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**Effective Investigations, A Pivot To Efficient Criminal Justice Administration:
Challenges In Nigeria**

By
Oluwafemi Alexander Ladapo

Abstract

This paper identifies the connection between effective criminal investigations and the efficiency of criminal justice administration in Nigeria. It further examines the challenges of criminal investigations and concludes with suggestions for improving criminal investigative activities. Eight challenges of criminal investigations were identified and examined. These challenges are: the low crime reporting culture of the public, paucity of police funding, corruption, inadequate training of police officers in criminal investigations, delayed duplication of investigation case files, missing investigation case files, lack of forensic science facilities and experts; and poor public records keeping. The suggestions proffered for improving criminal investigation activities focus on these eight examined challenges and they cut across issues of funding, legislation, policy change, structural reform, personnel training and intervention by non-governmental organisations as well as other stakeholders.

Introduction

A lot has been said and written about criminal justice administration in Nigeria, its challenges and the injustices of its machinery. However, the predominant focus has been directed towards issues of prison congestion, capital punishment, police brutality and the awaiting trial inmates phenomenon, who though are not convicted persons, but as at 2006 accounted for about 65% of the number of persons incarcerated in Nigeria's prisons.¹

It is trite that the pivot of the criminal justice system is crime detection and investigation, which serves as the pivot of every criminal case. This is especially so in an adversarial system of criminal justice like that which is in operation in Nigeria. In an adversarial system of justice, it is the duty of the accuser referred to as the prosecutor, to ensure that all pieces of evidence which are legally required to prove the charge against the defendant have been collected and collated through investigation and is ready for presentation before the court, for the determination of the defendant's guilt or innocence.

Criminal investigation is so important to the entire criminal justice system that its absence, tardy or shoddy execution may lead to delay in the administration of justice, the victimisation of innocent citizens and escape of offenders from paying for their misdeeds and being reformed. In 2006, Chief Bayo Ojo, the then Attorney-General of the Federation stated that 17.1% of prison inmates in Nigeria were awaiting trial because investigations into the allegations levelled against them were yet to be completed, 3.7% were incarcerated perpetually by default because their investigation case files could not be

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found, while 7.8% of the inmates' trials were stalled because of the absence in court, of police investigators and other witnesses whose attendance is the duty of the investigators to procure.² As at April 2010, the Minister of Interior, Mr. Emmanuel Iheanacho was reported to have stated, that of the total population of 46,000 inmates in Nigerian prisons, over 30, 000 (65.2%) of them were awaiting trial for several reasons.³ These 2010 figures clearly mirror those of 2006 and show that the situation has not changed.

The word 'investigate' defined in the legal context means "[t]o follow up step by step by patient inquiry or observation. To trace or track; to search into; to examine and inquire into with care and accuracy; to find out by careful inquisition; examination; the taking of evidence; a legal inquiry."⁴ From the foregoing definition, the process of criminal investigation will include the search and inquiry into criminal allegations and the collection of evidence. The relationship between criminal investigations and criminal justice has been stated eloquently by Justice Kalgo of the Supreme Court when he opined that "[t]here is no doubt that in all criminal allegations, investigation plays an important part and it will make or mar subsequent criminal proceedings."⁵

Challenges of Investigation in the Nigeria Criminal Justice System

The challenges confronting investigations and investigators in the Nigerian criminal justice system are myriad. Consequently, only eight major ones are identified and discussed hereunder. These eight major challenges to criminal investigations were arrived at by the author, after a three year study. The study was conducted between 2006 and 2009 and focused on criminal investigations as a component of the criminal administration of justice in Nigeria. The participant-observant methodology was employed for the research, while the author served as a public prosecutor in the office of the Oyo State Ministry of Justice. This position served allowed for regular interaction with the police and other stakeholders in Nigeria's criminal justice sector. The position and experiences of a public prosecutor in the Oyo State Ministry of Justice is also largely representative of public prosecutors in other states of the Nigerian federation, because prosecuting officers of the several State Ministries of Justice in Nigeria, serve as advising officers to the Nigeria Police in respect of criminal investigations and also as the prosecutors of most indictable offences.

