

TECHNIQUES AND CONTROVERSIES IN THE INTERROGATION OF SUSPECTS BY THE NIGERIAN POLICE

Richard A. ABORISADE & Sunday S. ADEDAYO

Department of Sociology, Olabisi Onabanjo University
Ago Iwoye, Ogun State, Nigeria

Abstract

This paper focuses on the reoccurring controversies that have trailed the techniques of Nigeria Police in investigating, interrogating and eliciting confessions from crime suspects in the country. Human rights organisations and other stakeholders have continued to report that “confessions” obtained from suspects through torture by the police are still admissible and used in courts as a basis for conviction. Drawing from Charles Tittle’s Control Balance Theory, this study examined the perspectives of law enforcement officers on suspects’ treatment and interrogation techniques while under their custody. A qualitative survey of 37 investigators purposively selected from 12 police stations, four divisional police headquarters in Abeokuta, Ijebu-Ode and Sagamu, as well as the Ogun State Police Headquarters was conducted. Police investigators debunked engaging in indiscriminate arrests in public areas, stating that they only act on prior information. Provisions of basic needs to detainees are grossly inadequate as their welfare is left to the benevolence of police officers, complainants and suspects’ families. The interrogation tactics deployed by the investigators include throwing accusations at suspects, identifying contradictions in the suspect’s account, winning the trust of suspects to get confession, wearing out suspects through lengthy interrogation, use of threats and deception. However, all investigators denied the use of physical force and torture in eliciting confession from suspects. High-pressure investigative tactics by the police should be addressed through the deployment of modern investigative techniques, equipping the police appropriately for best practice investigations and ensuring effective police accountability and control system nationwide.

Keywords: Human Rights, Interrogation, Nigeria Police, Techniques, Torture

Introduction

Spotlights of scrutiny have been cast on the processes of interrogation of suspects by the Nigerian Police in recent years. This, largely, is attributable to the avalanche of reports, accusations, and counter accusations levelled against the police in respect of its conducts in fulfilling its duties of arresting, interviewing, and interrogating suspects as parts of processes of securing convictions against the guilty and freeing the wrongly accused (Amnesty International, 2016; Aborisade, 2017). However, in the process of doing this, there have been a steady stream of stories of extortion with relative impunity, relying on

torture as a principal means of investigation, extrajudicial killings of suspects in detention and other human right abuse of suspects under interrogation (Premium Times, 2016; Pulse, 2016; Aborisade, 2017). Many of these stories inundating newspapers and television news media on a regular basis recount gory tales of physically abusive interrogations of children and adults, including many who were cognitively impaired, and in some cases, psychologically traumatizing experiences for arrestees (Network on Police Reform in Nigeria, 2010; Human Rights Watch, 2012; Amnesty International, 2014).

Two Nigerian human rights organizations, the Network on Police Reform in Nigeria (NOPRIN) and the Human Rights Social Development and Environmental Foundation (HURSDEF), continue to report that “confessions” obtained from suspects through torture by the police are still admissible and used in courts as a basis for conviction (Amnesty International, 2016). These reports have brought about considerable concerns and condemnations of the techniques deployed by the police in investigating criminal cases in the country (Owen, 2014; Ajayi, 2014). Meanwhile, the Nigeria Police has consistently denied the use of torture or any inhuman treatments as investigative techniques in its procedure. In particular, the Police rejected the report of Amnesty International, describing as ‘false and misleading’ (Premium Times, 2016).

On the 4th of September, 2017, there was a widespread newspaper report of an arrest of a woman, Blessing Taiwo, for alleged theft of \$50,000 on the order of her boss Abiola Osagie (The Punch, 2017). Although the case bordered on alleged theft, it was transferred to the Anti-kidnapping and Anti-Cultism Squad for further investigation after the Ikoyi police division could not find any evidence linking her to the theft, and on the insistence of the complainant that Blessing is culpable. In order to secure her release, the sum of N2m which was negotiated to N70,000 was demanded from the accused. Eventually, it took the intervention of the Office of the Lagos State Police Public Relations Officer and an Assistant Commissioner of Police for the woman to be granted bail. In spite of the intervention of the high ranking officers, Blessing parted with N50,000 before her release while her phone was seized pending her payment of N20,000 outstanding of the bribe demanded. Blessing’s case is one of the most recent cases of abuse of police procedure in investigating and interrogating suspects of a crime.

