



CSS 655

**PATTERNS AND TRENDS OF
CRIME IN NIGERIA**

Course Code	CSS655
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National Open University of Nigeria 2008

First Printed 2008

ISBN: 978-058-664-4

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MODULE 1

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Unit 2	Sociological Definition of Crime
Unit 3	Classification of Crime
Unit 4	Classical and Neoclassical Approaches to Explaining Crime
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UNIT 1 THE LEGAL DEFINITION OF CRIME

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1.0 INTRODUCTION

In this unit, we shall examine the concept of crime and its various definitions from the legal point of view. The problems associated with the legal definition as well as the elements of crime and factors that excuse a person from being criminally responsible will also be analyzed.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Understand crime from the legal point of view.
- Identify seven elements of crime.
- Examine the factors that may excuse a person from criminal responsibility
- Limitations of the legal definition of crime.

3.0 MAIN CONTENT

3.1 What Is Crime?

The word 'crime' is from a Latin word *crimen* meaning "accusation" or "fault". There are many definitions of crime. The definition employed by any particular scholar has to do more with his/her area of specialization. Different scholars give different explanations about the occurrence of crime. Who do we blame? Is it the individual who commits the act, the society or both the individual and the society? The question you need to ask is: Do we consider all acts of disobedience as crime? What are the components or elements you need to look when you mention the word 'crime'? When can you say crime has indeed occurred or has not?

It is the view of one of the prominent scholars that any attempt to present a universal definition of crime may have some difficulties. This is because acts that are defined as criminal vary with time and place. An act may be criminal in one society, but not in another. Likewise an act defined as crime at one time may not be at another. We can also say that the gravity or seriousness with which each society views the acts may be different.

For example, stealing is a crime in Nigeria. In the Southern part of Nigeria where criminal procedure code is used, a person who steals may be given an option of fine, imprisonment or both as the case may be. However, in the Northern part of Nigeria where Sharia law is used, especially in Zamfara State; a person who steals may have his hand or leg amputated for the same offence. You can see that the same crime is perceived differently in different parts of the country.

Let us look at another example. During war, killing of another is allowed. In fact, killing of an enemy is condoned and such individual will be regarded as a hero in that community, at that particular time. However, during peaceful period, the killing of another person is frowned at and severe punishment is meted out to such person as a murderer. You can now see that the same act exhibited at different times is perceived differently.

Also, an act defined as criminal for one category of persons, may not be criminal for another category of persons. Murder for example, is a crime against persons. But if it is committed by the insane, it is excusable and the insane is not punished for it, even though he or she may be sent to a mental institution. You can now see that not everybody is affected by what is defined as crime.

There is no universally acceptable definition of crime. However, crime is defined in various contexts. For some people, crime could be defined as something that causes serious injury to the community, or something generally believed to be capable of doing so, or something committed with evil intent; or something forbidden in the interests of the ruling class, that is, the powerful persons in the society. Crime could also be seen as something, which offends the morality of society, or something which violates the divine law.

1. At the end of this course, you will be able to understand different theories of crime.
2. It will also enable you to follow the patterns of arguments put forward by people in a logical manner deriving from your knowledge of the different theories.

3.2 Legal Definition of Crime

According to Tappan “crime is an intentional act in violation of the criminal law (Statutory and case law), committed without defence or excuse, and penalized by the state as a felony or misdemeanour” (Tappan, 1964:32). Crime is a violation of the criminal law, which is subsequently followed by legal punishment. A crime is an act or omission, which attracts sanctions. In studying the offender there can be no presumption that arrested, arraigned, indicted, or prosecuted persons are criminals unless they are also held guilty beyond all reasonable doubt of a particular offence. One thing you should bear in mind is that, one advantage of a legal definition of crime is that it is narrower and less ambiguous than a social definition of crime. Also, it is only a behaviour that violates the criminal law by definition that you can regard as a crime.

3.3 Problems with the Legal Definition of Crime

However, it has been observed that the legal definition of crime has its own problem as observed by Bohn and Haley (2002).

1. **Over-Criminalization:** The first problem of the legal definition is over criminalization. This simply means the prohibition by the criminal law of some behaviour that should not be prohibited. Over criminalization arises primarily in the area of victimless crimes. This includes gambling, prostitution involving consenting adults, homosexual acts between consenting adults, and the use of some illegal drugs, such as marijuana. One thing you should bear in mind is that, whether those acts mentioned above should or should not be prohibited by criminal law depends on whether they are truly victimless.

2. **Non-Enforcement:** This is the second problem with a legal definition of crime. This is a situation in which some behaviours are prohibited by the criminal law, but the law is not routinely enforced. This is very common with many White-Collar and Government Crimes. It is also common for Blue Law, which requires stores and other commercial establishments to be closed on Sundays. One lesson you should learn about non-enforcement of law is that it causes disrespect for the law. People come to believe that because criminal laws are not routinely enforced, there is no need to routinely obey them
3. **Under-Criminalization:** This is another problem associated with legal definition of crime. Under-criminalization is the failure to prohibit some behaviours that, arguably, should be prohibited by the criminal law, but are not. For instance, you might suffer some harmful and distinctive actions or inactions that are not criminal, which, in reality, ought to be prohibited. You might even get frustrated in your relationship with people and you feel such act should have been regarded as crime but are not.

Looking at the legal definition of crime, Stephen (1993) stated that crime is “an act or omission in respect of which legal punishment may be inflicted”. Likewise Bennette (1987) is of the view that crime is an act or omission, which may attract fine, imprisonment or even death. Therefore, in legal terms, we can say that the criminality of an act is defined in an important way as the punishment, which follows it.

3.4 Elements of Crime

A legal definition of crime is the basis of criminal justice in many countries of the world, Nigeria inclusive. Earlier on, a general definition of crime was provided. However, this definition does not specify all the elements necessary to make behaviour a crime. From the legal point of view, a crime has not been committed unless all seven of the following elements are present. These are Harm, Legality, *Actus reus*, *Mens rea*, *Causation*, *Concurrence*, and *Punishment*. Let us look at each of these elements one after the other.

1. **Harm:** For crime to occur, there must be an external consequence, or harm. The harm may be physical or verbal. For example, if you physically slap me without any legal justification, then it can be regarded as *physical* harm. If you threaten to beat or kill another person, whether or not the threat is carried out is a *verbal* harm. Also, if you write something false about me or bear false witness against me that dishonours or injures me, it is a

physical harm. The question that readily comes to mind is whether the legal element of harm is present in all crimes.

For instance, if you look at victimless offences such as prostitution, gambling, marijuana use, one may say that to engage in those acts there is usually an element of agreement and consent. Therefore, the participants may not see their habits as acts of harm perpetrated in the society. However, the family of the participants and the moral fabric of the society is jeopardized by such behaviour (Bohn & Haley, 2002).

2. **Legality:** As one of the elements of crime, legality has two aspects. First, the harm must be legally forbidden for an act to be a crime. For example, as a student of the National Open University of Nigeria, you are not expected to be a cult member. If you are found to engage in cult activities, you have committed a crime and should be dealt with accordingly. This means that you have committed a crime from the view point of legality. The second aspect is that the criminal law must not be retroactive or *ex post facto*. This can be seen in three ways:

- Declaring criminal an act that was not illegal when it was committed.
- Increasing the punishment for a crime after it is committed, or
- Altering the rules or evidences in a particular case after the crime is committed. Out of these two aspects, the first is the most common.

3. **Actus Reus:** This is a Latin word, which refers to criminal action or inaction that causes harm. If you, as an individual, do not act in situations where the law requires you to act, you are committing a crime. Also, it is expected of a parent to provide food, shelter, clothing and education for the children. If a parent acts contrary to the expectation, then he is committing a crime. We can therefore say that *actus reus* is the physical element or the guilty act, and it requires proof. Where there is no *actus reus*, there is no crime. This includes all the elements in the definition of the crime, with the exception of the mental element. Actus reus can also be seen to be made up of conduct, its consequences and the circumstances in which the conduct takes place.

4. **Mens rea:** This is another Latin word that refers to a criminal intent or a guilty state of mind. It is the mental aspect of a crime. Here, criminal conduct is limited to intentional or purposeful action or inaction and not the accidents. Let us look at it this way. If I slap you and you did not retaliate immediately, but allowed a

day or two to pass before you slapped me; it will be viewed as intentional and purposeful. As such, you should be criminally responsible for the outcome of your action. This is what is regarded as *mens rea*. This case is different if you had immediately slapped back; for them it would have been an act of provocation or self-defence.

Take another example, if you are fighting with me, and I hold a sharp knife with the aim of stabbing you. If in the process of defending yourself you pick up a bottle of coke and break the bottle on my head, and unfortunately I die. In the court, instead of charging you for a murder, you will be charged with manslaughter to reduce the punishment, because of the circumstances surrounding the killing. That is, you killed in self-defence. In this case, you will be less criminally responsible. This is quite different from when you desired to kill me, which is premeditated and intentional. If the threat is eventually carried out, you have acted under the *mens rea* and you should be criminally responsible for your act. One thing you should bear in mind is that *mens rea* is not required for all crimes. This is because, to demonstrate *mens rea*, it must be proved that an individual intentionally behaved in a given manner or caused a given result.

The following factors would negate criminal responsibility.

- **Duress:** If a person did not want to commit crime but was forced or coerced to do so against his or her will, he or she committed the crime under duress and is generally excluded from criminal liability. For example, if a group of armed robbers compelled you to drive them to where they want to rob a bank with a gun pointing at your head, if you did and in the process you are caught along with them; you are not to be held criminally responsible, because you acted under duress.
- **Underage:** This is another legal excuse or defence against criminal responsibility. The age at which a person is considered legally responsible for his or her actions, varies by jurisdiction. In most countries of the world, children less than 18 years are not considered entirely responsible for their criminal acts. It is assumed that their capacity to form *mens rea* is not fully developed. As a result a special category of offence called juvenile delinquency has been created for those children.
- **Insanity:** Insanity the third legal defence or legal excuse from criminal responsibility. Insanity is a legal term, not a medical one. Insanity simply means mental or psychological impairment or retardation. The argument here is that an insanity defence rests

on the assumption that someone who is insane at the time of a crime lacks the capacity, or has diminished capacity, to form *mens rea*. In this case, it is expected that the person should not be held responsible or should be held less responsible for a given crime.

- **Self Defence:** Self defence as one of the negating factors is a situation where people are relieved of criminal responsibility. This is because they have only acted in defence of their person or property. But you must use only the amount of force reasonably necessary to defend yourself or others against an apparent threat of unlawful and immediate violence. The reason why people are not held legally responsible for acting in self defence or in defence of a third party, is that, due to extenuating circumstances, they do not act with *mens rea* (Bohn & Haley, 2002)
 - **Entrapment:** Is another factor for legal defence or legal excuse. This is a situation where people are generally considered either not responsible or less responsible for their crimes if they were trapped or induced into committing them, by a law enforcement officer or by someone acting as an agent of Law Enforcement.
 - **Necessity:** The final legal defence or legal excuse from criminal responsibility is necessity. A necessity defence can be used when a crime has been committed to prevent a greater or more serious crime. Necessity defence has been evoked occasionally, especially in cases of “Political Crime”. For example, if, in an election of Local Government Chairman, there is loss of lives and property, also in the process, the community becomes ungovernable, the election can be nullified to restore peace, and citizens of that community can be subjected to a curfew. In this situation, anybody found looting or a threat to the community can be dealt with by the law enforcement agents. If, in the process the person dies, such law-enforcement agents can be made to be less responsible to the crime of killing another person in the process of discharging his duty. As such, he may not be made to be criminally responsible.
5. **Causation:** This is a process where the criminal act must lead directly to the harm without a long delay. It is a causal relationship between the legally forbidden harm and the *actus reus*. The purpose of the requirement of causation is to prevent people from facing the threat of criminal charges for the rest of their lives. For example, the assassination of Funsho Williams in August, 2006 has raised two fundamental issues as to what led to his death. First, he was the Director of National Maritime

Authority of Nigeria and discovered some financial mismanagement, which he planned to expose to the public. Second, he was a politician who aspires for the governorship position under PDP (Peoples Democratic Party) in Lagos State in 2007. When the cause of a crime is known, it makes it possible to understand the intricacies surrounding its commission.

6. **Concurrence:** For any act to be considered crime there must be concurrence between *actus reus* and *mens rea*. In other words, the criminal conduct and the criminal intent must occur together. For example, if you invite an electrician to your house to repair your television set, and that electrician comes to the house and repairs the television, on his way out, he picks your handset and leaves. In this situation, you cannot accuse the electrician of being guilty of entering your house illegally (trespass), because that was not his initial intention. However, the electrician can be found guilty of stealing the handset.
7. **Punishment:** This is the last of the ideal legal elements of crime. For any behaviour to be considered a crime there must be a statutory provision for a punishment or at least the threat of punishment. Without the threat of punishment, a law is unenforceable and is therefore not a criminal law.

3.5 The Aim of this Unit

At the end of this unit, students should be able to demonstrate a wide knowledge on the patterns and trends of crime in Nigeria, the various definitions given to crime by different scholars, vis-à-vis their areas of discipline and specialization. This course will enable students to know the emerging trends of crime from traditional crimes to the modern crimes of the 21st century.

SELF-ASSESSMENT EXERCISE

- i. What are the elements of crime?
- ii. What are the limitations of legal definition of crime?

4.0 CONCLUSION

From this unit, students of criminology should have a broader knowledge of the meaning of crime from the legal point of view. Elements needed to be considered when using legal definition of crime; and factors that may legally excuse a person from criminal responsibility.

5.0 SUMMARY

We have been able to discuss what constitutes crime. From the legal point of view, the elements must be present to render an act to be a crime and the limitations to the legal definition of crime. We have also looked at factors that may excuse a person from being criminally responsible for his action.

6.0 TUTOR-MARKED ASSIGNMENT

Discuss the factors that may legally excuse a person from criminal responsibility?

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UNIT 2 SOCIOLOGICAL DEFINITION OF CRIME

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 - 3.2 Merits of Sociological Approach to Crime
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 - 3.4 The Aims of this Unit
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor – Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

In this unit, we shall examine the sociological approach to the study of crime. The approach uses socio-cultural norms as the yardstick for the definition of crime. We shall also focus attention on the merits and demerits of this approach.

2.0 OBJECTIVES

At the end of this unit, the candidate should be able to:

- Understand the sociological approach to the study of crime and criminal behaviour.
- Emphasize the significance of socio-cultural norms in the definition of crime
- Identify the merits of Sociological approach to crime
- Assess the limitations of Sociological approach to crime

3.0 MAIN CONTENT

3.1 Sociological Definition of Crime

The broadest definition of crime is the sociological view. A typical definition is where crime is seen as a behaviour that violates the **norms** of society. It can also be seen as anti social behaviour. A norm is any standard or rule regarding what human beings should or should not think, say or do, under given circumstances. Even though the

sociological definition of crime is very broad, it is more encompassing than the narrower definition of crime from the legal point of view.

Durkheim (1933) defined crime within a social context. He saw crime as a social product, determined by social conditions, capable of being controlled only in social terms. Crime is therefore normal in all societies, and “a society exempt from crime would necessitate a standardization of moral concepts of all individuals, which is neither possible nor desirable”. Durkheim was of the opinion that crime is a normal phenomenon in the society, a natural and inevitable product of collective life and social evolution. He held that the collective conscience of a people defines what crime is. Durkheim believed that crime plays a definite role in social life. He therefore defined crime as “an act which offends strong and defined state of collective conscience”. Sellin (1938) argues that crime “is a violation of culture norms, which is something beyond mere violation of law per se”. He maintains that mere violation of the criminal law is an artificial criterion of criminality. He suggests that, as part of the general study of human behaviour, criminology should concern itself broadly with all anti-social conduct injurious to the society.

A sociological approach accounts for the broader context in which crime occurs. A sociological understanding of crime will enable you to achieve a solid understanding of crime and will enable you to be very strong in confronting it. This approach will also equip the candidate to better deal with his or her charges especially those working in the criminal justice system. Sociological approach of crime will enable us to have a broader knowledge of crime as well as understand the human condition and societies in general. It will also allow us to better understand the societies in which crime occurs. According to McConnell (2004) sociological approach to crime will enable us to understand the economics, gender, education, race, religion, family life and all other social phenomena that are directly involved in crime.

It is also believed that students in this course will have the satisfaction of a deeper understanding of the crimes they observe and a more critical and informed engagement with discussions of crime as they occur in the media, other disciplines, and everyday experience. There are a lot of advantages of sociological approaches to crime more than the legal view of crime.

3.2 Merits of Sociological Approach to Crime

1. The act is the violation of the socio-cultural values or norms of that group. This definition uses conduct norms as the understanding basis for criminality. If you go strictly by the legal definition, only those that have been convicted are regarded as criminals. It is only those

that violate the codified rules that can be considered criminals. These have the effect of rendering a very limited understanding of crime, because there are some criminal acts that are not in the codified rules.

There are also “Dark-figures” of crime. They are crimes that are actually reported to the police but are not recorded. Sometimes the police do not record some cases, but actually it should be recorded.

2. In the sociological approach, emphasis is placed on the socio-cultural forces or reactions that produce the criminal. Even though we concentrate on the socio-cultural forces, we do not forget the individuals, because they are clustered with other individuals who are alike in attributes in terms of theoretical or practical definition. The uniqueness of the individual, however, is retained by the fact that, on several attributes of the group, he or she will appear identical.
3. Crime itself is seen as a subject-matter of Sociology. As far as crime is a social phenomenon and sociologists are trained to deal with social problems, other disciplines like law might define crime, but the final definition rests in what should come from sociologists.
4. Sociologists also recognize the functions of crime. Crimes provide job for lawyers, police, prison officials, Economic and Financial Crimes Commission (EFCC) officials, Independent Corrupt Practices and Other Related Offences Commission (ICPC) officials, National Agency for the Prohibition of Traffic in Persons (NAPTIP) officials, National Drug Law Enforcement Agency (NDLEA) officials etc. So we can say crime is functional.

Crime dictates changes, but in some cases it indirectly prepares the way towards these changes. For example, if there is an increase in armed robbery in Garki II, Abuja, there is the possibility that the Police Commissioner will deploy more policemen to Garki II, with more patrol vehicles, communication gadgets and weapons, to clampdown on these armed robbers. You can also see it this way. The introduction of (NAPTIP) as an agency is due to the high rate of human trafficking from Nigeria to other countries for mostly prostitution and it was in response to the need to protect the integrity and image of Nigeria that the agency came into being.

Although, sociologists accommodate the contribution of other disciplines, to them however, such contributions are regarded as secondary. There is no single predisposing factor that leads to crime. It

has been observed that even though sociological approach to crime is very broad, it also has its own limitations.

3.3 Demerits of Sociological Approach to Crime

1. First, norms vary from one group to another within a single society. There is no uniform definition of anti social behaviour. For example, if you live in a Muslim community, you are forbidden from eating pork. Any disobedience is a sin, and the disobedient person will be punished. However, if you live in a Christian community, eating pork is not an offence; rather, it is regarded as a delicacy. So within the same society, the same behaviour may be perceived differently. Therefore, because of variation in culture, you cannot say that eating pork is an offence and anybody caught in it should be punished.
2. Norms are always subject to interpretation. Each norm has a history of how it came to existence. For example, in some communities, children are not allowed to eat egg. It is believed that children who eat eggs are likely to steal. On the other hand, this is not so in another community. In fact eating egg is allowed for children as part of the vital food to assist them to grow healthy. You can see that eating egg is perceived differently in different communities.
3. Furthermore, it is good for us to note that norms change from time to time and from place to place. For example, in Zamfara State, the sale of alcohol is not permitted and you are not supposed to drink alcohol. If you are caught drinking alcohol, you will be punished according to Muslim Law. However, in Lagos State, people are allowed to sell and drink alcohol. This is because it is socially acceptable. Such behaviour is not perceived as an offence to anybody.

3.4 The Aim of this Unit

The aim of this unit is to enable the candidate to understand crime from the sociological approach. This approach focuses on the socio-cultural norms as the yardstick for defining crime and not necessarily the codified rules as it is the case with the legal definition of crime.

SELF-ASSESSMENT EXERCISE

- i. Mention two agencies that deal with specific crimes in Nigeria.
- ii. State the objectives of one agency you mentioned in the above question.

4.0 CONCLUSION

At the end of this unit, students should have a broader understanding of crime, human condition and societies in general. You should also have a deeper knowledge of the entire society in which crime occurs. It is hoped that students in this course will have wider knowledge of the crimes they observe and be able to engage in critical and informed discussions of crime as they occur in everyday life.

5.0 SUMMARY

We have been able to discuss what constitutes a crime from the sociological approach. We have been able to see the strength of the approach as well as its weaknesses.

6.0 TUTOR – MARKED ASSIGNMENT

With concrete examples, discuss the merits and demerits of sociological approach to the study of crime in Nigeria.

7.0 REFERENCES/FURTHER READINGS

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UNIT 3 CLASSIFICATION OF CRIME

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 - 3.2 Types of Crime
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1.0 INTRODUCTION

This unit examines the classification of crime based on degree and severity. The classification will enable you to understand why some crimes are considered more serious than others.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Know the categories of crime
- Understand the basis of classification
- Examine the severity of crime as the rationale for classification

3.0 MAIN CONTENT

3.1 Categories of Crime

Crimes can be categorized according to the degree or severity of the offence, nature of the acts prohibited, or on some other basis, such as a statistical reporting scheme.

3.2 Types of Crime

One way crimes are distinguished by degree or severity of the offence is by dividing them into felonies and misdemeanours. The only way to determine whether a crime is a *felony* or *misdemeanour* is by knowing the legislated punishment. You should take note that a felony in one jurisdiction might be a misdemeanour in another jurisdiction. Also, a misdemeanour in one jurisdiction might be a felony in another. A felony

is a relatively serious offence punishable by death, a fine, or confinement in a state or federal prison for more than one year. Misdemeanours are usually punishable by no more than a certain amount of fine and one year of incarceration.

Another way of categorizing crimes is to distinguish between offences that are *mala in se* and those that are *mala prohibita*. *Crimes Mala in se* are “wrong in themselves”. They are characterized by universality and timelessness. They are crimes everywhere and have been crimes at all times. For example, murder and rape are offences everywhere, be it Nigeria, Ghana or Europe, such act is not condoned. Crimes *mala prohibita* are offences that are illegal because laws define them as such. They lack universality and timelessness. For example, trespassing, gambling, prostitution etc. For instance, there may be a law that farming on federal government land is prohibited at certain period. Another administration may come into power and give room for people to farm on the land. This is why *mala prohibita* lacks universality and timelessness. This kind of law is not universal. That is, it is not made all over the world (Bohn and Haley, 2002).

We should bear in mind that there are crimes against the state and the individual. For example, one of the crimes against the state is the petroleum pipeline vandalization, which has become so rampant in the last four (4) years. There is vandalization of cable wires in the communication network and electricity, which eventually renders many areas without electricity for months. This is largely due to the unpatriotic attitude of some people in Nigeria. We also have crime against individual. For example, the demolition of people’s houses by the El-Rufai Administration in Abuja has rendered thousands of people homeless. Some of these individuals legally acquired plots of land from past administration and developed them. To further worsen the situation, some of these people whose houses were demolished were not compensated.

For statistical reporting purposes, crimes are frequently classified as crimes *against person or violent crimes*. These include, for example, murder, rape, assault etc. *Crimes against property or property crimes*, include burglary, larceny, auto theft etc *Crimes against public decency, public order and public justice crimes*. Include such crimes as drunkenness, vagrancy, disorderly conduct etc.

3.3 The Aim of this Unit

At the end of this unit, students will be able to know the types of crime in existence as well as the categories of crime based on its degree of seriousness. Students will also know which crimes in Nigeria are regarded as felony and misdemeanour based on the existing legislated

punishment. This course will enable students to know which crime is regarded as crimes against person, property crimes and public order crimes.

