

Constitutional limits and the crisis of police stop and search powers in Nigeria: Between legality and practice

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Abstract

One of the most controversial aspects of democratic policing has been police stop and search powers; they are controversial because they are in tension with the imperatives of policing and constitutional rights. The purpose of this study was to examine residual case-law limits and the practical challenges faced by the police when exercising the power to search, and to determine whether the police use this power in accordance with constitutional and statutory limitations. The study used a convergent mixed-methods socio-legal design which combines doctrinal analysis of relevant judicial authorities, the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Police Act 2020 and the Administration of Criminal Justice Act 2015 with empirical data collected from a survey of 500 respondents, six focus group discussions and twenty key informants' interviews in Oghara, Warri, Benin City, and Asaba. It was observed that accountability was inadequate; numerous instances of arbitrary arrest were documented and unlawful searches of electronic devices across the study areas, as well as alleged instances of extortion, profiling, and other forms of misconduct. A key finding of the study is that police misconduct is a strong positive predictor of the constitutional crisis variable ($\beta = .780, p < .001$). In contrast, public trust in the police is a strong negative predictor of the constitutional crisis variable ($\beta = -.710, p < .001$). The principal challenge associated with police stop-and-search powers in Nigeria lies in weak implementation and inadequate accountability mechanisms; therefore, the suggested recommendation of the study is that the police in Nigeria must undergo a comprehensive reform of policing institutions in Nigeria, strengthen oversight mechanisms, and adopt a rights-based policing framework, enhance monitoring of the police operations, and the Nigerian police should adopt a rights-based approach in policing.

Keywords: Constitutional policing, stop-and-search powers, police accountability, fundamental rights protection, police legitimacy, constitutionalism, rule of law, Nigeria Police Force

Introduction

Police stop-and-search powers remain among the most contested features of constitutional policing^[1]. Usually, the justification for the use or retention of stop and search powers relates to crime prevention, the collection of intelligence, and the preservation of public order and the protection of national security, especially in relation to violent crime, acts of terrorism, kidnapping, and "organized crime". Such powers, however, inevitably have significant constitutional and human rights issues, directly affecting the constitutional rights of individuals subjected to police action. The study identified three principal sources of the legal authority of the police to conduct stop and search in Nigeria. First, the Constitution of the Federal Republic of Nigeria 1999 (as amended), through its human rights provisions, provides the constitutional framework within which stop and search powers must be exercised, protecting individuals against arbitrary and unlawful interference. Second, the Police Act 2020 expressly empowers the police to conduct stop and search in specified circumstances. Third, the Administration of Criminal Justice Act 2015 further authorises the exercise of stop and search powers under defined conditions. Collectively, these legal instruments confer stop and search powers on the police while simultaneously imposing safeguards to prevent arbitrary and unchecked exercise of those powers^[2]. The principles outlined in the constitution, namely: the protection of the dignity of the human person, personal liberty, freedom of movement and privacy, are important

normative parameters to guide the exercise of police power^[3]. Nevertheless, the effectiveness of stop and search as a policing strategy in Nigeria remains contentious. In practice, its implementation has often been characterised by arbitrary searches, unlawful detention, extortion, and profiling, particularly of young men. Empirical studies indicate that the excessive exercise of police discretion undermines public confidence in the police and fosters abuse of power, particularly in the absence of robust oversight and accountability mechanisms^[4]. The problems are acute in developing democracies with weak accountability institutions, and citizens in such democracies often lack knowledge of their constitutional rights. Consequently, the constitutionality of stop and search powers has become a focal point in policing research in terms of its implications for policing, since the regulation of stop and search powers is at a level that is intrinsically connected to the regulatory action of other aspects of public security, as well as the state's concerns around fundamental rights and civil liberties^[5].

In this context, the controversies surrounding police stop-and-search practices in Nigeria became particularly evident during the October 2020 protests, when Nigerians across geographical and ethnic divides collectively took to the streets to protest widespread police brutality and abuse of power. This movement resulted in fatalities among protesters while demanding accountability and respect for fundamental human rights^[6]. Although the disarmament of the Special Anti-Robbery Squad and their replacement by

