality, bribery and corruption which tilt at the system.

Apart from actions which query the image of the Police, another factor which throws a spanner into the wheel of our criminal justice policy is that it is largely directed at those who are well less endowed than to the well to do in our society. In response to the demands of this research, this researcher was privileged to visit the cells of the five police stations studied and in none of them did he see any member of the upper class being held as a crime suspect. This goes to confirm the popularly held view that, the well to do in the country are not often detained in police cells because they always secure their bail with money. Given this development, can we then conclude that those who belong to the upper class do not commit crime? If they do (which cannot be ruled out), why are they not brought to book?

In addition to the aforementioned, our criminal justice is further faulted for its concentration on the rights and privileges of the accused while the plaintiff is left alone to bear his loss. The incentives to the accused are expressed from the beginning of his case often with arrest to the end. For instance;

- (a) He is to be offered a reason for his arrest before he is arrested
- (b) He is permitted by law not to give any statement to the Police if he so wishes
- (c) He is to be provided with a counsel if doesn't have any
- (d) He is to be provided with an interpreter if he doesn't understand the language of the court
- (e) A case must be proved beyond all reasonable doubt in all criminal cases before he is convicted.

Looking at these provisions, there is no gain saying that crime suspects have often capitalized on this to manipulate themselves out of trouble. In a statement granted to this researcher in a research exercise conducted in 1995 (Nwoye, 2005), a prisoner admitted that better his present ordeal at Jalingo Prison, he had cheated the law on three separate occasions, securing judgment for the offences which he truly committed.

Looking at the major issues raised in both the extant literature and the opinion poll of respondents, our earlier proposition that brutality is not a necessary condition in criminal justice administration is accordingly accepted by our data, so also our assumption that criminal justice has not succeeded in reducing crime in Taraba North Senatorial District, Similarly, there is an agreement between findings from the extant literature and those of the data from respondents on corruption.

However, in spite of the above outcomes, our assumption on prolonged detention was not confirmed as most crime suspects interviewed claimed that they spent only one

day in Police cell before formal prosecution. And on the type of intimidation suffered during investigation, most of the respondents abstained for what could be attributed to evaluation apprehension. This notwithstanding, those of them who were courageous enough, actually admitted that they were exposed to different types of maltreatment by the Police in order to obtain information from them.

On the whole, it is widely believed by both the authors of crime and observers that our criminal justice system is not doing very well. Hence I felt the need that something is done about it.

5.3 Recommendations

The study Recommend the following;

1. The police should be trained according to international best practice. They should arrest offenders irrespective of class, sex and religion. Thus, functions, seminars and symposiums should be organized to enlighten the police.
2. Police should be trained and retrained on how to use persuasion in retrieving vital information from crime suspects instead of using brutality on crime suspects.
3. Police officers should be enlighten and taught the fact that it is not all suspect locked in the police cell are guilty of the offense in which they were accused on. Hence, police need to view suspect with human dignity (respect is reciprocal).
4. Government should create enough job opportunity for youth to be properly engaged. Job should be created, government should empower the youth and create an enabling environment for business to thrive. With such youth would not breach public peace.
5. The police cells need a total overhauling, the condition of the police cells is so appalling that nobody want to be kept in there irrespective of whether guilty or not. If the cell condition is improved suspects would not resist arrest.

6. Police should be advised not to use brutality in handling suspects, this is because a court of competent jurisdiction have not pronounced the suspects guilty of the offence they are being accused of hence, government should equip the police with ultra modern investigation tools to aid investigation of crime and information gathering.

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APPENDIX I
QUESTIONNAIRE

School of Postgraduate Studies,
Security and Strategic Studies,
Faculty of Institute,
Nasarawa State University,
Keffi.

Dear respondents,

I am a Postgraduate student of the above named institution conducting a study on the topic: “Evaluation of the Performance of Nigerian Police Force in the Criminal Justice System in Taraba State”.