SELF ASSESSMENT EXERCISE

List five examples of:

- i. Crimes against person
- ii. Property crimes
- iii. Public order crimes (i.e. crime against the state)

4.0 CONCLUSION

From the unit, students should be able to know how crimes are categorized. You should know which crimes are within the category of crimes against person, property crimes and public order crimes. Students are enlightened that crime of *mala in se* is crimes everywhere and every time, while *mala prohibita* are crimes because the law says so.

5.0 SUMMARY

We have been able to discuss various categories of crime. We looked at why some crimes are regarded as felony and others as misdemeanour. The seriousness of the crime determines its categorization.

6.0 TUTOR – MARKED ASSIGNMENT

Using concrete examples, what are the differences between crimes of *mala in se* and *mala prohibita*?

7.0 REFERENCE/FURTHER READING

Bohn, R. M. and Haley, K. N. (2002). *Introduction to Criminal Justice*, 3rd edition. California: McGraw Hill.

UNIT 4 CLASSICAL AND NEOCLASSICAL APPROACHES TO EXPLAINING CRIME

CONTENTS

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- 2.0 Objectives
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1.0 INTRODUCTION

In this unit, we shall examine the elements of theory, the basic assumptions of the Classical and Neo-Classical Schools of thought on crime. We shall focus attention on the merits and demerits of Classical School.

2.0 OBJECTIVES

- Understand how classical theory came into being
- Examine the basic assumptions of the classical theory
- Know the position of the neo-classical school as regards to crime
- Examine the merits associated with the classical theory of crime
- Know the demerits associated with the classical theory of crime

3.0 MAIN CONTENT

3.1 What is a Theory?

To start with, you need to know what a theory is before you talk about criminological theory. A *theory* is an explanation or a set of assumptions that attempt to explain why or how things are related to each other. A theory of crime attempts to explain why or how certain things are related to criminal behaviour. Some theories assumed that crime is part of human nature. Some relate crime as biological factors inherent in human beings, while some focus on unemployment and poverty, as the causes of criminality in the society (Bohn and Haley, 2002).

Criminological theory, therefore, is important because most of what is done in criminal justice is based on criminological theory. Whether we or the people who propose and implement policies based on the theory know it or not, you should bear in mind that failure to understand the theoretical basis of criminal justice policies leads to at least two undesirable consequences. First, if the criminal justice policy makers do not know the theory or theories on which their proposed policies are based, then they will be unaware of the problems that are likely to undermine the success of the policies. Much time and money could be saved if criminal justice policies were based on a thorough theoretical understanding.

Second, criminal justice policies invariably intrude on people's lives (e.g. people are arrested and imprisoned). If people's lives are going to be disrupted by the criminal justice policies, it seems only fair that there be very good reasons for the disruption. Therefore, criminological theory refers not only to explanations of criminal behaviour but also to explanations of related institutions and individual police, behaviour of attorneys, prosecutors, judges, correctional personnel, victims, and other actors in the criminal justice system.

According to Schafer (1969), what constitutes a criminological theory and what is its appropriate scope are extremely difficult questions. Criminology, like the other social sciences, is primarily a research oriented discipline and therefore, its theories are accepted as valid only if verified by existing data. If verification is fundamental to any theory and proof is as rigorously interpreted as it is in the natural sciences, hardly could any current set of propositions in criminology be correctly labelled a theory.

Of the several approaches to formulating a criminological theory, Wolfgang and Ferracuti, for example, claimed an elaborate number of sets and subsets to meet their standard of theory construction. According to Wolfgang and Ferracuti, a theory should have the following qualities:

- a. **Clarity:** This simply means that when you propose a theory, you need to be very clear by using very simple language that can easily be understood. You also need to avoid high sounding words for easy comprehension.
- b. **Precision:** A theory must be precise. That is, it should be exact and tell us what it is all about without going round and round a statement before saying what it is. E.g. If you say this biro is good, that is precision. On the other hand, if you say this biro is neither good nor bad, it means you lack precision.

- c. **Logical adequacy:** This is simply saying that for you to arrive at a theory, there are steps or procedures you need to follow systematically before a conclusion can be made. For a theory to be logically adequate it must pass through the scientific process of testing and verification before conclusion can be drawn.
- d. **General Acceptability:** for a theory to be upheld, it must be generally acceptable, e.g. if you propose that whenever there is riot, there are loss of lives and property. It means that curfew will be imposed on the affected community, if this has been the process for a long time in such a situation. Then you can say “curfew” is a theory, which is normally imposed on community during riots or upheavals.
- e. **Comprehensiveness:** A theory needs to be comprehensive. That is, it must be very explanatory. It should be able to include the cause and effect of a crime. It should include the when, how, what and why of a crime. For example, if you say Sade stole a loaf of bread, your theory should be able to tell you when the event took place. Is it in the morning, afternoon or evening? What makes Sade steal a loaf of bread and how the bread stolen was discovered from Sade? Why was the bread stolen in the first instance? What is the aftermath of stealing bread on Sade’s reputation?
- f. **Informative content:** A theory should be very informative. That is, it should be able to provide necessary information on how the theory is developed, tested, verified before conclusion is reached.
- g. **Credibility:** A theory must have credit to itself. What you should know is that no theory is completely perfect and no theory is completely useless. Each theory tries to focus on certain factors in order to provide explanation on the occurrence of crime. No matter how little it might look. There is always a credit or advantage to be derived from such line of argument of the theorist. This is because the weakness of a particular criminological theory is the starting point of another theorist who tries to improve on it before propounding his own theory.
- h. **Predictability:** A theory must be predictable. That is, a theory should be able to predict the cause and effect of a crime or any social phenomenon. It is only when the cause and effect are predicted that a solution to the problem can be found. An example is the era of “Area boys” in Lagos. For you to find solution to their existence in Lagos State, you must find out the

cause that made “Area boys” to exist. What effect do they have on the society? How can the cause and effect identified be tackled? Sanity can only come to Lagos when all “Area boys” are meaningfully engaged in employment. It will not only stop them from being nuisance in the society, but direct their energy to work for national development (Schafer, 1969).

3.2 Classical Theory of Crime

From earliest times, crime has been recognized as a violation of social imperatives. Even the most primitive groups recognized the necessity of utilizing social norms as means of societal control. The norms, however, were generally products of human experience that had been legitimized through socio religious acceptance. Since law regulates not only what is, but also what should be, certain conducts will be defined a crime in order to protect a valuable issue in advance against a possible attack.

Classical theory is a product of the enlightenment period, (the age of reason and enlightenment). This is a period between late 15th and late 17th century. The enlightenment thinkers, including members of classical school of criminology, promoted a new, scientific view of the world. Notably among them, are Cesare Beccaria and Jeremy Bentham. The enlightenment thinkers rejected the belief that either the nature of the world or the behaviour of the people in it was divinely ordained or predetermined. Instead, the enlightenment thinkers believed that people exercise free will or the ability to choose any course of action, for which they are completely responsible.

Human behaviour was considered motivated by a *hedonistic rationality*, in which a person weighs the potential pleasure of an action against the possible pain associated with it. In that view, human beings commit crime because they rationally calculate that the crimes will give them more pleasure than pain. Classical criminologists, as enlightenment thinkers, were concerned with protecting the rights of human kind from the corruption and excesses of the existing legal institutions. It was found that horrible and severe punishments were common both before and during the enlightenment. It was within that historical context that Cesare Beccaria, wrote and published anonymously in 1704 his revolutionary book titled *An Essay in Crimes and punishments*. The book is generally acknowledged to have had an enormous practical influence on the establishment of a more humane system of criminal law and procedure (Bohn and Haley, 2002),

Beccaria’s main theory is that punishment for crime should not exceed what was necessary to maintain public order. He opposed capital punishment, torture and secret trials. He argued that the system was

savage, stupid and ineffective. Beccaria was responding not only to the need for humane aspects of law, but also concerned with the society as a whole.

Some reforms by Beccaria include the follows:

- Criminal law should be clear so that everyone could know and understand it.
- Torture to obtain confessions should be abolished
- Judges should be impartial, and the sovereign who makes the law should not determine guilt or innocence.
- The accused should be allowed adequate time and resources necessary for the defence.
- Death penalty should be abolished.
- Secret accusations and royal warrants for imprisonment of people without trial should be stopped.
- Punishment should be quick, certain, and commensurate with the crime committed
- The true measure of crime should be the harm done to the rights of individuals in society, rather than the standards of moral virtues.
- The severity of punishment should be drastically curtailed, not more than proportionate to the crime committed. And, it should not go beyond what was necessary to deter the criminal and others from injuring other members of society. It should be just sufficient to ensure that the penalty outweighs the advantage derived from the crime.
- The nature of penalty should correspond to that of crime (Danbazau, 1999).

Beccaria sets forth most of what we now call classical theory of criminology. According to him, the only justified rationale for laws and punishment is based on the following principles.

- i. **Utility:** A policy should provide “the greatest happiness shared by the greatest number”. This principle is simply saying that whatever is going to form a policy should be derived from the recognition and acceptance of the majority of the populace. Utility is the usefulness of a policy. For example, it is the view of the law that you shall not kill. Both Islam and Christianity condemned such acts. The constitution of the country also gives individuals the right to live.
- ii. **Social contract:** It is an imaginary agreement to sacrifice the minimum amount of liberty necessary to prevent anarchy and chaos. This principle is simply saying that human beings, being

what we are, stand the chance of being brutal to others. The strong ones will override the weak ones, and, as such, there will be anarchy and confusion. It is agreed that we should surrender part of our liberty to the State, who invariably is expected to protect our life and property from being trampled upon. The individual now enters a kind of social contract with the State. The State now becomes the apparatus that can use law enforcement agents to bring about peace and order in the society (Bohn and Haley, 2002).

- iii. **Special or Specific Deterrent:** This is the use of punishment to prevent or deter offenders from committing crime again. The punishment is specific to an offender so as to correct him from bad behaviour, which is frowned at in the society. For example, if you go to a supermarket and steal a pair of shoes and you are cut, if the police around the vicinity mandate you to do frog jump fifty times, it will serve as a deterrent to you not to steal again, bearing in mind what you went through.
- iv. **General Deterrent:** This is the use of the punishment to prevent people in general or members of the society at large from engaging in crime. For example, using the same example above, the frog jump you did fifty times will sound a note of caution to the general public or the people in the society that if they steal, they will be punished. What they have witnessed will go a long way to deter them from committing similar crime.

In addition to the establishment of a social contract and the punishment of people who violate it, Beccaria recommended other ways to prevent or to deter people from committing crime.

- (a) The first is to enact laws that are clear, simple and unbiased that reflect the consensus of the members of society.
- (b) The second is to educate the public. Beccaria assumed that the more educated people are the less likely they are to commit crime.
- (c) The third is to eliminate corruption from the administration of justice. He believed that if the people who dispense justice are themselves corrupt, people will lose respect for the justice system.
- (d) The fourth is to reward virtue. Beccaria asserted that punishing crime is not enough, it is also important to reward law-abiding behaviour. Such rewards might include public recognition of meritorious behaviour.

3.3 Neoclassical Theory of Crime

The Neo-classical Theory or School came into existence as a result of some gaps created by the classical School. Its theory is based upon the theory of responsibility. Those who subscribe to the Neo-Classical ideas include Bayer, Van den Haag etc. According to the Neo-Classical School, the amount of freewill is not evenly distributed; there are certain conditions when the individual will not be acting out of his or her freewill. The Neo-Classical School pointed out that some people do not have freewill.

- **Children:** Neo-classical School argued that children should be exempted from criminal responsibility. It is believed that children were incapable of committing crimes and are yet to reach the age of maturity where they can be made to be criminally responsible.
- **Senile:** These include very old persons who have completed their circle and return to behave like children.
- **The insane:** Are those who, for health reasons, have lost their freewill. So these mental conditions should be taken into consideration under the penal equation.
- **The provoked:** People who are extremely provoked suffer from temporary insanity. The law recognizes that people can lose their calm and return to insanity. You should cast your mind back to unit I where we discussed *mens rea* and *actus reus*. These are the two types of provocations. If you act under the *actus reus* it means that you are provoked and you acted immediately. It is like a reflex action if I slap you and you slap me back immediately, this is *actus reus*. For *mens rea* if you slap me and I did not respond immediately and after two days I decided to slap you. It means I have the criminal intention to hurt you. It is premeditated.

The modification made by the Neo-Classical Theory from the classical theory has two practical effects. First, they provided reason for non legal experts such as medical doctors to testify in court as to the degree of diminished responsibility of an offender. Second, offenders began to be sentenced to punishment that was considered rehabilitative.

Problems with Classical Theory

1. The classical theory was a bourgeois attempt to get rid of arbitrary punishment. Their ideas of the ruling group are to limit the arbitrary punishment and not the proletariat group in the 18th century.
2. The notion of equality is curious, it is not true. If equality is the case, how can one explain the majority of the poor people in the prison? You should note that the crimes of the poor are what they

need, while the offence of the rich is the white collar crime, corruption, money laundering etc. We can say that the police focus on the poor and not on the rich people. Also, the police are not in the position to know the crime committed by the ruling class. As such, crime is not always due to need. So there is a conscious relationship between class and crime committed.

3. Classical theory access the notion of consensus rather than conflict between groups in the society. They can be said to be imaginary because they are not actually operating in the society as they proposed.
4. Classical School was against reformation. That is, you should be given what you deserved due to your irrational behaviour or act. Also, one of the rights of the offender is to get the punishment.

Merits of Classical Theory

Classical theorists were responsible for the first attempt to create systematic knowledge about law, crime and punishment. In view of this, modern criminologists use the Classical Theory, which is an attempt to systematize the punishment and no longer act arbitrary. They created Criminology. It arose as a result of the need to reform the institution of justice relating to punishment. Many ideas of the classical school of thought are still being followed in our courts all over the country.

3.4 The Aim of this Unit

At the end of this unit, students should be able to understand that classical theory and neo-classical theory are the beginning of criminology. That is the first attempt to study crime in the society. Students should also understand the basic argument of the Classical School. Its contribution to the criminal justice system is still relevant till date. Some of the assumptions of the Classical School still serve as guiding principles to the dispensation of justice.

SELF-ASSESSMENT EXERCISE

What are the differences between Classical and Neo classical theories of crime?

4.0 CONCLUSION

Students who have gone through this unit should be able to see the practical aspects of the classical theory assumptions in the Nigerian court. When you go to court, you will be able to appreciate more the contribution of the Classical Theory to the development of criminal

justice in Nigeria. The Classical School is the advocate for “just desert” that is punishment should be equal to the crime – committed. The logo in front of the Nigerian courts is also derived from the classical theory of punishment = culpability.

5.0 SUMMARY

We have been able to discuss why classical theories came into existence, their basic assumptions, and the modification of classical theory by the neo-classical theory. We also looked at the merits and demerits of the Classical Theory of Crime.

6.0 TUTOR – MARKED ASSIGNMENT

Argue for or against the notion that poor people commit more crime in Nigeria than the rich people.

7.0 REFERENCES/FURTHER READINGS

Bohn, R.M. and Haley, K.N. (2002). *Introduction to Criminal Justice*, 3rd edition California: McGraw Hill.

Danbazau, A. B. (1999). *Criminology and Criminal Justice*, Kaduna: Nigerian Defence Academy Press.

Schafer (1969). *Theories in Criminology: Past and Present Philosophies of the Crime Problem*, New York: Random House.

UNIT 5 CRITICAL APPROACHES TO EXPLAINING CRIME

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
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 - 3.2 Conflict Theory
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- 5.0 Conclusion
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings
- 1.0 INTRODUCTION**

Critical theories are products of a different conception of American Society that began to emerge towards the end of the 1950s. Critical theories assumed that human beings are both determined and determining. That is to say, human beings are the creators of the institutions and structures that ultimately act as a constraint to them. Critical theories also assumed that society is characterized primarily by conflict over moral values. Many critical theorists assumed that everything they do is value-oriented by virtue of their being human. That is, they believed it is impossible to be objective or value – neutral in anything.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Understand the basic assumptions of the labelling theory.
- Examine the basic arguments of conflict theory of crime in society.
- Know the policy implications of these theories.
- Examine the limitations of critical approaches to crime.

3.0 MAIN CONTENT

3.1 Labelling Theory

Labelling theory is also known as social interactionism. This school emerged as a challenge to the absolute terms of crime and deviance. This school emerged in the early part of 1960's against the legacy of

positivist and absolute condition of crime. Consequently, the social interactionists rejected all those genetic, psychological, environmental and multi-causal account of crime and deviance. This is because all those accounts are not evenly distributed without relating to morality.

The attention of the social interactionists is on the nature of social rules and social reaction. Social interactionists argued that the early theories believed that there is something in the act that is actually bad. It is assumed that there is something wrong with the people that deviate.

According to Becker, (1963) “deviance is not in the quality of the act that a person commits but it is a consequence of the applications of rules and sanctions to the offenders”. They believed that deviance is a process of applied rules to people. They also identify the process through which the deviant identity is socially constructed.

Deviance is seen as a process and product of social interaction. As such, we have to understand that situation and look at the condition in which to define deviance. Social interactionists argued that deviance is relative. That is, it varies from person to person, it varies from place to place, and it varies from time to time. Large scale violation may continue to occur, but it is not regarded as deviance until the social audience labels it as such.

You need to get the following concept right, *deviance* and *deviant*. Deviance is the act, while deviant is the person who commits the act of violation. If for example, Bimbo steals a pair of shoes. Bimbo will be regarded as a *deviant*, while the act of stealing a pair of shoes is *deviance*.

Assumptions of Labelling Theory

1. Society is made up of groups of individuals.
2. There is existence of rules in each of the groups.
3. There is the manifestation of the behaviour by a member of the group.
4. Behaviour manifested by another member of the group is contrary to their rules.
5. The member of the group who observes the behaviour passes judgment on the behaviour he or she has seen, and comments that an interaction has been formed. That is, something contrary to the rules of the group has been performed by a member.
6. The observer brings this opinion to the attention of the group and they also agree on the statement that a friction has been committed.
7. The group react to the person as an outsider or a deviant.

Therefore, there can be no deviance unless all these steps have taken place. Deviance is created during interaction and it takes cognizance of the rules of a particular group to a particular behaviour.

You should bear in mind that there are different groups in the society. The group with power imposes its own rules as the overriding group in the society. One thing you should note is that, with this theory, if a larger society defines you to be a deviant, it is very difficult to escape from the State rules by making someone uncomfortable. You should also bear in mind that, the evasion of norms and rules is called deviance, while the evasion of law is called crime. It is only when rules or norms are elevated to the position of State that they become written. Rules are made in a group and often they are unwritten. Evasion of the rule is regarded as deviance. On the other hand, laws are made by the State and they are usually written. Disobedience to the law of the State is regarded as crime.

	Rules	Law
1	Group	State
2	Deviance	Crime
3	Unwritten	Written

Some of the scholars in this school of thought are Howard S. Becker, Charles Cooley, Herbert Mead, Erving Goffman etc. For example, Becker (1963) in his book titled “*Outsiders*” is of the view that if you are in a society and you belong to a group, you are expected to obey all the rules and regulations. If you disobey you will be regarded as an *outsider*, while those who obey the rules and regulations of the group are regarded as *insiders*. Labelling theory is also called relativist school. We are now going to examine why they are called relativist school.

Reasons for being called Relativist School

1. The social interactionist school argued deviance is relative. That is, it varies from place to place, it varies from time to time, and it varies from person to person. For example, in Zamfara State because of Sharia people are not allowed to sell alcohol. Anybody found selling alcohol will be punished. However, in Lagos because it is not a Sharia State people are allowed to sell alcohol and it is not an offence. You can now see that the same act is perceived differently in the two States. As such, we can say that deviance varies from one place to another.

To say that deviance varies from time to time, let us look at this example. During war, people are allowed to kill their enemy and

the person who does that will be regarded as a hero in that community. If killing is done during peaceful period, the person is regarded as a murderer and will be severely punished. So you can see that the same act is perceived differently, depending on the time of occurrence.

Deviance also varies from one person to another. For example, if a child is brought to the class, he may start crying because he is seeing so many faces. Such behaviour will be viewed normal as a child. If on the other hand, a grown-up man comes to the class and seeing so many faces and as a result decides to cry, that will be regarded as a deviance. This is because he is not expected to cry, as an adult.

2. Large scale law violation goes on, but it is not regarded as deviance until the social audience labels it as such. For example, you remember that during Buhari/Idiagbon regime, War Against Indiscipline (WAI) was introduced. Part of the law was that you should not litter your environment with paper here and there. If you used paper it must be disposed of properly, if not, you would be punished. This became an offence during that time. But it was not an offence before the introduction of WAI.
3. Social interactionists also pointed out that the social reaction to primary deviance (that is first offender) is so powerful to the self, that it may result in the creation of secondary deviance (that is to develop a career in deviant behaviour). The reaction of other people can make the individual accommodate his behaviour and the social reaction is very important.
4. They rejected the absolutist notion of deviance and instead, put forward processual. To them, deviance is a process of interaction between individual reaction and the reaction of other people in his group who pass judgement on the behaviour. This can lead the person concerned to adjust to social reaction as secondary deviance.
5. They argued that the self is a social construct. It is something we build gradually and the individuals come to see themselves in the way in which other people see them. This affects not only the deviant behaviour, but also positive behaviour. In other words, people will tend to see themselves in a positive way, if other people agree to it as positive behaviour.

Limitations of Social Interactionists' Argument

1. Social interactionists think of the actor as powerless at the hands or mercy of his definer. When people defined you as deviant then you are a deviant. But in reality, a deviant is not powerless, and he just doesn't acquire the feeling of other people. He may also refuse to accept the label.
2. Social interactionists mentioned the concept of class, but fail to define it. They were not able to show the relevance of class in the analysis. For example, those with power impose the power of right and wrong on the subordinate class. The social interactionists did not articulate the concept of class, and what they assume to be right and wrong is not mentioned. As such, the position of those who rule, or in power, defines what is conformity and deviance in the society. For example, sale of alcohol in Zamfara State is a deviant behaviour and who ever is found doing such, is a deviant.
3. Social interactionists are not aware of historical component or sequence. In other words, the social interactionists keep talking of the actor and the society, but do not tell us that action has meaning, depending on the historical period at that point of development, which we live in.
4. Social interactionists' arguments are overtly subjective. Objectivity has to do with fairly established standard. Subjectivity is parochial and does not consider the opinion of others.
5. Social interactionists do not tell us how one conception of reality comes to dominate other community of wants. That is, if there are many groups in the society with different rules and regulations, how come a particular group dominates?

3.2 Conflict Theory

Conflict theory assumes that society is based primarily on conflict between competing interest groups such as the rich against the poor. In many cases, competing interest groups are not equal in power and resources. Consequently, one group is dominant and the other is subordinate (Bohn and Haley, 2002). Some of the critical theorists include George B. Vold 1958, William Bonger 1916, Austin T. Turk, Raph Darendorf 1959, William Chambliss 1975, Young 1973, Taylor 1973, etc.

There are two groups of conflict theory. First, is the conflict as seen by Marx and Marxist scholars. In this group we have Marx, Engel, Bonger,

Taylor and Young etc. The second group is the conflict functionalists such as Dahrendorf, Coser, Quinney, Vold etc.

Conflict theorists believe that many behaviours are defined as crimes, because it is in the interest of dominant groups to do so. They also believe that criminal law and the criminal justice system are used by dominant groups to control subordinate ones.

However, the public image is quite different. The public image of the criminal law and the criminal justice system is that they are value-neutral institutions. That is, neither institution has a vested interest in who “wins” a dispute. The public image is that the only concern of the criminal law and criminal justice system is resolving disputes between competing interest groups justly and, more importantly, peacefully.

According to conflict theorists, this public image legitimizes the authority and practices of dominant groups and allows them to achieve their own interests at the expense of less powerful groups. In this view, crime also serves the interest of dominant groups. It deflects the attention of subordinate group members from the many problems that dominant groups create for them and turns that attention to subordinate group members who are defined as criminals (Bohn and Haley, 2002).

Those in power are seen as a selfish or self – interested lot who manipulate the legal structure to their advantage. According to the radical school, the maximization of self gain is the predominant motive guiding most elite behaviour in the society. Criminal behaviour therefore becomes defined as a function of social class position (Chambliss 1974, and Taylor 1973 cited in Danbazau 1999).