other police units and other law enforcement officers have been described as significant reforms in the police force, Persistent allegations were reported of arrest without due process and arbitrary stop and search against the police, suggesting that even though there are legislative changes, the general nature of policing as it is done might still not be changed^[7]. The literature contains extensive doctrinal analyses of the constitutional rights implicated in police stop and search, as well as the concept of police misconduct in both theory and practice^[8] However, there is limited empirical research on how stop and search powers are exercised in practice and on the specific aspects of these encounters that are most likely to generate public concern in Nigeria. An adequate understanding of the legal and constitutional framework alone is insufficient. Equally important are citizens' perceptions of the fairness of police conduct, the accountability of law enforcement agencies, and the mechanisms governing the exercise of police powers^[9]. Repeated instances of arbitrary searches and extortion can erode trust and confidence in regular law enforcement and the enforcement mechanisms for crime prevention, ultimately leaving people wary of the police and reducing their willingness to cooperate in investigations^[10]. Furthermore, constitutional democracies demand that police powers be exercised in accordance with the tenets of legality, necessity, proportionality, and accountability; otherwise, people become wary of the police and reduce their willingness to cooperate in their investigations. Freedom of expression may be infringed, and abuses become "normal"^[11]. This issue is particularly significant given the need to conduct an intensive socio-legal investigation into Nigeria's police Stop and Search powers, as doctrinal expositions of the powers will be inadequate to analyze the gaps between the powers' prescription and their operational experience in their exercise. Hence, this research is situated within the context of the constitutional limitations on the Nigerian police's stop and search powers and the persistent concerns regarding the abuse of those powers. It seeks to contribute to the ongoing discourse on police accountability, constitutionalism, and the protection of fundamental rights in a democratic society^[12, 13, 14, 15].

Methodology

The approach used in this study was the convergent mixed-methods model. This study adopts a mixed-methods approach that integrates three complementary research methods: doctrinal, quantitative, and qualitative empirical research. This approach was considered appropriate because it enables a comprehensive examination of both the constitutional limitations on police stop and search powers in Nigeria and their practical application. The study therefore focuses not only on the doctrinal interpretation of the law but also on how those legal provisions are implemented in practice and experienced within Nigeria's constitutional democracy. This research uses the Rule of Law, Procedural Justice, and Concept of Constitutionalism theories to examine the need for police powers within the constitutional framework and the importance of involving the public in realizing a sense of legitimacy. These doctrinal aspects were a detailed study of the regulatory instruments available, which included the provisions of the Federal Republic of Nigeria Constitution 1999 (as amended), the Police Act 2020, Administration of Criminal Justice Act 2015 as well as decisions of the Nigerian superior courts and International/Regional human rights instruments such as the Universal Declaration of Human rights, International

Covenant on Civil and Political rights and the African Charter on Human and Peoples' rights. In addition, various secondary sources, such as books, journal articles, legal reports, policies, human rights organizations, and government reports, were used to provide context and a better understanding of a constitutional perspective on policing through stop and search powers.

This is an empirical study conducted at four locations (points) strategically selected in Oghara in Delta State, Warri in Delta State, Asaba in Delta State, and Benin City in Edo State. The areas have been chosen based on the target population density (the higher the better), the volume of police-citizen interactions that could occur, and the frequency of police misconduct and police searches of citizens. The target groups referred to in this report consisted of all adult citizens of Nigeria (aged 18 and above), Police Officers, Legal Practitioners, Civil Society Actors, and Victims of police stop-and-search practices. The study included an eligibility criterion of Nigerian citizens between the ages of eighteen^[18] and above who interacted with police in the last five years; police officers with a minimum of two years of service in the police, and legal and Human Rights practitioners with knowledge of the issues concerning the accountability of the Nigerian Police. A small number of individuals who did not feel very confident in English or were under 18 years did not participate, as did those with no experience of police stop and search, and who were not aware of it.

The sample was selected using Cochran's formula for large populations, with a 95% confidence level and a $\pm 5\%$ margin of error, resulting in a sample size of 500. There was a multistage sampling procedure: the study states were purposively sampled, the local government areas were stratified, and respondents were randomly sampled from each sampled local government area in the study states. The samples of 150 subjects were randomly selected from the Oghara, 125 subjects were randomly sampled from Warri, and 125 subjects were randomly sampled from Benin City. The final sample of 100 subjects was randomly selected from Asaba City. In addition, six Focused Group Discussions (FGDs) were conducted, with 8 participants from each of the groups of commercial Warri, University groups, Traders, Artisans, Youth leaders, and Community leaders. Additionally, 20 Key Informant Interviews (KIIs) were held with 5 senior police officers, 4 human rights lawyers, 4 representatives from civil society groups, and 3 persons from civil society working for the National Human Rights Commission (NHRC), as well as four academics with specialization in constitutional law and administration of criminal justice.

