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2. The Editorial Board invites well researched articles for publication in the next edition. In submitting manuscript for publication, authors should observe the followings:
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settlement of international disputes in Africa beckoned during the adoption of the African Charter on Human and Peoples' Rights. The OAU refused to establish an African Human Rights Court to enforce the rights guaranteed under the African Charter, fearing that such a tribunal or court would threaten their national sovereignty. Instead, the OAU established an African Human Rights Commission under Article 64(1) of the Charter to promote human and peoples rights, and to ensure their protection in Africa. Owing to certain normative and structural deficiencies, the African Commission has not been able to effectively fulfill its mandate. The decisions and recommendations of the Commission to the African Heads of State and Governments are frequently disregarded, and this was capable of eroding the credibility of the Commission in terms of implementing the human and peoples' rights. The foregoing inexorably prompted the establishment of the African Court on Human and Peoples' Rights to not only complement the Commission but also to remedy the obvious and perceived deficiencies of the latter. The court is therefore a welcome development being the most efficacious judicial route designed to achieve significantly the promotion and protection of human and peoples' rights. The natural consequence is a better and profound settlement of disputes across the African continent.

The provision of adequate logistics and recruitment of competent personnel in the African Court on Human and Peoples' Rights is greatly recommended to strengthen the efficacy of the court. Sufficient funding of the court is advocated to position the court as independent and corrupt-free judicial panoply designed to enthrone justice at the face of divergent arrays of dispute. The innovation engendered by the Constitutive Act of the African Union and the constitution of the Court on Human and Peoples' Rights remain the strongest mechanism for dispute settlement under the auspices of African Union. It must be emphasized that the binding nature of judgments of the court and the strategies orchestrated by the Constitutive act and rules of the court are necessary. However, unrelenting effort should be sustained towards enhancing the individual recourse system of bringing cases directly to the court without the condition precedent of a State Party making a Declaration. In this way, a profoundly sustained pep and meaning would have been accorded to judicial settlement of disputes in the context of the African Union.

## EVOLVING A PLAUSIBLE JURISPRUDENCE OF CRIME CONTROL: A PANACEA FOR SOLVING CRIME PROBLEM IN NIGERIA

Dr. M. K. Adebayo\* & Dr. Kamal Alhaji Da'ud\*\*

### Introduction

Many solutions to crime problem have been proposed, but few have actually produced the desired results of reducing crime in any significant way. This has lead to a wide spread pessimism of how to actually solve crime problems. A desire to this suggests that there is little or no knowledge about the causes of crime in order to design a crime reduction program. Three ideological orientations toward the crime problem can be delineated: a conservative approach, a liberal approach, and a radical approach. These approaches include a set of general beliefs and assumptions about the causes of and the appropriate ways to reduce crime. The assumptions of each position underline the policies by its adherents, even though the assumption may not always be made explicit. For instance, the "conservative approach" seeks to preserve the status quo from criminals who are seen as challengers to the exiting social order. The conservatives focus on the high cost of crime and criminal justice system. According to the conservatives, a conventional crime for instance is attributed to the lower class and working class who are thought to be improperly socialized or irresponsible. Crime is said to be caused by the defective family structure of the poor and by the failure of those families to inculcate in their children the value appropriate to a law abiding life.

The conservatives concern with the permissiveness and immorality of a group that have high rates of conventional crimes.<sup>1</sup> According to the conservatives, the solution to crime problems is to encourage adherence to the legitimate directives of constituted authority. The means to do this according to the conservatives include the improvement of family life, better discipline, more self control, and harsher and more certain punishment or penalties. The conservatives emphasized on deterrence, incapacitation, and just desert theories of punishment, and rely on the criminal justice system to mete out certain severe, prompt, and just punishment. Conservatives call for a larger more efficient, and less restrained police force; a higher conviction rate in court; and longer prison sentence. Equally, the conservatives are often willing to sacrifice a procedural right of the defendant, and indeed the entire rights of the population, in order to increase the chances of arrest, conviction, and punishment.

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<sup>1</sup> Conklin, J. E. *Criminology* 3<sup>rd</sup> ed. (London, Sweet & Maxwell, 1980), p.510.