All behaviour, including criminal behaviour, occurs because people act in ways consistent with their social positions. Crime is seen as a response to a person’s social situation. The reason members of subordinate groups appear in official criminal statistics more frequently than members of dominant groups is that the dominant groups have more control over the definition of criminality. Thus, they are better able to ensure that the responses of subordinate group members to their social situations will be defined and reacted to as criminal.

For instance, Bonger (1916) in his book “*Criminality and Economic Conditions*” studied European crime rates and concluded that capitalism encouraged egoism and greed rather than altruism. He attributed the rise of individualism to capitalism. For Bonger, egoism could never be reduced by closer social integration, as it was the society itself that caused the egoism. Crime is more prevalent among the lower classes, because they have little, if any, security in their employment.

Moreover, a society which has encouraged the poor to compete with each other for material gain criminalizes their greed and yet does nothing about the greed of the rich.

Vold's theory was centred on a conflict of interests. Vold (1958) started from the assumption that most people are group-oriented and that their lives are essentially tied up with group affiliation. Groups emerge when people have common interests or needs, which can best be advanced through collective action. His analysis was strictly based on logic and avoided questions of which group was "right" and which was "wrong". Crime can therefore be seen as the activity of powerful minority groups. Individual crime must be viewed as activity, which is carried out for the ultimate benefit of the group. According to Vold, many crimes are committed by groups. Individuals come together for strength and support, and to protect themselves against the police, who are seen as the agents of the dominant group.

Critical theory is also known as radical theory. They are of the view that the society is dominated by the elite, who use the criminal law as a means of meeting and controlling certain threats to the elite's power and position. This is carried out by employing the legal apparatus to define acceptable standards of conduct and to repress that behaviour and those persons who violate such standards.

The radical school perceives crime as an immutable feature of capitalist society and its system of political arrangements, which guarantees the position of the exploitative elite. The criminal justice system is believed to be essentially coercive. The elite rule less on authority than on definition on the basis of perceived legitimacy, and rather conform out of fear of force which they can bring to bear on deviance. This force, embodied in the police, courts and prisons, serve the interest of the powerful by enforcing their rules (Quinney 1974 cited in Danbazau 1999).

Crime, according to Quinney (1975), is seen as a manifestation of the struggle between classes and a symbol of the dominance by the owner class or the exploiters. Quinney argues that the social structural patterns developed by the capitalists to create unequal economic position between them and the workers, have resulted in poor standard of living of the workers, who subsequently compete with each other for jobs and are willing to work for low wages. Quinney concluded that the existing laws and legal structures were invalid, as they merely existed to serve the interests of the capitalist ruling class. In the process of exercising its domination over the working class, the ruling capitalist class itself committed crimes.

Chambliss (1975) argued that crime is only a reality when acts are defined as criminal to suit the ruling class, who themselves can break the law with impunity. The content of the criminal law will expand as the gap widens between the bourgeoisie and the proletariat. Chambliss claimed that crime creates employment for law enforcers, criminologists and others. It also serves to divert the attentions of the lower class towards each other rather than against the oppressive economic class.

As a student of criminology, you should bear in mind the two policy implications of conflict theory.

- It is argued that the dominant groups should give up some of their powers to subordinate groups, thus, making the worker powerful and reducing conflict. Increasing equality in that way might be achieved by redistributing wealth through more progressive tax system, another way to increase equality at least in the political arena. This would limit or eliminate altogether the contributions of wealthy people and corporation to Political candidates.
- The other policy implication is for dominant group members to become more effective rulers and subordinate group members' better subjects. To do so, dominant group members would have to do a better job of convincing subordinate group members that the current unfair distribution of power in society is in their mutual interests.

Problems Associated with Conflict Theory

1. Conflict theorists seem to ignore that power in society comes primarily from the ownership of private property.
2. Conflict theory is basically reformist in its policy implications. Conflict theorists generally assume that crime, as well as other social problems can be corrected by existing social institutions.
3. Conflict theorists fail to specify the sources of power in society. When those sources are identified, they are usually attributed to the personal characteristics of the elite that is, people with power are said to be smarter, better educated, luckier and better able to defer gratification.

3.3 The Aim of this Unit

At the end of this Unit, students should be able to discuss critical approaches to crime. That is labelling theory and conflict theory. You should be able to know the process involved for a person's behaviour to be termed deviant from the social interactionists view of crime. Also, you should also be able to understand the conflict of interests that are at play for behaviour to be regarded as a crime in the radical or conflict perspective with focus on the capitalist society.

SELF-ASSESSMENT EXERCISE

- i. Distinguish between primary deviance and secondary deviance.
- ii. What are the basic assumptions of the conflict theory of crime?

4.0 CONCLUSION

From this unit, students of criminology should be able to differentiate what is deviance and deviant, primary deviance and secondary deviance, as well as dominant group and subordinate group in the society. As a student, you should know when a person is likely to develop an attitude of deviance. This unit also enlightens students on the policy implications of these theories as well as their limitations.

5.0 SUMMARY

We have been able to discuss the labelling or social interactionist view of deviance. We also looked at the processes involved for a person to be successfully labelled a deviant. The basic assumptions of the critical theory or radical theory were discussed in view of the conflict of interests in the capitalist society. At the end, we focused our attention on the policy implications of the conflict theory and the limitations of conflict theory of crime.

6.0 TUTOR – MARKED ASSIGNMENT

Critically assess the relativity of crime as argued by the labelling theory.

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MODULE 2

Unit 1	Meaning of Crime Statistics
Unit 2	Uses and Factors that Make Crime Statistics Useful
Unit 3	Official Sources of Crime Statistics
Unit 4	Unofficial Sources of Crime Statistics
Unit 5	Suggestions for Better Measurement of Crime

UNIT 1 MEANING of CRIME STATISTICS

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	What is Crime Statistics?
3.2	The Origin of Crime Statistics
3.3	Components of Crime Statistics
3.4	The Aim of this Unit
4.0	Conclusion
5.0	Conclusion
6.0	Tutor-Marked Assignment
7.0	References/Further Readings

1.0 INTRODUCTION

Measurement of crime refers to the quantification of the number of crimes committed in the society in a certain period of time. Here, we are interested in the statistics of crime. This will facilitate knowledge of the volume, character, nature and pattern of crime committed in the society.

2.0 OBJECTIVES

- To examine the meaning and nature of crime statistics.
- To quantify the number of crime committed.
- To know the two principal ways authorities concerned arrived at crime statistics of a state and the nation
- To know the various sources of crime statistics and their significance.

3.0 MAIN CONTENT

3.1 What is Crime Statistics?

Crime statistics is the uniform data on offences and offenders expressed in numerical terms derived by official agencies like the police, prison, courts, Nigeria Drug Law Enforcement Agency (NDLEA), Customs, Immigration, Independent Corrupt Practices and Other Related Offences Commission (ICPC), Economic and Financial Crimes Commission (EFCC), Federal Road Safety Corps (FRSC), National Agency for the Prohibition of Traffic in Persons (NAPTIP) etc. These numerical data are derived from the record of these official agencies. These records are often tabulated, classified and analyzed, in order to establish relationship between or among the classes of offences recorded. Crime statistics is expected to be reported at a given period in the year i.e. quarterly, every six months or annually.

You should bear in mind that this definition of crime statistics excludes definitions derived from other studies such as Victim-Surveys, Self-Report Studies, Direct Observation etc. These are regarded as the unofficial sources of crime statistics. Crime statistics is a specific instrument for the measurement of crime and delinquency. It is on the basis of this that you can know the volume, the character and pattern of crime. Crime statistics will enable you to know whether crime is increasing or decreasing. It also makes you understand the distribution of, and persons involved in crime in different areas in the society.

3.2 The Origin of Crime Statistics

The idea that crime can be measured is a positivist idea. They advocate the adoption of scientific method in studying crime. Part of the advocate involves the quantification of crime in a scientific way. According to the positivists, it is only by quantifying crime that we can attempt to proffer ways of tackling the volume of crime in existence. Positivists believe that crime is an absolute quantity that one can go out to measure the amount of crime, in order to get the statistics. Other scholars who are not positivists also use or utilize crime statistics to measure crime. Positivists argued that crime statistics is very necessary in crime measurement. Statistics is the only source through which you can arrive at the general theory. They utilize official crime statistics as collected by Law Enforcement Agents.

Statistics can be defined as the official data, on the volume, patterns (that is mode of distribution), character and the attributes of known offences and the offenders. For statistics to be used, the positivists

believe that the statistics has to be comprehensive in coverage. That is, crime statistics must constitute all offences in the wide area.

3.3 Components of Crime Statistics

As earlier mentioned, it is only statistics collected in the government agencies that are included in the crime statistics. Such government agencies include Police, Court, Prison, Federal Road Safety Corps (FRSC), Independent Corrupt Practices and Other Related Offences Commission (ICPC), Economic and Financial Crimes Commission (EFCC), National Agency for the Prohibition of Traffic in Persons (NAPTIP), Bostal institution for juvenile, Custom etc.

There are principally two ways in which the official agents get crime statistics.

- i. Through police patrol *Beat* system. This is the daily patrol of the police in different parts of the area of their operations. In the process, some crimes are discovered and recorded.
- ii. Crime statistics can be gotten through complains from the general public. You must bear in mind that this recorded crime represents only a sample of an unknown figure of total crime in the society. As a student of criminology, the size or sample of the known crime will depend on two factors.

a. The Nature of the Offence

This will determine whether you will report the case to the police or not. For example, you are likely to report a case of murder to the police. This is because of the seriousness of the crime. On the other hand, you may not report a case of two people fighting or someone who pick-pockets. This is because you may consider the crime not to be serious in nature.

b. The Intensity of Law Enforcement

This mainly affects offences that are not personal. They are public offences and the individual is not a direct victim. For example petroleum bunkering, vandalism of Power Holding Company of Nigeria (PHCN), Nigerian Telecommunications (NITEL), Global Satellite for Mobile Telecommunications (GSM) equipments. In this case, the sample of these crimes will depend, to a large extent, on the efficiency and effectiveness of the law-enforcement. For example, smuggling of prohibited items into Nigeria. The volume of seizure of these prohibited items will depend largely on the efficiency and effectiveness of the Nigerian custom officers. The statistics of seizure will not only contain

the volume, but the pattern of concealment, characters of those involved in smuggling and the items smuggled into the country.

3.4 The Aim of this Unit

The aim of this unit is to expose students to the meaning of crime statistics. What are the components that make up crime statistics? Which sources are regarded as official and need to be part of the crime statistics.

SELF ASSESSMENT EXERCISE

- i. Mention five serious crimes that you think should be reported to the police and why?
- ii. Mention five crimes that you think should not be reported to the police, and why?

4.0 CONCLUSION

From the unit, students should be able to know that crimes are converted into figures for easy understanding. It is usually tabulated and analyzed. For each crime recorded in the statistics, the volume, pattern and character must be known. It will contain the crime distribution in different areas. Having knowledge of this will make it easy for future planning to curb the incidence of crime in the country.

5.0 SUMMARY

We have been able to discuss the meaning and components of crime statistics. We also mentioned that it is only crime figures from official agencies that are included in the crime statistics. The sample size of crime known to the police will depend on the nature of the offence as well as the intensity of law-enforcement.

6.0 TUTOR – MARKED ASSIGNMENT

You have been commissioned by the Director of FRSC (Federal Road Safety Corps) to provide statistics for the following crimes committed by motorists on the federal road (over speeding, overtaking, overloading, possession of fake document and attempt to corrupt Marshalls).

1. Go to a busy round-about and watch at a close distance for two hours.
2. Record the type of crime committed in tabular form by
 - Commercial drivers

- Private drivers
- Sex mostly involved
- Type of vehicle involved
- Punishment given to offender by FRSC officer/ road traffic officer

7.0 REFERENCE/FURTHER READINGS

Bohn, R.M and Haley, K.N. (2002). *Introduction to Criminal Justice*, 3rd edition, California: McGraw Hill.

UNIT 2 USES AND FACTORS THAT MAKE CRIME STATISTICS USEFUL

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Uses of Crime Statistics
 - 3.2 Factors that Make Crime Statistics Useful
 - 3.3 The Aim of this Unit
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

In this unit, we shall examine the uses of crime statistics in Nigeria. There are three factors that should be present before crime statistics can be useful (i.e. reliability, validity and utility). Factors that influence the public in crime reporting as well as critics of police record will be discussed.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- To know the uses of crime statistics.
- To examine the reason why a country needs to measure the crime in existence.
- To consider the problem of crime statistics in relation to reliability, validity and utility.
- To understand factors that influence public reporting of crime to police.
- To examine the criticisms levelled against police record.

3.0 MAIN CONTENT

3.1 Uses of Crime Statistics

1. We use Crime Statistics in order to have knowledge about the volume and character of crime. This will help law-enforcement agencies device counter measures to check those crimes.

2. Crime Statistics will help us determine the extent of population involvement in crime. This is because Crime Statistics refer to uniform data on crimes and criminals expressed in numerical terms devised by official agencies. That is, it will enable us to know whether a few crimes are committed by many people or many crimes are committed by a few people.
3. Crime Statistics will help us locate the major social area of the thrust of criminal activity that contributes to the total volume of crime. This means that one can use socio-demographic data such as age, sex, occupation, income etc. It will also enable us to know the age that contributes most to the total amount of crime in the area. One needs to know the social thrust of each criminality.
4. Crime Statistics is used to develop a typology of crime and the degree of seriousness, in order to have a more refined measurement of social harm.
5. Crime Statistics help provide empirical data upon which scientific theories of human criminal behaviour can be based. That is, when you know the Crime Statistics, it can form the basis upon which new theory can emerge through the use of scientific procedure.
6. It provides operational hypothesis about the etiology of crime and of criminal behaviour as a reflection of, or a reaction to social system.
7. Crime Statistics help measure the enforceability of the various types of legal norms. That is, crime statistics enable us to see the kinds of law that are easily enforceable and the one(s) that are not. What this point is saying is that the more frequent a particular crime appears in the Crime Statistics, the more people break that particular law. For example, burglary, armed robbery, murder etc. This will enable policemen to focus or refocus their direction such as getting more patrol vehicles, recruit more policemen, provide better communication gadgets, improve logistics etc.
8. Crime Statistics help us in the measurement of effectiveness and efficiency of law-enforcement agencies such as police, court and prison. For instance, the size of the sample of crime known will depend on the effectiveness and efficiency of the police. In court, if the number of cases entering court increases and are disposed of without any delay, one will say the court officials are efficient and effective in the performance of their duty. Also, if in prison,

the number of people going to prison is less, then it means that the deterrent approach is effective, because when one is not adequately socialized the person is likely to commit crime.

9. Crime Statistics help to know the extent in which the freedom to movement, to life and property are impaired or restricted by criminal activities. This point is aimed to assess the rate of victimization. e.g. if in 2004 we had 100 cases of armed robbery, and in 2005 there are 250 armed robbery cases, one can use these two years to assess the rate of victimization or the security of the citizens. That is whether citizens are becoming secure or insecure due to the rising wave of crime in the country.
10. Crime Statistics can be used to assess the cost of crime in terms of injuries sustained from the various assaults on the individual and the community. It also enables us to know the cost of maintaining law-enforcement agencies like the police, court, prison etc. Crime statistics can help us know the cost incurred by the individual, community and the government in general.

3.2 Factors that Make Crime Statistics Useful

For Crime Statistics to be useful it must be reliable, valid and utilized.

- **Reliability:** Refers to consistency of a measuring instrument. That is, if you want to measure a social phenomenon i.e. criminal, the yardstick must be consistent from one occurrence to another. e.g. if you use a ruler to measure the length of one table, the same ruler should be used to measure the remaining tables in order to arrive at a consistent result.
- **Validity:** Crime Statistics must be valid. This refers to the extent to which crime statistics are reflection of the true situation of crime in a given area. It is a true representation of crime and the type of crime committed in an area. For example, if you agree that burglary is forceful entry into another person's house, it means that whenever a house is broken into, it will be regarded as burglary. The criteria should be constant and applicable to your definition of burglary everywhere and at any time the incidence of burglary occurs.

You should take note that there is what is called “**dark figures**” of crime. They are cases that are reported to the police but are not recorded, for various reasons. Examples include family affairs, the usual police talk of lack of stationery to take down the cases, logistic problem, etc.

- **Utility:** This refers to the usefulness of Crime Statistics. It refers to the extent to which crime statistics help us in projecting and planning about crime. Crime Statistics can only be useful for projecting and planning, if it is reliable and valid. Therefore, if crime statistics is reliable and valid, then there will be high degree of utility.

3.3 The Aim of this Unit

At the end of this unit, students should be able to have a better understanding of how crime statistics is generated in Nigeria and what it is used for. It will also expose students to the three elements that must be present for Crime Statistics to be useful for future planning. These are reliability, validity and utility. This course will enable students to know the factors that influence the members of public from reporting crime to the police. It will also broaden students horizon on the criticisms levelled on police statistics as the official source of generating crime statistics in Nigeria.

SELF-ASSESSMENT EXERCISE

- i. What is Crime Statistics?
- ii. Mention the theory that propounded that crime should be quantified

4.0 CONCLUSION

From this unit, students of criminology should be able to know the meaning of Crime Statistics. As a student, you should know what Crime Statistics is used for in Nigeria and factors that may limit its usefulness.

5.0 SUMMARY

We have to be able to discuss what constitutes Crime Statistics, the elements that must be present for Crime Statistics to be useful. We have also looked at factors that influence public reporting of crime to the police as well as the criticisms of police record as an official source of crime statistics.

6.0 TUTOR – MARKED ASSIGNMENT

Critically examine the uses of Crime Statistics in Nigeria?

7.0 REFERENCES/FURTHER READINGS

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UNIT 3 OFFICIAL SOURCES OF CRIME STATISTICS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Official Sources of Crime Statistics
 - 3.2 Factors that Influence Public Reporting of Crime to Police
 - 3.3 Critics of Official Crime Statistics
 - 3.4 The Aim of this Unit
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 Reference/Further Readings

1.0 INTRODUCTION

In this unit, we shall examine the official sources of crime statistics. The factors that influence public reporting of crime to the police as well as criticisms levelled against the police record.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Know the official sources of crime statistics
- Understand factors that influence crime reporting to police by the public
- Examine the problem associated with the police record

3.0 MAIN CONTENT

3.1 Official Sources of Crime Statistics

There are principally two sources of crime statistics

- Official sources
- Unofficial sources

Official sources are crime records derived from the government agencies in Nigeria. Official sources of crime statistics are:

1. Police Record
2. Prosecutor's record

3. Court Record
4. Prison Record
5. National Drug Law Enforcement Agency (NDLEA)
6. Customs
7. Immigration
8. Federal Road Safety Corps (FRSC)
9. Independent Corrupt Practices and Other Related Offences Commission (ICPC)
10. Economic and Financial Crimes Commission (EFCC)
11. National Agency for Prohibition of Traffic in Persons (NAPTIP)
12. Records of juvenile institutions.
13. Census data from either the Federal/State Statistics. It helps to Provide the percentage of the population that is involved in crime.

3.2 Factors that Influence Public Reporting of Crime to Police

1. One of the factors is victim perception of the probable cost and benefit of notifying the police. For example, if your property is stolen, say a motor car, you may report to the police so that in case it is recovered, it will be returned to you. Other people may not report stolen property if the value is not high. Some people may not report cases to police because of the unnecessary bottleneck associated with dealing with the police in Nigeria.
2. Victims perception of the seriousness of the offence. Victims are more likely to report offences that are very serious. For example, if you witness the murder of a close relative; you are likely to report to the police because of the gravity of the crime. On the other hand, you may witness a case of people fighting in your compound, but you may not report it because you don't consider it serious enough.
3. The victim's sense of moral or patriotism. A patriotic victim who feels that as a citizen he is morally obliged to report to the police, whether minor or serious. This group of people doesn't mind the cost or benefit. This civic responsibility may be used to help the police to compile their statistics. It can also help the police to free the neighbourhood of crime through close monitoring of people in and out of that environment.
4. The victim's attitude to the law, police or to the system of social control. People have different opinion. If you think the law, as well as police are favourable, then you are likely to report the crime incidence known to you. If you perceive the law in a

negative light, you are less likely to report crime incidence to police.

5. The availability of other options opened to victims in terms of reparation (compensation). Reparation is where an offender tries to compensate you for the property lost. For example, Insurance Company can compensate you if you registered. This can help alleviate or reduce the effect of crime on individual. So in this case, such a person compensated will not report to police. Also, in case of aggravated assault, the person involved may take up the responsibility to pay the cost of hospital bill with regard to reporting of crime in developing countries. According to Balley (1972) the reluctance on the part of the public to report crime to the Police due to the fact that the offence may be too trivial, the distance to the police station may be too long, time expectation of productive outcome may be too meagre, and that reporting may expose the individual to harassment from the criminals or his friends, and individual victim, his family or group, may not welcome the involvement of outsiders, and may prefer to handle the matter themselves. And even in some cases, the offence may be too embarrassing to the victim such as rape.

3.3 Critics of Official Crime Statistics

This criticism is mainly concentrated on police over the recording of crime, even though we believe that it is the most reliable official source of Crime Statistics particularly in Nigeria.

1. We can still say that its reliability and validity are subjected to questioning and therefore it is not very useful for the projecting and planning for crime control.
2. In terms of volume. The amount stated is definitely not a true reflection of what is happening. Therefore police record on Crime Statistics is most times invalid. This is because police record is based on recorded criminality. You should know that the crime recorded by the police is just a minute figure of the crime occurrence in the society. Many crimes occur but are not known to the police; as such, they are not recorded.
3. Another area of criticism is in terms of reliability. There is a difference in charging procedure between the penal code (in the North) and Criminal code (in the south). In penal code, the police define the charge; while in the criminal code the court defines the charge. These differences in charges can affect the understanding

of the charge and reliability. That is, the consistency with which people defines certain offences.

4. Added to this problem is that the reports are always published too late, about 3 or 4 years, when it is supposed to come out annually. This is because the situation might change. Either crime decreases or increases drastically. This is because Crime Statistics are supposed to aid in projecting and planning.

Therefore, for Crime Statistics to aid you in planning and projecting, they must provide some answers for these questions on annual basis.

For Crime Statistics to be useful.

- (a) It must give us a general state and trend of crime in an area in the country. It must start like a preamble, whether crime is on the increase or decrease.
- (b) It must give the volume, nature and extent of seriousness of criminal victimization. Seriousness is measured by the property lost in crime and the injury sustained by the victims.
- (c) We need to further categorize major offences into different stages. We have to know the volume of each offence and to indicate whether it is increasing or decreasing. It is also necessary to know the clearance rate and to show the attributes of those charged to court.

Clearance Rate is the offence that has been established, to show whether clearance rate has been on the increase or decrease. It is also meant to know the socio – economic characteristics of those victimized and to see whether certain people are developing a career in crime as a way of life.

3.4 The Aim of this Unit

At the end of this unit, students will be able to know different government agencies where official crime data can be generated. Also, students will be able to understand why police records are criticized.

4.0 CONCLUSION

From this unit, students of criminology should be able to know how official Crime Statistics are generated. Factors influencing the public from reporting crime incidence to the police were examined. It also enlightened students on the criticisms levelled against the police record system as an official source of crime statistics.

5.0 SUMMARY

We have been able to discuss the various government agencies where official data on crime can be generated. This unit also broadened the students' knowledge of factors that are likely to influence reporting of crime to the police by the public.

6.0 TUTOR-MARKED ASSIGNMENT

What are the factors that determine the reporting of crime to the police by the public?

7.0 REFERENCE/FURTHER READINGS

Bohn, R. M. and Haley, K.N. (2002). *Introduction to Criminal Justice*. 3rd edition. California: McGraw Hill.