In its year 2016 report, Amnesty International came out with a damning verdict against the Nigeria Police, especially men of the Special Anti-Robbery Squad (SARS) across the nation, by stating that torture is the only form of interrogation and means of extracting confessions from suspects (Amnesty

International, 2016). The body described the use of torture by the police in the country as a very lucrative business that serves to enrich officers who demand a bribe for freedom. The research conducted by the body uncovered “a pattern of ruthless human rights violations where victims are arrested and tortured until they either make a ‘confession’ or pay officers a bribe to be released.” According to the report, some of the common ways of extracting confessions during interrogation are starving detainees, shootings, beatings, hanging and mock executions. The recent survey and findings of Amnesty International are in consonance with past outcomes of survey conducted by some other government and non-governmental bodies. For example, in 2008, a presidential commission on the Nigeria Police Force headed by former Inspector-General of the Police (IGP) Mohammed Dikko Yusuf concluded that policing in Nigeria was characterized by a pattern of “unlawful arrest and detention, extortion, rape, torture, extrajudicial killings and other forms of brutality” (Human Rights Watch, 2012). In addition, a former IGP Ibrahim Coomasie accused the police of ‘barbaric treatment of Nigerians’ in the process of arresting and conducting interrogations (NOPRIN, 2010).

While it is necessary to shed light on the problems associated with interrogation techniques of the Nigeria Police, as research has done in other climes, it is also important to know the extent to which the cases that come to public light represent practices that are “common” or “extraordinary.” Although, researchers have considerably learnt about interviewing, interrogation, and elicitation of confessions, there is however, paucity of knowledge on police interrogators themselves. In light of the steady stream of coerced and false confession stories in the news, some of which feature gory tales of lengthy interrogations and the use of high pressure and tortuous tactics, it is important to gain insight into police perspectives on how common the problems, in addition to the methods they use often. As a way of filling this gap in knowledge, this study is designed a qualitative survey with the purpose of examining the perspectives of

law enforcement officers on suspects' treatment and interrogation while under their custody.

Police Interrogation: Conceptual and Theoretical Framework

It may not be a huge surprise if the generality of Nigerians are unaware of the conceptual difference between interviewing and interrogation as essential aspects of investigative process for law enforcement officers. This is premised on the common belief that once an individual is been summoned by the police, that individual must have committed or is an accessory to a crime. Also, it is a product of the way police officers go about their investigative activities, which oftentimes does not reflect the difference between interview and interrogation (Ajayi, 2014). Police officers are taught by interrogation manuals and training programs to make use of psychological tactics and strategies for the heightening of suspects' stress and anxiety and to manipulate their vulnerabilities to obtain confessions (McMullen, 2005).

According to Dempsey (2003:48), "an interview is a conversation intended to elicit information." Generally, interviews are non-accusatory. During the course of an investigation, the investigator will conduct interviews with all available witnesses and potential suspects. Open-ended questions would be asked by investigators during interviews in an attempt to elicit as much information as possible. The interview subject should do most (75%) of the talking during the conversation (Reid & Associates, 2001). On the other hand, an interrogation is the process by which suspects are questioned as regards to their involvement in the activity that led to the investigation. The interrogation will entail the interviewer accusing the suspect. It may be scheduled at the conclusion of the investigation, after all of the evidence has been considered. There are also times when, depending on the behaviour of the suspect, an interview will change into an interrogation. This is a step that should not be taken with levity, as once the tone of the conversation has moved to accusatory, it is virtually impossible to stop and go back to

interviewing. In the interrogation the investigator will do most of the talking. The questions asked of the suspect will be more direct and less open-ended.

It is required that members of law enforcement agencies relay certain warnings (established by the Miranda Rule) prior to any custodial interrogation. These warnings include the privilege of the suspect against self-incrimination and his or her right to the presence and advice of an attorney. An interrogation is considered custodial when the suspect has been taken into custody or one has been deprived of their freedom to leave in any way (Barron, 1991).

In the process of interviewing and interrogation, it is critical to analyse the specific context in which acts of police brutality and other misconduct occur. The theoretical consideration for this study bothers on examining the cognitive and situational factors that influence the likelihood of unpleasant public-police encounters and/or police misconduct by referring to Tittle's (2004) refined version of the Control Balance Theory. Tittle (2004) maintains that the act of deviance is the "product of control balancing" (p. 404). Control ration is one of the key casual variables; it refers to "the total amount of control (one) can exercise, relative to the control to which (one is) subject" (Tittle 2004: 397). The assumption of the theory is that when the control balance is upset, the probability that one will engage in deviant behaviour increases. Accordingly, when the "control ratio" is balanced, the probability that one will act in line with conformity increases (Hickman, Piquero, Lawton, & Green, 2001).

There are a few important concepts of the Control Balance Theory which need to be further elaborated in relation to police violence: seriousness, control balance desirability, control ratio, opportunity, constraints and self-control. "seriousness" refers to the possibility of a deviant act to generate potential counter-controls, which will act to reduce one's level of overall control. It is "a quality inherent to (the) deviant act" itself, but the theory also recognises the perceptual variations and

subjective interpretations across individuals in calculating the degree of the seriousness attached to a given act (Tittle 2004:403). "Control balance desirability" refers to a continuum which embodies "aspects of deviant behaviour that bear on maximisation of control manipulation, which involves long-range outcomes and effective escape from counter control" (Tittle 2004: 406). This may be estimated objectively or subjectively when one determines whether he/she should commit a deviant act.