The liberal approach on the other hand stresses that crime can be controlled through policies that underlying the causes. They assert that people are the products of social and economic system in which they live. Inequality in power and lack of opportunity for certain groups of person's increases the possibility that more members of the disadvantaged group will engage in behaviors described as criminal by those who hold the power. The liberals' belief that the society can be reformed to in ways that will reduced the crime rate.<sup>2</sup> They attribute conventional crimes as a lower class cum middle class phenomenon that results from poverty, discrimination and oppression. As a result they proposed that educational and vocational training as well as welfare opportunities, job assistance, anti-discrimination laws and community organization can reduce crime rate. According to the liberals, the primary function of criminal penalties should be the rehabilitation of convicted offenders, but with growing evidence is that many treatment programs do not work.

The third perspective on the crime problem is the radical approach which focuses on crime by both the underprivileged and the privilege and attributes crime by both groups to the condition of a capitalist society. According to the radicals, crime problem is regarded as a socially defined product of selective crimes reporting and recording, media attention and preferential treatment by the criminal justice system. The radical approach place most emphasis on white-collar crime and political corruption than do the conservatives and liberal approaches. Conventional crimes are seen as victims of capitalist system, rather than offenders against the society. The radicals shift attention from the criminal offenders to the social and economic system that defines certain behavior as criminal and pushes people into crime by failing to meet their demands and needs.<sup>3</sup> The radical perspective emphasizes justice rather than crime, and looks at the negative implications of values such as competition and material success. The radical perspective offers few specific solutions to crime problem. Other than calling for the construction of new and basically different social system,<sup>4</sup> one that is vaguely described as communist or socialist.

In Nigeria, the nation with all its oil wealth is still seen as one of the poorest in the world. Crime wave in the country has soared to an unprecedented level. Infact, crime is no longer visited only on people on the lower rung of the economic ladder as before; now criminals kill Politicians, assassinate University Dons and go after State Governors. Poverty is still biting hard and our educational institutions have turned training grounds for occultism and schools for crimes.<sup>4</sup>

The commonly or most frequent offences in Nigeria amidst other crimes are: armed robbery cyber-crime and computer crime, street crimes and thuggery, sexual offences/assault. Armed robbery is one of the ugly social vices that exist. The menace is so common because the Nigerian working class is made up of

young people who are skilled labor, semi skilled or unskilled labor. Most of these young men leave school without being employed not because they can't work, but simply because job opportunities where they can fit in themselves are not readily available. Some of them roam the street in search of menial jobs in order to make both ends meet; while the lazy ones in the society is not happy with the system and goes back as an angry mob and turn to armed robbers and other vices too numerous to mention. The spate of armed robbery in the country is increasing exponentially by the day despite the establishment and the presence of Nigeria Police Force charged amongst others with the responsibility of checking armed robbery, does it mean that the members of the Nigerian Police Force are not doing enough. It could be that the police are not yet well equipped to tackle the menace, or there are many bad eggs in the police force that goes as far as collaborating with the armed robbers.<sup>5</sup>

Also notable is the recent crime wave of political killings all over the country that has bedeviled the political arena. The crime has defiled any known solution as at the moment as most of the victims are public figures and their assailants in most cases are people in government who are under disguise of immunity or of some sort or hide under the cover of state security to perpetrate their nefarious activities.<sup>6</sup>

Communal violence and inter party thuggery is also very common resulting a times in killing of uniformed men, raiding and razing down of police stations, setting of road blocks and the helpless situation of the Police Force.

The aims and objectives of this paper inter alia is to examine at closer look different kinds of crime reduction program, the level of implementation of corrective policies aims at crime reduction, proposal for reduction in crime rates, the politics of crime with emphasis on the strategies for solving crime problems; the defects in the various strategies evolved for solving crime problems and making a case for the reform of the criminal justice system, thus minimizing opportunities for crime and dealing generally with the root causes of crime. In addition, the paper will try to decipher why people who are aware of a crime being planned or committed refuse to come out with the information, why some people who knows these armed gangs: gunrunners or assassins will never come forward with the information to the law enforcement agencies?