UNIT 4 UNOFFICIAL SOURCES OF CRIME STATISTICS

CONTENTS

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- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Unofficial Sources of Crime Statistics
 - 3.2 Weighting of Crime
 - 3.3 Direct Observation
 - 3.4 Self-Report Studies
 - 3.5 Victim – Surveys
 - 3.6 The Aim of this Unit
- 4.0 Conclusion
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

In this unit, we shall examine the Unofficial Sources of Crime Statistics in Nigeria. These unofficial sources include Direct Observation, Weighting of Crime, Self-Report Studies and Victim Surveys.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Identify the unofficial sources of crime
- Understand the origin of weighting of crime
- Limitations to self-report studies
- Examine the merits and demerits of victim-surveys.

3.0 MAIN CONTENT

3.1 Unofficial Sources of Crime Statistics

The various ways in which we can reduce the deficiency associated with official crime statistics are known as unofficial sources. They are unofficial because they are not compiled by the state, but are compiled by individuals or researchers. The unofficial sources are meant to supplement the official statistics in order to make them more useful and richer so as to use them in planning and projection. They are as follows:

- (a) Weighting of Crime
- (b) Direct Observation
- (c) Self Report Studies
- (d) Victim – Surveys. These are the unofficial sources of enriching official Crime Statistics

3.2 Weighting of Crime

This is a means whereby you attach weight to crime. This weight is supposed to indicate the seriousness of this crime. Two crimes cannot be the same. The idea of weighting of crime was first introduced by Sellin and Wolfgang (1964). What they did was to take the various offences after the compilation, and then sent out questionnaire to members of the public. The public is to attach weight in terms of seriousness. The most serious offence should be given the highest number, and the least of all should be attached the lowest number. For example, if there are 10 offences, you will have numbers 1 to 10. The most serious of all the offences will be attached 10, while the least offence will be attached 1. This is to give a better picture of the crime, so as to project and plan.

3.3 Direct Observation

In this case, the researchers will simply watch and record crime as they are happening in a particular area. Sometimes, one may decide to participate in the act so as to gain an insight into the group. This type of research is mainly conducted in victimless offences e.g. prostitution, gambling, homosexuality etc. This type of offences is not reflected in crime statistics. Yet, they exist in the society. For example, if you want to have a deeper understanding of gambling, it will be necessary to participate in order to arrive at a conclusion that can stand the test of time.

3.4 Self-Report Studies

This is a type of studies in which the researcher wants to know from a specific population in time and space the offence they have committed. It is a type of self- confession by drawing out a questionnaire to indicate the offences they have committed at a particular time and place. This will be confidential.

The Self-Report Studies are better conducted on juvenile. There is an assumption in criminology that all children/kids are delinquent, but it is only the unfortunate ones that are caught by the official agencies. One way to discover this is to administer questionnaire to children in Boastal School to ask which offence they have committed. This is what is called

the “delinquency of non-delinquent” You will interview the children that are not caught and those in the Boastal Institution, because they can easily be manipulated. However, this cannot be confidentially carried out on adult.

Advantages

1. One of the advantages is that it makes it possible for the researcher to record the number of people that have committed different acts, and the frequency of the acts.
2. Self-Report Studies allow for comparison with official data in terms of volume, nature and character.
3. It can enable you to assess the law-enforcement agencies like the police. If they are efficient, it will enable them to catch more of the criminals, so that their efficiency will be a yard-stick.
4. It can also be used to study the delinquency pattern as a career: When and how it is committed, whether certain children are developing a career in delinquency.
5. This type of study is important for any attempt to control delinquency with the supposed children. That is, to plan, you have to take the supposed children and those children in the Boastal Institutions.

Disadvantages

1. This type of study is better conducted on juvenile. One cannot conduct this study on adults because they cannot be manipulated.
2. Questions about certain offences cannot be asked. For example, sexual acts are likely to be concealed. They are not likely to be reported. As such, the rate of offences that can be conveyed are limited.
3. It also depends on the psychology of the child. If the offence is serious, he may be afraid to confess to the researcher. On the other hand, he might tend to exaggerate. That is, to demonstrate that he is a tough kid.
4. Conspiratorial offences may not be reported or consensual offences. [i.e. to conspire to commit an offence]. One important thing to note is that it gives a better picture of the nature, character, pattern and volume of crime.

3.5 Victim-Surveys

Victimology is the scientific study of the victims of crime. It is the science of social concern for the victim. It includes within its scope the scientific analyses of patterns, regularities and causal factors related to the victim, the act of victimization and social reaction to both. Victim

survey would like to understand the pattern of the victim, and to see how regular people become victimized.

It is unfortunate that the study of crime and analysis in most countries of the world have been concentrating on the offender. The tendency to concentrate on the offender and not on the victim is a “unidirectional approach”. It mostly concentrates on the offender. This approach has some historical origin which started from the time crime became a subject-matter of study. This historical approach has guided the criminologist or researcher with the tendency to understand crime by concentrating only on the offender.

In Nigeria, victims of crime are neglected by the criminal justice system i.e. the police, the courts and the prison etc. Most of the time victims appear in court as a witness without any compensation. They spend their money on transportation to court and other logistics required. Victims are also not briefed on the progress made on their cases. Sometimes, the State takes responsibility away from victims as a crime against the State and not individual. The victim is also neglected by the social services agents. The government is expected to protect individual citizens and to give them welfare care. Therefore these welfare services do not extend to the victim. As a result of this neglect, if victims realize that they will not be compensated, some of them will not report the case, which means you are moving away from reality of crime. The early pioneers of victimology are Wolfgang, Heng –Vang Henting and Benjamin Mendelsohn.

Advantages of Victim-Surveys

1. Victim-survey helps you to understand the victim’s role in crime. There is the belief that victims make some significant or insignificant contribution to their victimization. It enables you to know the pattern, character and helps you understand better.
2. Victim-survey provides a better picture of crime in terms of validity and reliability. When you do victim-survey, you are expected to compare your own findings and that of police record. The difference between the two will be an added advantage to the researcher. The difference in figures can be used to supplement the figure of official sources of crime statistics. This can then be used for projecting and planning.
3. Victim-survey helps you to indicate which cases are more reported to the police and for what reason. It also enables you to know which cases are not reported and for what reason.

4. It is used to measure the effectiveness of the police. As we earlier discussed, there are two ways through which police get information (beat system and complain from the public).
5. Victim-survey can also be used to measure public perception of police performance. At the end one will be able to assess public perception. If more cases are reported to the police, it means that they have positive view of the police in discharging their duties. On the other hand, if people perceive the police in a negative way, they are less likely to report to the police, hence more crimes are committed, but are not reported to the police.
6. It could help to provide an insight into the human, monetary and material loss to individual, cost to the individual victims, victim's family and the society in general. For example, the death of the breadwinner in armed robbery attack will create untold hardship on the immediate family. It will also lead to loss of manpower in the country.
7. It also serves as a warning signal to people in the society. Victim-survey can indicate the socio-demographic variables of a victim such as age, sex, area, time, occupation etc. It is a profile to serve as a potential warning to people and the need to take precautions.

Disadvantages of Victim – Surveys

1. The range of questions and types of crime one wants to ask from respondents may be limited. For example, you may ask questions on offences specific to the individual or his household, such as burglary, simple assault, armed robbery etc. There are some offences, which the victim may not like to disclose such as moral offence like rape, homosexuality etc.
2. The accuracy of the respondent to recall the offence he has suffered is not always possible. In a victim-survey, one is talking of a particular area and they are limited to time and space. For example, if a victim-survey was carried out in Abuja it is likely to report some serious offences and leave out the minor cases. In this case, another way out is to probe different questions so that he or she will be able to recall what took place.
3. There is also the problem of scoping. Victim-survey is time and space bound, so one can telescope forward or backward. For instance, to telescope or view the offences that took place in 2004 in Abuja means one is telescoping backward. If on the other hand, you anticipate what will happen in 2007, then it means you are telescoping forward. This will definitely have effect on the

figure in the victim-survey of the crime that has actually taken place.

4. There is the problem of comparison with police record. Victim-survey is a way of improving the official crime statistics by comparing each offence from your victim-survey report, with that of police record. So the difference between the two is the number of figures that are not recorded by the police
5. On the basis of classification, there may be misclassification of offences. For example, if a victim-survey report of forceful entry is supposed to be regarded as burglary and it is classified as armed robbery in police record, this disparity in recording will give a distorted result.

3.6 The Aim of this Unit

At the end of this unit, students should be able to know the different ways of generating unofficial sources of crime statistics. It will also enable students to know that official crime records can be improved upon when complemented with unofficial sources of Crime Statistics.

SELF ASSESSMENT EXERCISE

- i. What are the criticisms levelled against the official Crime Statistics in Nigeria
- ii. Define the following terms:
 - Clearance rate
 - Dark figure of crime

4.0 CONCLUSION

From this unit, students of criminology should be able to differentiate how crime can be weighed, direct observation of crime as it occurs, especially victimless offences like gambling, prostitution, drug addiction, homosexuality etc. Confession by offenders on what crime they have committed as well as the part they played. i.e. self-report studies. Focus was also drawn on victims of crime in relation to their victimisation. This could only be achieved through the use of victim-surveys. This enables us to know the nature, extent, pattern and frequency of victimization on victims.

5.0 SUMMARY

We have been able to discuss the various sources of unofficial crime statistics, and how these sources could help to improve the unofficial crime statistics.

6.0 TUTOR – MARKED ASSIGNMENT

Discuss the merits and demerits of victim-surveys in Nigeria.

7.0 REFERENCES/FURTHER READINGS

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UNIT 5 SUGGESTIONS FOR BETTER MEASUREMENT OF CRIME

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 The State of Crime Statistics in Nigeria
 - 3.2 Suggestions for Improving Crime Statistics
 - 3.3 Aim of this Unit
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- 5.0 Conclusion
- 6.0 Tutor-Marked Assignment
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1.0 INTRODUCTION

In this unit, we shall examine the various ways of improving the record of Crime and Crime Statistics.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Understand the three elements (reliability, validity and utility) of Crime Statistics.
- Examine the state of Crime Statistics in Nigeria.
- Know various ways of improving Crime Statistics.

3.0 MAIN CONTENT

3.1 The State of Crime Statistics in Nigeria

The starting point here is to ask whether Crime Statistics in Nigeria, as furnished by the police are valid, reliable, and utilizable. *Validity* refers to the extent to which the crime figures are correct representation of actual criminality. *Reliability* refers to the extent to which the crime figures are the result of a consistent measure of the same phenomenon from village to village, town to town and State to State. *Utility* refers to the extent to which the crime figures contribute to the knowledge of crime, improving the understanding, and providing enough information for projection and planning for the future.

1. The police record, as a source of Crime Statistics in Nigeria, is not valid relative to the actual or “true” volume of crime in the country every year. This is so because these crime figures are based on “recorded” criminality i.e. offences “known to the police” as a result of complaints lodged by citizens or directly as a result of police observation. The recorded criminality is therefore only a *sample* or fraction of the *total* criminality, which is always an “unknown” quantity. The degree to which that “sample” represents the total but “unknown” criminality, is a function of:
 - a. The nature of the offence i.e. the seriousness of the offence will determine whether the case will be reported or not. For example, a case of murder is most ‘likely’ to be reported when compared to petty theft.
 - b. The intensity and pattern of law enforcement activities i.e. the convincing argument that police Crime Statistics are, in fact, statistics of law enforcement activities; and the fact that there is bias for whatever reason, in exercising the various discretionary powers in favour of certain persons and groups (Odekunle, 1978).
2. The reliability of the figures for the various categories of offences is also very questionable: first, there is the difference, among others, in the “charging procedure between the Penal Code and Criminal Code States. Second, even though we have a unified police force, definitional practices are hardly *uniform* or standardized, from one police station to another. That is, exactly what one station sends in as: theft may be sent in by another as “burglary”; “rape” in one station may be recorded as “indecent assault”, in another, “attempted murder” in one station may be recorded as “aggravated assault” in another police station. Third, the lumping of offences into unexplained categories jeopardizes any attempt to separate what is serious from that, which is minor.
3. The report also fails us in terms of its utility potential. All it does is to give us absolute distribution (i.e. figures) of unexplained categories of offences. Yet for police crime statistics to be useful and utilizable, they must provide answers, on an annual basis, to the following questions:
 - a. What is the general state and trend of crime in the country? How many of each offence type were “known” to the police? What proportion of this was “unfounded” or “untrue”, for each offence type? Considering the total

volume and the figure for each offence type, what was the proportional increase relative to the previous year and making allowance for increase or decrease in the relevant population? What were the comparative figures and proportional increases or decreases for different communities (large cities, towns, rural areas) and the various States?

- b. What is the volume, extent, and seriousness of criminal victimization in the population? That is counting crime by victim and “weighted” seriousness of offence, rather than by offence per se. For example, one offence may have ten victims; and no two thefts are the same in seriousness and neither are two assaults. What was the monetary, material, human and other costs of crime to the nation? Compared to the previous year, have the risk and cost of criminal victimization proportionally increased or decreased? If so, for what offence type, in what areas and for what kind of people?
- c. For each of the major or “serious” offence type, what is the volume, trend, rate, nature, clearance, attributes of persons charged to court?
- d. What is the police “clearance rate” (i.e. by arrest) for each of the offence type? And, has this increased or decreased, proportionately, over the years?
- e. What are the socio-economic attributes (age, sex, occupation, marital status, etc) of persons arrested?
- f. Going by information on those arrested, is there any indication of a development of “careers in crime”?

Based on the fact that our police Crime Statistics cannot answer these questions, there is low level of validity and reliability. As such, they are hardly utilizable for the purposes of giving the knowledge needed for planning crime prevention and control for the present and for the future (Odekunle, 1978).

3.2 Suggestions for Improving Nigeria Police Force’s Raw Record of Crime and Crime Statistics

1. **Develop a crime index:** It is necessary to select certain offences as an index for the measurement of the volume, rate and trend of crime in the population. This is because “recorded” criminality is

only a “sample” of the “unknown” total volume of crimes, and because of the degree of representativeness of that sample it is a function of offence seriousness or reportability and of the character of law-enforcement. The offences to be selected should not be less than five or more than ten. It should:

- a. represent the most common crimes;
- b. be serious offences either by their very nature or due to the volume in which they occur;
- c. represent crimes both against person and against property;
- d. be the most consistently reported to the police.

2. **Develop a Crime Data Format:** A format should be designed that will be comprehensive in its demand for information: type of crime; extent of injury; amount of loss; where and when offence occurred; age, sex, occupation, residence, marital status etc. of all arrested persons and victims, time progress and final disposition of each case that passes through each police station. It should be added that whatever the number of information items, they could be coded and even computerized.
3. **Develop a Uniform Recording System:** To achieve reliability of the annual returns, all stations and all policemen must be consistent with one another in their categorization and recording of similar acts. Considering the authority structure of the NPF, such an effort towards consistency needs to come from the Headquarters to be effective. In addition, if such a consistency is to be realized and the suggested format is to be applied uniformly throughout the federation, adequate and accurate records must be kept, with regard to each and every duty or assignment carried out, every crime reported or directly discovered, every action taken and every decision made on such reports or discoveries.
4. **Develop a Regular Reporting and Publication System:** For crime statistics to be useful, they must be collated, analyzed and published as close as possible to the period they cover. To achieve this and avoid out-datedness, stations should be mandatorily required to make concurrent cumulative returns on weekly basis in the Division, the division on bimonthly basis to the State; and the State on monthly basis to Lagos or Abuja. With such continuous collation and analysis, it will be possible for the NPF to even give “verbal” quarterly reports on the current state of crime in the country. But more crucial, it will be able to release its annual reports within three months after the end of the particular year.

- 5. Develop a Viable Data, Research and Planning Department:** By the training disposition of NPF and other professional priorities, they are neither equipped nor prepared for *collation* and *analysis* of Crime Statistics. In view of this, the NPF policy makers should seriously consider the development of non-uniformed and non-policing personnel who are professionals in Criminology and Social Statistics to handle (collation and analysis) its data and suggest lines of research and planning. With one such qualified professional in each State Police Command and about five in the Abuja Headquarters, the problems of Crime Statistics should be solved (Odekunle, 1978).

3.3 The Aim of this Unit

At the end of this unit, you should be able to demonstrate a wide knowledge of what should be in the crime statistics for it to be useful for crime prevention and control in Nigeria.

SELF-ASSESSMENT EXERCISE

Do you think Crime Statistics in Nigeria is reliable, valid and utilizable? Explain your answer fully.

4.0 CONCLUSION

From the unit, students of Criminology should be able to know the three elements involved, if Crime Statistics is to be useful. The problem associated with the NPF and ways of improving the Crime Statistics in Nigeria, so as to serve the purpose it is meant for.

5.0 SUMMARY

In this unit, we have been able to discuss the state of Crime Statistics in Nigeria as well as ways of improving Crime Statistics. It is only when necessary measures are taken that Crime Statistics can be used for projection and planning against the future.

6.0 TUTOR-MARKED ASSIGNMENT

Discuss factors that can make Crime Statistics useful in Nigeria.

7.0 REFERENCES/FURTHER READINGS

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MODULE 3

Unit 1	Patterns and Trends of Crime in the Pre-colonial Era
Unit 2	Patterns and Trends of Crime in Colonial Era
Unit 3	Transition from Conventional Crime (1960 – 1991)
Unit 4	Emerging and Special Categories of Crime
Unit 5	Consideration of Victims of Crime

UNIT 1 PATTERNS AND TRENDS OF CRIME IN THE PRE-COLONIAL ERA

CONTENTS

1.0	Introduction
2.0	Objectives
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3.1	Definition of Crime
3.2	Informal Social Control
3.3	Aim of this Unit
4.0	Conclusion
5.0	Summary
6.0	Tutor – Marked Assignment
7.0	References / Further Reading

1.0 INTRODUCTION

In this unit, we shall examine the definition of crime during the pre-colonial period. Students will also be exposed to informal social control system put in place in order to check the crime incidence in the society.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Understand the definition of crime.
- Identify informal social control.
- Evaluate the effectiveness and efficiency of informal social control to crime.

3.0 MAIN CONTENT

3.1 Definition of Crime

The definition of crime used during the pre-colonial period is the sociological definition. And, Sociologists attention is on conduct norms rather than criminal law. Accordingly, crime is seen as a behaviour that violates the norms of the society. It can be seen as anti-social behaviour. A norm is any standard or rule regarding what human beings should or should not think, say or do, under given circumstances. Even though the sociological definition of crime is very broad, it is more encompassing. Durkheim (1933) defined crime within a social context. He saw crime as a social product, determined by social conditions, capable of being controlled only in social terms. Crime is therefore normal in all societies, and a society exempt from crime would necessitate a standardization of moral concepts of all individuals, which is neither possible nor desirable. Durkheim was of the opinion that crime is a normal phenomenon in the society, a natural and inevitable product of collective life and social evolution. He held that the collective conscience of a people defines what crime is. Durkheim believed that crime plays a definite role in social life. He therefore defined crime as “an act which offends strong and defined state of collective conscience”.

A sociological approach accounts for the broader context in which crime occurs. A sociological understanding of crime will enable you to achieve a solid understanding of crime and be strong in confronting it. This approach will also equip you to better deal with it, or change especially those working in the criminal justice system. Sociological approach to crime will enable you to have a broader knowledge of crime, as well as understand the human sociality and societies in general. It will also allow you to better understand the society in which crime occurs. According to McConnell (2004) sociological approach to crime will enable you to understand the economics, gender, education, race, religion, family life and all other social phenomena that are directly involved in crime.

- In the sociological definition of crime, the act is the violation of the socio-cultural norms of a group.
- In the sociological approach, emphasis is placed on the socio-cultural forces or reactions that produce the criminal. Even though attention is on the socio-cultural forces, but individuals are not forgotten because they are mustered with other individuals who are alike in socio-cultural attributes.

3.2 Informal social control of crime

During the pre-colonial period, the relationships between people in communities were face to face in nature. It was a simple society with little social differentiation. The societies were agrarian in nature and they used very simple tools for farming. Socialization was a family affair in order to inculcate values, norms and other cultural elements in the younger ones. Any anti-social behaviour was visited with stiff correction that was expected to serve as a deterrent to others. Anti-social behaviour or crime includes theft, murder, defaulter, arson, assault etc. minor cases are settled within the family. In a case, where it involved two families, family heads are responsible to meet and resolve the problem.

It is worthy of note that any anti-social behaviour by individual in the community brings shame to the family. This is because such behaviour was contrary to the expectation in the society. It also indicated that the family had failed in the socialization process. Serious cases such as murder, aggravated assault, theft etc. were handled by village head. The meeting could be in his palace or at the market. Depending on the gravity of the offence, cases were dispensed with or without any delay. During the pre-colonial era, there was instant justice. No room was created for the delay of cases. This was necessary in order to prevent aggrieved party from taking law into their hands. During the pre-colonial period, most of the norms were not written down, but through the socialization process, individuals get acquainted with the dos and don'ts of their communities. However, when norms and values are put in place, one will still get a few bad eggs who will disobey. It is because of this category of people that we have informal social control like age group, night guard etc to act as watchdogs and to monitor the activities of their members.

In traditional Nigerian societies, while the family is collectively responsible for the conduct of its members with outsiders, each member of the family is responsible for his own conduct within the family. Law in these communities forms part of the general body of tribal customs, the common recognition of which contributes to legal sanction. Within the family, the head is the supreme judicial authority; combining the families in a village, heads or elders are the supreme judicial authorities. In areas with organized central administration, such as found among the Hausa and Yoruba people, the Emirs and Obas, respectively, become the supreme judicial authorities.

Collective responsibility appears to be a general term which covers a wide range of situations where liability is incurred for the act of another person in a group that shares common purposes. It means that a number

of persons are together answerable to certain obligations of one or more members of the group. Collective responsibility in the traditional Nigerian communities is effective as a positive sanction reinforcing the rights, duties and privileges associated with lineage membership. The rights of residence in the lineage compound, utilization of farm lands economic exchanges of goods and services are examples of such rights. Duties involve good conduct, contributions to the welfare of the poor, and adherence to lineage customs. These rights and duties contribute to the reinforcement and solidarity of the lineage. They also give the lineage system a feeling of social contract arrangement.

Where a person, for example, commits an offence outside his lineage, while his lineage group may be held responsible, the offender has to compensate anyone in his own group which happens to be a victim of retaliatory attack as a result. He incurs the obligation because it was his original act which provoked the retaliatory injury and brought a problem to the village (Colson, 1953). Among the Igbos, the head of the household represents his kins in their external dealings. Injury inflicted on any member of his group without his knowledge was considered a personal injury for which he made personal reprisal where necessary. In return, he received respect, obedience, and material gifts or goodwill (Danbazau, 1994).

In many traditional Nigerian societies, groups have been freely treated as collectivities by outsiders, who may recover properties due to the conduct of their members, and in some cases may seek retaliation against the erring members. Treating a group as a unit bearing collective liability from the outside could be a very effective mode of social control, irrespective of whether there is any collective liability from the point of view of insiders. The outsiders could leave the insiders to sort out the matter of individual responsibility.

What stands clear is that, in these communities, there was an absence of criminalization, contrary to what we find today. Rather, the whole society was to blame for any unacceptable conduct. The response to bad conduct in these communities was not regarded as punishment. According to Turnbull (1974), judgement was seldom penal; rather it was restitutive. Disputes were generally settled with little reference to the alleged rights and wrongs of the parties involved, but more with the sole intention of restoring peace to the community. At both formal and informal hearings, all the parties concerned in the dispute, perhaps an entire village took part, and thus a final decision was a decision for all (Turnbull, 1974 cited in Danbazau, 1994). It must be pointed out that a person is not held morally responsible for the sins of his kinsman, but actions taken are obvious methods of seeking redress through those who are in position to bring pressure to bear on offenders.

The legal or moral responsibility of a group was not absolute. It was not in all cases that a whole community would be held responsible for the conduct of its members. What determined the actions to be taken in respect of disputes depended on religious beliefs, customs, norm violations, and the type of restitution needed in each case. Certain tribes classify offences from the private and public points of view. Most taboos or abominations, especially offences that might attract supernatural consequences, were considered public. For example theft among the Ayu in the northern part of Nigeria, was considered a serious taboo, therefore a fine of goats imposed on a thief is divided up amongst the members of the community (Meck, 1937 cited in Danbazau, 1994).