The Unforthcoming Informant

Criminal investigation is not a voodoo science but is primarily reliant on information supplied to the investigator either as a complaint by a victim of a crime or as a report by a witness to a criminal act. The Nigeria Police has over the years complained of the unforthcoming attitude of the Nigerian populace on the issue of complaint and report of crimes and criminal activities.⁶

The lethargy of the Nigerian public to supply information to the Nigeria Police is not without reason and this situation has even received judicial notice on a number of occasions. The Supreme Court in its judgement in the case of *Ogundare vs. State*⁷ noted

that: “It is common knowledge that in Nigeria witnesses often refrain from coming forward in case they might get into some sort of trouble.”⁸

The average Nigerian citizen views the police with awe and this has been the case since the oppressive days of the Hausa Constabulary Guards established in 1861 by the British colonial government.⁹ The Hausa Constabulary was the forerunner of the present Nigeria Police and its sole duty was the protection of British colonial interests against the native population using strong-arm tactics. Currently, there is the ever present fear of being accused of perpetrating the offence one reports to the police, reprisal attacks from the person the report is made against, due to the potential leakage of information by the police to the suspects. It is not also uncommon for the police to require the person reporting a crime to fund the subsequent investigation and make endless return visits to the police station for one reason or the other, leading to an enormous loss of man-hours.

Funding

Crime detection and investigation are capital intensive. Money is required to employ and train adequate number of criminal investigators, equip and mobilise them. In Nigeria when a crime is reported at a police station, the practice is for the complaint desk officer to request for money to purchase stationary to incident the complaint and open a file. Afterwards, where the need arises to visit the scene of the crime, the complainant must provide transportation, because there is usually no vehicle attached to the criminal investigations department. If the crime involves a murder, the complainant or the accused is called upon to pay for a post mortem examination because funds are not available for such activities. When investigations have been completed, the complainant or the accused person is the ones also called upon to provide funds for the duplication of the investigation case file. It is clear from the foregoing, that criminal investigations are underfunded in Nigeria. This underfunding can be attributed to the general underfunding of the Nigeria Police as a whole and to corruption within the Nigeria Police. The dismissed Inspector General of Police, Tafa Balogun was reported to have embezzled about 150 million dollars of police funds.¹⁰

Corruption

The Nigeria Police is not immune from the corruption pervading the governance machinery of Nigeria. In fact, police corruption is one of the most visible manifestations of corruption in Nigeria and the Inspector General of Police has said, that “corruption... has come to characterise the behaviour of the average policeman.”¹¹ The average Nigerian is used to witnessing police officers collect “toll” at checkpoints mounted across the country. The corruption of the police does not stop at the checkpoints; it affects criminal investigations as well. So many crimes go un-investigated by the police where influential persons, including persons in government are fingered as suspects¹² or where the suspects “sort the police investigators”, a slang for bribe payment. Corruption continues to fester in

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the Nigeria Police despite the establishment of the “X Squad Section” in 1963. The X Squad Section is one of the sections under the Force Criminal Investigations Departments of the Nigeria Police Force and it is charged with the responsibility of investigating corruption within the force and fishing out corrupt officers. It however appears that the X Squad Section is moribund despite its continued existence on the organogram of the Nigeria Police Force.

Training of Investigating Police Officers

The majority of criminal investigations carried out by the Nigeria Police are conducted by the officers below the rank of sergeant. Most of these constable investigators have only gone through the basic three-month entry training at the Police College, where the most significant part of their training is centred on physical drills with lesser attention on the art of policing.¹³ The knowledge and skills of practical criminal investigation are left for the officer to discover and learn on the job, and while still neophyte, she is detailed to handle complex investigations. The former Inspector General of Police, Mr. Sunday Ehindero, confirmed this position in his first press conference in January, 2005 upon assuming office, when he stated that:

