



Examination of Police Brutality and Suspects' Victimization in Jabi District, FCT Abuja, Nigeria.

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Abstract

The main point of this study is to investigate the impact of police brutality and to determine how the suspects are victimised in Jabi District, FCT Abuja. Statutorily, the Police Officer has the responsibility to investigate and charge suspects to court, upholds the law with due process and be accountable to the public in faith to the system. The police as agent of the Criminal Justice Administration ought to exhibit the statutory functions of the professional ethics. But the level of police brutality increased in recent times, where people are being physically and emotionally traumatized, ethnic profiling against certain groups, violation of the rights to life, unlawful use of force, lack of accountability and prosecution of perpetrators, false arrest and imprisonment of persons, inadequate local laws to limit the brutality, public hostility to the role of the police, and improper training and stress of the job. Max Weber's theory on Life Chances and Grounded theory were adopted as the theoretical framework. The study was Exploratory in design. Respondents were selected from three police Locations in Jabi District which includes Apo, Karonmagiji, and Galadimawa. The respondents are Police Officers, Barristers, and Families of Victims. A sample size of 20 respondents comprising 10 key Informant Interviews (KIIs) and 10 In-depth Interviews (IDIs) were used. Other secondary data were obtained from books, journals, and related literatures. The qualitative data were analysed using Structural Coding. The study discovered inhuman treatments and degrading killings amongst the suspects. Majority of the respondents refuted the public perception that Nigeria Police Force is Peoples' friend. The study recommended among others that, the regulations on the use of firearms should be amended and the establishment of local laws to limit police. In conclusion, the officers should be held accountable and prosecuted for infractions.

Keywords: Criminal Justice, Nigeria Police Force, Crime Suspects, Life Chances, Police Brutality

INTRODUCTION

Police brutality (also known as Human Rights Violations by the Law enforcement) is the unnecessary or unlawful use of excessive force or misconduct against individual or groups (en.m.wikipedia.org).

Police brutality in Nigeria involves reckless or accidental shootings and killings during demonstrations. Such killings could be related to arguments and domestic disputes, off duty killings of criminal suspects involved in petty offences.

Others could be link to assaults of persons not in custody and other non-fatal assaults of persons at the point of arrest. There could be also cases of rape and assaults on persons in custody and even on persons reporting cases to the police (Abegunde, 2008; Igbo, 2017).

In South Africa, the most popular form of police brutality is torture. Nevertheless, police brutality is not restricted to a problem of torture but also it could include other serious nature of killings in custody and outside custody. This particular offence of torture accomplishes many other offence categories such as assault or sometimes murder or attempted murder. This instrument is a serious problem of police brutality in South Africa (Bruce, 2002; Babovic, 2000).

Extant research, however, has shown that human rights violations by law enforcement do not occur only in Developing countries, but also in Developed countries like the United States of America. (Ahire, 1991; Famakin-Johnson, 2022). The violations showed much tendencies in the discrimination of the criminal justice system against mostly unarmed African Americans in the country.



Police brutality particularly in the United States has been linked to racism and racial profiling (Babovic, 2000; Miller, 1998). It is one of the most serious factors of human rights violations in America. A most example is the gruesome and dehumanizing way George Floyd was killed by the Minneapolis police officers on 25th May 2020.

The Nigeria police enjoy wide powers to arrest without a warrant in certain circumstances and these are specified in section 10 of the Criminal Procedure Act (CPA) and section 20, 21, 41 of the Police Act. Identical powers can be found in Section 26, 61 of the Criminal Procedure Code (CPC).

This section says

'Any warrant lawfully issued by a court for apprehending any person(s) charged with any offence may be executed by any police officer at any time notwithstanding that the warrant is not in his possession at that time, but warrant shall, on the person apprehended be shown to him as soon as practicable after his arrest.'

The most important aspect of the police role is criminal investigation. This is the part of applied science which answers the legal question, the examination, evaluations and explanation of physical evidence relating to crime. Interrogation is another aspect in which a police officer question persons suspected of crimes (CPL, 2011; Alifano, 2006; Iwara & Effiong, 2008; Benneth & Karen, 2000). The establishment of evidence would make the police officer to charge the accused with the commission of an offence.