"Control ratio," "opportunity," "constraints," and "self-control" are the four variables that determine the "control balance desirability." The first variable consists of personal and social control factors which an individual tries to maximize. It is, as Tittle (2004) argues, the strongest determinant when interfaced with the fact of imbalance, as it "predisposes a person or social entity to become motivated for deviance" (p. 411). The "opportunity" variable acknowledges the basic fact that "deviant acts cannot occur unless they are possible" (Tittle 2004:412). Within a range of possible lines of behaviour that satisfy the "control balance desirability," police brutality is only executable when there exists a realistic situational condition to victimise a certain entity. For example, attacking a low-income person on the street is unlikely if the officer does not come to patrol on the street where the person stays. On the contrary, the "constraint" variable acknowledges factors that may set back the desired control balance ratio (i.e. loss of control) as a composite variable which encompasses the "seriousness" of an offence and the situational risks that are involved in the deviant act. This does not imply that objective rational calculation is in place. Rather, it suggests that one behaves pursuant to his *subjective* interpretation of his current level of control and the *perceived* costs and benefits of a deviant act (Tittle, 2004).

This overall concept of control is an especially important one in the policing occupation, as officers' roles in maintaining social order and controlling the population for law enforcement comes with their state-granted monopoly on the legitimate use of force (Fry & Berkes, 1983). Permitted to exercise a

significant amount of authority, they are also subject to a great degree of internal and external counter-controls (i.e. ones exerted by the media, the public, or the chief of police; Harris, 2011). Inevitably, police on duty constantly debate the precise boundaries of the legitimate use of force and the degree to which they exert control over civilians. Put differently, if officers perceive greater risk of punishment for engaging in illicit violence, he will be less likely to abuse his authority against innocent civilians (Lersch & Mieczkowski, 2005).

Organisational subculture is an example of a potential force of "constraints" within the police institution. If the subculture which the officer belongs to tolerates the illegitimate use of force during interrogation, it is very likely that he considers this behaviour to entail low levels of "seriousness" and "constraints." In fact, informal social control seems to be one of the most critical factors that influences officers' behaviours during interrogation, more so than other factors, since the nature of police work is that of "low visibility" (Frank, 2009:734) and is subject to a "relative lack of (formal) supervision" (Lersch and Mieczkowski, 2005:561). These working conditions are evidently an indication and a result of inadequate checking and counterbalancing measures. This is in alignment with the Conflict perspective- the first pillar of the integrative theory- that the police institution is inherently oppressive and is the tool of the elites.

The notion of role-taking derived from Symbolic Interactionism also illuminates another factor that affects one's pursuit for the "control balance desirability." As such, when officers endorse the "crime fighter" self-identity, they are more likely to place their appropriate and deserved level of control higher. Organisational subcultures and occupational subcultures which emphasises the "crime fighter" image of the police force further heighten this tendency. The attitudes of citizens- specifically those of disrespect, disobedience, and hostility- may escalate the likelihood of an officer exerting disproportionate authority and aggression in order to reset the "control ratio" to the desired balance. In fact, many studies have empirically demonstrated that the disrespectful demeanour

of a citizen is the greatest predictor of unpleasant police-civilian encounters (Friedrich, 1980; Lersch & Feagin, 1996; Westley, 1970).

Lastly, this theory also recognizes the function of emotion that affects this cognitive decision-making process when an officer determines whether to use illegitimate force. As Tittle argues, the more one is able to control himself, the more capable he is to accurately calculate the short- and long-term “seriousness” and the cost-benefits of control when engaging in deviance. This conception is called “self-control,” and varies from person to person. It is the “strong urge to do something right then, and they often imagine that certain immediate actions that they might take will feel good, will be empowering, and will turn their feelings from denigration to superiority”(Tittle 2004:415). In other words, poorly controlled officers are more likely to be provoked into an act of immediate violence by citizens who do not display the expected signs of obedience and respect. Altogether, this last variable of “control balance desirability” and Tittle’s emphasis on subjective perception accounts for the individual variations among the police officers, which the two previous theories under-represent.

Methodology

Although researchers have learned a lot about interviewing, interrogation and the elicitation of confessions, however, published survey of police interrogations themselves remain limited. Therefore, this study is focused on extracting information from Police Commands in the selected research areas. The research was sited within the Ogun State Police Command under the Zone 2 Police Command comprising Lagos and Ogun States. As at the time of this study, Ogun State had an estimated population of 3,728,089 according to the 2006 Population census figure and police staff strength of about 7,107. Aside from the Police Headquarters, Eleweeran, Abeokuta that was included in the study, police divisional headquarters in two Ogun State cities of Abeokuta, Sagamu and Ijebu-Ode were also included. The selection of police offices in these three cities was premised

on convenience and assurances from police contacts that information about the study will be accessible.