Among the Yorubas, homicide was the concern of a religious culture. Punishment varied from death, incapacitation, fines, to whipping depending on the surrounding circumstances of each case. Suicide for instance, was an abominable crime, and the property of a suicide victim was usually impounded so as to avoid the wrath of the deceased whose reason for committing suicide was best known to him. There seems to have been an established practice of imprisonment in the traditional communities (Danbazau, 1994). According to Talbot (1926), “the Yorubas employed several devices for securing repayments of their debts, and... sometimes resort to imprisonment, but rarely cancelled the debt”, rather it was ‘only a way of exacting interest of the unpaid debt’. He observed that every chief had a prison or cell in which he kept his own criminals for such offences as disobedience, drunkenness etc. alternatively in the payment of debt, there was a system of self help in which the creditor had the right to personally besiege the home of the debtor and create a nuisance of the whole atmosphere so as to inconvenience the debtor to impel him to pay his debt. In such a situation, until the debt was finally paid, the debtor was under a legal liability to feed and accommodate his creditor guest.

In a traditional Hausa community, a ruler’s palace usually contained a prison. This was a large pit set deep in the floor of a stoutly walled room. The royal warders were the slave officials: *Makama* in charge of arrests; *Doka* (claw); and the executioner). A prisoner sent to the pit remained there unless his kinsmen could compensate for the offence.

Close to the Hausa community were the Fulani communities. In these societies, the guardian consults with clan elders, who had the power to banish from the clan any person who had infringed upon the Fulani way. The offender was temporarily removed from his family, herd, and kinsmen, and abandoned to live alone in the bush, clad only in a piece of cloth, his head unshaved like a mad man (Stenning, 1959 cited in Dabazau, 1994). He was fed twice by a messenger, who took to him a Calabash of milk filled to the depth of the first joint of the little fingers.

When he was ready to repent, the elders assembled with *Mando Lawal Pulaku*, who held the insignia of a herdsman's staff with magical properties. The messenger was told to 'herd the bull', and the offender was driven before him, crawling on his belly until he came before the elders. When the offender had made submission three times, he was shaved, clothed, given a Calabash filled with milk, and then re-admitted into the clan. We can see that the person who flouted the code of the Fulani way was regarded as being mad, since he denied himself the material and moral benefits of living with his kinsmen. He was regarded as physically ill, because the qualities of *Pulaku* were associated with certain organs of the body. The heart is the place of patience and fortitude; the belly is the place of secrets and the origin of shame; and the head is the repository of care and foresight. The *Pulaku* is the basis of morality and code of conduct from the above analysis. An important point worth noting is the fact that sanctions against offenders in traditional Nigerian communities varied from one community to another, depending on cultural demands (Danbazau, 1994).

3.3 The Aim of this Unit

At the end of this course, students should be able to understand the traditional ways crimes are dealt with during the pre-colonial period. This unit will enable students to broaden their knowledge on various ways cases are handled and settled.

SELF-ASSESSMENT EXERCISE

Do you support ways crime cases are settled in the pre-colonial period? Argue for or against.

4.0 CONCLUSION

From the unit, students of Criminology should be able to know the meaning attached to the sociological definition of crime. It is the norms, morality and cultural values that form the basic principle upon which behaviours are judged. We have also been able to see the effectiveness and efficiency of traditional mode of punishment as a deterrent to other members of the community.

5.0 SUMMARY

We have been able to discuss the fact that sociological definition of crime was adopted in the pre-colonial period. We have also examined how cases were handled and settled in the pre-colonial era.

6.0 TUTOR – MARKED ASSIGNMENT

Using your community as a case study, identify two crimes and describe how they are handled in pre-colonial era.

7.0 REFERENCES / FURTHER READINGS

Bohn, R.M, and Haley, K.N. (2002). *Introduction to Criminal Justice*. 3rd Edition. California: McGraw Hill.

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UNIT 2 PATTERNS AND TRENDS OF CRIME IN COLONIAL ERA

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Crime
 - 3.2 Formal Social Control
 - 3.3 Aim of this Unit
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

In this unit, we shall examine the concept of crime and its various definitions from the legal point of view. We shall cite examples of crime during the colonial period and the formal social control put in place.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Understand crime from the legal point of view.
- Identify some crimes in existence during the colonial period.
- Examine the formal social control in existence.

3.0 MAIN CONTENT

3.1 Definition of Crime

During the colonial period, the colonialists developed their own laws, which superceded the rules and regulations guiding the conduct of people in their various communities. As a result of the development of the colonial laws, the Sociological definition of crime was put aside and the legal definition of crime formed the yardstick upon which any behaviour was judged.

Legally, crime is defined by the Criminal Law or Penal Code, as an act committed without defence or excuse and penalized by the state” (Danbazau, 1999). Crime is a violation of the criminal law, which is subsequently followed by legal punishment. A crime is an act or omission, which attracts sanctions. One thing you should bear in mind is that, one advantage of a legal definition of crime is that it is narrower and less ambiguous than the Sociological definition. Also, it is only behaviour that violates the Criminal Law by definition that you can regard as a crime. A legal definition of crime is the basis of criminal justice in most countries of the world, Nigeria inclusive.

From a legal point of view, a crime has not been committed unless all seven of the following elements are present. These are harm, legality, *actus reas*, *mens rea*, causation, concurrence, and punishment (see unit one of this course).

3.2 Formal Social Control

The various communities in Nigeria have been amalgamated into a single country, hence the necessity for the harmonization of the means of social control. In traditional Nigerian societies, crime control was largely a matter of private concern, being represented by a particular community. With the integration of the communities into a nation state, the control of crime became a function of the state, which became defined as the ultimate victim of all serious criminal offences such as murder, armed robbery, arson, theft, etc. (Danbazau, 1994). Quinney (1975: 44) rightly notes that

The concept of criminal law developed only when the custom of private or community wrongs was replaced by the principle that the state is injured when one of its subjects is harmed”.

Nigeria has changed from an agricultural economy to a semi – industrial type; the groundnut pyramids have been replaced by the oil boom. The political system in Nigeria has shifted from kinship–entered type to a centralized, bureaucratic type. The family has experienced changes from the cohesive kinship in villages to the loose individualistic type in cities. Changes such as we observed in Nigeria today have been expressed as a transition from the primary to the secondary group; homogeneous to heterogeneous units; community to society; sacred to secular; folk to urban society; and traditional authority to rational legal authority. The transformation of traditional society has introduced social relationship that are characteristically impersonal, formal, contractual, segmental, heterogeneous, and, to an extent, anonymous. These relationships came as a result of growth in population; cultural intercourse, movement from rural to urban centres; and the specialization of political and economic functions.

The law, as it existed in traditional Nigerian societies, has given way to state law; that is law as enacted by statute and derived from the constitution, and applicable to Nigeria as a single country. It is a movement from traditional to modern law. The traditional law is characterized by blood–feud, collective responsibility, and the use of compensation to families of victims in lieu of feud in select cases. In modern Nigerian law, however, individual responsibility has replaced collective responsibility. In criminal cases, punishment by the state has replaced compensation to the family of the victim. Private settlement is not recognized, and, of course, the use of force is the monopoly of the state.

Agents of Social Control

Law enforcement involves the agencies of the Criminal Justice System, which perform the principal functions of prevention, detection, investigation of crime and the apprehension and prosecution of alleged offenders, resulting in the confinement of convicted persons. Law enforcement agencies (e.g. Police, Court, and correction institution) in Nigeria “enforce the outcomes of political struggles for state control and power” (Iwarmie–Jaja, 2003).

a. Police

The police system in Nigeria was first introduced over a hundred and twenty years ago. The present system came into being in 1930. Considerable changes have taken place in its structure, composition, organization, equipment and operation. Following the annexation of Lagos in 1861, a Consular Guard was established in the Bight of Biafra which carried out their consular assignments. In 1863, the Consular Guard became known as the "Hausa Guard". In 1879, it was regularized by an ordinance creating a constabulary for the colony of Lagos. This force known as "Hausa Constabulary" was commanded by an Inspector-General of Police. The force had a military character. In 1896, the Lagos police force was created armed like the "Hausa Constabulary". It was headed by a Commissioner of police. In 1896, a Criminal Investigation Department was established (Iwarimie-Jaja, 2003). As these developments were going on in Lagos, the areas now known as Delta, Rivers and Cross River States were declared the Oil Rivers Protectorate in 1891. Later in 1893, the area was proclaimed the Niger Coast Protectorate and in 1894 the Niger Coast Constabulary was formed. It was armed like the "Hausa Constabulary" and it featured prominently in the British expeditions up to 1896.

Following various political and social contradictions in the country in 1900 the British Government proclaimed the protectorate of northern and southern Nigeria. Following the transfer of administration from the Royal Niger Company, the Royal Niger Constabulary was split into Northern Nigeria Police Force and the Northern Nigeria Regiment. This had a remarkable impact on citizens of Nigeria who were then under colonial rule by the British (Iwarimie-Jaja, 2003).

In 1901, a Fire Brigade was established and, in 1906, the Lagos Police Force and part of the Niger Coast Constabulary became the Southern Nigeria Police Force, while the other part of the Niger Coast Constabulary formed were responsible for dealing with internal and external disturbances. In 1914, the amalgamation of Northern and Southern Nigeria caused both Police Forces to be merged into the present day Nigeria Police Force. The Police Ordinance No. 2 of 1930 caused the Police Force to be known as the Nigeria Police headed by an Inspector General. Two Assistant Inspector-Generals were in charge of the Northern and Southern Provinces. A commissioner headed each of the three regions and was assisted by an Assistant Commissioner. A senior superintendent was responsible to each of the Commissioners. Under the Police Act, the Nigeria Police Officer is guaranteed certain powers. Such powers include the authority to prosecute offenders, the power to arrest, the power to serve summons, stop and search, the power to authorize search without warrant, the authority to issue warrant, the power to take finger prints, the power to break into premises, the power to stop or disperse illegal assembly or procession, the power to regulate and stop assemblies and processions (Warimie–Jaja, 2003).

Problems of the Nigeria Police

- The Nigeria police force (NPF) lacks sophisticated communication, detective and investigation equipment.
- The force seems to be ineffective because of lack of good public relations between subordinate and superior officers.
- The police have the problem of manpower.
- The NPF has a problem of acute shortage of accommodation.
- The NPF is faced with the problem of logistics such as transport.
- The NPF is also faced with the problem of retaining well-qualified men on the job.
- Individual officers do suffer cultural shocks when they are transferred to departments and stations they are unfamiliar with.
- Individual officers can also experience role conflict.

b. Court

Before 1861, there was no organization of courts. British merchants traded with the river creek people on the coast of West Africa, but could not enforce payment of their debts by their local customers. But about 1849, the British Government instituted a judicial system with an appointed resident agent (British Consul) to regulate lawful trade between British merchants and their local customers in the Ports of Benin, Bonny, Brass, New and old Calabar, the Cameroons' and the land areas of Dahomey (Elias, 1954: 43). When Lagos was separated from the district previously described as the Oil Rivers, Mr. Campbell, in 1853, was appointed as the Special Consul for Lagos and the Bight of Benin to ensure the treaty provisions were not violated. In 1854, Consul Campbell was known to have presided over a dispute arising over the throne of Lagos between King Dosumu and Kosoko.

The origin or foundation of the first Supreme Court which was set up in 1863 by Supreme Court Ordinance No. 11 was primarily a police court (Elias, 1954). However, whether this was originally a Police Magistrate Court or a Chief Magistrate Court is unknown to us due to the lack of evidence to substantiate such a claim (Iwarimie-Jaja, 2003).

As a court of record, it had jurisdiction over civil and criminal cases and was presided over by the Chief Magistrate or his duly appointed deputy on behalf of Her Majesty (Elias 1954). During colonial period, there were different types of court established to handle specific cases. The aims of each court were specified. These courts included the Chief Magistrate Court, Slave Commission Court, the Court of Civil and Criminal Justice, the Courts of Divorce and Matrimonial Cases, the Court of Equity, the Supreme Court Ordinance, the Supreme Court Ordinance, the Commercial Court (The Petty Debt Court). Etc.

Problems of the Court

1. Inadequate funding and lack of infrastructure.
2. Poor remuneration of judicial officers.
3. Discretionary powers and corruption.
4. Interference from government officials and politicians
5. Biased and incompetent handling of cases.

c. Prisons

Before 1861, there were no prisons in Nigeria in the contemporary sense. But before the European contact with the geographical area now christened Nigeria, traditional or customary prisons existed. The traditional or customary prisons were a form of deprivation of liberty, or a form of imprisonment or reprisal for offences committed against the community (Iwarimie-Jaja, 2003). When the British colonized the territory which became known as Nigeria, these ethnic or customary prisons were in existence and served basic needs of the communities where they were established. The British had no difficulty in establishing a prison yard, since Africans then already had knowledge about imprisonment. The British dismantled the existing traditional prisons and built new ones, modelled after the British tradition. They staffed the new prisons with officers trained in Britain (Iwarimie-Jaja, 2003).

In 1862, Governor H.S. Freeman was commissioned to appoint judges and other officers and to build prisons. He implemented the directives, accordingly, structure and function of prison system drastically changed. By 1872, the British pattern of prisons was established in Lagos. The first of its kind was named the Broad Street Prison to accommodate 3000 prisoners. But the supreme ordinance providing for the establishment of prisons was passed with the Supreme Court ordinance of 1876.

In section 39(1) of the Prison Act (1960) imprisoned persons were required to “work at such labour as may be directed by the officers in charge of the prison” and only to be excused from work on medical order. The Broad Street Prison was built for punitive purposes, and similar ones like it were built in Calabar, Onitsha, Benin City, Sapele, and Degema between 1885 and 1900 (Iwarimie-Jaja, 2003).

By 1953, the 1948 enclosure type of prisons for punitive purposes was replaced by the open prison system established first in Kaduna to allow prisoners to interact among themselves and to learn a trade, while in prison. At the same time, an extensive common training programme was going on for prison staff at the Prison Service Training Schools in Enugu and Kaduna. This programme was designed to provide basic training for local authority.

Prison Problems

1. Prison size: The size of prison cell is rather small for the number of prisoners they now hold.
2. Prison facilities: Some prisons facilities are over-burdened, neglected and disorganized. Most of the prisons conform to the local type of building with their perimeter walls made of earth or mud brick plastered with either earth or concrete with a single entrance gate. Often, when it rains these walls became dilapidated and exposed the prison compound to less security. There are inadequate sleeping beds, mattresses, and bed covers for inmates. Toilets are either annexed or unseparated by a low brick wall. With such unsanitary arrangement, cells are always filthy.
3. There have been various jail breaks.
4. Food is a main source of complaint by prisoners. The food quality is inadequate and the quality is poor. Food is the main reason for riots.
5. There are also inadequate residential and office accommodation for staff.
6. The funding of prisons has always been inadequate both for maintaining the staff, infrastructure and equipment.
7. There is an acute shortage of staff resulting from various reasons: retirement, dismissals, resignations, denials, embargo on recruitment etc. This has led to the over-stretching of available staff, which endangers security and promotes low productivity in prison farms and industries.
8. There is shortage of vehicles for day-to-day movement of material, staff and prisoners, which also hamper escort duties and slow down productivity in prisons.

3.3 Aim of this Unit

At the end of this unit, students should be able to understand fully the formal social control mechanism that came into existence during the colonial period. It will also expose them to changes that have taken place when compared to the informal social control in the pre-colonial period.

4.0 CONCLUSION

From this unit, students of Criminology should be able to know the meaning associated with the legal definition of crime. A crime is said to have taken place if it consists of seven elements. We have been able to

discuss the formal social control mechanisms that were put in place and their associated problems.

5.0 SUMMARY

We have been able to discuss the formal social control (police, court and prison) that came into being during the colonial period. We have also brought out some of the problems associated with the formal social control mechanism put in place.

SELF-ASSESSMENT EXERCISE

- i. Do you think the Nigeria Police has changed from its colonial orientation?
- ii. Explain your answer?

6.0 TUTOR-MARKED ASSIGNMENT

1. State the date when each of the following courts came into existence
 - a. Courts of Divorce and Matrimonial Cases
 - b. The Petty Debt Court
 - c. A Slave Commission Court
 - d. Supreme Court Ordinance
2. Discuss the problems of the prisons during the colonial period

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UNIT 3 TRANSITION FROM CONVENTIONAL CRIME (1960–1991)

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Transition from Conventional Crime
 - 3.2 Type of Crimes
 - 3.3 Aim of this Unit
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

In this unit, we shall examine crimes that are common between 1960 and 1991. Some of the crimes will also be highlighted

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Know the common crimes
- Identify some crimes in existence during this period

3.0 MAIN CONTENT

3.1 Transition from Conventional Crime

The phenomenon of crime has been a major subject of private and public concern throughout human history. No society is free of crime. However, the question often asked is that even if crime is part of inevitable human behaviour, how much of it can a society tolerate? This question is linked to man's natural instinct for survival, the ability to respond to any threat to his life and property. Crime poses such a threat, particularly in its violent form (Danbazau, 1996).

The recent upsurge in violent crimes in Nigeria has created enormous uncertainty in the security of lives and property of individual and of social stability in Nigeria. The incidents of traditional crimes such as armed robbery, arson, drug trafficking and abuse, murder, kidnapping, rape, hired assassinations and ritual killings are examples of the most serious and violent crimes, which have been on the increase in the recent

past. Correspondingly, white collar crimes in the form of Advanced Fee Fraud (popularly known as 419), contract deals, embezzlement and mismanagement in both the public and private sectors are also on the increase and are regarded as organized crime. The aggregate of the traditional crimes mostly committed by the less privileged and white collar crimes mostly committed by the highly placed, calls for a change in the strategies for the prevention and control of crime in Nigeria (Danbazau, 1996).

In Nigeria, like in most societies, the main categories of crimes are those against persons or properties, sex crimes and victimless crimes. There are also crimes against the state, such as sedition, and military offences, which include war crimes, coup de'tat, and mutiny. There are crimes, which are considered special and which are tried under special tribunals. These crimes include armed robbery, drug trafficking, illegal oil bunkering, smuggling, coup and mutiny. It is worthy of note that coup and mutiny are regarded as felony. They are sometimes or collectively grouped under the heading 'miscellaneous offences'.

3.2 Type of Crimes

Generally, scholars such as Conklin 1989, Reid 1996 and Schmallegger 2001, categorized crime into four (4) categories:

1. **Conventional Crimes:** Under this, we have violent crimes and property crimes. Violent crimes include murder, armed robbery, rape, manslaughter, ritual killings, kidnapping and assault. These crimes are committed against individuals or groups, and may result in physical or psychological harm to the victim(s). Property crimes include burglary, larceny, shoplifting, motorcycle and bicycle theft, motor vehicle theft, theft of car accessories, embezzlement, fraud, arson and purse snatching. These crimes are committed with the intent to permanently deprive or destroy or damage the property of another, either as individuals or groups.
2. **White-Collar Crime:** It is any illegal act, punishable by criminal law that is committed in the course of a legitimate occupation or pursuit by a corporation or by any otherwise respectable person. White collar crime can be seen as crimes that mainly take place in the Nigerian Banking Industry. From the above definition, it can be seen that:
 - (a) The offender is usually held in high social regard.
 - (b) White-Collar crime occurs in the course of legitimate activity.

- (c) White-Collar crime is punishable under the criminal law.
- (d) Often it is not treated in the conventional court but regulatory agency, Tribunal or civil court.

White-Collar crime has been further broken into:

- Crimes by business organizations
 - Deceptive advertisement
 - Anti trust violation
 - Security violation
 - Tax fraud
 - Bribery of government officials
 - Production of substandard products
 - Crimes by government employee
 - Bribe taking
 - Police brutality
 - Embezzlement by officials
 - Crime by employee against business organizations
 - Embezzlement
 - Bribe from customers in return for favours like granting loans, low interests etc.
 - Granting loans to oneself
 - Putting friends, relatives or family members or both in payroll of civil servants
 - Advance fee fraud (419 – local and international)
 - Opening and operating fraudulent accounts
 - Decoding telex messages particularly those that have to do with transfer of money in certain accounts
 - Suppressing entries (cheque and cash)
 - Cheque theft, forgery and or alteration
 - Theft of cash and suppressing lodgement
 - Money laundering
 - Over invoicing services to the bank (Abdullahi, 2004).
3. **Organized crimes:** are crimes that involve many people who participate in different stages of the criminal acts for it to be successful. These crimes include human trafficking, drug trafficking, cyber crime, money laundering and online banking, advanced fee fraud (419), corruption, assassination etc.
4. **Crimes without Victims:** Include prostitution, drug abuse, and gambling. In crimes without victims, everybody involved in

illegal activities is a willing participant. In such crimes, it is argued, the persons who violate the law do not inflict harm or injury to other persons, rather the basis for making such acts crimes lies on the harm an individual does to himself or his failure to conform with the society's moral standard of behaviour. Included in victimless crimes are drunkenness, drug abuse, prostitution, incest, homosexuality, gambling, fornication etc. Let us look at the table below on cases of armed robbery and murder between 1967 and 1987.

<u>Year</u>	<i>Armed Robbery</i> <u>Figures</u>	<i>Murder</i> <u>Figures</u>
1967	766	447
1968	492	483
1969	398	620
1970	1314	1033
1971	1342	902
1972	989	1009
1973	807	1029
1974	808	1050
1975	1065	1067
1976	1463	1461
1977	1839	1627
1978	2009	1760
1979	1428	1698
1980	1736	1633
1981	1747	1520
1982	1310	1786
1983	1430	1687
1984	1410	1668
1985	1194	1427
1986	1308	1539
1987	1114	1680

Source: Nigerian Police (Raw data compiled in 1988).

The Aim of this Unit

At the end of this course, students should be able to know the few broad categories of crime in criminology. Students will also see the practical demonstration of cases of armed robbery and murder as documented by the police between 1967 and 1987.

SELF-ASSESSMENT EXERCISE

Mention six cases of assassination in Nigeria with dates between 1970 and 1990.

4.0 CONCLUSION

From this unit, students of criminology should be able to know the trend of crime during 1960–1991. What types of crimes were common and factors responsible for this act of criminality.

5.0 SUMMARY

We have been able to see the trend of crimes during the transition period as from 1960 to 1991. The rate of crime wave is not stable; rather it keeps increasing on yearly basis as shown in the table cited earlier.

6.0 TUTOR-MARKED ASSIGNMENT

As a student of criminology, go to a police station nearest to you and document the number of cases reported for the following crime between (1981 and 1990) in a tabular form.

- | | |
|-----------------|----------------------|
| - Rape | - Ritual Killing |
| - Assassination | - 419 |
| - Theft | - Aggravated assault |
| - Murder | - Armed Robbery |
| - Arson | - Kidnapping |

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UNIT 4 EMERGING AND SPECIAL CATEGORIES OF CRIME

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Corruption
 - 3.2 Money Laundering and Online Banking
 - 3.3 Cyber Crime
 - 3.4 Human Trafficking
 - 3.5 Assassination
 - 3.6 The Aim of this Unit
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor – Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

In this unit, we shall examine the emerging and special categories of crimes in Nigeria. This includes corruption, Money Laundering, Cyber Crime, Terrorism, Human Trafficking, Assassination etc.

2.0 OBJECTIVES

At the end of this unit, students should be able to:

- Understand corruption and its pervasiveness
- Ways money launders operate
- Know how Cyber Crimes are committed
- Examine the mode of Human Trafficking, causes and consequences
- Understand the motives for Assassination.

3.0 MAIN CONTENT

3.1 Corruption

Corruption is very widespread in Nigeria and it manifests itself in virtually all aspects of national life. Nigeria was sometime ago rated by the Transparency International Index as the most corrupt country in the world. Corruption is a worldwide phenomenon, which has been with

societies throughout history. It has caused political and economic instability in societies and, depending on the scale, it has led to social conflict and violence, as competing groups vie for state power which is the source of distribution of resources and other amenities in society. The study of the causes and consequences of corruption has a long history (Ibrahim 2001, Adenuga 2001). Otite (1986) described corruption as “the perversion of integrity or state of affairs through bribery, favour, or moral depravity. He stated that corruption takes place when at least two parties have interacted to change the structure or processes of society or the behaviour of functionaries in order to produce dishonest, unfaithful or defiled situations.