According to Briggs (2009), the aim of criminal investigation is to solve the problem of victims through certain processes. Police brutality and other unlawful killings are prohibited in Nigeria, and yet not included in the criminal and penal codes (Alemika, 1986; Ugwuoke, 2010). Nigeria has ratified several international and regional human rights instruments that contain human rights standards.

These include the International Covenant on Civil and Political Rights (ICCPR); the International Convention for the Protection of All Persons from Enforced Disappearance and the African Charter on Human and Peoples' Rights. The ICCPR, which Nigeria ratified in October 1993, provides that "every human being has the inherent right to life. No one shall be arbitrarily deprived of his life" (Article 6.1). Article 4 of the ICCPR, argued that states cannot derogate from their obligations under this provision, even "in time of public emergency which threatens the life of the nation". Every person, whose rights or freedoms are violated, has the right to a remedy (Article 2.3.a).

The African Charter on Human and Peoples' Rights, ratified in June 1983, also includes the right to life (Article 4). In addition, the Charter provides the right to liberty and security of person (Article 6) as does the ICCPR. The International Convention for the Protection of All Persons from Enforced Disappearance, which has not yet entered into force, but was ratified by Nigeria on 27 July 2009, prohibits enforced disappearances and obliges the Nigerian authorities to ensure that enforced disappearance constitutes an offence under Nigeria's criminal law, punishable by appropriate penalties which take into account its extreme seriousness, and to investigate all cases of disappearances and bring those responsible to justice.

The main point of this study is to investigate the impact of police brutality and to determine how the suspects are victimised in Jabi District, FCT Abuja. Statutorily, the Police Officer has the responsibility to investigate and charge suspects to court. The police as agent of the Criminal Justice Administration ought to exhibit the statutory functions of the professional ethics.

Statement of the Problem

Although, some scholars have conducted researches on the psychological perspective of police brutality (Salter, 2022), Aggressive behaviour towards Minorities (Marshall, 2017; Gunawan et al; 2023), Use of deadly force (Parent, 2004; Hannon, 2004; Alemika, 2000; Dambazau, 2012), Police Culture (Rhone, 2024;



Subbaraman,2020), there is still dearth of information on the police brutality upon suspects victimization in Jabi District, FCT Abuja.

This study is designed to assess the impact of police brutality and to determine how the suspects are victimised in Jabi District, FCT Abuja. The level of police brutality has increased in recent times, which led to Crime Suspects being physically and emotionally traumatized, experience ethnic profiling against certain groups, violation of the rights to life, lack of accountability and prosecution of perpetrators, false arrest and imprisonment of persons, inadequate local laws to limit the brutality, public hostility to the role of the police, distortions in the Criminal Justice Administration, and improper training and stress of the job.

Research Question

The following were the research questions posed by this study:

1. What are the consequences of Suspects Victimization in Jabi Districts, Abuja?
2. How does Violation of Rights impinge upon Criminal justice system in Jabi District?
3. How could there be a deterrent against lack of accountability and prosecution of perpetrators?
4. How could inadequate Local Laws be ameliorated to deter police brutality in Jabi District?

Objectives

The general objective of this study is to assess the issue of police brutality upon suspects' Victimisations in Jabi District, FCT Abuja and to seek information and understand the intrigues of the discrimination against the Criminal Justice System.

The specific objectives include:

1. To ascertain the consequences of Suspects' victimisations in Jabi Districts, Abuja
2. To understand how Violation of Rights impinge upon Criminal justice system in Jabi District
3. To proffer a deterrent against lack of

accountability and prosecution of perpetrators in Jabi District

4. To advocate for the inadequate Local Laws in order to deter police brutality in Jabi District

Literature Review and Theoretical Framework

A literature review is a well organised write up, which shows the previous work done about the research topic or the question within the field of the study. The aim of literature review is to establish impression on readers especially your supervisor on what you have read and grasped (Mishra and Alok,2017; Singh,2006). The main focus is the published work of a particular topic or question in your field, the purpose and rationale of the study. The review is a description of what others have published in the form of a critical discussion, showing insight and an awareness of differing arguments with theoretical approaches.