“...the era where neophytes would be assigned to investigate criminal offences is gone...we are not going to put a tailor to go and investigate, we must have the census of all those people with professional knowledge, accountants ... we will make use of them and nobody will be routinely posted to CID (Criminal Investigations Department) unless he has something to offer.”¹⁴

Sadly however, this situation still persists as seen in the endorsements on investigation reports. The author took a random survey of 100 duplicate case files sent by the Nigeria Police between January 2006 and November 2008, to the office of the Director of Public Prosecutions of Oyo State for legal advice. Of the 100 files surveyed, 82 of them had police officers below the rank of sergeant endorsed as investigators.

Refresher courses for constables are rare and in order to make up for the lack of re-training, “in-station” lectures in the form of experience sharing are delivered by senior officers who themselves are mostly not trained police science instructors. Majority of these “in-station” instructors have not also had the benefits of further trainings, seminars and workshops to up-grade their knowledge of current policing methods and practices.

The only conceivable outcome of this regime of poor police training and lack of re-training is poor policing inclusive of criminal investigations and the entire criminal justice system is the worse for it. Particularly, this situation has led to inappropriate accusations against innocent citizens based on speculations as against investigations. Some citizens have had to spend time in prison remand while awaiting the outcomes of the legal advice of the Director of Public Prosecutions to exonerate them. In some instances, the waiting period of these citizens behind bars are extended when the office of the Director of Public Prosecutions has to send case files back to the police for further investigations.

Furthermore, a significant number of offenders have cheated the justice system by escaping punishment due to incomplete or incompetent criminal investigations, leading to insufficient evidence upon which the courts can base a conviction. The sentiment of the courts on this situation was captured in the case of *Inusa Saidu vs. The State*¹⁵ that:

“It does not give the court joy to see offenders escape the penalty they richly deserve, but until they are proved guilty under the appropriate law, in our law courts, they are entitled to walk about in our streets and tread the Nigerian soil, breathe Nigerian air as free and innocent men and women.”¹⁶

In fact some offenders have never been fished out not to speak of being brought before the courts. In the last eight years, there have been a series of murders of prominent Nigerians which are yet to be resolved. These include the assassinations of Chief Bola Ige; then the incumbent Attorney-General of the Federation in 2001, Chief Harry Marshal, an opposition party chieftain, Aminosari Dikibo, a ruling party chieftain, and the duo of Barnabas Igwe, the chairman of Anambra State Bar Association, and his wife.¹⁷

The lack of capacity of the Nigerian Police in criminal investigations has led to a methodological shift in investigative techniques, from a holistic approach of sourcing, analysing and interpreting evidence, to the drive to obtain confessional statements by all means from suspected persons. This trend has led to the use of force and torture techniques by the police.¹⁸ The consequence of this is that during prosecutions, virtually all the confessional statements are challenged on grounds of police coercion.

Upon a challenge of a confessional statement alleged to be obtained by coercion, the practice is for the court to embark on a separate trial to determine the voluntariness of the statement in question.¹⁹ This procedure is called the “trial within trial”.²⁰ Though the trial within trial procedure is aimed at protecting the defendant from involuntary self-incrimination, the down side to the procedure is the delay it contributes to the criminal justice process. The appellate courts are bugged down with a plethora of appeals from decisions of trial courts on confessional statements, which remain pending for many years, before they are finally determined and the matter is referred back to the trial court for the continuation of the substantive criminal charge. It is therefore evident that the ill seed sown by the confession focused investigator blooms to a time consuming tree.

The issue of the inadequate training and retraining of police investigators definitely has effects on the outcome of the quality of investigations. The author conducted a survey of officers with prosecutorial experience in the Oyo State Ministry of Justice, Ibadan to find out the perception of these prosecutors on the quality of investigations carried out by the police, in view of the fact that they are the end users of police investigations for the purposes of rendering legal opinions and criminal prosecutions.