The United Nations is of the view that corruption in government increases poverty in many ways. Most directly, it diverts resources to the rich people, who can afford to pay bribes and away from the poor, who cannot. Corruption also weakens a Government and lessens its ability to fight poverty. It reduces tax revenues and, thus, the resources available for public services (Mills, 2001). It is good to note that the immediate impact on the poor people is that there will be higher prices and fewer employment opportunities, because of the distortions that corruption has caused. Corrupt officials will be willing to demand payment for public services, which are supposed to be free.

Corruption made it possible for senior public officials to acquire massive personal wealth from states. Corruption is a cancer, which inhibits development in a number of ways:

1. The corrupt use of national budgets diverts the Nigerian scarce resources away from development.
2. Corruption deters investments as it increases the risks for domestic and international investors.
3. Corruption hurts poor members of the society.

3.2 Money Laundering and Online Banking:

Many financial institutions are now providing banking service through the Internet. Most of these are established financial institutions that offer only part of their services online. The concern, with respect to money laundering, is that there is no face-to-face contact between the customer and financial institution. The customer accesses his or her account on the website of the financial institution by providing a password. Since no face-to-face contact is required, the financial institution has no means of verifying the identity of the individual. Moreover, a customer can access her account from anywhere in the world. In addition, as access is gained through an internet service provider, the institution has no way of verifying the location from which the account was accessed. An

individual desiring to conceal his or her identity, including money launderers, would be able to have unrestricted online access to and control of his or her bank accounts in any location (Redpath, 2001). The EFCC (Economic and Financial Crimes Commission) in Nigeria has been able to tackle a few cases where online banking has been used for money laundering.

3.3 Cyber Crime

Online computers via the internet can be used to plan and co-ordinate activities, and to facilitate illegal acts, as well as to distribute tools for committing crimes. Instructions for building bombs and deadly weapons and instructions for building “red boxes” used in stealing telephone services, have all been found on the internet. Software for hacking into other computer systems is also available online. Pirated software, child pornography, scams and offshore tax evasion schemes are all available or operated via the internet (Redpath, 2001).

Internet crimes are raising international concern. Every terrorist organization has its own internet website “to propagate it, recruit manpower, purchase firearms and even sell children for sexual purposes”. Cyber crimes are serious sophisticated crimes like swindling, embezzlement and money laundering. These crimes are being committed all the time and often traces are covered up or erased instantly, making the police unable to track them (Redpath, 2001).

According to Abdullahi (2004:5), Cyber Crimes can be categorized into five.

- **Data bidding** – This is the most common, easiest and fastest method. It involves changing the data that will be put into the computer or that are already in the computer.
- **The Trojan Horse** technique involves instructing the computer to perform unauthorized functions as well as its intended function.
- **The Salami Method**. This refers to taking small amounts of money from a larger source without significantly reducing the whole. For example, one might in a bank account situation, instruct the computer to reduce some accounts by certain percentage (usually small) and place such amount in another account.
- **Super zapping**. To take care of potential problem of malfunction there is the need for what is sometimes called *break glass in case of emergency* computer programme. This programme will *bypass all controls to modify or disclose any of the contents of a computer*. This is a powerful tool for committing crime in the hands of dubious people.

- **Data Leakage.** This refers to removing information from the computer system or computer facility.

3.4 Human Trafficking

Human trafficking, according to *Article 3a* of the United Nations Protocol

is defined as the “recruitment, transportation, transfer, harbouring, or receipt of persons by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. The trafficking in persons (Prohibition) Law Enforcement and Administration Act (2003), defines trafficking as all acts and attempted acts involved in the recruitment, transportation within or across Nigerian borders, purchases, sales, transfer, receipt or harbouring of a person involving the use of deception, coercion or debt bondage for the purpose of placing or holding the person, whether for or not involuntary servitude (domestic, sexual or reproductive) in forced or bonded labour, or in slavery-like conditions”.

Victims of human trafficking include the poor, weak, powerless, ignorant, desperate and vulnerable adults mostly women, youth and children. Human trafficking can be either internal or external. Human trafficking is internal when it takes place within a country, while it is external when it takes place across international boundaries. It was discovered that human trafficking started in Nigeria from the second half of the 1980's when people engaged in it to escape the hardship imposed by the Structural Adjustment Programme (SAP) (NAPTIP Newsletter, 2006).

Human trafficking is a modern slavery. Those who engaged in trafficking of persons are often friends, relatives, neighbours and familiar people to victims. Human trafficking is an organized crime. It has a chain of syndicate. In this organized crime, we have the:

- Sponsors, financiers and facilitators
- There are madams or bosses, supervisors, accomplices or collaborators, aiders and abettors.
- Victims or persons who are trafficked and exploited.

The question that readily comes to mind is: what are the causes of human trafficking? We can say some of the causes on the part of the victims and traffickers are poverty, ignorance, greed, get-rich syndrome, illiteracy, identity or moral bankruptcy, high demand for cheap and

submissive child labourers, false impression of preparation for marriage, unemployment, child fostering, inequalities in the society, disregard for education, conflicts, those orphaned by the HIV/AIDS pandemic, large family size etc.

There are a lot of consequences associated with human trafficking. There is the possibility of contracting sexually transmitted diseases such as HIV/AIDS and other strange ailments and premature death. Some people being trafficked sometimes die on their way, especially those who travelled by road through the Sahara desert. Victims are raped and clubbed to death in foreign nations. Victims are placed under perpetual bondage without freedom. Illiteracy is compounded and the future of the nation is doomed. For the children, it causes impairment of moral, physical, psychological and mental growth and development. Victims are traumatized, abused, dejected and lack confidence in the society and themselves (NAPTIP Newsletter, 2006).

Moreover, it is apparent that trafficking in persons has, over the years, changed its form, colour and style. It has always been abhorred and denigrated by well-meaning members of the society as uncivilized, brutal and primitive. Government has demonstrated its political will by enacting the Anti-Trafficking in Persons Law, 2003 to deal with the problem. It is expected that the civil society, the judiciary, faith-based groups and even the victim, should join hands in ensuring that the law works and offenders are put out of circulation for a better society (Ndaguba, 2005).

3.5 Assassination

As the world advances and the stakes in political clashes or will continue to grow on a global scale, the number of assassinations concomitantly multiplies. Assassination is the deliberate killing of an important person, usually a political figure or other strategically important individuals. An assassin is the person who carries out an assassination (Wikipedia, 2006). There are eight basic questions to bear in mind when discussing issues of assassination.

- How do assassins develop the idea of assassinating a public official or public figure?
- How does a person move from the idea of assassination to an action of assassination(s)?
- What motivates people to act violently towards public officials and public figures?
- How do people who direct violence towards public officials or public figures select their target(s)?

- What planning strategies are used by people who direct violence towards public officials and public figures?
- What relationship exists if any, between threatening to commit violent action and carrying out violent action?
- What relationship exists if any, between symptoms of mental illness and assassination behaviour?
- Were there key life events and patterns in the history of people who have directed violence towards public officials and public figures? (Peat, 1999).

Assassins have a wide range of reasons for their action. Reasons for attacks include:

- To achieve notoriety or fame.
- To avenge a perceived wrong.
- To end personal pains; to be killed by law enforcement agent.
- To bring national attention to a perceived problem.
- To save the country or the world.
- To achieve a special relationship with the target.
- To make money.
- To bring about political change.
- To settle scores

It has been found that no assassins or attackers communicated a direct threat about their target to him or to a law enforcement agency before their attack. Many writers on assassinations asserted that most assassins have been mentally ill. Some say that mental illness is the cause of assassination. Others argued that mental illness is a key factor in understanding assassination behaviour. This argument can be seen in four ways:

1. Assassination is inherently an irrational act.
2. Those who assert that assassins have been mentally ill are implying of a few assassins.
3. Many who consider assassins and attackers to be mentally ill look at the nature of the act itself. Reasonable people abhor the thought of assassination. It is hard to accept the idea that a few persons might see assassinations as acceptable way to resolve their problems and to achieve their goals.
4. With rare exception, trails of assassins and attackers of leaders and celebrities in the past 30 years have featured testimony by mental health professionals to the effect that the defendant was suffering from mental illness at the time of his or her attack and should not be held criminally responsible.

Many scholars such as Freedman 1966, Goode 2002 and Madunagu 2006, are of the opinion that political assassinations are failure of the political system. Inability to penetrate the ruling class frequently results in political assassinations of public figures connected with politics. Failure in politics carries high costs often in relation to loss of human lives. Political assassination occurs when people want to settle scores. This may come in two ways:

1. It is either there is a design, which is calculated to undermine the authority of the government of the day, or
2. Government is using its authority to stifle opposition. In this context, lives are lost, properties are destroyed and people are displaced. Thus, displaced people eventually become refugees in their own country.

Assassination is the end result of a process of thinking and behaviour. Many attackers move through life on a path that leads them to consider assassination of one or another prominent person as an acceptable or even necessary way to improve their situations or resolve their problems. These persons are often relatively bright and well educated. They may appear to be socially isolated, but they often look, dress, and act in ways that do not readily distinguish them from others. At some point, attackers begin to see the idea of assassination as acceptable and desirable. They may gather information about previous assassins, take special interest in one or more potential public officials or figure targets, and becoming famous and notorious. Persons who continue along the path to attack often carefully consider how to carry out an attack. They may visit an office, home or temporary visiting place of their target. Their travels may take them far from home. They may try to learn about security arrangements and see the presence or absence of security as a deterrent or as an opportunity.

3.6 Aim of this Unit

At the end of this unit, students should have a wide knowledge of the emerging and special categories of crime in Nigeria. This unit will also enable students to understand the motives, causes and consequences of some of these.

SELF-ASSESSMENT EXERCISE

What do you understand by cyber crime?

4.0 CONCLUSION

From this unit, students should be able to mention special categories of crime known to them. They should also be able to describe how these

crimes are conceived and carried out to their logical conclusion. They are also exposed to the causes, effects and consequences of such crimes in Nigeria.

5.0 SUMMARY

We have been able to discuss some of the special categories of crime in Nigeria. We also addressed some of the ways in which each of these crimes are perpetrated and accomplished in Nigeria.

6.0 TUTOR-MARKED ASSIGNMENT

Write a position paper to the Minister of Women Affairs on how to tackle the problem of Human Trafficking in Nigeria.

7.0 REFERENCES/FURTHER READINGS

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UNIT 5 CONSIDERATION OF VICTIMS OF CRIME

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Who is a Victim?
 - 3.2 Origin of Victimology
 - 3.3 Typology of Victim
 - 3.4 The Aim of this Unit
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

In this unit, we shall examine who is a victim of crime and the origin of victimology. By definition, victimology is the scientific study of victims in relation to pattern of occurrence, regularities, nature, volume and societal reaction to the act of victimization. You will also be exposed to different types of victims of crime with relevant examples.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Understand who a victim is.
- Understand the origin of victimology
- Examine the various types of victims of crime with relevant examples.

3.0 MAIN CONTENT

3.1 Who is a victim?

The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985:) defined victims as “Persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within member states, including those laws prohibiting criminal abuse of power”. The term ‘victim also includes, where appropriate, the immediate family or dependant of the direct victim and persons who have suffered harm in

intervening to assist people in distress or to prevent victimization' (United Nations Gazette Resolution 4/34 of 29th November, 1985).

A victim of crime is likely to suffer from emotional, psychological, economic and social loss. It can be personal injury, death, loss of personal and real property. The branch of Criminology, which is concerned with the scientific study of victim, is known as *victimology*. The physical and emotional impact of crime can be devastating both to those who are harmed and for their families and friends. No matter the circumstances in which it is committed, it may diminish the victim's control and self-worth. Those who are not directly affected by the crime realize how difficult it is to recover.

As a victim of crime, you may be aware of what happened but feel numb. This is a common reaction. Over a period of time, one may suffer physical symptoms such as lack of appetite, fluctuating blood pressure, fatigue and problems of sleeping. Depending on the situation, you may experience a mix of emotions, and these will not occur in any particular order. Some emotions will go away and come back later. These emotions could include:

- Emptiness or numbness
- Fear or anxiety
- Sadness or depression
- Guilt, shame or dirtiness
- Anger or irritability
- Grief
- Loss of privacy and control
- Panic and confusion

You may feel helpless and deserted, and that no-one understands what you are going through. These symptoms or feelings usually go away after sometime, but they create problems for some people. They could affect your health and relationships. It is important, as a victim, to look after yourself, and to get any support treatment that you need.

3.2 Origin of Victimology

Victimology is the scientific study of the victim of crime. It is the science of social concern for the victim. It includes within its scope the scientific analysis of patterns, regularities and causal factors related to the victim, the act of victimization and social reaction to both. Victimology aims at understanding the pattern of victimization, and how regularly people become victimized. Causal factors simply mean the

causes of this victimization. It is unfortunate that most study of crime and analysis in most countries of the world, Nigeria inclusive, has been concentrating on the offender. The tendency to concentrate on the offender and not on the victim is a *unidirectional approach*. This approach mostly concentrates on the offender. This approach has some historical origin which started from the time crime became a subject matter of study. This historical approach has guided the criminologist or researcher with the tendency to understand crime by concentrating only on the offender.

In view of this, there was a commission of enquiry to study the administration of justice. It was found that one of the most neglected subjects is the victim. The victim is also neglected by the Criminal Justice System. That is the police, court and the prisons. The victim is also neglected by the social services agents. The government is expected to protect individual citizens and to provide welfare services. But in most cases, these welfare services do not extend to the victim. It is against this background that suggestions were made to highlight the pattern of victim and the type of victimization the person has suffered. This is because, if there is no compensation or consideration, some victims may not report the case, which means you are moving away from the reality of crime. The earlier pioneers of victimology are M. Wolfgang, Heng-Vang Henting and Geniamin Mendelsohn.

3.2 Typology of Victims

Typology of victims simply means the classifications or categorizations of victims of crime in the society. Different scholars have classified victims using different criteria. In this course, we are going to categorize victims into seven types.

1. **Unrelated victims:** These are victims that are completely innocent. They have taken all necessary precautions or measures to avoid being victims of crime. Yet they get victimized. They are innocent in that they did not contribute to their own victimization. For example, you have a car and, in the night, you parked your car in the garage and padlocked the gate of your house; unfortunately, armed robbers came and broke the gate and went away with your car. In this case you are regarded as **unrelated victim**.
2. **Provocative victims:** This is a category of victims that have something against the offender. Their behaviour or attitudes have provoked their own victimization. For example, a female student who dresses half naked and goes to boy's hostel in the night

invites the trouble of being raped. If eventually she gets raped, she is regarded as a **provocative victim**.

3. **Precipitative victims:** This type of victims even though they have done nothing against the offender; however, their action or behaviour creates a condition for their victimization. The victim might have enticed, tempted or instigated the offender to commit the crime. For example, there was a party in Lagos and people were invited. At a stage people were invited to dance group by group. It happened that people that were on the dancing floor were sprayed by well wishers and admirers. Everybody present was spraying Nigerian Naira notes of different dominations. In the process, a man stood up and went to the back of his car and carried bundles of dollar notes. He went to the dancing floor and started spraying. In this same party, there are people who could not afford three meals a day. After the party, some armed robbers trailed him to his house and dispossessed him of most of his belongings. In this case, you can see that he **precipitated** his own victimization.
4. **Biologically weak Victims:** These are victims whose physical and mental condition or state encourages the offender to victimize them. People in this category include the child, the aged, the disabled, the mentally sick etc. Such persons become easy pray to their offenders. For example, if you look around, you can easily find a mad woman who is pregnant. This is common in cities and big towns. This category has been victimized because of their state of mind. They are regarded as biological victims.
5. **Socio-economically weak Victims:** This category of victims are usually regarded by the larger society as full-fledged members, but are discriminated against. Examples include the minorities, the immigrants, refugees, the economically under-privileged etc. For example, war refugees lack basic necessities of life. They have no freedom of movement and most often are not allowed to work because they are regarded as alien. They are rather to be catered for by the host country. These refugees have no access to food of their choice but only what they could be provided for by the host country.
6. **Self-Victimized Victims:** These are the completely guilty victims. They actually victimize themselves and are therefore their own criminals. The category of crimes that give rise to these acts are popularly referred to in criminology as “**victimless crimes**” or “**crimes without victims**” Examples include

gambling, drug addiction, alcoholism, prostitution etc. The blame in this type of crimes should actually fall completely on the person.

7. **Political Victims:** This is the category of victims that suffer at the hands of their political opponents. Such victims are said to actually precipitate their crime, since they are the ones that begin any opposition or striving for political power or recognition. In most cases, those in power usually magnify the offence of their opponents in order to show the world that they are criminals. Victims of this category include human right activists like Late Beko Kutu, Gani Fawehinmi, Late Anikulapo Kutu, and Prof. Wole Soyinka etc. For example, if you look at the case of Niger-Delta and the Federal Government, you will see that they are economically weak. They bear the brunt of some government economic policies to their own detriment. Remember that oil spillage has polluted the environment. The people of Niger-Delta can no longer farm or carry out fishing activities, because of the petroleum exploration in the area. People at the receiving end of unfavourable government policies can be regarded as political victims.

3.3 The Aim of this Unit

At the end of this unit, students will be able to know who is a victim of crime, origin of victimology as a scientific study of victims and different types of victims in Nigeria.

SELF-ASSESSMENT EXERCISE

- i. Name two scholars that proposed victimology as a field of study.
- ii. Who is a victim of crime?

4.0 CONCLUSION

From this unit, students of criminology should be able to understand the meaning of victimology and victim of crime. As a student, you should know the seven categories of victims of crime. Having gone through this unit, you should be able to know at a glance the type of victimization someone has gone through without any problem.

5.0 SUMMARY

We have been able to explain who a victim of crime is and, categories of victims in Nigeria with relevant examples.

6.0 TUTOR-MARKED ASSIGNMENT

Using concrete examples, identify and explain 5 types of victims of crime

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MODULE 4

Unit 1	Cost of Crime Victimization
Unit 2	Profiling Nigerian Offender
Unit 3	Challenges to Law and Law Enforcement Agents
Unit 4	Internationalization of Crime
Unit 5	Preventing and Controlling Crime in Nigeria: Problems and Prospects.

UNIT 1 COST OF CRIME VICTIMIZATION

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Cost of Victimization
3.2	Compensation to Victims of Crime
3.3	Victim Support Scheme
3.4	The Aim of this Unit
4.0	Conclusion
5.0	Conclusion
6.0	Tutor-Marked Assignment
7.0	References/Further Readings

1.0 INTRODUCTION

In this unit, we are going to examine the cost of victimization to the individual, family and society. We shall examine reasons why victims of crime should be compensated. We shall also discuss the victim compensation scheme, which is aimed at alleviating the suffering of victims of crime.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Know the cost of victimization to the individual, family and society
- Examine reasons why victims should be compensated
- Identify categories of victims that should be compensated
- Know the available victim compensation scheme

3.0 MAIN CONTENT

3.1 Cost of Victimization

The physical and emotional impact of crime can be devastating for the individuals who are harmed, and for their families and friends. No matter the circumstance in which it was committed, it may diminish the victim's control and self worth. Those not directly affected by the crime often understand how difficult the recovery can be.

Victims of crime experienced both short and long term effect of their victimization. This ranges from physical effects such as deformity, fatigue, lack of appetite, high blood pressure, sleeplessness to emotional impact such as anxiety, depression, anger, irritability, loss of privacy and control. The effects of criminal victimization differ from one person to another depending on its gravity or seriousness. These symptoms or feelings usually go away after sometime, but they create problems for some people. They could affect your health and relationships. In this case, it is very important for victims to look after themselves and to get any support treatment that they need at that period (Attorney-General's Department, 2006).

3.2 Compensation to Victims of Crime

Victim participation in crime is like a continuum, from total innocence to complete participation. It is argued that a victim suffers in different ways such as psychological, economic, financial loss etc. As a result, it is argued that it is reasonable to compensate him. Compensations are payment made to victims of crime either in cash or in kind by constituted authority, to reduce these losses arising from the criminal act. The constituted authority provides compensations, while restitution is payment made to victims of crime.

The costs of criminal victimization are enormous both to the individual and to the society as a whole. Costs of criminal victimization are either tangible, such as property damage and losses, medical care, legal costs, police and fire services etc. or intangible, such as pain, suffering and reduced quality of life (Danbazau, 1999).

Victims of crime deserve compensation for the losses they suffer as a result of the criminal activities of others. The fact that they suffer psychological, social and economic losses, pains and suffering at the hands of others within the society, indicates that the state is unable to satisfy its own contract of protecting its citizens (Danbazau, 1999). If compensation is not given, it may make victims become criminals so as to take revenge, thereby taking the law into their hand. There is need for

the government to establish a victim assistance programme, which should be in charge of victims and to make sure that victims are adequately compensated. In most countries, however, the prevailing notion is that compensation is not a right but a reward given to “deserving” victims. Consequently, compensation schemes only reach a small portion of victims, with most either being unaware of their eligibility for compensation or not being encouraged to apply (Camerer, 1996).

Reasons for Compensation

1. Offenders in property crime are difficult to apprehend because the offence takes place mostly in the absence of the owner. If they are caught, offenders may not be able to pay back for the lost property. On the other hand, where the offender is convicted, he or she may pay a fine and the fine goes to the government. Also, if the offender goes to prison, the victim will not benefit from anything.
2. According to the social contract theory between the citizen and the State, it is the duty of the State to defend the rights of every citizen and to punish the offender.
3. Compensation scheme for victim of crimes should be operated by the government as any other welfare schemes. The victim should be given compensation.
4. Since citizens pay tax in one form or the other, one reason for paying tax is that the money should be used to protect the life and property of the citizen. As such, there should be a kind of reciprocal measure i.e. the government should compensate victims of crime.
5. Society itself can be held responsible for the type of crime her citizen suffers. This is because the government is the manager of the society. It is the government that should make sure there is peace and order in the society.

3.3 Victims Support Scheme

The absence of victim aid services has added to the sense of powerlessness of victims, and has contributed to public perceptions that perpetrators lie at the heart of crime prevention strategies. In Nigeria, there is no victim support scheme operated by the Federal Government. The victim support schemes in existence are owned by non-governmental agencies. Few churches also operate victim support scheme programme. Victim support scheme is very necessary if victim's plight is taken into consideration.

1. There is need to establish victims' support scheme in all states of the Federation where victims of crime could be adequately taken care of.
2. Generation of fund: there is need to generate funds from the three tiers of government. That is the Federal, State and Local government levels. If adequate funds are provided, they will go a long way in reducing the agony victims of crime pass through emotionally, financially and economically.
3. Government should provide funds for the establishment of victim centres, which are equipped with diagnostic equipment for the treatment of victims.
4. Religious institutions should help victims of crime morally, for them to have a sense of belonging.
5. There is need for the establishment of criminal injuries and compensation tribunal. This will enable them to screen victims that are genuine and deserve compensation, from those that are fake.
6. The police need to be re-oriented in the performance of their assigned duties and on how to rehabilitate victims of crime.
7. There is need to sensitize the public in various communities on the need to rehabilitate a victim in his community, so that he or she can have a sense of belonging without any discrimination whatsoever.
8. All Law Enforcement Agents should work hand in hand to free the society of crime. This can only be achieved when they cooperate with one another and there is easy flow of information between them. This will help sanitize the society of crime and will invariably reduce the rate of victimization.
9. Inadequate rehabilitation strategies have to be improved, so that society will not fall prey to constant and repeated victimization as well as the exorbitant costs to the tax payer of large scale recidivism.
10. More effective and reliable information is needed instead of the totally inadequate crime information management system, which is currently in place.

On the whole, crime prevention and victim support should not be confused with one another. Victims are citizens in their own right, and need to be treated as an end in themselves. One must not allow various parties to hijack victim support, and divert attention away from the real issues. Victims must not be used to make offenders feel good, or be classified as co-operative or uncooperative. Victim support is there to lessen the harmful effects of crime.