This work may be in any format, which include a separate assignment, or introductory sections (Kumar,2011; Martin,1985). The review would be guided by the research objective that provide framework for further work. It should be a synthesis and analysis of the relevant published work, linked at all times to your own purpose and rationale.

According to Caulley (1992), a good literature review takes the following:

- compare and contrast different authors' views on an issue
- group authors who draw similar conclusions
- criticise aspects of methodology
- note areas in which authors are in disagreement
- highlight exemplary studies
- highlight gaps in research
- show how your study relates to previous studies.

The review of the literature is therefore based on the three cardinal objectives of the study.



Suspects' Rights and Victimization

Police brutality and other unlawful killings are prohibited in Nigeria, and yet not included in the criminal and penal codes (Alemika,1986; Ugwuoke,2010). The Police Act; the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act; the Criminal Code Act and Criminal Procedure Act; the Penal Code and Criminal Procedure Code; the Police Service Commission (Establishment) Act of 2001 and the Coroners' Laws of the respective states of Nigeria are the statutory instruments and body of methods applied by the police officer for the effective discharge of his duties.

They contain a set of procedures and guiding principles that direct the conduct of police officers in line of his duty. The police are therefore empowered to maintain the rule of law and the important goal of keeping the society free of crime irrespective of the system of government in practice. Nigeria under the colonial master developed its legal systems according to the English legal system. English legal system - courts, laws and other juridical forms- were introduced into Nigerian territory in March 1863.

The English Common Laws and Equity were thereby introduced. Sources and classifications of Nigerian law include colonial laws, postcolonial statutes and military decrees, customary laws, Islamic legal system, and international conventions. Contemporary Nigerian legal system consists of a hierarchy of courts: Federal (Supreme Court, Court of Appeal, Federal High Court) and State (High Court, Customary Court of Appeal, Sharia Court of Appeal (presently in Northern States), Magistrate, Area and Customary Courts). The Federal Courts are superior to State Courts. However criminal cases are heard in the Magistrate, State High Courts and Federal High Courts.

The Section 33(1) of the 1999 Constitution of the Federal Republic Nigeria (CFRN); states that 'Every person has a right to life, and no one shall be deprived intentionally of his life', save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria (CFRN,1999). Article 4 Human

beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right Article 5 Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited [African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, CAP.10 LFN]. Article 3 has the right to life, liberty and the security of person. Article 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment Universal Declaration on Human Rights (UDHR, 1948). Despite the above elaborate legal provisions, nationally, regionally and internationally, the situation in Nigeria has not reflected the effective implementation of these standards.

Violation of the Criminal Justice System

The criminal process which does not allow brutality occur as follows: The criminal justice process normally starts when the police officer set out to investigate a crime (Anderson& Newman,1998; Benneth&Karen,2000; Siegel, 2006). This could be as a result of a report he receives that a crime has been committed or because of indirect evidence has taken place. If a criminal act is discovered, the action is to determine who the perpetrator was and to apprehend the individual. After arrest the individual (now a suspect) is taken into custody and booked. The arrest is registered in a precinct house and the suspect finger printed and photographed (Alifano,2006; Iwara & Effiong,2008; Alemika,1986; Siegel, 2006).

After the in-custody investigation, the suspect is taken to a court for what is called the initial appearance before a magistrate. The judge can set a certain amount of bail or free the person on his word of honour to appear for later proceedings. This stage of the criminal process is the section of prosecution (Siegel, 2006). The next stage is the Adjudication section. While the suspect is free on bail or waiting in jail, the police reports are passed



to the prosecutor for a decision on whether to charge the suspect and determined the specific crime or crimes involved. This determination involves how many charges to or not brings to the court.

The next step is pleading. Once formally charged with a crime, the defendant, with a lawyer is brought before a court for arraignment, which is the point where the charges are read and the defendant is asked to plead for guilty. According to Reid (2006), an accused person enjoys the assistance of a counsel for his defense. Reid believes that the most critical periods of criminal justice proceedings is the time between arraignment and trial. He argued that the purpose of this pretrial process is to enable the defendant to prepare for trial while avoiding the harmful effects of jail detention. Another controversial pretrial process is the plea bargaining, a process of negotiation between the prosecution and the defense agrees to plead guilty to the current charges in exchange for the prosecutor's promise to recommend a light sentence, drop other charges, or make some other concession. If the defendant is acquitted at trial, he is freed. If convicted, by trial or plea, the defendant now an offender is returned to court after the judge has received the social and psychological information about the offender. The maximum sentence, usually set by a judge at some point within a permissible outer limit fixed by legislation, is the date at which the inmate must be released from confinement, not on parole but as discharged from sentence.