The participants of this study were 37 investigators from 12 police stations in three Ogun State cities of Abeokuta, Sagamu and Ijebu-Ode ($N= 26$), four Divisional police headquarters in the purposively selected cities ($N= 8$) and legal officers at Police State Headquarters, Eleweeran, Abeokuta ($N= 3$). All participants were recruited from major jurisdictions on a voluntary basis, through known contacts, even though approval for the research was granted by the office of the Commissioner of the Police, Ogun State. They were then purposively selected for interviews based on their statuses, job roles as investigative officers in their various units, years of experience and willingness to be part of the study. Initially, the study was designed to be quantitative in nature considering the number of police investigators in the Zone 2 command. However, the reluctance of police officers to fill questionnaire was evident during the pilot study. The researchers were then advised by contact police officers to make use of interview methods instead, as many officers will be averse to filling out information about what they consider confidential and strict police affairs. Officers that volunteered to be part of the study were informed that the exercise would take about thirty minutes to complete and were assured that they would not be asked to provide identifying personal information. All contacts gave verbal consent to the research and they were assured that the goal of the research was to determine what beliefs and practices are common- not to compare and contrast specific individual investigators or police stations, or point fingers at those whose activities depart from the norm.

The study was carried out within a period of two months spanning through August, 2017 to September, 2017. During this period, 53 officers were contacted and 37 of them agreed to be part of the study. The participation rate for the study was high (70 percent), mainly as a result of the efforts of contact officers that assisted in soliciting for participation of officers

in the study. In spite of this, a relatively high number (16) of officers still declined to be interviewed. Audio recording were not allowed during the interview, therefore notes of the proceeding were taken down by a research assistant. Interviews averaged thirty-five minutes. The shortest interview was eleven minutes and the longest lasted one hour ten minutes. The variability in interview duration was a product of the semi-structural nature of the interviews, as well as variation among individuals in terms of experience and willingness to divulge detailed information. Interview data were supplemented with observation of interrogation process of suspects which the researchers were invited to be part of as onlooker.

All interviews were semi-structured. Each interview started with open-ended questions designed to elicit information about policing Nigeria without specifically referencing techniques in the interrogation of suspects. The goal of this segment of the interview was to elicit general thoughts and feelings about policing and fighting crime in democratic Nigeria. The next sets of questions were more tailored towards investigating crimes, arresting and interrogating suspects. This portion of the interview included questions that explicitly prompted respondents to describe the routines of arresting suspects and getting confessions out of them. During the course of the interviews, the respondents were informed that interrogation was to be conceived in the broadest possible terms according to criteria that were meaningful for each individual.

This loose interview structure was designed to allow respondents to discuss the process of arrest and interrogation of suspects on their own terms and at their own pace. This was done in an attempt to ensure that the conceptualisation of the researchers on what constitute abuse of detainees' right and police brutality did not constrain respondents' conceptualisation or accounts of their techniques and practice in dealing with suspects of crimes in their custody, and perhaps more importantly, to reduce the effects of our status as researchers on the narratives of the respondents. All interviews were strictly confidential; pseudonyms are used throughout this article to refer to participants.

Data Analysis

Analysis of the data collected from the field followed the iterative process that often characterises grounded theory in particular, and qualitative research more generally (Emerson, Fretz, & Shaw, 1995). During data collection, extensive field notes on any interactions and observations relevant to the study of treatment of police detainees and offenders were taken. After data collection was concluded, content analysis was done with the use of a qualitative software program (NVivo). Content analysis has to do with the probing of content and themes of text to uncover both definitions contained in the text and those that emerge through the analysis (Krippendorff, 2012). Open coding was used to identify themes apparent in the respondents' narratives through line-by-line analysis. Once initial memos were written and links between themes became clearer, we returned to the full body of data to begin focused coding. Focused coding helped in ensuring that the themes that emerged from the initial subset of the data were both relevant to and appropriately configured for the full set of data. Focused coding followed a similar line-by-line process to that of open coding, but applied the specific codes that had been identified as important to the theoretical framework.

Research Findings

Procedure of Police Raiding, Arrest and Detention

Human rights bodies both local and international had decried the method used by the police in going about the raids and arrest of suspects as well as suspects being kept in custody longer than its constitutionally required before being charged to court. To examine how police conduct their raids for criminals, arrest and detention, the respondents were requested to explain the factors that accounts for their raids of different locations in search of criminals, manner of arrest and detention of suspects. The entire 37 police officers interviewed in this study admitted that there are officers that indulge in unwholesome practices of raiding pedestrians and people at relaxation joints indiscriminately for the purpose of extortion. However, majority of them stated that

the normal practice is for such raids to be conducted based on a 'tip off' which they would have investigated themselves before arrest can be made. According to an Investigation Police Officer (IPO):

...even when we go for such raids and round up everyone at the event, we do not just arrest all like that. We normally request for identification from everyone to ensure that only those that have questionable characters and unable to identify themselves are taken for further investigation.