As at the time this survey was conducted in November 2008, there were a total of 54 legal officers in the Ministry of Justice, 17% (n=32) of who had served as prosecutors in the Public Prosecutions Department. Out of these 32 officers, 18 were then serving

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prosecutors. The survey sample was taken from the pool of the 32 officers with prosecutorial experience and out of the 32 officers constituting the survey sample, 46.8% (n=15) completed and returned the survey questionnaire to the researcher. The prosecutorial experience of the respondents ranged between 3 and 17 years. The questionnaire used asked the respondents a variety of questions including their qualifications, number of years in legal practice, number of years of experience as prosecutors among others. One of the questions required the respondents to rank in terms of quality, police investigations as recorded in the police case file reports they had used to prepare legal opinions, charges and prosecute accused persons over the years. This ranking was to be done on a five-point scale ranging from “very good, good, fair, poor to very poor”. Another question which was open-ended required the respondents to give their opinions on the effect of police investigations to their prosecutorial work.

In the survey conducted among prosecutors in Oyo State, 53.3% (n=8) of the respondents scored police investigations as poor and 94% (n=14) stated that the outcomes of police investigations negatively affected the conduct of their criminal prosecutions, while 6% (n=1) of the officers declined responding to this question.

Very Good	Good	Average	Poor	Very Poor
0	0	2	8	5

Table. 1 – Ranking of Police Investigations by Public Prosecutors in Oyo State, Nigeria in 2008.

The result of the survey presented in Table. 1 above, buttresses the general conception that police investigations in Nigeria are far below the desired level. These results are generally indicative of the quality of police investigation practice across Nigeria, because of the use of a single federal police force and the practice of routine deployment of police officers across the country. In addition, the relationship between the police and prosecutors at the state level across the country is uniform, as it is guided by the same Constitution and Police Act. Though this low-level quality of investigations is the result of a number of factors, one prominent factor is the inadequacy of training and retraining of police officers, particularly investigators. It is not unexpected, as the results of the survey have revealed, that these low quality investigations have a negative effect on criminal prosecution and therefore ultimately have an adverse effect on the administration of criminal justice in Nigeria.

Missing Case Files

The phenomenon of missing and untraceable case files has become an embarrassment for the Nigerian criminal justice system. Investigation case files contain the statements of witnesses, statements of the accused persons, police investigation reports and other vital documents required for the rendering of legal advice and criminal prosecutions. As at 2006, statistics revealed that 3.7% of about 25,000 accused persons in prison remand, had their prosecutions stalled because of missing and untraceable investigation case files.²¹ These persons were therefore by default sentenced to stand perpetually under the sword of Damocles and remain in jail indefinitely.

The missing file phenomenon springs from the absence or the ineffective running of central investigation files registries at police stations and at all levels of the police structure. The current practice is that the police investigators take personal custody of all their investigation files and keep them in their private lockers at their stations or elsewhere including their homes. This practice of personal custody of files opens such files to the perils of mutilation, loss, theft and inaccessibility, when the officer in whose custody the file is, is transferred to another department or other part of the country, retires or dies.

Delayed Duplication of Case Files

Part of the duty of an investigating police officer is to have case files duplicated and transmitted to the office of the Director of Public Prosecutions for legal advice, especially where capital offences, serious offences and technical offences are involved. As straight forward as this process is, it has constituted a major bottleneck in the Nigerian criminal justice system. Some criminal matters have been known to be bogged down at this stage of the criminal administration of justice for up to two years and more.

The Nigeria Police investigators place the blame for the non-duplication and the delayed duplication of investigation case files on the no availability of duplicating equipment and services at police stations. Most times, police investigators have had to resort to commercial duplicating service providers, with the attendant risks of mutilation, loss and the premature exposure of investigation reports in the public media, sometimes leading to prejudicial consequences. The funds for duplications at commercial centres have had to be sourced from the police investigators' personal purses, the complainants, the victims or from the accused persons with the threat that otherwise, such a case would remain at a standstill. Another reason for the delayed duplication of case files is the routine transfers of police officers with the attendant handing over and continuity problems.