### The Politics of Crime

For some time now crime has remain a major issue for politicians at national, state, and local level. Those who have made use of crime issue have been the politicians who have adopted a conservative approach with the problem of crime. Crimes flourish where the conditions of life are worst. Reducing poverty,

<sup>5</sup> Chijioke, E. 'How To Tackle Crime Armed Robbery in Nigeria', (WWW document), available at <http://ezinearticles.com/30-Jan-2007>, p.1-3

<sup>6</sup> Akinawo, H. 'The Solution To Political Killings and Other Violent Crimes in Nigeria', (WWW document), available at <http://nigeriaworld.com/articles/2007/jan/204.html> p.1-5.

<sup>2</sup> Clifford, W. *Criminal Control in Japan*, (Lexington, Mass: D.C Health,1976), p.336

<sup>3</sup> Cronin, T.E. *US and Crime in the Street*, (Bloomington, Indiana University Press:1981), p.60

<sup>4</sup> <http://nigeriaworld.com/columnist/uzokwe/htm...2/4/2007> p.1-4

discrimination, ignorance, disease, and urban flight can inspire one great step towards reducing/increasing crime rate.

After the presidential election of 1979 for instance, the main domestic issues is crime. It was contended then that crime could be reduced by strengthening the criminal justice system for instance street crimes, ghettoning and thugery. It is a general claim that the politician who violated the law were no more dishonest than the other politician, but the fact that they had adopted a holier than thou attitude undermined their law and order approach to crime reduction and lessened the political impact of crime issue.

Attending to these is the witnessing of the setting up of various commissions, for instance the National Advisory Committee on Criminal Justice System to look into the underlying causes of crime and then propose ways to eradicate those causes. The claimed that crime is a way of life that some people consciously choose, not usually because they are seeking for bread for their family, but because they are driven crazy for desire for stuff they will never be able to afford. Further, that criminals commit crime because it is easy and not difficult, and who believe for instance that they are entitled to what they steal.

Many governments are unable to provide information on the situation of crime in the country. No proper data collection due to limited capacities and resources of national authorities. The non-reliable information contributes to the limited attention devoted to solving crime and safety problems. There is need to establish a data based statistic on crimes; a bibliography on crime; crime conventions and the need to monitor the activities of the criminal justice system from different geographical and cultural backgrounds. The United Nation Office on Drugs and Crime proposed activities to be developed to analyze and disseminate data on crime:

- a. This is to increase responses to institutional questionnaires on crime; the programmes will follow the traditional approach of training and workshops, and identifies needs for improvement of the quality of data, and networking.
- b. Implementation of national crime survey.
- c. Compilation of data following a standard questionnaire and methodology that can be implemented by any institution;
- d. Funding to cover activities of anti-organized crime organization, for instance the EFCC and the Nigerian judiciary.<sup>7</sup>

Equally, people are not willing to report known criminals or any planned attempt to commit a crime. This is so because the police community relationship in Nigeria has broken down drastically. This may be due to the atmosphere of mutual mistrust, mainly due to the attitude and tactics/antics of the men of the police force. Largely, it may due to the misconception and misunderstanding of

the police force roles and limitations in combating and prevention of crimes. An average Nigerian does not see the difference between an armed robber and policeman. They perceived the police to be corrupt, unhelpful and unhelpful even though there are many honorable men in the police force.<sup>8</sup> These attributes are not far fetched, the Nigerian police since colonial days have been trained to loose self-respect, self dignity, and self confidence. That was deliberate because the colonial masters wanted them to feel inferior; that was why the white policemen called themselves Superior Police Officers. The black policemen needed were just men that could brutalize the indigenes into submission; the only requirement then for entry into the force was the ability to brutalize; that was why the first set of recruits into the force were basically "thugs", they were not introduced into the police science courses such as human relations, civil rights and liberties of persons.<sup>9</sup>

### **Crime and Criminal Justice System**

Over the years, there are proposals aimed at reducing crime by means of reforming the criminal justice system. These proposals deal essentially with the kinds of behavior over which law should or should not have jurisdiction and with the operation of the Police, the Courts, and the Prison. Some critics suggested that the criminal justice system will be more effective if it gives up jurisdiction over certain kind of behavior for instance those offences that are consensual "victimless crime" and lack a complaining partner. The argument for this is premised on the ideal that change in the principle of retribution requires that acts that harm no one should not be punished more so the limited resources of the criminal justice system should not be applied to conventional crimes only.