IPO/Police Station Ijebu-Ode

The rest of the officers interviewed echoed the expression above and were unequivocal in stating that it is wrong practice for pedestrians and people at different joints to be picked up at random. Arresting suspects based on the suspicion of complainants: On who determines who is to be arrested as suspect for a crime, as against popular belief that police often acts on the suspicion of a complainant as to who to arrest, the interviewed police officers insisted that is not common practice. They pointed out that whoever is suspected by the complainant is only invited for questioning or interview and not arrested based on mere suspicion of the complainant. In the words of a senior officer:

Police will first invite the suspect if he refuses then arrest follows. Police [officer] will interrogate/interview both the complainant and the suspect after then forward their statement to the senior officer in charge. It is not the duty of a complainant to tell us who to arrest, Police will only hear the complainant's side then determine what to do next. If the suspect is later invited, [the] CRO (Charge Room Office) receive all the complaints coming to the station and direct it to crime branch to make an investigation. Complainer

cannot dictate to police to arrest a suspect.

Division Crime Officer (DCO)/Lafenwa Divisional Headquarters /Abeokuta

The position provided by the DCO above seems to be the norm within the police rank and file, However, there have been a good number of reports stating the opposite. There have been widespread report of arrest and detention of people by the police based on the conviction of the complainants on the culpability of the suspects. On another controversy that pervades in terms of relatives of suspects being arrested and detained in lieu of the suspects when unavailable, police interviewees debunked this notion that it is alien to police practice. It was stated that it is only on rare occasion that such measure is taken and it has to be sanctioned by the judge. According to the statement of a DCO, Sagamu Divisional Headquarters, Sagamu:

It depends on the degree of the offence. It depends on the Judge's rule, in some cases Judge's give order to arrest anyone suspected in the case of abhorring a criminal. In case someone is in procession of weapon police can arrest such person near or very close to the suspect. Sometimes police can arrest someone near to the suspect in order to get the suspect but you cannot prosecute such person, but if the relative of the suspect is found guilty of harboring a criminal such can be prosecuted.

Detention of suspects: The participants were asked to respond to controversies that detention of suspects by the police is done in disregard of their rights. The officers defended their various divisions that they do not keep suspects in their custody more than 'necessary,' '48 hours,' '24 hours.' One of them opined:

The law says Police cannot detain a suspect more that 48hours, it is a policy, yet it depends on the degree

of offence and the day the suspect was arrested, if the suspect was arrested on weekend definitely he/she will be detained till Monday for further action to be taken.

Investigative Police Officer
(IPO)/Adatan Divisional
Headquarters/Abeokuta

However, when questions about the welfare of the detainees were put across to the respondents, most of them agreed that the police is usually found wanting in providing adequate care of those detained. In a detailed explanation provided:

Suspect have right to be fed three times in a day, to medical care, to see their relatives, and to see their lawyer. Police supposed to have a food contractor or food vendor that will be feeding the suspect but now it is not so because the food contractor is no longer coming due to the fixed price from years back that has not changed which is 50k/meal...it is the DPO/DCO/IPO of the station that is responsible for the feeding of suspects from their personal pulse.

Some of the participants stated that they often request the complainant to help with the feeding of the suspects in order to keep them in detention. The rest of the respondents offered an array of challenges that police face in seeing to the welfare of the detained persons which constitute abuse of their fundamental rights and also interrupt the process of procedural investigation of criminal cases. According to majority of them, investigation process is usually hampered by inadequate funding and sometimes makes the police to conduct haphazard investigations. This as stated by some of them is capable of making some officers resort to 'shortcuts' in their investigations which is oftentimes manifested by the use of torture to force out confessions in a bid to quickly close the cases.

Interrogation Practices:

To assess the variety of interrogation tactics that police use, we asked participants to provide information on the different techniques they have used in trying to get suspects to confess. The portrait that emerges from these self-reports is that the typical interrogation often consists of isolating the suspect away from family and friends, placing him or her in a small private room, identifying contradictions in the suspect's account, and trying to establish rapport with the suspect in order to gain his or her trust. Majority of the investigation officers engaged in this study particularly claimed that 'gaining suspect's trust' and the 'use of threats' are more potent techniques at getting suspects to confess than being forceful or resorting to brutality. As stated by one of them:

...gaining the trust of the suspect is very effective...a Yoruba officer can easily relate and get his facts from a Yoruba suspect than if they are of different tribes. Through questioning and promising the suspect to help them get out they will volunteer information that will assist the investigating officer...

IPO/Adatan Divisional Headquarters/Abeokuta
An IPO invited the researcher to be part of an interrogation session as an observer and the following interview ensued between them:

- IPO: Young man I am sure you know why you are here. Am I right?
Suspect: Yes I know, I was accused by my boss of stealing his money.
IPO: So tell me why you stole his money. I know he must have made you steal it because of his stinginess and you needed money at that time?
Suspect: Sir, I didn't steal the money
IPO: (cuts in) ...you didn't steal it but you took it.
Suspect: I didn't...the money is not with me. I don't have his money.
IPO: My friend, if you don't help yourself with this case and confess, I will forward your case to SARS (Special

Anti-Robbery Squad) for further investigation...

Suspect: Oga (sir) please help me...I didn't take that money...if I did I would have confided in you...please sir, help me.