The data collection instruments included: A structured questionnaire, a Focus Group Discussion (FGD) guide, a Key Informant Interview guide, and a Documentary review checklist. The questionnaire contained sections on socio-demographic information, respondents' experiences of stop and search, knowledge of their constitutional rights, experiences with the police, perceptions of police legitimacy, and experiences with accountability mechanisms. Responses were recorded on a five-point Likert scale from 1 to 5, with Strongly Agree = 1, Agree = 2, Undecided = 3, Disagree = 4, and Strongly Disagree = 5. The independent variables included in the study were: frequency of stop-and-searches, knowledge of protected constitutional rights, police behavior, and police

accountability; the dependent variables were: violations of constitutional rights, public trust in the police, and perceptions of the ethics of police actions. Indicators of unlawful searching, harassment, intimidation, or arbitrary arrest were one of the ways violations of the rights outlined in the constitution were measured, whilst indicators of police legitimacy were measured through feelings of trust, confidence, and willingness to engage with the police. The experts, comprising scholars in constitutional law, criminology, and social research methodology, had already validated the instruments, and reliability was established through a pilot study conducted with 50 respondents not from the study location. Using Cronbach's alpha with a Cronbach's alpha coefficient of 0.82, which is quite high, in order to ensure high reliability of the instrument of the questionnaire. In all aspects of the study, ethical guidelines were followed. All participants gave informed written consent, and data collection was conducted after obtaining ethical approval from the relevant Institutional Research Ethics Committee. The participants were informed about the study's objectives, its confidentiality and anonymity, and that participation was voluntary and without penalties. The survey data were analyzed using the Statistical Package for the Social Sciences (SPSS) version 29. Descriptive statistics (frequencies, percentages, and means and standard deviations) have been used to summarize the following

information relating to respondents' characteristics and experiences of police stop and search. The two inferential statistical tools (Chi-square tests) and binary logistic regression were employed to identify associations between variables and factors related to perceptions of constitutional violations that impact police legitimacy. All the qualitative data gathered from the FGDs and KIIs were recorded verbatim, and thematic analysis and coding were performed as themes and categories emerged from the narratives and patterns. To ensure the trustworthiness of the qualitative findings, practices such as member checking, peer debriefing, and others were followed. Interpretive and analytical tools were used to analyze the doctrinal data and determine whether police use of stop and search is consistent with constitutional requirements and international human rights standards. To support their constitutional boundaries and the application of the police stop-and-search power in Nigeria, a methodological triangle was adopted in the present analysis, merging doctrinal, quantitative, and qualitative findings to strengthen the validation, reliability, and comprehensiveness of the results.

Results

Table 1: Socio-Demographic Characteristics and Exposure to Police Stop-and-Search Encounters

Variable	Category	Frequency	Percentage (%)	Mean Stop-and-Search Encounters	p-value
Gender	Male	295	59.0	4.6 ± 1.9	<0.001
	Female	205	41.0	2.8 ± 1.4	
Age	18–25 years	118	23.6	5.2 ± 2.0	<0.001
	26–35 years	172	34.4	4.7 ± 1.8	
	36–45 years	109	21.8	3.6 ± 1.6	
	46–55 years	69	13.8	2.5 ± 1.1	
	Above 55 years	32	6.4	1.9 ± 0.9	
Education	Secondary	98	19.6	4.8 ± 1.8	0.002
	Diploma/NCE	92	18.4	4.1 ± 1.7	
	Bachelor's Degree	215	43.0	4.3 ± 1.8	
	Postgraduate	95	19.0	3.1 ± 1.4	
Occupation	Civil Servant	121	24.2	3.0 ± 1.5	<0.001
	Trader	98	19.6	3.9 ± 1.6	
	Student	102	20.4	5.6 ± 2.1	
	Artisan	73	14.6	4.2 ± 1.8	
	Others	106	21.2	4.1 ± 1.7	

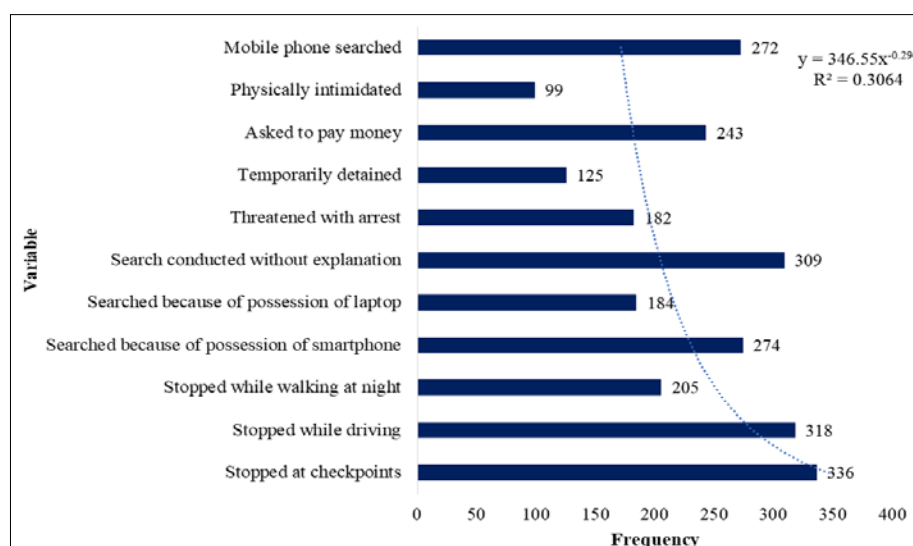


Fig 1: Nature, Frequency, and Circumstances of Police Stop-and-Search Experiences