3.4 The Aim of this Unit

At the end of this, students will be able to demonstrate a wide knowledge and understanding of the cost that victims of crime incurred. This includes physical injury, loss of lives and property, emotional and psychological trauma victims pass through in the course of victimization.

SELF-ASSESSMENT EXERCISE

Why do you think Victims Support Scheme should be introduced in Nigeria?

4.0 CONCLUSION

From this unit, students of criminology should be able to know the reasons why victims of crimes are compensated, and the motives behind the need to establish victim support scheme in Nigeria.

5.0 SUMMARY

We have been able to discuss the cost victims of crime suffer from. The need for compensation of victims of crimes was also discussed. We also looked at victim support scheme that needs to be put in place in order to reduce the hardship victims pass through as the aftermath of their victimization.

6.0 TUTOR-MARKED ASSIGNMENT

Justified the argument that victims of crime in Nigeria should be compensated?

7.0 REFERENCES/FURTHER READINGS

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UNIT 2 PROFILING NIGERIAN OFFENDER

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Who is an Offender?
 - 3.2 Categories of Offence
 - 3.3 Types of Offenders
 - 3.4 The Aim of this Unit
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

This unit will examine the profile or attributes of a typical Nigerian offender (criminal). It will identify categories of offences as well as the type of offenders in existence.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Define who an offender is.
- Identify categories of offences.
- Examine type of offenders.
- Evaluate which offender or offence affects more of national development.

3.0 MAIN CONTENT

3.1 Who is an Offender?

In this unit, an offender shall be regarded as a criminal. A criminal is someone who commits crime. A criminal is the person who violates the laid down rules and regulations that guide the conduct of every member of a community. When the rules and regulations are written as the guiding philosophy, then it can be regarded as a law. This is further entrenched in the Constitution of Nigeria. It encompasses the dos and don'ts. The crime committed may be civil i.e. crime between two parties, a plaintiff and a defendant. It can also be criminal in nature. Here it is a case between the State and the accused. We shall restrict our focus on criminal act committed against the State.

In the olden days, any violation of laid-down rules in the community is regarded as an offence, and as such erring offender will be disciplined by being subjected to various punishments and sanctions. The essence is to serve as a deterrent to others who might be nursing such act. These rules and regulation guiding the conduct of every individual in a community may be written or not written. During the pre-colonial era, offenders or criminals are unemployed or semi-skilled. They are of low educational background and are found to be from low socio-economic status in the society. Offenders in this period are poverty-ridden and of no means of livelihood. They are seen to be very dirty, unkempt and of no future ambition. During the colonial and post-independence era the attributes of criminals remain the same as in the pre-colonial period.

However, from 90s, criminals are not just illiterate and semi-literate; but include very educated, enlightened people in the society. Due to their education, offenders are able to perpetrate their criminal acts to the highest-level of crimes you can think of in the world. They use sophisticated weapons, which are superior to and far above the weapons used by the police as a law enforcement agency, which is bestowed with the responsibility of crime prevention and control in Nigeria. It should be noted that in the 21st century, most criminal acts such as advanced fee fraud, cyber crime, assassination, terrorism, human trafficking, drug trafficking, armed robbery etc, are committed by educated people in the society. The criminal act in this century is not limited to people of low socio-economic status. People in government are not innocent of this allegation. They are seen to engage in white-collar crime, corruption and money laundering.

Therefore, the profile of the Nigerian offender (criminal) at present includes illiterates, semi-literates and well educated citizens of this country. Both the well-to-do and the less privileged are not spared from this syndrome of get-rich syndrome regardless of how they make their money. The educated offenders are seen to be very neat, often in 3-piece suits, driving flashy cars and could easily be identified as businessmen from their outfits. People will hail you as having arrived. Such people are often invited to ceremonies and occasions as chief launchers, co-launchers etc. Such people can also be given chieftaincy titles in their community. People care less about the source of their wealth, but the concern is that they have made it. He or she has arrived. Nigeria being a capitalist country, money seems to be at the root of everything. Private accumulation of wealth is encouraged. As such, people go to any length to become rich.

We should take note of the fact that all normal men have a tendency to commit crimes; that crime is a human manifestation and all human manifestation which violates the rules of behaviour is usually

spontaneous and sudden. However, human manifestations, which conform to the law, are not spontaneous, but are due to custom and they are sometimes obligatory. As such, from a naturalistic point of view, crime is a natural act. The criminal knows what he is doing, but what he is doing may be determined by the circumstances surrounding him (Danbazau, 1994).

Suthland (1947) in his book *Social Disorganization* claimed that although the criminal is a normal human being, he lives in a disorganized society, which tends to disorganize its individual members. This postulation sees the society as the patient, and this fits the description of African societies where there is social, political and economic disorganization.

An approach, which sees the criminal as a normal human being, is a rationalistic approach. According to this approach, the presence or absence of criminality results from the deliberate and calculated choice of the individual between good and evil; law and crime; pleasure and pain. The conception tows the line of the classical school of criminology led by Cesare Beccaria (1738–1794). Beccaria (1964) developed the pleasure–pain principle, the idea that each human behaviour choice involves a decision between the amount of pleasure that could accompany it and the pain, physical or psychological that could result. Although the criminal law recognizes the insane, the child and the drunk as incapable of knowing and understanding the nature and consequences of their acts under the influence of such conditions (Danbazau, 1994).

3.2 Categories of offence

In this unit, offence shall be regarded as crime.

1. *Mala in se*: Crimes of *Mala in se* are “wrong in themselves”. They are characterized by universality and timelessness. That is, they are crimes everywhere and have been crimes at all times. Examples are murder, rape, armed robbery, assassination etc.
2. *Mala pohibita*: Are offences that are illegal because laws define them as such. They lack universality and timelessness. Examples are trespassing, gambling and prostitution.

For statistical purposes, crimes are frequently classified as crimes against person (for example, murder, rape, and assault), crimes against property or property crime (for instance, burglary, larceny, auto theft). We also have crimes against public decency, public order and public justice crimes (for example, drunkenness, disorderly conduct, vagrancy) (Bohn, 2002).

3.3 Types of Offender

1. **Conventional criminals:** Research conducted by experts in some Nigerian prisons has shown that there are two types of criminals. The first categories of criminals are the socially disabled and insufficient, the poor, the unemployed, or the marginally employed. They are usually in towns and cities where the power, wealth and prestige of the society are concentrated. They are usually semi-literate males and females between twenty and thirty years, occupationally unskilled or semi-skilled, self-employed or daily paid (Newswatch, March 8, 1993). They are conventional criminals found anywhere in the world.
2. **Elite criminals:** According to Odekunle as far back as 1971, the political, economic, bureaucratic and other elite had been committing all kinds of crimes a thousand times more than did the elite under the civilian regime of the early sixties. Some Nigerians had diverted millions of naira in collusion with multinational corporations to defraud the country. There were many probes set up during Murtala Mohammed regime to probe hundreds of cases. The sanctions imposed on those who were adjudged corrupt by government were later set aside and their seized properties which were illegally and corruptly acquired were returned to them by subsequent governments. Even up to 1993, some of the seized landed properties from such public officers were returned to them. There are no doubts that in the past elite criminals have had close and powerful connection and relationship with the ruling class. With their ill-gotten wealth, they have become very powerful and constitute negative influence and pressure groups on the ruling class to subvert the rule of law. This has been the plight of Nigeria and Nigerians until the time Abacha's administration brought about the failed bank decree.

3.4 The Aim of this Unit

At the end of this unit, students should be able to describe a Nigerian offender before the 21st century and in the 21st century. This unit will also enable students to differentiate between the conventional and elite criminals.

SELF-ASSESSMENT EXERCISE

Do you think an offender is a rational human being? Argue for or against.

4.0 CONCLUSION

From this unit, students of Criminology should be able to classify criminals into two types mentioned in this text. Students should be able to discuss the attributes or characteristics associated with each of them.

5.0 SUMMARY

In this unit, we have been able to discuss categories of offence, types of offenders and their profile.

6.0 TUTOR-MARKED ASSIGNMENT

In your opinion, which of the two types of criminal is more damaging to the Nigerian society? Discuss one criminal act to back up your explanation.

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UNIT 3 CHALLENGES TO LAW AND LAW ENFORCEMENT AGENTS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Police as a Law Enforcement Agency
 - 3.2 Objectives and Importance of Policing
 - 3.3 Obstacles to Successful Policing in Nigeria
 - 3.4 Suggestions on how to Improve Policing in Nigeria
 - 3.5 The Aim of this Unit
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor – Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

In this unit, we shall look at the challenges Law Enforcement Agents face in relation to crime prevention and control in Nigeria. This unit will also examine the objectives and importance of policing, obstacles to successful policing as well as suggestions on way forward.

2.0 OBJECTIVES

At the end of this unit, the student should be able to:

- Understand the challenges policemen face as Law Enforcement Agents.
- Examine the objectives and importance of policing.
- Identify the obstacles to successful policing in Nigeria.
- Make suggestions on how to improve policing in Nigeria.

3.0 MAIN CONTENT

3.1 Police as a Law Enforcement Agency

The Police exist to serve the people. It is therefore important that police activities should be people-oriented and reflect public interest. Their activities should meet the expectations of the people, whom they serve. This is the way by which the police can win the critical public support that they so much need for effectiveness and efficiency. Without the support of the people, police work will be unbearable, tedious and hazardous (Soyombo, 2004).

Criminality is part and parcel of human nature and society. That is why no society can claim to be completely free of crime. But the types of criminal behaviour tend to follow the pattern of social and economic development of a given society. It is therefore not unexpected that a society at a low level of development tends to experience an upsurge in the rate of violent crimes such as armed robbery, politically motivated killings, the use of illegal weapons, ethnic and religious clashes and the like (Olujinmi, 2004). What is worrisome, however, is that the police, that are meant to be the antidote to criminality appear to be getting overwhelmed by the phenomenon. The criminals appear to be ahead of the police, such that the latter now only react to the commission of crimes and usually after the offenders might have left the scene. What is even more worrisome is that, rather than evoke confidence and hope in the public, the appearance of our policemen often conjures to the public a depressing feeling of fear and mistrust.

It seems pertinent to observe that the dismal image of the Police accounts for the non-cooperation by the public, who are often reluctant to volunteer useful information to the Police. Yet, the task of crime prevention and detection as well as prosecution of offenders cannot be successfully performed without the cooperation of the public. Other allegations levelled against the police include arbitrariness in the exercise of its powers to arrest and prosecute, corruption and perversion of justice, use of crude techniques of investigation, collusion with criminals and incessant cases of accidental discharge of lethal bullet. In addition to the complaints earlier referred to, there are institutional constraints, which contribute to the uncomplimentary image of the institution and thereby undermining their capacity to deliver efficient crime control and policing services. These include inadequate manpower, lack of expertise, lack of adequate equipment, low level of education, low morale, shabby appearance, lack of training facilities and poor conditions of service of the average policeman (Olujinmi, 2004).

3.2 Objectives and Importance of Policing

The central objective of policing is to provide security, or at least a social and psychological feeling of security, for a majority of citizens, in a majority of places and for most of the time. And this central objective is a summary of the following sub-objectives, which are prerequisites to that of security:

- To prevent, control and combat criminality wherever and by whomever necessary.
- To maintain public order and peace;
- To render assistance and service to all citizens needing or requiring security; and

- To favourably symbolize the government by always upholding the rule of law (Odekunle,2004).

From these central and sub-objectives of policing, the importance of policing to society and to citizens' perception of the government (which the Police Force is seen as representing) cannot be overestimated. This importance becomes clearer when one considers the following:

- Policemen are the government officials most proximate to crime, temporarily and procedurally, and are the leading figures in crime prevention, control and in law enforcement process;
- Policemen's honesty, integrity and observance of procedural laws in handling offenders and non-offenders have deep implications for the citizens' perception of fairness and justice and for the degree of respect the average citizens have for the law;
- Being highly visible (compared to courts and prisons) and being the primary or main government authority legally authorized to use force on citizens, policemen's behaviour affects citizens' opinion about their government. (Odekunle, 2004).

3.3 Obstacles to Policing in Nigeria

1. Material inadequacies:- Material inputs in terms of funding, crime prevention, control, detection, investigation, traffic control and accident-prevention, communication and data-gathering research needs are not only inadequate, but are unrealistic as well.
2. Human Problems: - The Nigerian Police has human problems that not only aggravate its material insufficiencies, but are also of tremendous adverse impact on its general performance daily. Factors responsible for these problems include:
 - The colonial origin and heritage of the force which continue to influence the selection, training and orientation of a majority of Policemen;
 - Improper, inefficient and sometimes corrupt and nepotistic methods of recruitment;
 - Lopsided emphasis (in training curricula) towards 'drill', Para-military work, and 'mechanistic' teaching of law and Police work.
 - Exposure of recruits to only 'professional Police Officers' and only in exclusive Police institutions;
 - Lack courtesy, non-challant attitude to citizens' complaints, dishonesty, corruption, abuse or misuse of the authority to

- arrest, detain or the use of force by a substantial number of Policemen on the streets and in the station, etc;
- Discouraging salary, poor conditions of service, rank–mobility, promotion criteria and procedure for the ‘rank and file’ recent efforts to improve the situation notwithstanding;
- 3. Absence of an overall crime–prevention /control policy, body and planning.
- 4. Political interference and the feeling of accountability by the force to the ‘government of the day’ rather than to the rule of law and the people (i.e. a carry-over from the colonial period and the succeeding military regimes).
- 5. A materialistic, greedy, corrupt and undisciplined socio-economic environment (i.e. a society gets the Police Force it deserves).
- 6. The burdensome character of our inherited legal system (from the substantial and procedural law through justice–administration to offender–correction) which has never been meaningful or socio-scientifically reviewed to make justice ‘real’ rather than ‘technical’ and speedy rather than delayed (Odekunle, 2004).

3.4 Suggestions on how to Improve Policing in Nigeria.

The suggestions here are directed particularly at behavioural and attitudinal re-orientation (through appropriate selection criteria, proper and adequate training and considerably improved police salary and conditions of service) to achieve a long lasting solution.

- To develop ‘concurrent’ and ‘predictive’ validation tests for use in selection of ‘suitable’ policemen both at recruitment and immediately after probationary period (i.e. social – psychological aptitude tests in addition to the normal educational, physical and medical requirements);
- To increase the length of training of recruits to a minimum period of 18 months;
- To make training conditions humane (e.g. there is no need for any form of physical brutalities) to minimize inculcation of unwholesome inhuman dispositions into police personnel;
- The training curricular should considerably emphasize (in addition to police work) knowledge about our society; the importance of the policemen’s community–service role; the meaning and use of initiative and discretion; the position of citizens as consumers of police work; the supremacy of the rule of law; the type of ethics to be

internalized by a policeman and the cruciality of the observance of human rights;

- Trainees should be exposed to lecturers and teachers from outside the police (e.g. guest-lecturers from universities, Trade Unions, other occupational associations and Student Unions);
- There is need to intensify internal re-organization of the police to revitalize and enforce, on a systematic and continuous basis, rules concerning police courtesy, response to (and handling of) citizens' reports or complaints, use of only necessary force, observance of the legal and other rights of citizens, including offenders;
- There is need to establish and ensure systematic and regular (foot /motorized) patrol and deployment according to population – needs to eliminate or reduce the opportunity to commit crime or increase the opportunity for apprehension during or immediately after a crime has been committed.
- There is need to establish citizens monitoring organization (from the Federal to the Local Government levels) with disciplinary powers to 'police' the Nigeria Police and ensure that it is upholding the rule of law because it is said that "when the law officer is breaking the law, there is no law".
- There is need to develop a structure, system and a corps of civilian research personnel for proper and adequate recording, collation, analysis and publication of crime-data on a regular annual basis (as necessary in-put for projection, planning, operations);
- The selection of an Inspector General of Police (I.G.P) should be guided by professional competence rather than 'politics', 'sycophancy' or 'docility' ;
- The salary, conditions of service, rank-mobility, promotion- criteria and procedure should be made more appropriate to the risk of the occupation and reviewed for considerable improvement e.g. promotion should be based on performance and length of service, whether in the area of crime-fighting, community-service or public-relations; and there should be horizontal progression of remuneration for the rank and file (Odekunle, 2004).

3.5 The Aim of this Unit

At the end of this unit, students should be able to know the objectives and importance of policing in Nigeria. This unit will also broaden their knowledge on the obstacles that prevent effective and efficient policing in Nigeria. Students will also have at the tip of their fingers solutions, suggestions or recommendations that are necessary, in order to achieve optimum performance of the police in Nigeria.

SELF-ASSESSMENT EXERCISE

Of what importance is the police in Nigeria? Explain your answer with examples.

4.0 CONCLUSION

From this unit, students of Criminology should be able to look at the country's crime problem within the context of the whole of the inherited colonial legal and criminal justice systems and its total socio-economic and political environment, rather than narrowly as a police problem. That is, in addition to the need to appreciate the historical and developmental problems and obstacles in the way of effective and efficient policing or law enforcement in the country, there is the need to appreciate the fact that policing or law enforcement is only a sub-system of the criminal justice system. This is because policing or law enforcement is only a part of the larger social system.

5.0 SUMMARY

We have been able to discuss the challenges policemen face in the discharge of their assigned duties. The objectives and importance of policing have been discussed. Obstacles to police optimum performance have been examined and suggestions on how to improve policing in Nigeria have been proffered.

6.0 TUTOR-MARKED ASSIGNMENT

Critically assess factors that affect optimum performance of the Police in Nigeria?

7.0 REFERENCES/ FURTHER READINGS

- Odekunle, F. (2004). "Overview of Policing in Nigeria: Problems and Suggestions" in Alemika E.E.O and Chukwuma (eds) *Crime and Policing in Nigeria: Challenges and Options*, Network on Police Reforms in Nigeria.
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UNIT 4 INTERNATIONALIZATION OF CRIME

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 International Perspectives of Crime
 - 3.2 Factors that Contribute to the Internationalization of Crime
 - 3.3 Examples of International Crime.
 - 3.4 The Aim of this Unit
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor c Marked Assignment
- 7.0 References/Further Readings
- 1.0 INTRODUCTION**

In this unit, we are going to examine the international perspectives of crime, what factors have helped to propel criminal activities at home and abroad by Nigerians. Also, a few examples of these crimes will be discussed..

2.0 OBJECTIVES

At the end of this unit, the students should be able to:

- Understand what international crime is all about.
- Know the factors that encourage criminal activities in Nigeria and abroad.
- Examine a few cases of crime that are internationally known

3.0 MAIN CONTENT

3.1 International Perspectives of Crime

In recent times, several factors have helped propel criminal activities at home and abroad by Nigerians. These include politics, the economy, the role of past rulers and the political class, as well as the “grab and run mentality” of Nigerians. Before the oil boom of the 1970s, Nigerians were among the most conscientious, law-abiding people anywhere in the world. Nowadays, untold numbers of drug couriers, international prostitutes, fraudsters, money launderers and even gang enforcers who claim to be in search of the golden fleece, in business or under the guise that they are political refugees are either languishing in foreign jails or are still at large perpetrating all sorts of criminal activities and doing untold damage to themselves, their families and to the already battered

image of our dear country, Nigeria (Osayande, 1996). At this point, it is wise to examine some factors that encourage the involvement of Nigerians in international crime.

3.2 Factors that Contribute to the Internationalization of Crime

Crime is part and parcel of all societies in the world. It cannot be eradicated completely, but what modern states have done is to reduce its occurrence to a tolerable level.

1. The Nigerian Economy

The country was self-sufficient in food and agricultural produce for domestic use and export up to the oil boom era. In 1973/74, the country experienced unprecedented increase in her foreign exchange earnings when the world oil price went up due to the Middle East War. Overnight, the pattern of consumption and public outlay experienced dramatic changes (Osayande, 1996).

According to Osagie and Kayode (1987), petroleum replaced agricultural exports as the country's main engine of growth. The sudden leap in oil revenue distorted planning and it was wrongly assumed that savings and foreign exchange earnings from the petroleum sector had ceased to be major constraints on Nigeria's development. The question was how to spend the petrol dollar earnings through contract award system, over-valued contracts leading to 'kickbacks' contracting of foreign loans to finance white elephant and worthless projects, import licence racketeering.

Government began to play a dominant role in the economy and by the second half of 1980s, it accounted for 50% of the GDP (Gross Domestic Product) and two-thirds of the modern sector employment. With the Nigerian Enterprises Promotion Decree of 1972, government's involvement in the ownership and management of enterprises in such key sectors as Banking, Insurance and Industry became more pronounced. For example, by 1980, there were about 70 non-commercial and 110 commercial Federal parastatals, which continued to be bedevilled by brazen corruption, mismanagement, non-profitability and political manipulation, resulting in constant drain on increasingly government meagre resources. When in 1981 the World Oil Market suddenly collapsed, the Nigerian economy could not absorb the shock (Osagie and Kayode, 1987).

Consequently, there was a drastic reduction in Government revenues and foreign exchange earnings. Government revenue came under severe

pressure. There was low capacity utilization and consequent closure of some industries, unemployment, hyperinflation, social unrest, political instability and increase in crime wave. Besides, people in the establishment connived with local, and in some cases, foreign contractors to collect millions of Naira, as mobilization fees for contracts awarded to them by government. As soon as they collect the fees, they abandon the work sites and disappeared (Osayande, 1996). The younger generation started to regard these corrupt practices as our new ways of life. The perpetrators with their newly found wealth were above the law. Nigeria was gradually becoming two nations; one for the rich and the other for the poor, a situation, which was, in later years, going to affect the pattern of crime perpetrated by Nigerians both at home and abroad.

2. Criminality as a Consequence of Social, Economic and Cultural Development

As the oil boom presented a false picture of the country's economy, a variety of new skills and technology were introduced. Nigerian leaders laid emphasis on rapid technological and economic development. Unfortunately, there was no corresponding emphasis on social development programmes that will alleviate the social consequences of the new development programmes, which were hurriedly being implemented. For example, the siting of factories does not take into account the need of preventing migrational pressures on the cities. The consequences of rural/urban migration also resulted in the over representation in the urban centre. (Osayande, 1996).

The continuous influx of youths from rural to urban areas with no employment opportunities to absorb them creates avenue for these youths to indulge in criminal activities. Such criminal activities include pick pocketing, armed robbery, stealing, fraud (419), kidnapping, assassination, bank fraud, cyber crime, vandalisation of electricity cables and communication network etc. The influx of able youths from rural to urban areas (cities) also created the concept of *area boys* and *girls* in Lagos State. Their continuous presence in urban areas vis-à-vis their criminal activities have unleashed untold hardship to people living in cities. They also create a source of threat to life and property to well meaning Nigerians.

3. The Role of Past Rulers and the Political Class

Official corruption, under normal circumstance, is a criminal offence in any part of the world including Nigeria. This was the position in this country until the civil war years (1966–1976). Thereafter, it became more and more difficult to enforce the law of corruption against highly

placed officials and people with money in our society. Firstly, the official position of the offenders discourages the law enforcement agencies from taking criminal proceedings against them; and secondly, the law enforcement agencies allowed themselves to be influenced by taking bribes to pervert the course of justice. This became the trend, and, after the civil war years, corruption was institutionalized and it virtually became an offence beyond the reach of the law.

During the post-war years, elite crimes were probably covered up by the oil boom and the euphoria of Gowon's victory. However, as people got fed up with his long rule, something terrible, which changed the crime situation in this country, happened. Anti-corruption crusaders resorted to the use of "Voluntary Affidavits" in their attempt to fight corruption. Of recent, we have Independent Corrupt Practices Commission (ICPC) and Economic and Financial Crimes Commission (EFCC) to handle cases of corrupt officials in government. Even then, some Nigerians did not see anything wrong with corruption in our system. The perpetration of corrupt practices has a damaging and retarding effect on our national development.