The interrogation went on but the suspect did not own up to stealing the money till the researcher left the room. However, it was highly observable that the suspect is very familiar with the operations of SARS as his countenance changed considerably at the mention of SARS by the IPO. The IPO admitted by officers within SARS often resort to the use of torture and brutality which is widely known to the public. Amnesty International (2016) presented the account of a 33-year old petrol station attendant who was arrested on 22 January 2015 by SARS officers in Onitsha, Anambra State, after he was accused by his employer of being responsible for a burglary at their business premises:

The policemen took me to a hall. They brought a plain sheet and asked me to sign. When I signed it, they said to me 'you have signed your death warrant,' they took me to the back of the building and tied my hands to the back. They also connected the rope to my legs, leaving me hanging on a suspended iron rod. They put the iron rod in the middle between my hands and the leg with my head facing the ground. My body ceased to function. I went limp. The Investigative Police Officer (IPO) came at intervals and told me to tell him the truth. I lost consciousness. When I was about to die they took me down and poured water on me to revive me. People carried me back to the cell. I was detained for two weeks.

Amnesty International Report (2016)

Rights of suspects under interrogation: The officers all agreed that there are specific rights of suspects under interrogation that should be respected by the police. However, majority of them conceded that such rights are often abuse by several officers of the police. Right from the point of arrest, the respondents stated that the suspects should know the reason for the arrest. However, poor training is one of the factors that they stated makes some officers to be ruthless in the act of arresting an armless suspect. One of senior officers volunteered:

Yes, the suspect have the right to the reason for his/her arrest, but there are procedure to follow, it may involve warrant of arrest from the judge depending on the level of offence, likewise Police Identity card can also serve as warrant to arrest any offender, it is clearly stated at the back of the Identity card to serve as warrant of arrest. Police procedure to arrest an offender or a suspect include: the police placing hand on the soldier of suspect and telling him/her to remain silent or whatever he or she says will be used against him/her in the court of law.

Division Crime Officer (DCO)/Lafenwa Divisional Headquarters/Abeokuta

Ironically, some of the police officers included in the study said they are not in the habit of reading out the Miranda rule (rights to remain silent...) to suspects being arrested. This is borne out of their ignorance of the rule while some believe it is not necessary in most cases.

Treatment of female detainees: The study went further to investigate the handling of female detainees especially as regards techniques of interrogating them. This investigation is premised on reports and public opinions that females in police custody are

often subjected to a lot of sexual harassment and assault. The respondents all denied the maltreating and sexual intimidation of female arrestees in their various police divisions. According to a senior officer:

...the system does not provide the necessary material to take care of them. Apart from the fact that female officers are only allowed to search female suspect and put them in a different place, police cannot be expected to be buying personal things like sanitary pads, it has to be provided by their relative or any other means.

Division Crime Officer (DCO)/Igbaba Police Division/Ijebu-Ode

The position of the DCO above is in consonance with the stipulations of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) and similar to the Nigerian police force human rights manual. However, his comment is not in tandem with popular reports on police conduct and treatment of female detainees. There have been a number of newspapers and human right reports that exposed the assaultive treatments of female detainees which include rape, sexual assault, torture, being locked up in male cells (Amnesty International 2014; 2016; The Punch, 2017).

Discussion of Findings

This survey of police investigators, one of the few of its kind, was designed to get law enforcement perspectives about various aspects of suspect interviews, interrogations, and confessions which have been shrouded in controversies. A number of interesting findings were obtained, some that were consistent with past research, others that were completely new. The findings of the study aligns with the postulation of Tittle's control balance theory that if the subculture which the officer belongs to tolerates the illegitimate use of force, it is very likely that he considers this behaviour to entail low levels of "seriousness" and

"constraints" (Tittle, 2004). The laxity in accountability within the police system of the activities of the personnel especially as it bothers on the treatment of arrestees makes officers to have the notion that their actions are tolerated with little or no restraint.

On the controversies that have trailed the manner by which the Nigeria Police conduct the process of raiding, arresting and detaining suspects when they commence investigations into crime events, the investigators debunked engaging in indiscriminate arrest. They opined that such 'raids' are only carried out when there is a prior information that suspects are lurking around within the location. However, this technique of completely swooping on people at joints such as drinking bars, football viewing centres, bus-stops and other rendezvous of mainly the lower class have been considered as exploitative and gross abuse of human rights (Human Rights Watch, 2012; Amnesty International, 2014; 2016; Aborisade & Fayemi, 2015). The findings of the study equally indicate a reverse of the public notion that police are in the habit of arresting relatives of suspects in situations where the suspect is unavailable. Though there are avalanche of reports indicating the opposite (Owen, 2014; Ogunode, 2015; Premium Times, 2016; Pulse, 2016), investigators expressed that they do not take initiatives from complainants of criminal acts to arrest suspects.