The minimum prison sentence is the length of time the offender (inmate) must serve before becoming eligible for parole (release from prison under supervision of a parole officer until the maximum term expires). The 'good time' is when the maximum sentence is reduced, and sometimes the minimum period for parole eligibility for inmates who serve their prison sentence without causing disruptions in the prison, or otherwise violating prison regulations. Probation rules and conditions are fixed by the court. These are requirements that the probationer avoid excessive drinking, not associate with known criminals,

keep his where about known to the probation officer and otherwise behave in a law-abiding manner. Reid (2006, p.150) argue that sentencing is one of the most important stages in criminal justice systems. For offenders, sentencing determines the punishments that are imposed. For some, sentencing determines whether they will live or die.

Life Chances Theory

The theory was developed by a German sociologist by name- Maximilian Karl Emil Weber (April 21, 1864- June 14, 1920). According to this theory, life chances are the opportunities individuals have access to in order to improve their quality of life. life chance of a person is positively correlated with one's socioeconomic status in the society (Wikipedia, the free encyclopedia).

In capitalism, it is the market that determines the life chances enjoyed by persons. Life chances can be understood as, in Giddens's terms, 'the chances an individual has for sharing in the socially created economic or cultural "goods" that typically exist in any given society' or, more simply, as the chances that individuals have of gaining access to scarce and valued outcomes. Weber (1978) writes that 'a class situation is one in which there is a shared typical probability of procuring goods, gaining a position in life, and finding inner satisfaction': in other words, members of a class share common life chances. If this is what members of a class have in common, what puts them in this common position? Weber's answer is that the market distributes life chances according to the resources that individuals bring to it, and he recognized that these resources could vary in a number of ways.

Grounded Theory

Grounded theory was originally developed by two sociologists, Barney Galland Glaser (1930-2022) and Anselm Leonard Strauss (1916-1996) in their book titled "The Discovery of Grounded Theory", published in 1967. During this period, they were unhappy about the way in which existing theories dominated sociological research.



The purpose of the book is to theorize and facilitate an understanding of an effective knowledge, which happens on the lives of people of the society. Grounded Theory is a strong, inductive method for discovering new theories. The approach is a qualitative research methodology that attempt to unravel the meanings of people's interactions, social actions, and experiences (Creswell,2006; charmax,2001; Flick,1998; Glaser & Strauss, 1967).

Grounded theory develops new theories from collected real-world data and analyse qualitative data through interview, ethnographic, historical or archival data, Visuals and Observations. Glaser and Strauss, (1967), establish that Grounded theory is the best methodology for qualitative research in sociology, which all social scientists should adopt. They advocated those developing theories from research grounded in data is the best strategy than the deducing testable hypotheses from existing theories.

They maintained that crucial elements of sociological theories are best found in qualitative methods, which is exploratory in function.

Grounded theory methods emerged in early 1960s from sociologists who discovered that Qualitative research in sociology was losing ground, while the Quantitative methods gain dominance. Social scientists maintain that there is no fundamental clash between the purposes and capacities of qualitative and quantitative methods or data (Denzin & Lincoln,1994; Gubrium & Holstein,1997; Charmax,2005; Bigus, Hadden, & Glaser,1994). The primary emphasis is based on the verification or generation of theory. Each form of data is useful for both verification and generation of theory.

Methodology

The study used Qualitative methods, which was Exploratory in design in nature. The instrument of data collection is unstructured interview. It was a field research method that elicits information and data by asking direct question interaction between the researcher and the respondent. Respondents were selected from three police Locations in Jabi

District which includes Apo, Karonmagiji, and Galadimawa. The respondents are Police Officers, Barristers, and Families of Victims.