After the successful duplication of a case file, another bottleneck is the transmission of the duplicate file to the office of the Director of Public Prosecutions. Because of the rigid hierarchical and bureaucratic structure of the Nigeria Police, duplicate case files are only transmitted to the Director of Public Prosecutions through the Officers'-in-Charge of Legal matters, who are domiciled at the states' and national headquarters. In some instances, where offences are committed in remote rural areas, the case files are transmitted from the police post through the Divisional Police Office to the Area Command, to the State Headquarters, to the Zonal Headquarters and finally to the Force National Headquarters at Abuja before coming back to the office of the Director of Public Prosecutions of the State where the offence was committed. This long and tortuous journey is time consuming and contributes to the delays encountered in the Nigerian criminal justice system.

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Lack of Forensic Laboratories and Insufficient Number of Trained Forensic Experts

The application of scientific knowledge and methods to the investigations of crimes and the solution of knotty criminal riddles is routine in the developed world. There forensic sciences are now generally regarded as the indispensable handmaiden of the criminal investigator.²² But this is not the case in Nigeria, where forensic investigations are still novel.

Throughout the entire expanse of Nigeria, there is no single forensic sciences laboratory. The equipment reportedly acquired for a police crime laboratory by the Federal Government in 1991 from a German company is still in their shipping crates unpacked, uninstalled and unutilised. The closest facility to a forensic science laboratory is the laboratory of the Federal Institute of Industrial Research, Oshodi²³ (FIIRO). The facilities and scientists of FIIRO are the ones now saddled by the Nigeria Police with the burden of forensic tests and analysis. This is despite the fact that forensic research is not part of the research mandate of FIIRO, and that its facilities are not forensic science oriented nor are its personnel trained forensic scientists.

Another issue is the very low infrastructure for forensic science capacity building in Nigeria. Of the over 250 licensed tertiary educational institutions in Nigeria, none of them runs a programme in any of the forensic sciences at the undergraduate level. At present, only the University of Ibadan is known to have initiated a programme at the graduate degree level in forensic anthropology, which is yet to take off. The result of this low manpower capacity in the forensic sciences is evidenced by the fact that more often than not when important issues requiring forensic analysis crop up, they are usually referred to experts abroad with the attendant prohibitive costs and excessive time consumption. Currently, in all the medical facilities in Oyo State, the University College Hospital of the University of Ibadan inclusive, there is no single trained forensic medical pathologist. As a result, general medical practitioners and medical pathologists trained in other specialties have to fill the gap and this deficiency is manifest in the forensic *post mortem* reports they produce.

Poor Public Records Keeping

Criminal investigations is not an esoteric science, thus it often requires the reconstruction of criminal acts and crime scenes through the piecing together of facts with seemingly unconnected pieces of information such as the weather, soil typology among so many others. These seemingly unconnected pieces of information though are not directly connected with the facts in issue, they might be so relevant that they may turn out to be the key to unravel a criminal mystery case. For example, in a case investigated by the police on an allegation of bigamy, the case was stymied because the investigator could not get access to copies of the certificates of the two marriages alleged to have been contracted by the defendant.²⁴ The marriage registries where the two marriages were allegedly contracted could not supply any records, because they did not have a proper record keeping system.

Information which ought to be kept as public records for easy access and use by police investigators include telephone records, meteorological records, birth and death records, medical and dental records, tax, insurance and even criminal convictions records among many others. Sadly, however, it is a well known fact within and outside Nigeria, that public record keeping in Nigeria leaves a lot to be desired, as the majority of human transactions and natural phenomena occurrences go undocumented.²⁵

On the other hand, access to the few public records that are kept is usually a Herculean task, with uneasy bureaucratic hurdles to surmount. When eventually access is permitted, most times the available records are so disjointed, disorganised or even buried unanalysed so that they are virtually useless to anybody.²⁶

With the grave deficiency in public records and archives in Nigeria, the criminal investigator is placed at a great disadvantage and the best possible criminal investigation results are unattainable. These leave the investigator and prosecutor in the realms of speculations and guesses, which have no place in criminal prosecutions before our courts.²⁷

Suggestions For The Improvement Of The Criminal Investigation Activities

Having highlighted the myriad of challenges confronting the criminal investigations sector of the Nigerian criminal justice system, it will be beneficial to attempt to offer suggestions for the improvement of system.