The judiciary as an institution in the administration of the criminal justice system had several problems too, ranging from inadequate court rooms and dilapidated walls; few judges and magistrates to man increased number of cases in court; judicial officers were and are still ill-equipped and poorly remunerated; corruption became rampant particularly at the lower bench; outdated law libraries; all these factors made the administration of justice very alarming as little or no progress was made in dispensation of justice. Likewise, the prosecutions, the police and the prisons services were extremely poorly funded. Accused persons don't get brought to court regularly, witnesses and complainants lost interest in their cases due to protracted adjournments; cases got stalled and the accused persons were either released without detention or kept endlessly awaiting trial.<sup>10</sup>

Another suggested reform of the criminal justice system often focuses on how effective the Police can effectively combat crime, though there is little evidence that the influence of the Police do have any effect on crime rate

<sup>8</sup> Akinnawo, H. *Op. cit.* p.2

<sup>9</sup> *Ibid*

<sup>10</sup> Lagos State Government, 'Achievements of the Ministry of Justice' available at <http://www.lagosstate.gov.ng/ministry/justice/>, 29<sup>th</sup> January 2007 1-3

<sup>7</sup> United Nations Office on Drugs and Crime 'Data for Africa', available at <http://www.unodc.org/unodc/en/dra.html> of 28 Jan 2007, p.3-7.

policing the fight against crime can be divided into four components: intelligence, investigation, active policing, and prosecution.

There should be a decentralization of policing. These four components above should be credited to four main agencies, but it should be appreciated that some crimes stand out as unique and may require additional agencies for enforcement; for instance the crimes of corruption and drug dealing. The NDLEA and EFCC have proven themselves in these fields and should be kept in place. The power of active policing should continue to be exercised by a New Police Department to be called the department of 'public safety' which would be divided into three broad divisions i.e: community police; mobile police and the road safety division,<sup>14</sup> the community policing policy should be implemented by deploying at least 60% of the present active police force to their local government of origin and developing household policing on the grassroots level to re-established the bound that should exist between those protecting and the protected. There should also be efforts to eliminate the barracks system for community police officers, they should live among us and witness the horror of crime instead of holing up in the dirty dingy police barracks. Perhaps the potential robber will think twice before robbing an area if policemen live there and may be the few remaining barracks will be neater if the senior officer and mobile police force are the occupants.

To reduce the fear of ethnic domination, it is suggested that the officers department of the police should be excluded from this arrangement and be allowed to freely move within the 779 local government areas of the country. This will encourage free flow of ideas, command structure discipline and will allow for gradual decentralization of the present centralized police force. The road safety corps and the highway patrol division of the police force should be merged, armed and rid off corruption. They should ensure speed limit and traffic offences, desist of roadblocks and bribe collection. The mobile police force should be a rapid response squad that should report to the respective state governors and decelerate the alarming growth rate of crime.<sup>15</sup>

A new non-uniformed agency of educated and talented young Nigerians should be formed to handle the task of scientific cum forensic investigation of crime that is presently non-functional in Nigeria. The task of investigating crime scientifically and intelligently should be handed over to a reformed Federal Investigation Bureau comprising of Scientist, Doctors, Lawyers, or criminologist with well-equipped laboratories, new training college and the new methods of unearthing criminals in this country. Furthermore, the present state security services should continue to function as an internal security and intelligence agency. It is suggested by the writers that a National Intelligence Agency be created similar to the MI-5 of the Great Britain that will serve our national interest in the long run. This will upgrade the functions our internal and external security coverage that will ward off terrorism and ethnic militancy.

<sup>14</sup> *Ibid* at p.2

<sup>15</sup> *Ibid* at p.3

Also, the court system is yet another area that should be reformed too. The power to prosecute suspects in Nigeria lies exclusively with the Attorney General or his/her subordinates be it federal or state. As such, the office of the public prosecution should continue to exist under the Ministry of Justice to try criminals. In addition, the power to prosecute should also be credited to the specialized agencies so that they can fully marshaled limited national resources on these major fronts in the war against crime in our fledgling society. The vision should be a justice system that is efficient, pro-active, fair, merit driven, corruption free, modern, affordable, and capable of deliver of a quality comparable to the best anywhere in the world. The policy thrust should include full implementation of the self accounting policy for the judiciary, addressing causes of delay and congestion in courts, improve the welfare and remuneration of judicial officers and also improve the infrastructural facilities in the judiciary; for example refurbish the courts, recording equipment, and computers.<sup>16</sup>

The activities of these agencies should be closely monitored to ensure that they converge with the national policy aim at reducing crime, treating suspect humanely and executing justice in a rapid and precise manner. This will increase confidence in our citizen in a government that works for everyone, that deploys national security in a cost effective manner and that truly prides productivity over connection and efficiency over noise making.