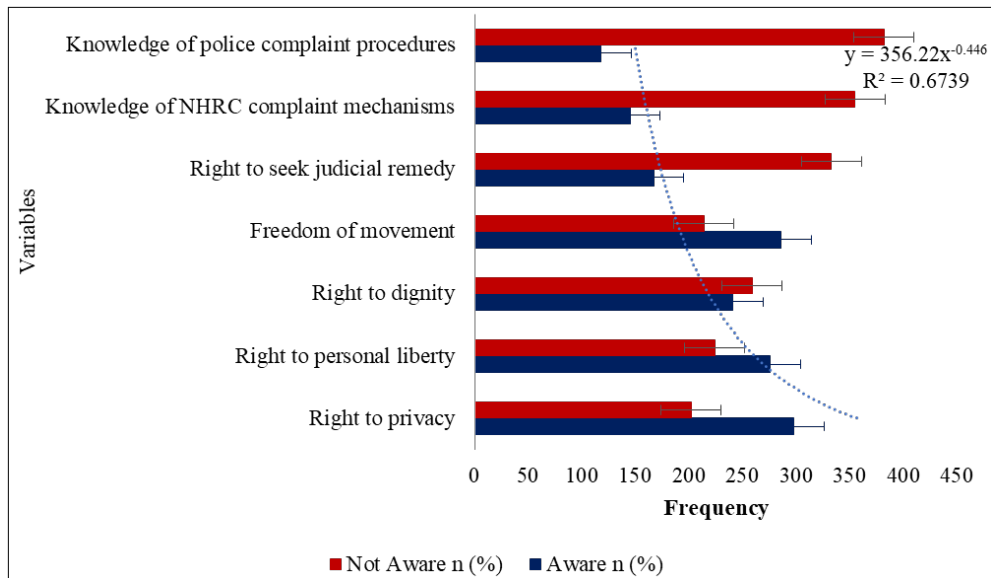


Fig 2: Awareness of Constitutional Rights and Available Remedies

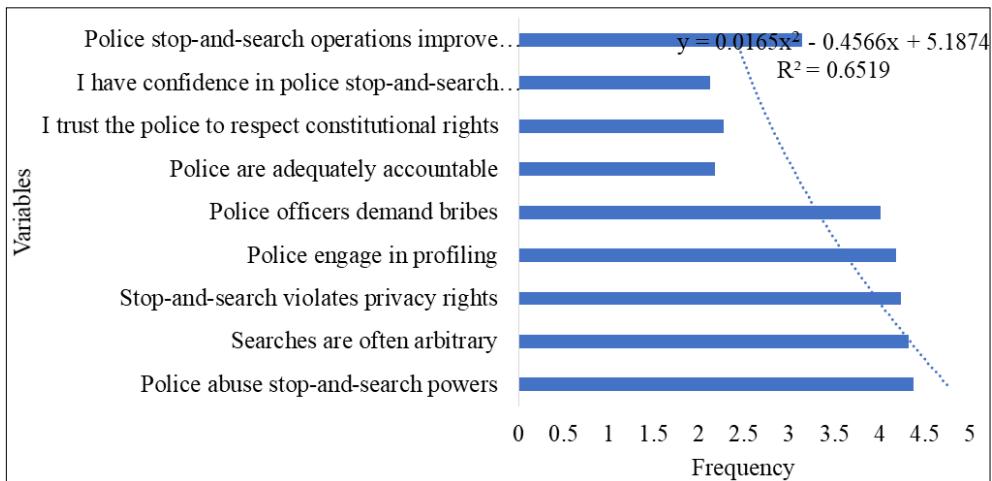


Fig 3: Perceptions of Police Misconduct, Constitutional Rights Violations, and Police Legitimacy

Table 2: Reliability and Validity Statistics of Measurement Constructs

Construct	Items	Cronbach α	CR	AVE
Police Misconduct	7	0.891	0.913	0.639
Rights Violations	6	0.873	0.902	0.606
Rights Awareness	5	0.824	0.879	0.592
Accountability Mechanisms	5	0.858	0.895	0.618
Public Trust	6	0.906	0.925	0.672

KMO = 0.901; Bartlett's χ^2 = 3874.662; $p < 0.001$.