On the Unforthcoming Informant

There is a need to improve the confidence the average Nigerian citizen has in the Nigeria Police. A step in this direction has already been taken with the current focus of the top police hierarchy on the concept of “community policing” through the establishment of Police Community Relations Committees across the country. These committees were established by the Nigeria Police between 2004 and 2008, to serve as fora for interaction between police officers and the immediate communities they serve.²⁸

However, the effect of these Police Community Relations Committees is still yet to be significantly felt and its positive effect is doubtful without a cure of the fundamental defects of the police service. A lot still needs to be done to improve the image of the Nigeria Police especially with respect to the high handedness associated with its rank and file. There may be a need to establish an external police complaints commission. This commission will serve as an external ombudsman independent of the Nigeria Police, which will receive public complaints against negative police practices and serve as a check on the excesses of the Nigeria Police. The workings of this ombudsman may over time help abate the police phobia harboured by the average Nigerian citizen and stimulate

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interaction with the police, which will result in a steady flow of information and intelligence needed by the police to carry out its investigative duties.

On Funding

The Federal Government of Nigeria should be called upon to increase funding to the Nigeria Police, but also to monitor the utilisation of such funds to minimise embezzlement. The fact that the Nigeria Police is a Federal Government Agency does not preclude the state and local governments where the police operate from co-funding and equipping the police and providing logistics support for their operations. As part of the Community Policing concept, it will not also be out of place for community bodies such as Landlords' and Landladies' Associations and corporations who are also beneficiaries of police services to also contribute in whatever way to help facilitate policing activities. Finally, international multilateral organisations as well as non-governmental organisations should also be encouraged to assist the Nigeria Police especially in the area of funding, training and capacity building activities.

On Corruption

The Independent Corrupt Practices and Other Related Offences Commission (ICPC) was established in 2000 and it is the apex anti-corruption agency in Nigeria. Despite the robust mandate of the ICPC in checking corruption in the public sphere, its effect has not been seen on corruption in the Nigeria Police, at the street level. The sheer size of the police and the deep entrenchment of corruption in its rank and file may be responsible for the inefficiency of anti-corruption efforts in the service. Also the internal X-Branch Section of Nigeria Police is too enmeshed with the police structure for it to be an independent corruption buster.²⁹ As suggested above, there may be a need to establish an external police complaints commission as an ombudsman which will among other duties fight corruption within the Nigeria Police.

Training of Investigating Police Officers

On the issue of training, first, there is a need to recruit into the police service, persons who have the capacity to be trained for whatever duty they are recruited for. This capacity criteria will include mental, physical, emotional, educational and analytical capabilities. The recruitment of person educated at the secondary school level in the arts for training as a forensics officer will definitely require more time, resources and effort than the training of another with a science background.

Secondly, there ought to be an overhaul of the training syllabi and methodologies of the Nigeria Police training academies. This is in order to incorporate new methods and skills of police science particularly criminal investigations, into the training programme.

Thirdly, there is a need to revise the Criminal Investigators Handbook which was inherited by the Nigeria Police from the British Colonial Government. In fact, the said handbook has long since been out of print, out of circulation and unavailable to police officers for many years.³⁰ The use of a criminal investigation's manual will help standardise investigative procedures, guide investigators and prescribe best practices and code of conduct upon which efficiency of investigations and investigators can be assessed.

Fourthly, there is a need to reinvigorate the retraining mechanisms of the Nigeria Police for training both within and outside Nigeria. These refresher courses will help officers keep abreast of current developments in police science and serve as opportunities for building networks and relationships both local and international, which will be useful for collaborative investigations.