### **Situational Crime Prevention**

The crime situation in Nigeria has become so alarming that an urgent solution is required if at all any socio-economic progress is to be made. Nigerians are known to be peace loving and nice people, but violent crimes over the years have cut down these peace and fun. Tourists are even afraid to visit the country. This is rather unfortunate taken into consideration the fact that these armed gangs are few and they live in the society amongst us. When they go for one operation and become successful, they become emboldened and yet they go for another. The psychology is catch me if you can.<sup>17</sup>

Situational crime prevention involves specific form of offences that involve the management, design, or manipulation of the immediate environment in a systematic and permanent way as possible so as to reduce opportunities for crime and increase its risk as perceived by a wide range of offenders. These strategies involve target hardening, self-protective measure, informal social control, and community crime prevention.

Target hardening is one approach to reducing crime opportunities by making it difficult for an offender to carry out a crime against a particular target. This includes the installation of bars and locks on doors and windows, the use of spotlights, the purchase of guard dogs and the use of alarms. The measures might reduce the chance that the target hardened building will be burglarized,

<sup>16</sup> Lagos State Government, *Op. cit*, p.3

<sup>17</sup> Akimawo, H., *Op. cit*, p.2

but it is likely that a burglar who is motivated to steal and who perceives a low risk of arrest will simply move to another less well protected target. A variation from one target hardening is to remove from the home properties that are likely to be stolen by burglar. For instance, target hardening measures have been proposed as a means of reducing computer crime. Traditional safeguard against unauthorized access to computerized information have been passwords and other electronics lock, but these efforts to protect information have been neutralized by "hackers" and by more experienced professional computer operators who guess or steal passwords to gain access to information. Passwords as a means of target hardening against computer crime have not been very successful, for instance as the number of personal computers have grown. A new technique to make computers more impermeable has been developed: 'encryption'. This method translates information into code so that even someone who gains access into the information in the computer cannot interpret its meaning; so far this method has not been widely used.<sup>18</sup>

Another approach is self-protective measure, which are like target hardening, for they are designed to make it more difficult for offenders to perpetrate a crime successfully against an individual. For example, the sale of firearms after urban riot and during crime wave is based on the belief that gun owners will be less likely to be victimized, or more likely to be able to resist successfully if they are attacked or robbed. People also buy dogs and take karate lessons to reduce their risks of victimization. Another approach is informed social control over criminal behavior. This may be done through defensible space architecture, though this method may be of limited value. Others have proposed increase of street lighting which make public places more visible at night and draws to those places more people, which in turn enhances more informal control. Alternatively is to increase surveillance by increasing people's awareness and perception that the streets are safe and that un-civil behavior in their community is rare. Effective informal control suggestion requires that people can be counted on to take action against criminals by intervening in a crime or by reporting an offence to law enforcement agents.

Furthermore, is community crime prevention. This involves the organization of the community to reduce crime. Changes in the community would reduce fear of crime and thereby enhance informal social control.<sup>19</sup>

### Dealing with the Causes of Crime

Trying to reduce crime by relying on the criminal justice system is like relying on therapeutic or curative medicine rather than preventive medicine to deal with disease. For instance sick people do need help, but research into the causes of disease can lead to a more effective treatment methods and may even suggest ways to prevent the disease from occurring in the first place. A search for the

<sup>18</sup> Fairchild, E. and Webb, V. J. (eds.) *The Politics of Crime and Criminal Justice*, (California, Sage Publications, 1985) p. 557.

<sup>19</sup> Gordon, D.M. 'Capitalism, Class, and the Crime in America', *Crime and Delinquent Journal* 19 (April 1973) pp. 163-186.

cause of the disease may in the short run be more costly than using traditional methods of treatment, but the long-term benefits of a successful search for the causes of a disease may be greater. Similarly, finding the cause of a crime and attacking them is a more efficient way to reduce crime than waiting for crime to occur and then using traditional methods to deal with the offender.