Table 3: Exploratory and Confirmatory Factor Analysis Results

Construct	Factor Loadings	Variance Explained (%)
Police Misconduct	0.721–0.844	24.62
Rights Violations	0.693–0.827	19.74
Rights Awareness	0.661–0.802	14.15
Accountability	0.688–0.814	7.81
Public Trust	0.731–0.863	5.04

Total Variance Explained = 71.36%; χ^2 /df = 2.41; CFI = 0.952; TLI = 0.946; RMSEA = 0.053; SRMR = 0.047

Table 4: Correlation Matrix and Discriminant Validity

Variable	1	2	3	4	5
Police Misconduct	0.799				
Rights Violations	0.742**	0.778			
Rights Awareness	-0.294**	-0.382**	0.769		
Accountability	-0.477**	-0.438**	0.328**	0.786	
Public Trust	-0.695**	-0.724**	0.411**	0.592**	0.820

Table 5: MANOVA and State-Level Differences

Variable	Ogahara	Warri	Benin City	Asaba	F-value	p-value
Rights Violations	4. 41	4. 23	3. 98	3. 72	9. 84	<0.001
Public Trust	1. 94	2. 11	2. 38	2. 71	8. 73	<0.001
Accountability	2. 09	2. 22	2. 46	2. 61	6. 94	<0.001
Rights Awareness	3. 06	3. 18	3. 29	3. 42	4. 27	0.005

Wilks' Lambda = 0.811; F = 6. 492; p <0.001.

Table 6: Logistic and Ordinal Logistic Regression Results

Predictor	Rights Violations (OR)	p-value	Public Trust (β)	p-value
Frequency of Stops	2. 00	<0.001	-0.291	<0.001
Police Misconduct	2. 34	<0.001	-0.631	<0.001
Rights Awareness	0.64	0.001	0.372	<0.001
Accountability	0.60	0.003	0.516	<0.001
Age	0.87	0.041	0.104	0.062
Gender	1. 18	0.221	-0.081	0.310

Nagelkerke R^[2] = 0.46; Pseudo R^[2] = 0.49.

Table 7: Summary of Key Informant Interview (KII) Findings on Police Stop-and-Search Powers in Nigeria (n = 20)

Major Theme	Sub-theme	Number of Informants (n=20)	Percentage (%)	Illustrative Quote	Implication
Arbitrary Exercise of Police Powers	Stops conducted without reasonable suspicion	18	90	However, many officers detain individuals simply because they are perceived as being suspicious or because they have some gadgets, not because they have a reasonable suspicion of a crime. (KII-07, Human Rights Lawyer)	Causes a gap between the constitution and policing.
Abuse of Discretionary Powers	Excessive discretion by police officers	17	85	“Police officers have discretion;it is just that they have discretion without accountability.” (KII-12, Academic)	Points to the need for more explicit statutory rules and operating procedures.
Extortion and Corruption	Monetary demands during stop-and-search operations	16	80	Some people engage in extortion at checkpoints, and it has become normalized. (KII-03, Civil Society Representative)	Undermines the public's trust in and the legitimacy of the police.
Unlawful Search of Electronic Devices	Search of mobile phones and laptops without warrants	15	75	The complaint against the police that is common and prevalent in recent times is the search of citizens' phones without lawful authority, said an NHRC Official (KII-18).	Expresses serious concerns about the constitutional privacy rights.
Inadequate Human Rights Training	Poor understanding of constitutional rights among officers	14	70	“There are many junior officers who do not know the constitutional limits on stop and search powers.” (KII-02, Senior Police Officer)	Indicates a need for continuous legal and human rights training.
Weak Accountability Mechanisms	Ineffective complaint and disciplinary procedures	18	90	Internal disciplinary mechanisms tend to be slow and ineffective and do not encourage victims to report abuses (KII-11, Human Rights Lawyer).	Identifies issues with police accountability.
Fear of Reporting Police Abuse	Fear of victimization and reprisals	13	65	Many victims do not report due to fear of further harassment by the police (KII-15, Civil Society Representative).	Expressed doubts about current accountability systems.
Poor Public Awareness of Constitutional Rights	Citizens are unaware of available remedies	14	70	Most citizens are unaware that they have the right to sue in court against an unlawful search (KII-09, Academic)	Emphasizes the importance of public legal education programs.
Need for Legislative Reforms	Enactment of detailed stop-and-search regulations	17	85	“Nigeria needs a broad-based statute that should provide a clear regulation of the stop and search procedure.” (Senior Police Officer, KII-04)	Expresses a desire for legislation that needs reform or codification.
Independent Civilian Oversight	Establishment of external complaint mechanisms	16	80	“Police abuses need to be addressed effectively, which requires an independent civilian review body.” (KII-19, NHRC Official)	Emphasizes the importance of external oversight and accountability.
Use of Technology in Policing	Adoption of body-worn cameras and digital documentation	15	75	Widespread deployment of body cameras and electronic recording systems would greatly decrease conflicts and abuse. (KII-20, Academic)	Agrees to technology-based police accountability measures.
Restoring Public Trust	Building legitimacy through procedural justice	18	90	“But if there is no accountability and respect for constitutional rights, the police cannot regain the public trust.” (KII-14, Human Rights Lawyer)	Identifies the importance of constitutional procedures to police legitimacy.