There have been contrasting reports on how arrestees in police custody are treated. Most worrisome reports of wanton disregard for human rights and dignity have been documented over time (NOPRIN, 2010; Human Rights Watch, 2012). Meanwhile, the police institution have consistently denied the reports that suspects are not usually detained longer than stipulated by the constitution and they strive to uphold human rights of suspects. However, one interesting findings of this study is the welfare of detainees that are left to the benevolence of police officers, complainants and suspects' families. Basic provisions like food, water, toiletries, and drugs are not readily provided by authorities as the amount allocated for feeding detainees has remained 50k/meal, as against the \$1.25/day (approximately N500) set by the World Bank as the international poverty

line. This is found to be a formidable obstacle in the police's quest to deploy best standards in investigating criminal cases. The inadequacies of welfare provisions for detainees have been identified as abuse of rights, tortuous and capable of making the detainee to act under duress (Alemika, 2003; Harris, 2011; Owen, 2014).

The interrogations tactics deployed by the investigators include throwing accusations at suspects, identifying contradictions in the suspect's account, winning the trust of suspects to get confession, wear out suspects through lengthy interrogation, use of threats and deception. All investigators denied the use of physical force and torture in eliciting confession from suspects. However, the result of this study in this wise contradicts the position of previous studies and reports of human rights bodies in and outside Nigeria (NOPRIN, 2010; Human Rights Watch, 2012; Amnesty International, 2014). Amnesty International (2016) pointed out that the use of "confessions" obtained from suspects through torture by the police are still admissible and used in courts as a basis for conviction. The study however found that the teaching and indoctrination of human right education by the Nigeria Police of its rank and file is taking positive toll on the investigative techniques of the officers. The awareness of the rights of suspects under custody is growing amongst the officers particularly those that participated in this study.

Conclusion

This study provides an insight into the techniques used by the Nigeria Police to conduct interrogations in the midst of reports and controversies that have surrounded police interviews, interrogations and treatment of suspects in their custody. Although, the present study breaks new ground as one of the few surveys of police investigators on interrogation techniques, there are methodological shortcomings that may limit the generalisability of the findings. First, the sample for the study was small as a result of the lukewarm attitude of police officers to the pilot study borne out of their averseness to research and the effect of

'code of silence' on them. Second, random selection could not be used as the researchers heavily relied on contact officers that assisted in soliciting for participation of officers in the study. Ultimately a national random survey that draws from all states should be conducted. Third, we asked participations to recall the techniques of interrogations that have used, how often they have used such techniques, and the rate of getting confessions from the use of the techniques. Research shows that except for behaviors that are rare and important, people are unlikely to have detailed representations of single instances in memory, leaving them to rely on inference strategies that can reduce the accuracy of their estimates (Tourangeau, Rips, & Rasinski, 2000).

Recommendations

Though, a lot of grounds seem to have been covered by police authorities in educating officers within its rank and file about human rights and the inappropriateness of the use of torture as interrogation technique, the systemic failure of the organisation to create an enabling environment for modern investigative techniques makes the use of high-pressure tactics by the police to be inevitable. The government needs to rise to its responsibility to provide adequate care for suspects in detention, equip the police appropriately for best practice investigations and ensure effective police accountability and control system nationwide. Finally, while this present study has provided new information about investigators' self-reported interrogation practices, beliefs, and perceptions, our knowledge of police interrogation in Nigeria remains incomplete. In this era of electronic recording, the ideal way for scholars to measure and study actual police practices and their outcomes-and thus the best way to find out what is common practice and what is extraordinary-is to observe large numbers of videotaped interrogations, randomly selected from across the country, involving a full range of crimes. While we hope that this article will inspire researchers to conduct surveys to assess police investigators' perceptions and beliefs, we also hope that police

agencies that record their interrogations will make their tapes available for systematic research on interviewing and interrogation practices and their outcomes.