The causes of crime are not easily eradicated; social conditions are not easily changed. The solution to crime problems seems to lie with the policies that deal with the underlying causes of crime. A critic of this approach suggest less emphasis on the causative factors of crime like poverty, low education, youthful bravado, relative deprivation, social isolation, peer group influence, habitual drug use and so on, claiming that this approach will involve massive social transformation. However, such factors distinguished societies with high crime rate from those that have low crime rates. This distinction would be a useful strategy for reducing crime rate and development of policies that directly affect those causes.

Countries undergoing economic development, like Nigeria usually experience significant increase in crime rate, necessitating the need for policies that reduce unemployment, stabilize the economy and provide technical skill and job counseling, thus suggesting a link between crime rate and unemployment. Economic changes might also reduce crime rate especially white-collar crimes. Conflict theorists claim that it is the capitalist system itself that is the source of white-collar crime, as well as conventional crimes and only the elimination of privately owned means of production can solve this problem. In a sense, this may be true, but socialist alternatives create problem of their own particular the difficulties in which crimes against socialists properties, counterfeiting, and bribery are committed that results from its efforts to curb capitalism.<sup>20</sup>

Nations that have low crime rates usually have less relative low deprivation than nations with high crime rates. One explanation of this inequality and crime is that gross economic measures to reduce the gaps between the poor and the rest of the population will reduce crime. However focusing on poverty alleviation will not necessarily reduce inequality, because of problems with anti-poverty programmes. In sum, relative deprivation and people's expectations seem to motivate them to break the law to a greater extent than absolute poverty, and policies to reduce poverty, although beneficial in other ways, may not curb crime in any dramatic way.

The processes of social change can also reduce crime by policies that minimize the disruptive effect of social change. For instance, internal migration and urbanization trends are usually associated with rising crime wave. Political factors and ideology too can be conducive to low crime rates through revolutionary trends and policies. Nations with low crime rates often have neighbors that are socially integrated thereby increasing the attachment of individuals to each other and reducing crime by increasing their faith in the

<sup>20</sup> Wilson, J.Q. *Thinking About Crime*, (New-York, Basic Books, 1983), p. 86

conformity. Socially integrated neighborhoods make the surveillance of behavior more likely and can reduce crime through the fear of being observed, reported, and arrested; programmes that strengthening community ties might reduce crime rates too.

The family is another institution for reducing crime. Where close attachment exist in the family between children and their parents, whose psychological presence curbs the children's tendency to crime and juvenile delinquency. Where the family is organized in a hierarchical order, there is emphasis on respect for elders while providing parental affection for the children; these will produce low crime rates. Children should be groomed to have good opinion of their family, avoid bringing shame on the family; creates investment conformity. Policies might be devised and implemented to strengthening family ties. Family treatment programmes could focus on child and spouse abuse, which are crimes themselves and seems to lead to crime by people who were abused as children. There is evidence that family intervention strategies can reduce delinquency if they treat children when they first get into trouble with the law. Focus should be on the child's family and school experiences and keep the child in the community. These methods teach family members to communicate better with each other and to resolve conflicts. However, these may not seem to work well with children whose behavior is extremely disruptive or with severely disturbed families and it may be those families that are most likely to produce delinquents and criminals. One possible policy is to provide an instruction on child rearing to school or to prospective parents. Teachers and schools administrators can teach child rearing by examples, because they interact with schoolchildren on a daily basis, monitor their behaviors and mete out punishment for misconducts.<sup>21</sup>

The school also serves as an important influencing factor reinforced by schools and government run play centers who tie children to adults who have authority. Schools and play centers also reduce the time available for children to engage in delinquency and minimize boredom that has been cited as a cause of delinquency. Rates of crime and delinquency can be reduced through changes in the school system.

The school is an institution that cut across all communities, classes, racial and ethnic groups and it's often a center for social activities for community residents. Because young people are economically superfluous and are isolated in schools, it is a particularly good place to provide them with a legitimate identity and social attachment. Most schools need smaller classes so that students can be dealt with on individual basis by teachers. Reforms that tie students more closely to school and their teachers may create a psychological presence that keeps young people from violating the law.