Table 8: Summary of Focus Group Discussion (FGD) Findings on Citizens' Experiences of Police Stop-and-Search Practices in Nigeria (n = 48)

Major Theme	Sub-theme	Groups Mentioning Theme (n=6)	Frequency of Participants (n=48)	Percentage (%)	Representative Quote	Interpretation
Frequent Police Encounters	Routine stop-and-search operations at checkpoints	6	43	89.6	"Considerable times, when you are driving, you are going to stop at different checkpoints." (Commercial Driver, FGD 1)	Stop and search is common and is a regular part of policing activities.
Arbitrary Police Stops	Stopped without reasonable suspicion	6	41	85.4	"Most of the time they stop you without informing you what offense you have committed." (Student, FGD 2)	Recommends that constitutional and statutory provisions are not being met.
Profiling of Young People	Targeting of youths carrying smartphones and laptops	5	39	81.3	Young men with laptops are suspected of being criminals. (Youth Leader, FGD 5)	Indicates discriminatory and profiling practices.
Search of Electronic Devices	Examination of phones and laptops without consent	5	36	75	"Officers typically requested immediate access to participants' mobile phones" (Trader, FGD 3)	Expresses concerns about breaches in the right to privacy (as set out in the Constitution).
Extortion and Monetary Demands	Demands for money to avoid arrest. Demands for money to avoid arrest	6	38	79.2	Artisan (FGD 4): If you do not pay, they will take you to the station. "	Highlights how some police interactions become institutionalized as extortion.
Harassment and Intimidation	Verbal abuse and threats	5	34	70.8	Some officers treat citizens as if they have no rights. (Community Leader, FGD 6)	Lacks a sense of justice and misuses police authority.
Temporary Detention	Unlawful detention during stop-and-search operations	4	26	54.2	Our students reported prolonged detention lasting several hours (Student Leader, FGD 2)	Suggests violations of personal liberty and due process guarantees.
Fear of Reporting Misconduct	Reluctance to lodge complaints	6	40	83.3	There is little value in reporting the incident because no action is likely to follow. (Trader, FGD 3)	Has low confidence in the accountability mechanisms. Has low confidence in accountability mechanisms.
Limited Awareness of Rights	Lack of knowledge of constitutional remedies	5	35	72.9	Most people do not know that "police cannot search them without lawful reasons." (Community Leader, FGD 6)	Suggests an insufficient level of public legal awareness.
Distrust of the Police	Low confidence in police legitimacy Low confidence in police legitimacy	6	42	87.5	The following responses were made in relation to the general attitude of the public towards the police: "People fear police more than the criminals." (Commercial Driver, FGD 1)	Demonstrates waning public confidence in policing institutions.
Perceived Benefits of Stop-and-Search	Recognition of security functions	3	18	37.5	"Often these checks are used to identify criminals and recover weapons." (Youth Leader, FGD 5)	Encourages citizens to acknowledge the need for police power when used properly.
Need for Police Reforms	Demand for accountability and training	6	44	91.7	There is a need for more training of police and punishment of police who overstep citizens' boundaries." (Artisan, FGD 4)	Acknowledges and supports broad police reform goals. Acknowledges and supports broad police reform goals.
Independent Oversight Mechanisms	Support for civilian complaint bodies	5	37	77.1	An independent body should be established where crime victims can report police abuse. (Student, FGD 2)	Suggests the need for external accountability mechanisms.
Use of Technology	Adoption of body cameras and digital documentation Adoption of body cameras and digital documentation	4	30	62.5	Officers will be more cautious when using body cameras around citizens. (Commercial Driver, FGD 1)	Facilitates technology-driven reforms for transparency and accountability.

Table 9: Judicial Case Review Matrix and Emerging Constitutional Principles on Police Stop-and-Search Powers in Nigeria.

Case	Court	Legal Issue	Constitutional Provision(s)	Decision/Principle Established	Implication for Stop-and-Search Powers
Director of SSS v. Olisa Agbakoba (1999) 3 NWLR (Pt. 595) 314	Supreme Court	Restriction of movement and liberty	Sections 35 and 41	Any restriction on liberty and movement must be based on law.	Police stops should be for a lawful and reasonable purpose.
Fawehinmi v. IGP (2002) 7 NWLR (Pt. 767) 606	Supreme Court	Police powers and fundamental rights	Sections 35 and 46	The police have constitutional restrictions.	The Police powers are subject to constitutional limitations and judicial oversight.
Dilly v. Inspector-General of Police (2016) LPELR-41452(CA)	Court of Appeal	Arbitrary arrest and detention	Sections 34 and 35	Violation of constitutional rights as a result of arbitrary detention.	Unlawful detention cannot be condoned with stop and search.
Jim-Jaja v. COP Warri (2013) 6 NWLR (Pt. 1350) 225	Supreme Court	Abuse of police powers	Sections 35 and 36	The actions of police officers must be conducted in accordance with due process.	Unconstitutional searches are those that are not based on law.
A. G. Federation v. Abubakar (2007) 10 NWLR (Pt. 1041) 1	Supreme Court	Constitutional supremacy	Section 1	All governmental authorities remain subordinate to the	Police powers remain subject to constitutional constraints.