References

- Aborisade, R. (2017). Policing and human rights in Nigeria: Marxism and symbolic interactionism. *Agogo Journal of Humanity*, 3, 76-84.
- Aborisade, R., & Fayemi, J. (2015). Police corruption in Nigeria: A perspective on its nature and control. *Nigerian Journal of Social Sciences*, XVII(2), 245-262.
- Ajayi, M. (2014). Interrogation, questioning or interview?: Police-suspects interactions in Nigeria. *Journal of the Linguistic Association of Nigeria*, 17(1), 43-61.
- Alemika, E. (2003). Police, policing and the rule of law in transitional countries. In L. Lindholt, *Police, rule of law in transitional societies*. Denmark Centre for Human Rights and Kluwer Publishers.
- Amnesty International. (2014). *Welcome to hell fire: Torture and other ill-treatment in Nigeria*. London: Amnesty International Limited.
- Amnesty International. (2016). *Nigeria: Special police squad 'get rich' torturing detainees and demanding bribes in exchange for freedom*. Amnesty International. Retrieved September 20, 2017, from <https://www.amnesty.org/en/latest/news/2016/09/nigeria-special-police-squad-get-rich-torturing-detainees/>
- Barron, N. (1991). *Barron's Law Dictionary*. Hauppauge, NY: Barron's Educational Series.
- Braithwaite, J. (1997). Charles Tittle's control balance and criminology theory. *Theoretical Criminology*, 1(1), 77-97.
- Chamlin, M. (1989). Conflict theory and police killings. *Deviant Behaviour*, 10, 353-368.
- Dempsey, J. (2003). *Introduction to investigation*. Belmont, CA: Wadsworth.
- Emerson, R., Fretz, R., & Shaw, L. (1995). *Writing ethnographic fieldnotes*. Chicago, IL: University of Chicago Press.
- Frank, J. (2009). Conceptual, methodological, and policy considerations in the study of police misconduct. *Criminology & Public Policy*, 8(4), 733-736.
- Friedrich, R. (1980). Police use of force: Individuals, situations and organisations. *The Annals of the American Academy of Political and Social Science*, 452, 82-97.
- Fry, L., & Berkes, L. (1983). The paramilitary police model: An organisational misfit. *Human Organisation*, 42(3), 225-234.
- Harris, D. (2011). The interaction and relationship between prosecutors and police officers in the U.S., and how this affects police reform efforts. *Legal Studies Research Paper Series*, 19, 1-11.
- Hickman, M., Piquero, A., Lawton, B., & Green, J. (2001). Applying Tittle's control balance theory to police deviance. *International Journal of Police Strategies and Management*, 24(4), 497-519.
- Human Rights Watch. (2012). *Everyone's in on the game: Corruption and human rights abuses by the Nigerian Police Force*. New York: Human Rights Watch.
- Jensen, G. (1999). A critique of control balance theory: Digging into details. *Theoretical Criminology*, 3(3), 339-343.
- Krippendorff, K. (2012). *Content analysis: An introduction to its methodology* (3rd ed.). CA: Sage: Thousand Oaks.
- Lersch, K. (1998). Police misconduct and malpractice: A critical analysis of citizens' complaints. *International Journal of Policing Strategies & Management*, 21(1), 80-96.
- Lersch, K., & Feagin, J. (1996). Current trends in police brutality: An analysis of recent newspaper accounts. *Critical Sociology*, 22, 29-51.
- Lersh, K., & Mieczkowski, T. (2005). Violent police behaviour: Past, present, and future research directions. *Aggression & Violent Behaviour*, 10, 552-568.
- McMullen, P. (2005). Questioning the questions: the impermissibility of police deception in interrogations of juveniles. *Nw. U. Law Reviews*, 99, 971-973.
- Network on Police Reform in Nigeria (NOPRIN). (2010). *Criminal force: Torture, abuse, and extrajudicial killings by the Nigeria Police Force*. New York: Open Society Justice Initiative.
- Ogunode, S. (2015). Criminal justice system in Nigeria: For the rich or the poor? *Humanities and Social Sciences Review*, 4(1), 27-39.
- Owen, O. (2014). *The Nigeria Police Force: Predicaments and possibilities*. University of Oxford, Oxford Department of International Development. Oxford: Nigeria Research Network (NRN).
- Premium Times. (2016, September 21). How Nigeria Police torture detainees, rob them – Amnesty International. Retrieved September 23, 2016, from <http://www.premiumtimesng.com/news/headlin>

- es/210951-nigeria-police-torture-detainees-rob-amnesty-international.html
- Premium Times. (2016, September 22). Nigerian Police rejects Amnesty International's Report as misleading, unverifiable. Retrieved September 23, 2016, from <http://www.premiumtimesng.com/news/top-news/211021-nigerian-police-rejects-amnesty-internationals-report-misleading-unverifiable.html>
- Pulse. (2016). 'The only interrogation Nigeria police knows is torture' - Amnesty International. Abuja. Retrieved August 2017, from <http://www.pulse.ng/gist/indictment-the-only-interrogation-nigeria-police-knows-is-torture-amnesty-international-id5520427.html>
- Reid, J.E. and Associates. (2004). Monthly investigator tips. Retrieved July 6, 2017, from http://www.reid.com/educational_info/r_tips.html
- Savelsberg, J. (1999). Human nature and social control in complex society: A critique of Charles Tittle's control balance. *Theoretical Criminology*, 3(3), 331-338.
- The Punch. (2017, September 4). Lagos policemen collect N50,000 for bail, seize phone over N20,000 balance. Retrieved September 20, 2017, from <http://punchng.com/lagos-policemen-collect-n50000-for-bail-seize-phone-over-n20000-balance/>
- Tittle, C. (2004). Refining control balance theory. *Theoretical Criminology*, 8(4), 394-428.
- Tourangeau, R., Rips, L., & Rasinski, K. (2000). *The psychology of survey response*. New York: Cambridge University Press.
- Westley, W. (1970). *Violence and the Police: A sociological study of Law, custom and morality*. Cambridge, MA: MIT Press.
- Wolfe, S., & Piquero, A. (2011). Organisational justice and police misconduct. *Criminal Justice and Behaviour*, 38(4), 332-353.