Revision of schools curricular could also help reduce crime and delinquency. Courses could be made more relevant and interesting in order to strengthening student's attachment to the school. Non-academic curricular

programmes could also help reduce crime; experiences such as survival training in the wilderness or contact with elderly people in the community might broaden students' perspective and improve their self confidence. Programmes that strengthens a sense of personal responsibility and create empathy with others could reduce crime and delinquency by undermining the ability to use techniques of neutralization to justify violation of the law. Juveniles could also be provided with access to goods and services they now seek through criminal behavior.

In addition, efforts to eliminate racial and ethnic discrimination that denies minority groups equal access to valued properties/opportunities can help solve crime problems; because the minority groups often contribute disproportionately to society's crime rate. Discrimination weakens a group's attachment to the conventional social order, increasing the chance that it will have a high rate of crime. Disenfranchment or obstacles placed in the way of the right to vote deny political power to a minority group and this weakens its ties to a political system. Schools that are segregated or poorly funded provides minority with an inadequate education and leave them unprepared for a good job; this reduce their attachment to teachers and schools and makes it less likely that they will find jobs to which they can form strong ties. Job discrimination that means that minority group members are the last hired and the first fired, may keep them from developing loyalty to employers.<sup>22</sup>

### Conclusion

Eliminating the motivation to commit crime may be the most effective way to reduce crime rate in the long run. In the short run, the expression of this motivation may be minimized by developing informal self control mechanism that induce people to conform to the law by creating a legitimate identity, a sense of competence and personal responsibility. Social policies can create a new stake in conformity that makes rewarding a law-abiding way of life and the risk of criminal behavior great enough to reduce violation of the law. Increasing harshness or certainty of punishment seems likely to reduce crime than policies that makes it more rewarding to abide by the law. Policies that strengthen the institutions that tie the people to others whose good opinion matters to them are likely to be effective in reducing crime rate in the long run.

Erring members of the Nigerian Police Force should be fired for being incompetence and necessary restructuring of the Nigerian police force should be restructured and new welfare pay package be implemented.<sup>23</sup> Also a welcome development is the setting up of the Presidential Commission on Security on October 1<sup>st</sup> 2011; to address the Nigeria twin problem of how the Nigerian ethnic and religion communities can leave together and how the plural society is to be governed. Commission is also to proffer solutions to the numerous problems of ethnic clashes; cry over marginalization; the politics of resource control; arms

<sup>22</sup> Atiku, A. 'Campaign For A New Nigeria', *Sunday Tribune Newspaper* 26<sup>th</sup> November 2006, p.4

<sup>23</sup> The Nigeria Police, 'To Serve and Protect with Integrity', (WWW document), available at [http://www.police.gov.ng/index\\_4th\\_February\\_2007\\_p.2](http://www.police.gov.ng/index_4th_February_2007_p.2)

<sup>21</sup> Cullen from T. F. and Gilbert, K. E., *Reaffirming Rehabilitation*, (Ohio, Anderson; 1982), p.33

trafficking; politicization of religion; and violent crimes and general insecurity in the country.<sup>24</sup>

More so, is the personal conviction of the writers that no crime is too difficult to detect or prevent; the main ingredient needed is a very good police-community relationship since these criminals resides within us; and no crime is planned or committed without someone knowing about it.<sup>25</sup> The police training must be more adequate and accurate; we should have a police organization that is focused on intelligence gathering. Also, the National Assembly should approve a special fund for the acquisition of modern police equipments. For example, the police needs equipment like cameras, print machines, and finger prints equipments for the processing of suspects.

They say to whom much is given, much is expected and to whom less is given, less should be expected too, but this is not the case with the Nigerian Police; less is given to them but much is expected. The police as an organization for combating crime remain more financially abused by the government; indeed, there is the urgent need to improve the lot of policemen/women in Nigeria. Thus, if the above recommendations are implemented to the later, Nigeria will have a police organization of our dream and we will all be able to sleep and move freely peacefully. This is why the recent inauguration by the Federal Government of a Presidential Committee on Police Equipment Fund with a charge on public and private sector to assist solve the socio-economic and political problem affecting the nation is a welcome development. Inaugurating the committee, the then Minister of Police Affairs, Mr. Broderick Bozimo expressed the view that the new development would solve the basic needs of the Nigerian Police Force and reposition it for sustainable efficiency in the performance of its statutory responsibility to the Nation. According to the Minister, the public perception of the force had to be worked in order to create a people-oriented police. The fund according to the Minister would be utilized in promoting community policing, body armors, helicopters, vehicles and communication equipment as well as armaments for the police.<sup>26</sup>