4. The Role of the Law Enforcement Agents

The purpose of government is to ensure the safety of its citizens, which embraces protection from any form of violence, fear or attack. This is not restricted to civil disturbances, conflicts, or riots in different parts of the country. It extends also to structural exploitation in the form of job insecurity, protection of individual lives and property, protection against violent crimes. The above statement is what Law Enforcement Agents where charged to do, especially the police. However, we are aware that the population of serving policemen are far below the number they could cope with (140 million Nigerians). Although, some policemen perform their duty, but the condition of service is too poor to boost the morale of policemen. The salary is poor and the welfare package is not adequate. This is coupled with the corrupt practices among the policemen that have become their household name in Nigeria. The police as a Law Enforcement Agent do not have good public image. They are often accused of aiding and abetting crime. Furthermore, kidnapping of foreign nationals in Niger Delta is a continuous process, which has raised a lot of doubts about the security of foreigners who may wish to invest in the Nigerian economy.

If the government is able to meet these expectations and sustain it through established agencies namely Police, Customs and Excise, Immigration Service, Prison Service, State Security Services (SSS), the Armed Forces, Federal Road Safety Corps (FRSC), Independent Corrupt Practices Commission (ICPC), Economic and Financial Crimes

Commission (EFCC), National Agency for Prohibition of Traffic Persons and Other Related Matters (NAPTIP), National Drug Law Enforcement Agency (NDLEA) etc, and the citizenry, then there will be internal security. Unfortunately, most of these agencies have been penetrated by corruption. They have discarded their official mandates and are now well organized to cooperate, protect, and provide cover for criminals and, in return, they get protection fees. They only enforce laws against those who cannot pay for their protection. Therefore, when people know that, if they commit crime, they will be protected by security agents, then crime becomes a very paying business as it is now in Nigeria. Nigeria has extremely serious crime problems. There are many tertiary institutions annually churning out young men and women and enlisting them on a continuing basis into the army of the unemployed.

5. **Modern technology:** The revolution in modern technology particularly advances in efficient electronic communications and transport, which have facilitated the movement of products, people and, money and concurrently, criminals.
6. **Complexity of International transactions.** The increased volume and complexity of international transactions help to disguise criminal activity, particularly white collar crimes and money laundering.

Deregulation: The deregulation of the financial systems of many developed economies is capable of being exploited by organized crime. The issue of trans-border movements and crime must be viewed more appropriately against the background of the growing internationalization of crime.

Profit-Making: Can be made by meeting demands in one country for an illegal product (drug trafficking) or service (provision), which is only available from elsewhere. We can see how some of our girls are trafficked to Italy for prostitution. They are servicing their industry to the detriment of our Nigerian girls.

Use of Online Banking: Criminals are making increasing use of the international financial system and are particularly attracted to areas, which help to disguise their activities, such as countries which entrench banking and corporate secrecy. Nigerians have been involved in different crimes all over the world. For example, Nigerians have defrauded other nationals of their money through the internet. They are involved in cyber crime. Evidence of this could be seen when the Chairman of the Economic and Financial Crimes Commission (EFCC) was able to arrest those Nigerians in

2006, and thus, refunded the money to the affected foreigners. Nigerians are also financiers in drug trafficking and human trafficking, which are organized crimes. The drug dealers (barons) in turn re-invest the profit into the economy thus leading to inflation of goods and services available in Nigeria. Nigerians that are involved in human trafficking have transported young girls and boys to other parts of the world such as Italy, Germany, Belgium, Cameroon etc. for prostitution. Traffickers engaged in this business for selfish reasons and to get -rich-quick. However, with the intervention of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), some of those young boys and girls are repatriated back to Nigeria in order to redeem the image of Nigeria abroad. More efforts are needed to really fight the scourge of these crimes in Nigeria.

7. **Exploitation of Weaknesses:** Criminals can also exploit weaknesses in the provision of products or service in another country, such as the roving of international banking frauds, which have emerged in recent years. The forging of international letters of credit or bearer bonds, which can be presented at different banks around the world in an attempt to exploit the lax internal checking procedure, is a case in point (Chukwurah, 1996).

Criminals nowadays become aware of an opportunity, which exists in another country, and they identify a way to benefit from that opportunity. At the same time, modern technology such as the internet has enabled international crooks to commit crimes in foreign countries without even leaving their homes.

3.3 Examples of International Crime

3.4 a. Terrorism

In Nigeria terrorism is new, and even though it has been used since the beginning of recorded history, it can be relatively hard to define. Terrorism has been described variously as a tactic and strategy, a crime and holy duty; a justified reaction to oppression and an inexcusable abomination. The United States Department of Defence defines terrorism as “the calculated use of unlawful violence or threat of unlawful violence to inculcate fear, intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious or ideological”. Within this definition there are three key elements – violence, fear and intimidation. Each of these elements produces terror in its victims. The Federal Bureau of Investigation (FBI) defines “terrorism as the unlawful use of force and violence against person or property to intimidate or coerce a government, the

civilian population or any segment thereof, in furtherance of political or social objectives”. The US Department of State defines “terrorism “to be premeditated politically motivated violence perpetrated against non-combatant targets by sub-national groups of clandestine agents, usually intended to influence an audience”.

The motive of terrorist groups

A terrorist group commits acts of violence to:

- Produces widespread fear.
- Obtains worldwide, national, local recognition to their cause by attracting the attention of the media.
- Harasses, weaken, or embarrass government security forces, so that the government over-reacts and appears repressive.
- Steals or extort money and equipment, especially weapons and ammunition vital to the operation of their group.
- Destroys facilities or disrupt lines of communication in order to create doubt that the government can provide for and protect its citizens.
- Discourages foreign investments, tourism, or assistance programmes that can affect the target country’s economy and support of the government in power.
- Influences government decisions, legislation, or their critical decisions.
- Frees prisoners.
- Turns the tide in a guerrilla war by forcing government security forces to concentrate their efforts in urban areas. This allows the terrorist group to establish itself among the local populace in rural areas.

Tactics used by terrorists

The most common types of terrorist incidents include:

1. Bombing: Bombings are the most common type of terrorist act. Typically improvised explosive devices are inexpensive and easy to make. Modern devices are smaller and are harder to detect. They contain very destructive capabilities e.g. September 11, 2001 attack claimed so many lives of innocent American citizens. Terrorists can also use materials that are readily available to the average consumer to construct a bomb. For example, Dele Giwa a Nigerian journalist was killed by a letter bomb in 1985.
2. Kidnappings and Hostage-Takings: Terrorists use kidnapping and hostage-taking to establish a bargaining position and to elicit

publicity. Kidnapping is one of the most difficult acts for a terrorist group to accomplish, but, if a kidnapping attempt is successful, it can earn the terrorists money, release of jailed comrades, and publicity for an extended period. Hostage-taking involves the seizure of a facility or location and the taking of hostages. Unlike a kidnapping, hostage-taking provokes a confrontation with authorities. It forces authorities to either make dramatic decisions or to comply with the terrorist's demands. It is overt and designed to attract and hold media attention. The terrorists' intended target is the audience affected by the hostage's confinement, not the stage. Example of this is the Niger Delta, where foreigners are kidnapped by militant group and only released on agreement and payment of stated amount.

3. Arsons and Fire bombing: Incendiary devices are cheap and easy to hide. Arson and fire bombings are easily conducted by terrorist groups that may not be well-organized, equipped, or trained as a major terrorist organization. Arson or fire bombing against a utility, hotel, government building, or industrial centre portrays an image that the ruling government is incapable of maintaining order.
4. Hijackings and Skyjackings: Hijacking is the seizure by force of a surface vehicle, its passengers, and or its cargo. Skyjacking is the taking of an aircraft, which creates a mobile, hostage barricade situation. It provides terrorist with hostages from many nations and draws heavy media attention. Skyjacking also provides mobility for the terrorists to relocate the aircraft to a country that supports their cause and provides them with a human shield, making retaliation difficult. Nigerians experienced this situation during Shonekan's Interim Government in 1993, when a passenger's plane was diverted and could not be located for some hours. This strategy was just to press the hijacker's points that they were not happy with the government of the day

In addition to the acts of violence discussed above, there are also numerous other types of violence that can exist under the framework of terrorism. Terrorist groups conduct maiming against their own people as a form of punishment for security violations, defections, or sabotage. Terrorist organizations also conduct robberies and extortion when they need to finance their acts and they don't have sponsorship from sympathetic nations.

Cyber terrorism is a new form of terrorism that is ever-increasing, as we rely on computer networks to relay information and provide connectivity in today's modern and fast-paced world. Cyber terrorism allows terrorists to conduct their operations with little or no risk to themselves. It also provides terrorists an opportunity to disrupt or

destroy networks and computers. The result is interruption of key government or business-related activities. This type of terrorism is not as high profile as other types of terrorist attacks, but its impact is just as destructive. Others include assassination, car bombing, suicide bombing, bioterrorism and nuclear terrorism.

Types of Terrorists

- Nationalist
- Religious
- State
- State-sponsored
- Racist
- Narco terrorism
- Anarchist
- Political
- Eco-terrorism
- Agro-terrorism

Those labelled “terrorists” rarely identify themselves as such and, instead typically use terms referring to their ideological or ethnic struggle, such as separatist, freedom fighter, liberator, revolutionary, vigilante, militant, paramilitary, guerrilla, rebel, jihad or mujaheddin, or fedayeen, or any similar words in other languages. For example, in Nigeria we have experienced the religious terrorists of Maitasine in 1987, which came to the north to propagate Islam and to change their ways of doing things. After a period of unrest they were conquered and killed. We also have the ethnic militia in Niger Delta who have been the source of crises in the area. Many lives and properties have been lost. They kidnap foreigners as well as political figures who are not in support of their activities. Some of the unemployed youths are used as thugs by different political parties to unleash terror and scare the opposition parties. These thugs often clash and, which invariably leads to loss of lives and properties.

There is every reason to believe that given the corrupt world situation, terrorism in one form or another will continue to flourish. Most groups will continue to use traditional methods. These methods have proven to provide the impact necessary to carry the terrorist message. For those groups that wish to expand their operational repertoire, chemical, biological, radiological or nuclear weapons offer a dramatic option. The other option is cyber terror. The widespread vulnerabilities that many studies have previously identified make cyber terrorism an attractive option.

According to Walter Laqueur (2006) of the Centre for Strategic and International Studies, “the only general characteristic of terrorism agreed upon is that terrorism involves violence and the threat of violence”.

b. Assassination

As the world advances and the stakes in political clashes of will continue to grow on a global scale, the number of assassinations concurrently multiplies. Assassination is the deliberate killing of an important person, usually a political figure or other strategically important individuals. An assassin is the person who carries out an assassination (Wikipedia, 2006). There are eight basic questions to bear in mind when discussing issues of assassination.

- How do assassins develop the idea of assassinating a public official or public figure?
- How does a person move from the idea of assassination to an action of assassination(s)?
- What motivates people to act violently towards public officials and public figures?
- How do people who direct violence towards public officials or public figures and select their target(s)?
- What planning strategies are used by people who direct violence towards public officials and public figures?
- What relationship exists if any, between threatening to commit violent action and carrying out violent action?
- What relationship exists if any, between symptoms of mental illness and assassination behaviour?
- Were there key life events and patterns in the history of people who have directed violence towards public officials and public figures? (Journal of Forensic Science(s), 1999).

Assassins have a range of reasons for their action, with some subjects often having more than one motive. Reasons for attacks include:

- To achieve notoriety of fame.
- To avenge a perceived wrong.
- To end personal pains; to be killed by Law Enforcement agent
- To bring national attention to a perceived problem
- To save the country or the world
- To achieve a special relationship with the target
- To make money
- To bring about political change

It has been found that no assassin or attacker communicated a direct threat about his target to the target or a law enforcement agency, before his attack. Many writers on assassinations asserted that assassins have been mentally ill. Some say that mental illness is the cause of assassination. Others argued that mental illness is a key factor in understanding assassination behaviour. This argument can be seen in four ways:

1. Assassination is inherently an irrational act.
2. Those who assert that assassins have been mentally ill are implying about a few assassins.
3. Many who consider assassins and attackers to be mentally ill stems from the nature of the act itself. Reasonable people abhor the thought of assassination. It is hard to accept the idea that a few persons might see assassinations as an acceptable way to resolve their problems and to achieve their goals.
4. With rare exceptions, trails of assassins and attackers of leaders and celebrities in the past 30 years have featured testimony by mental health professionals to the effect that the defendant was suffering from mental illness at the time of his or her attack and should not be held criminally responsible.

Many scholars are of the opinion that political assassinations are a failure of the political system. Inability to penetrate the ruling class frequently resulted into political assassinations of public figures connected with politics. Failure in politics carries high costs often in relation to loss of human lives. Political assassination occurs when people want to settle scores. This may come in two ways.

1. It is either there is a design, which is calculated to undermine the authority of the government.
2. To stifle opposition within this context. As such, lives are lost, properties are destroyed and people are displaced. Thus, displaced people eventually become refugee in their own country.

Assassination is the end result of a process of thinking and behaviour. Many attackers move through life on a path that leads them to consider assassination of one or another prominent person of public status as an acceptable or even necessary way to improve their situations or resolve their problems. These persons are often relatively bright and well educated. They may appear to be socially isolated, but they often look, dress, and act in ways that do not readily distinguish them from others.

At some point, attackers begin to see the idea of assassination as acceptable and desirable. They may gather information about previous assassins; take special interest in one or more potential public officials

or figure targets, and becoming famous and notorious. Persons who continue along the path to attack often carefully consider how to carry out an attack. They may travel to visit an office, home or temporary visiting place of their target. Their travels may take them away from home. They may try to learn about security arrangements and see the presence or absence of security as a deterrent or as an opportunity. Some of the assassinations in Nigeria include the murder of Chief Bola Ige, Kudirat Abiola, Pa Rewane, Sa'adatu Rimi, Harry Marshall, Funsho Williams etc.

3.5 The Aim of this Unit

At the end of this unit, students should be able to know the factors that give rise to internationalization of crime. It will also broaden their knowledge on some of the crimes that are committed internationally.

4.0 CONCLUSION

From this unit, students of criminology should be able to discuss the internationalization of crime. Also, they should be able to cite examples of some crimes and their impact on global peace.

5.0 SUMMARY

We have been able to discuss factors responsible for internationalization of crime, types of crime that are commonly perpetrated all over the world as well as their patterns and trends in Nigeria.

SELF ASSESSMENT EXERCISE

Pick one terrorist attack in any part of the world and examine its implication to global peace.

6.0 TUTOR-MARKED ASSIGNMENT

1. Using the Niger-Delta as a case study, identify the methods adopted by terrorists to deal with oil workers.
2. What is the implication of this act to peace and development in Nigeria?

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UNIT 5 PREVENTING AND CONTROLLING CRIME IN NIGERIA: PROBLEMS AND PROSPECTS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Problems of Preventing and Controlling Crime
 - 3.2 Prospects for Crime Prevention and Control
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- 4.0 Summary
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1.0 INTRODUCTION

In this unit, we shall examine the problem of preventing and controlling crime. Prospects for crime prevention and control will also be discussed.

2.0 OBJECTIVES

At the end of this unit, the student should you should be able to:

- Identify the problems of crime prevention and control.
- Examine prospects of improving crime prevention and control in Nigeria.
- Make suggestions on improvement

3.0 MAIN CONTENT

3.1 Problems of Preventing and Controlling Crime

a. Police

- Planting of Criminal Evidence: This is a problem associated with the police, almost a tradition of the Nigerian Police, where they involve themselves in the planting of criminal or incriminating substances within the property and on the person of a suspect in order to facilitate arrest or convict the suspect. Such practice is induced by the poor economic conditions of officers who use the accruable gain to supplement their meagre earnings and ignorance of rights on the part of the public.

- A related problem is the stealing, pilfering, sabotaging and malicious damage of exhibits, case files etc. These usually go a long way to obstruct justice in Nigeria (Iwarimie-Jaja, 2003).
- Police line-up and identification parades: When the identification of an accused person is in dispute, the practice of the police in Nigeria is to conduct an identification parade. In an identification parade a number of persons, usually of the same height, colour and social status are lined up with the suspect among them, and a witness is asked to identify the suspect. The witness is not allowed by the police to see the suspect alone or to see his photograph prior to the parade. Neither is the witness given a description of the suspect before the parade. Some police personnel make the mistake or intentionally breach this rule, and do so with impunity.
- Police Impersonation: There are many problems associated with staff strength of the police force, and the abuse of duty role call. In recent times there have been serious cases of impersonation of policemen or retired officers, who wear their “discarded uniforms” and pose as officers. There are cases of off-duty impersonation, where officers that are not on official duty posting, undertake unauthorized searches to commit crimes. E.g. mounting of illegal road blocks, to extort money from drivers and other road users.

b. Court

- Speedy Trials: One serious problem with the Nigerian systems of administration of justice is the delay in the judicial process. It sometimes takes a decade or more before a case is concluded in the High Court and, if any of the parties appeals to the court of Appeal and then to the Supreme Court, the period of delay is further stretched.
- Discretionary Powers and Corruption: The consequence of the poor conditions of service of judicial officers is corruption. Discretion can be regarded as “a science of understanding to discern between falsity and truth, between right and wrong, between shadows and substance, between equity and colourable glosses and pretences and not to do according to their wills and private affections (Iwarimie – Jaja, 2003).
- The Judiciary in Politics: The concept of the independence of the judiciary means more than just independence from the other arms of government – namely the legislature and the executive. It also means independence from political influence, whether exerted by the political organs of government or by the public, or brought in by the judges themselves through their involvement in politics. Judicial involvement in politics takes two main forms – decisions biased in favour of a ruling party, and judicial membership of political parties. Also, in a multiparty system, nothing is more calculated to

undermine the image of a judge as a partial arbiter than his membership of a political party. Such an open identification with power suggests that the judge can easily become an interested party in a case pending before him.

c. Prisons

- Poor Socio-Economic Conditions. Prison conditions in Nigeria are not impressive. The cells are overcrowded and lack good ventilation. There is a mixture of persons convicted for crime and persons awaiting trial contrary to section 16 of the prisons Regulations and section 11.3 and 15 of the children young Persons Act, including rule 26.3 of Beijing rules.
- There is poor supply of electricity and water to inmates. As a result, reading in poor light conditions causes blindness, and bathing daily is impossible. Many of the inmates wear tattered clothes and are afflicted with disease due to poor sanitary conditions and lack of adequate medical care because prison clinics lack both personnel and equipment. The number of deaths is rising daily and government has not been able to redress these problems (Iwarimie – Jaja, 2003).

3.2 Prospects For Crime –Prevention and Control

- There is the need to build up respect for human rights. This can be best achieved by investing considerable energy in the development of a Victim Centred Crime Prevention Programme. This must be rooted in the effective delivery of victim aid and empowerment, which demonstrates that the human rights of victims are treated as a priority without compromising the rights of any other citizens.
- Victims of crime must be taken into consideration by criminal justice authorities at key junctures in the process. This includes being kept informed about the process, and being referred to community-based support services by policing and justice officials.
- Special attention should be given to young people, so that they can find good employment locally.
- There is need for environment-centred strategies. This is directed at specific crimes, such as armed robbery, rape, assault etc. It will help the agency in managing, designing or manipulating the immediate environment in which such crime occurs. This will help reduce overall opportunities for crime. Bottom (1990), suggests that such an opportunity reduction measures could include target hardening, removing the means for criminal activity such as screening devices at airport, at border-ports and ports and harbours or increasing surveillance in areas that record the highest number of victims.
- There is need to develop neighbourhood watch scheme. It is defined as the “mobilization of informal community controls” directly in the

defence of communities against perceived threats from outside. Hope and Shaw (1988a) propose an opportunity reduction victim of crime. They presume that increased surveillance will deter criminals by encouraging citizens to be the eyes and ears of the police. They also propose the reduction of “incivilities” of urban life by creating and harnessing social cohesion, thereby increasing contact between neighbours, in the hope that this will lead to a greater trust between citizens and a consequent reduction in the fear of crime. This can be achieved by wide enlightenment programmes at local and national levels targeted at vulnerable groups.

- Victim-support scheme should be established in all states of the federation, in order to facilitate prompt attention to victims.
- The scope of the Legal Aid Council should be broadened to include victims of crime.
- Sensitization of the community to the plight of victims is necessary. This will help reduce the social stigma attached to victims and will hasten their reintegration in the society.
- Government interference on the status of offenders should be minimized. Law should be applicable to everybody.

3.3 Suggestions on Improvement

1. The Nigerian Police Force should be reorganized. All serving police officers, men and women and their records should be comprehensively scrutinized and those who are adjudged untrainable, corrupt or over aged, should be retired forthwith.
2. Qualified consultants from educational institutions and universities should be involved in the drawing up of relevant syllabi for the various courses to make police officers meet the current needs of the force. The overall objective is to insulate the police as a foremost arm of the law from corruptive influences and activities, in which they are not engrossed. The same action should be taken simultaneously in respect of other security agencies.
3. The rule of law must be allowed to prevail in Nigeria and leaders must learn to be accountable to the electorate and where there is evidence of misconduct, or wrong doing, on their part, they must resign immediately. Nigeria should stop operating two laws, one for the rich, and the other for the poor.
4. A good government with good leadership must, at all times, be responsive to the feelings of its people. Since the country is poor, the objectives of government must be based on projects and priorities that will meet the basic needs of the majority.
5. Wealth, which is now the dominant value of most Nigerians, should be de-emphasised and replaced with service, academic

- prowess, honesty, coverage and all the contributions by citizens that bring honour and glory to the fatherland.
6. In any society, intelligence operations specifically targeted at controlling criminal activities, may not have the desired impact and could remain an uphill task if concerted efforts are not made to combat the problems posed by poverty, high rate of unemployment, inflation, and food scarcity, and excessive display of wealth, whether ill-gotten or legally acquired. Crime flourishes in situations where youths are idle or not gainfully employed.
 7. Nigerians should endeavour to cultivate and imbibe a security consciousness/awareness culture. Greater citizenry commitment to intelligence/crime control is imperative. Law enforcement/security operatives should be seen as partners in progress, and not enemies or government agents assigned to harass law-abiding citizens.
 8. The Federal Ministry of Information should, through the National Orientation Agency (NOA), embark on sustained and positive public sensitization aimed at encouraging law-abiding and patriotic citizens in rural and urban centres to readily volunteer information regarding criminals such as armed robbers, drug barons, assassins, impersonators and perpetrators of other common crimes.
 9. Strengthening of the country's law enforcement/security apparatus through adequate funding, specialized training in the area of crime control, adequate provision of sophisticated weaponry and logistics, including patrol vehicles and state-of-the-art radio communication equipment, as well as regular review of operational strategies in line with the growing sophistication in the existing level of crime.
 10. Concerted efforts should be made by all well-meaning Nigerians to assist government to reduce the prevailing crime wave through revamping the economy, thereby creating more jobs for the unemployed and improving the standard of living of the average Nigerians.
 11. The role of the media in crime prevention. In contemporary society like Nigeria, the media should:
 - Make accurate report on crime and crime prevention.
 - Provide tit-bits to the public on how to forestall crime.
 - Promote commentaries and advertisements on crime and criminal activities.
 12. Crime prevention has become an issue of great concern to all and rightly so, given the alarming rate of crime in Nigeria. Crime rate could be reduced through effective public enlightenment and, in that case, there is need to strengthen the activity.

3.4 Aims of this Unit

At the end of this unit, students should be able to demonstrate a wide knowledge of problems associated with the administration of justice (police, court and prison). It will also broaden their understanding on ways to improve on crime prevention and control in Nigeria.

SELF – ASSESSMENT EXERCISE

- i. What do you understand by “discretion”?
- ii. What factors are responsible for prison congestion in Nigeria?

4.0 CONCLUSION

From this unit, students of Criminology should be able to know the problems and prospects of crime prevention and control in Nigeria. As a student, you should be able to know the factors that are crucial for improvement in the police, court and prisons, for optimum performance.

5.0 SUMMARY

We have been able to discuss the problems affecting crime prevention and control in Nigeria. The prospects to adopt and suggestions on improvement in the Administration of Criminal Justice in Nigeria were discussed.

6.0 TUTOR–MARKED ASSIGNMENT

As a student of criminology, how do you think crime prevention and control can be improved in Nigeria?

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