				Constitution.	
Odogwu v. A. G. Federation (1996) 6 NWLR (Pt. 456) 508	Supreme Court	Violation of personal liberty	Sections 34 and 35	The Constitution guarantees the right to personal liberty.	Arbitrary searches can be considered a breach of rights.
Ariori v. Elemo (1983) 1 SCNLR 1	Supreme Court	Constitutional rights protection	Sections 34–46	Judicial protection for fundamental rights is high.	Police powers do not extinguish constitutionally guaranteed rights.
Minister of Internal Affairs v. Shugaba (1982) 3 NCLR 915	High Court	Freedom of movement	Section 41	The Constitution guarantees the right to freedom of movement.	Police checkpoints should not be used to restrict movement unnecessarily.
Ojukwu v. Military Governor of Lagos State (1986) 1 NWLR (Pt. 18) 621	Supreme Court	Executive lawlessness	Section 1	Agencies of government have to abide by the rule of law.	Police activities should be in accordance with constitutional requirements.
Ibrahim v. COP, Kaduna State (Fundamental Rights Case)	High Court	Unlawful search and detention	Sections 35 and 37	The right to search is unconstitutional unless it has a lawful purpose.	Searches must be based on reasonable suspicion.

Table 10: Documentary Review Matrix and Key Findings on Police Stop-and-Search Regulation in Nigeria

Document	Relevant Provision/Focus	Principal Finding
Constitution of the Federal Republic of Nigeria 1999 (as amended)	Sections 34, 35, 37, 41, and 46	Provides extensive protection of fundamental rights.
Police Act 2020	Police duties and powers	Provides statutory authority for stop-and-search operations.
Administration of Criminal Justice Act 2015	Search and arrest procedures	Requires lawful justification and due process.
Police Standing Orders	Operational procedures	Broad discretionary powers with limited documentation requirements.
National Human Rights Commission Reports [2020–2025]	Complaints against police	Persistent reports of unlawful searches and extortion.
CLEEN Foundation Reports	Police legitimacy and accountability	Public trust in police remains low.
Amnesty International Reports	Human rights violations	Widespread allegations of arbitrary searches and abuse.
Presidential Panels on Police Reform	Police reform recommendations	Recommends accountability and human rights training.
Police Complaint Response Unit Reports	Complaint resolution mechanisms	Many complaints remain unresolved.
International Human Rights Guidelines	Principles of necessity and proportionality	Emphasize legality and accountability in policing.

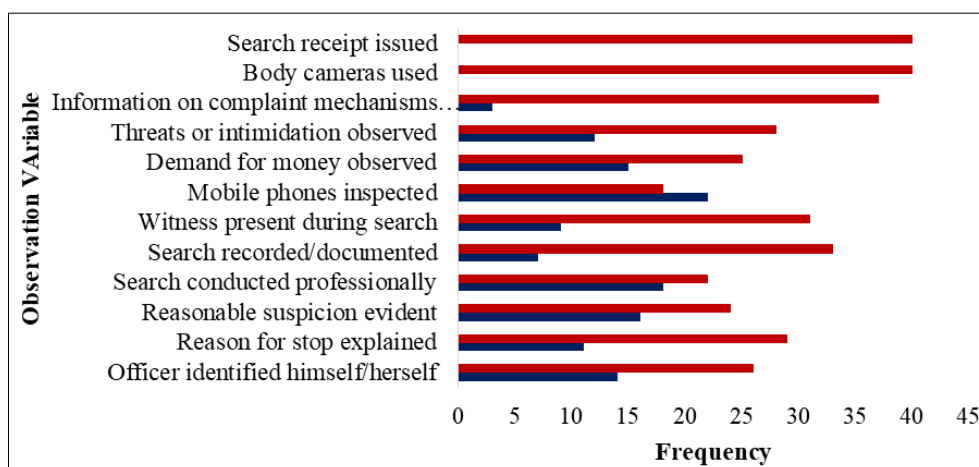


Fig 4: Observation Checklist Findings from Police Checkpoints and Stop-and-Search Operations