Finally on the issue of forced confessions, it is suggested that part of the now repealed Preliminary Investigation provisions of the Criminal Code Laws³¹ relating to the taking of statements of accused persons before a magistrate be re-enacted. It must however be noted that these provisions are still extant in the Criminal Code Act³² applicable to the Federal Capital Territory. Section 314(2) of the Criminal Code Act provides for the taking of an accused person's statement before a magistrate after a Miranda type caution has been pronounced. Such judicial confessional statement can then be used in a subsequent trial³³ without the fear that it had been obtained by coercion.

On Missing Investigation Case Files

To effectively tackle the missing and untraceable case file phenomenon a police file management policy has to be formulated. This policy should spell out clearly how an investigative case file is opened, registered, tracked, transmitted, stored and in whose custody it should be at each stage of the investigation and beyond. The policy should also state emphatically, the disciplinary procedures and sanctions which will be applied where any of the guidelines in the policy document is flouted.

In the majority of instances, the loss of the original case files are detected at the most crucial point, which is after a charge has been filed and a date for hearing fixed. A readily applicable solution to this problem is to establish a practice where immediately after investigations are concluded and reports written, several copies of the contents of the case file are made and certified as true copies. This is because under the Nigerian law of evidence, where a document is authored by a public officer, in this case a police officer, it is deemed a public document,³⁴ and only that document itself or a copy made from it with a certificate written at its foot stating that it is a certified true copy is admissible in evidence.³⁵ Once several certified true copies of the documents in an investigation case file are made, a copy should be sent to the office of the Director of Public Prosecutions and another to the police archives. These certified true copies will serve as judicially usable backup copies in case of loss, mutilation, destruction or misplacement of the original case file and prosecutions can still proceed, using backup copies.

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Delayed Duplication of Case Files

The Nigeria Police has placed the blame of the delay in the duplication of investigations case files on the inadequacy of secretarial equipment available for the use of the police. This by implication also touches on the question of adequate funding of the Nigeria Police. On the issue of funding, the primary call should be on the Federal government of Nigeria to improve the funding of the Nigeria Police in order for it to be sufficiently empowered to better perform its statutory duties of crime detection and investigation. Also, financial checks should be tightened in order to reduce the leaks in statutory allocation occasioned by acts of corruption.

The above call having been made to the Federal Government, the respective state governments are enjoined to take a cue from the Lagos State government who's Ministry of Justice operates a case file duplicating service. The Lagos State Ministry of Justice has stationed at the Lagos State High Court premises, duplicating machines and secretarial staff who provide free duplicating services to police investigators who present case files for duplication.

Not only state governments are urged to follow in the intervention steps blazed by Lagos State, non-governmental agencies, socially responsible corporate citizens, philanthropists, and the average citizen should also find suitable avenues of intervention to help invigorate the entire criminal justice system.

Forensic Laboratories and Experts

The virtual absence of forensic science laboratories, scientists and technicians should first be taken on by the establishment of a national forensic science research institute. Such a research institute should have as its cardinal mandates, research in the forensic sciences as well as the training of forensic scientists and technicians. The institute should be established and funded by the federal government and domiciled under the joint supervision of the Federal Ministry of Science and Technology, Federal Ministry of Interior, the Nigeria Police and the Police Service Commission.

Other mandates of the forensic sciences research institute should include the setting up of forensic laboratories across the country, which will provide forensic tests and analytical services to the Nigeria Police and other users of forensic services. The institute should also coordinate, license and regulate forensic science research and service provision in Nigeria. Nigerian universities and other institutions of higher learning should also be encouraged to establish programmes teaching and researching the police sciences including criminal investigations, criminal administration of justice and the forensic sciences. These programmes when set up and running, will contribute to the advancement of police sciences and the forensic sciences.