As an active member of the International community, Nigeria has acceded to all international initiatives on the control of transnational crimes, and has adapted the spirits of these initiatives into its domestic legislations. Appropriate policies have been formulated and institutional structures established to control the menace of these crimes. Recently, Nigeria ratified the Convention Against Transnational Organized Crime.<sup>27</sup>

<sup>24</sup> Omoruyi, O. 'Presidential Commission on Security is Not the Answer', available at <http://www.nigerdeltacongress.com> p.2

<sup>25</sup> Akimawo, H., *Op. cit.*, p.4

<sup>26</sup> Nigeria Government, *Op. cit.*, p.14

<sup>27</sup> Uwias, M. L. 'Crime and Justice: Challenges of the New Millennium', Paper Presented at the 10<sup>th</sup> United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Vienna-Austria, 10<sup>th</sup>-17<sup>th</sup> April, 2000), p.4

## PLEA BARGAINING AND NIGERIAN CRIMINAL JUSTICE ADMINISTRATION SYSTEM

B. E. Ewulum \*

### Introduction

The issue of Plea Bargaining has been a controversial one. Many people and indeed commentators have argued that Plea Bargaining is an illegal attempt at politicizing the prosecution of those involved in crimes of corruption in Nigeria. It has also been argued that Plea Bargaining does not enhance sufficient punishment in the fight against corruption.<sup>2</sup> Yet others have seen it as an escape route for the political class accused of corruption.<sup>3</sup> Many yet argued that it could be likened to extortion,<sup>4</sup> while some others believed that it will encourage others to steal public funds.<sup>5</sup>

However, be that as it may be, we do not intend to answer all the questions raised by critics. We seek instead to show that despite all these controversies, the principle of plea bargaining is not alien and has come to stay in our Criminal Justice Administration system as one of those tools required for the efficient, effective and speedy dispensation of criminal justice and further, it is a means of decongesting our already congested Court dockets and prisons. We shall attempt a working definition of the term 'plea bargaining' and make reference to its historical background. We shall then make reference albeit in details to Nigerian Legislations providing for Plea Bargaining. Finally, we shall draw our conclusions and make recommendations.

### Definition and Historical Background

The term Plea Bargaining could be defined as the process whereby the accused, the defendant and the prosecutor in a criminal matter work out a mutually acceptable disposition of the matter, subject to Court's approval even though the court is not a part of the negotiation leading to the agreement.<sup>6</sup> Plea Bargaining more or less can be said to have originated from the United States Criminal Justice System as it is a veritable instrument in their quest for law and order. As a result of its efficiency and flexibility, it has been the standard tool for securing convictions for the last 100 years. Simply put, the history of plea bargaining is

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<sup>1</sup> Ayobami Adepoju, "Plea Bargaining another Rape in Progress" *ICPC Newsletter*, (2005). This is just but one person's view of the 'evil' called Plea Bargaining. More people have commented on it including eminent Nigerians like Bola Ajibola and Olu Falae. There is also the current disagreement between the Chief Justice of Nigeria and the Nigeria Bar Association over the issue of plea bargaining.

<sup>2</sup> Victor Ngwoke, (2007) Opinion in *Vanguard Newspaper* of 10<sup>th</sup> October, 2007

<sup>3</sup> Danieli Wushishi, "Plea Bargain: Escape Route?" *This Day Newspaper*, June 18, 2008

<sup>4</sup> Bola Ajibola SAN, (2007) Interview in *Punch Newspaper*, August 5, 2007

<sup>5</sup> Olu Falae, (2007) Interview in *Punch Newspaper*, August 5, 2007

<sup>6</sup> B. E. Ewulum, *A Case For the Adoption of Plea Bargaining into the Nigerian Criminal Justice Administration System*, (Nnamdi Azikiwe University, Awka, Anambra State Nigeria, 2009).