Your input is highly needed to help me conclude this study, be rest assure that any information given herein would be used solely for this academic exercise alone

Thanks.

EGBITA ABEL UKWUMONUN
NSU/PGD/SSS/0003/17/18

POLICE OFFICERS QUESTIONNAIRE

1. Sex:

(a) Male () (b) female ()

2. Age:

(a) 18-below () (b) 19-30 () (c) 30-40 ()

(d) 41-50 () (e) 50-60 ()

3. Marital status: (a) married () (b) Single () (c) Separated () (d) Divorced () (e) widow/widower ()

4. Educational Qualification:

(a) First School Leaving Certificate () (b) SSCE (c) B.A () (d) B.Sc () (e) L.L.B () (f)

Others (specify) -----

6) Present Rank -----

7) Condition of service:

(a) Very attractive () (b) unattractive () (c) very attractive (d) very poor ()

8) Relationship with suspects? (a) Friendly () (b) hostile ()

9) When a suspect is arrested, is he charged to court within 24 hours?

(a) Yes () (b) No ()

10) State your reasons if no -----

11) Is handcuff a necessary restraint to prevent an escape?

(a) Yes () (b) No ()

12) Under what condition can a suspect be handcuffed? -----

13) Is brutality a necessary condition in criminal investigation especially in cases involving armed robbery, murder, arson, looting etc?

(a) Yes () (b) No ()

14) What are your reasons? -----

15) Do suspects usually comply with arrest orders?

(a) Yes () (b) No ()

16) If not, what do you do next? -----

17) Have you ever been obstructed on duty?

(a) Yes () (b) No ()

18) If yes, how? -----

19) Is the use of warrant always a pre-condition to an arrest?

(a) Yes () (b) No ()

20) If no, what are the conditions under which a suspect could be arrested without warrant? -----

APPENDIX II
QUESTIONNAIRE FOR SUSPECT

1. Are you a Nigerian?
a. Yes () (b) No ()
2. If yes, what ethnics group?
(a) Hausa/ Fulani () (b) Igbo () (c) Yoruba ()
3. Marital status:
(a) Married () (b) single () (c) separated () (d) Divorced ()
(e) Widow/widower ()
4. Age.
(a) 18 below () (b) 19-30 () (c) 31-40 () (d) 41-50 ()
5. Sex
(a) Male () (b) Female ()
6. Educational qualification
(a) Primary () (b) Secondary () (c) Tertiary ()
(d) Others Specify -----
7. Occupation:
(a) Civil Servant () (b) Farmer () (c) Student ()
(d) Unemployed () (e) Businessman ()
8. Have you been arrested before by the police?
(a) Yes () (b) No ()
9. If yes, how many times?
(a) Once () (b) Twice () (c) several times ()
10. For what offence
(a) Armed robbery () (b) Murder () (c) Manslaughter ()
(d) Don't know () (e) Others Specify-----
11. Were you told your offence at the time of arrest?
(a) Yes () (b) No ()
12. Were you handcuffed at the time of arrest?
(a) Yes () (b) No ()
13. Presently, have you been told your offence?
(a) Yes () (b) No ()
14. If yes, what offence? -----

15. Have you made any statement to the police?
(a) Yes () (b) No ()
16. under what condition?
(a) Coercion () (b) Voluntarily ()
18. Before making the statement, were you properly cautioned by the police?
(a) Yes () (b) No ()
21. How many days have you been in the cell?
(a) A day () (b) Two days () (c) Three days () (d) One week ()
(d) Others -----
22. How will you assess the condition of the cell?
(a) Very good () (b) Good () (c) Moderate () (d) Very bad () (e) Bad ()
23. Are the Police officers friendly to you?
(a) Yes () (b) No ()
24. Do you agree that the criminal justice system as it is assists tremendous in reducing crime in society?
(a) Yes () (b) No ()
25. State your reason(s) -----