A sample size of 20 respondents comprising 10 key Informant Interviews (KIIs) and 10 In-depth Interviews (IDIs) were used. The purposive sampling increases the likelihood of variability in the social phenomena represented in the data as contrast with the random sampling. The interviews are usually done by obtaining informal consent from the interviewees prior to the starting of the interview.

And also, before the start of the interview, the interviewer usually has a list of predetermined questions as interview guides design for each interviewee to respond. The questions are usually open- ended in nature to elicit information in details and capture individual differences.

Therefore, the interviewer is free to get more conversation in any direction of interest and also to explore the topic broadly. Other secondary data were obtained from books, journals, and related literatures. The qualitative data were analysed using Structural Coding (MacQueen et al, 2008; Namey et al, 2008).

Analysis on Structural Coding

The qualitative data analysis was inductive in nature and addresses the themes and concept. The technique used in the analysis is structural coding. Structural coding is one of the ways in analysing qualitative data (Saldana,2016, Charmaz,2001, Charmaz,2005). The structural coding generally results in the identifications of large segments of texts on the interview questions. The participants coded interview segments were collected together to extract data related to the specific research questions (Flick,1998, Creswell,2006, Denzin and Lincoln,1994).

The data gathered from interviews, observations and documents in form of fieldnotes were transcribed and analysed in non-statistical ways. The outcome of the analysis was a descriptive document, presenting the data in peoples' own words (meanings) rather than numbers.



Therefore, the structural coding categorises the research questions. It focuses on the analysis of the main objective of the study for more rigorous content and exploratory meanings (Silver and Lewins, 2014, Saldana, 2016). Thus:

Category: Suspects' Victimisation

Subcategory: Deprived of Rights

Code: LACK OF FAIR TRIAL

Code: LACK OF PRESUMPTION OF INNOCENCE

Code: LACK OF RIGHT TO BE FREE FROM COERCION

Code: LACK OF RIGHT TO BE FREE FROM TORTURE

Code: RIGHT TO TRIAL WITHIN REASONABLE TIME

Code: RIGHT TO CHALLENGE UNLAWFUL DETENTION

Code: RIGHT TO INDEPENDENT AND ADEQUATE HEALTH CARE

The category of the questions included these coded items and their frequency counts in descending order as thus:

SUSPECTS' VICTIMISATION	NUMBER OF PARTICIPANTS
LACK OF FAIR TRIAL	19
LACK OF PRESUMPTION OF INNOCENCE	15
LACK OF RIGHT TO BE FREE FROM ANY FORM OF COERCION	12
LACK OF RIGHT TO BE FREE FROM THREAT OF TORTURE	7
RIGHT TO TRIAL WITHIN REASONABLE TIME	5
RIGHT TO CHALLENGE UNLAWFUL DETENTION	2
RIGHT TO INDEPENDENT AND ADEQUATE HEALTH CARE	1

An "at a glance" report of the above data would suggest that the category Suspects' Victimization (RIGHT TO CHALLENGE UNLAWFUL DETENTION, RIGHT TO INDEPENDENT AND ADEQUATE HEALTH CARE) was the Least violations with these particular questions, with LACK OF FAIR TRIAL, LACK OF PRESUMPTION OF INNOCENCE as the most frequency violations.

Findings

From the research carried out, findings shows that majority of the respondents strongly agreed that the violations of the rights of the suspects' victims are well pronounced in Police brutality. The deprivation of the rights of suspects are accumbered to other types of social problems such as unfair trial, lack of presumption of innocence, lack of right to be free from any form of coercion, lack of right to be free from threat of torture, unlawful detention, and inadequate health cares. There were violations to criminal and penal laws, as some of the offenders are being treated as sacred-cows. According to one of the key informants, Life looks very boring in the society when the perpetrators became more powerful than the laws of the land. The life itself is no longer Safed in that situation. The implication of the violations of the laws have spread across board. The effect of kidnapping, banditry and herdsmen in our villages and communities, even in the judiciary are the backbones of lack of standard implementation of rule of laws and violations of Suspect rights in Federal Capital Territory and the Nation.

Conclusion

In conclusion, we discovered that the findings of this paper have dangerous implications of a pluralistic society. If the right of a suspect is brutalised and the perpetrator is being treated as a high-profile in the society, this could result to hidden or overt ill feelings of the people.

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