Public Records Keeping

Nigeria's public records keeping infrastructure is due for reform, reorganisation and funding not only for criminal investigations purposes, but for other planning and developmental objectives as well. In order to achieve the said needed reform and reorganisation of the public records keeping sector, a good place to begin is to start a campaign for behavioural change in the secretive and information hoarding attitude of the average government official. This is in no way meant to denude information protected by privacy law as well as sensitive security information which is prudent to put beyond the public sphere. An appropriate push for this behavioural change is the passage of the long pending Freedom of Information Bill, by the National Assembly.³⁶

Another step in the right direction will be to encourage information sharing networks and linkages between and among the public information collecting, analysing and keeping agencies. The public servant, the civil society, social issues crusaders and the average citizen also have a role to play in spurring and challenging the public records custodians to perform their duties of information collection, collation and dissemination. This will have to be done through constructive engagement and interaction with these agencies, as well as through legal action brought to interpret and enforce the rights of public officers and the average citizen, to demand and have access to public information. These legal actions, will afford the courts the opportunity under the present democratic dispensation, to push forward the frontiers of citizens' rights to public information and access to public records. The more the path for access to public records is thread upon, the easier it will become to access such information for the police and the private investigator.

Conclusion

The Nigerian criminal administration of justice system is besieged by a host challenges among which are poor and ineffective criminal investigations. On the other hand, criminal investigations in Nigeria as have been shown in the foregoing discourse are also inundated by a legion of challenges, eight of which were examined herein. In this work, the link between ineffective criminal investigations and some of the inefficiencies in Nigeria's criminal administration of justice system have been demonstrated.

Some suggestions have been made for the improvement of criminal investigations infrastructure and activities. These suggestions cut across funding, legislative intervention, policy change, structural reform, personnel training and non-governmental stakeholders' intervention. Some of these will require governmental action both at the federal and state levels; others require non-governmental stakeholders' action while some others will require concerted efforts of all stakeholders. These suggestions are broad signposts to what ought to be done and certainly, further detailed research is required on each of the proposed suggestions.

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Finally, it must be highlighted that the revamping of criminal investigative activities in Nigeria from the current state of ineffectiveness will not only take some time, but will be cost intensive. However, it must be borne in mind, that if the cost of justice is considered exorbitant, then it must be remembered that the cost of injustice is more prohibitive.

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- ²⁵ Afonja, Biyi (1985) *Facts, Figures and Falsehood Syndrome in Society*, Ibadan: Ibadan University Press, p. 40.
- ²⁶ Ibid.
- ²⁷ Mohammed Abacha vs. The State. (2003) 11 NWLR Part 779 p. 437.
- ²⁸ http://www.npf.gov.ng/info/community_policing.aspx (Accessed 29/03/2011)
- ²⁹ The Police Service Commission and the Nigeria Police Council both established by section 153(1) of the Constitution of the Federal Republic of Nigeria 1999 have also proved inefficient in tackling corruption in the service.
- ³⁰ Okiro, Mike Nigeria Police, State of the Nigeria Police Force as at November 2007. *ibid*.
- ³¹ The Criminal Code Laws of the Southern States of Nigeria are substantially identical, having being inherited from the colonial Criminal Code Ordinance of 1914. In the Northern States of Nigeria, the Penal Code Laws are applicable and were re-enactments of the Penal Code Ordinance 1959 which was modelled after the Islamic oriented Criminal Code of Sudan. See Andersen, J.N.D., *The Future of Islamic Law in British Commonwealth Territories in Africa, Law and Contemporary Problems*, Vol. 27, No. 4, *African Law*. (Autumn, 1962), pp.626- 628
- ³² Chapter C41 Laws of the Federation of Nigeria 2004.
- ³³ Section 314(3)(b) Criminal Code Act, Laws of the Federation of Nigeria 2004.
- ³⁴ Section 109 Evidence Act Cap E14 Laws of the Federation of Nigeria 2004.
- ³⁵ Section 97(2) and 111 Evidence Act. See also Araka vs. Egbue (2003) 17 NWLR Pt 848 p. 1.
- ³⁶ The Freedom of Information Bill was passed by the National Assembly during the Third Republic, but was vetoed by the then President, Chief Olusegun Obasanjo.