Discussion

Accountability Deficits and the Need for Constitutional Policing Reforms

From the findings presented in Table 1 and Figures 1 and 2, the evidence suggests that stop-and-search operations in Nigeria are not isolated incidents but rather a routine policing practice, particularly targeting young people engaged in economic activities, including students. Generally, males experienced significantly more stop-and-search encounters than females, and the 18–35 age group had between 4.7 and 5.2 encounters, suggesting that police discretion targets certain groups. These results are supported by the FGDs (Table 8), in which 85.4% of participants reported being stopped without reasonable suspicion, and

81.3% reported that "having a smart phone and a laptop" is an automatic indicator of profiling for young people. Similarly, there was strong endorsement of this in the KII results, with 90% of informants reporting that the police frequently stop members of the public who are elderly, who walk with an "ambiguous" gait, or who have electronic devices. The observation checklist confirmed this: in 72.5% of the observed encounters, the police officer failed to explain the reason for the search, and in 60% of the cases, there was no objective evidence of reasonable suspicion. Evidence from the survey, FGDs, KIIs, and observational data consistently demonstrates a disconnect between the norm of constitutional policing and policing practice. From a constitutional perspective, this practice appears

inconsistent with the rights to personal liberty, privacy, and freedom of movement guaranteed under sections 35, 37, and 41, respectively, of the Constitution of the Federal Republic of Nigeria 1999 (as amended). In every judicial review mentioned in Table 9, the powers of the State are invoked repeatedly, so as not to be used arbitrarily. The Supreme Court in *Director of SSS v. Olisa Agbakoba* ^[16] reaffirmed the lawful justification for restrictions. At the same time, the court in *A. G. Federation v. Abubakar* ^[17] reiterated the constitutional limitation on the government's power. The current findings thus indicate that, although the Police Act 2020 and the Administration of Criminal Justice Act 2015 have enacted stop-and-search powers, there are often deviations from constitutional requirements in practice. This finding is consistent with the observations of Alemika and Chukwuma (2004), who argue that police discretion in Nigeria has often been exercised arbitrarily, and with Akinlabi (2017), who documents instances of arbitrary stop and search, harassment, and extortion involving young Nigerians. Similar concerns have been identified in other jurisdictions. Studies from the United Kingdom, for example, indicate that stop and search powers have been exercised disproportionately against ethnic minority groups, raising concerns about discrimination and unequal treatment ^[18]. These findings underscore the need to evaluate police stop and search in Nigeria not only in terms of its constitutional legality but also with respect to operational accountability and compliance with human rights standards.

Police Misconduct, Constitutional Rights Violations, and the Crisis of Police Legitimacy

The findings in tables 4, 5, and 6 have informed the survey and provide inferential evidence of the significance of police misconduct as a key issue in violations of constitutional rights and the decline in people's trust in the police. An acceptable level of positive correlation is shown between police misconduct and rights violations ($r = 0.742$, $p < 0.01$), and an acceptable level of negative correlation is demonstrated between police misconduct and public trust ($r = -0.695$, $p < 0.01$), as illustrated in the correlation matrix in Table 4. The logistic regression analysis (Table 6) also shows that police misconduct is a significant factor associated with perceived violations of constitutional rights with over a twofold higher likelihood ($OR = 2.34$, $p < 0.001$), while the structural equation model shows that police misconduct is an important predictor of perceived violations of constitutional rights ($\beta = 0.780$, $p < 0.001$) and that the perceived violations of constitutional rights significantly reduces public trust in the police ($\beta = -0.710$, $p < 0.001$). Police misconduct, whether occurring within or beyond the scope of statutory authority, is the key mechanism by which police practices reduce trust in police institutions. These relationships remained statistically significant and were well supported by the qualitative results. These relationships remained statistically significant and were well supported by the qualitative results. In Table 8, 87. 5% of the FGD participants established low-level acceptance of the legitimacy of the police and considered police officers to be more terrifying than criminals. Likewise, in the KIIs, 90% agreed that the failure to hold individual officers to account and the constitution's due process rights being upheld to the same degree have resulted in a considerable loss of trust in the police. Responses are

consistent with the tenets of Procedural Justice Theory; that is, public support for law enforcement is a function of the fairness and legality of the process of law enforcement more than the results. Tyler and Huo (2002), Sunshine and Tyler (2003), and Tankebe (2013) also found detrimental effects of arbitrary policing practices on police legitimacy and people's willingness to cooperate with the police. The doctrinal results confirm this. The Court in *Dilly v Inspector-General of Police* ^[19], ^[20] and *Jim-Jaja v COP Warri* ^[21] has previously held that a power grab by the Police and the misuse of Police powers are both bad and unconstitutional. In addition, the documentary review (Table 10) indicated that the National Human Rights Commission, Amnesty International, and the CLEEN Foundation repeatedly reported the Nigerian Police Force for irregular searches, extortion, and a lack of public confidence and trust in the police. The results support the argument advanced by Loader and Walker (2007) and Bottoms and Tankebe (2012) that the exercise of coercive police powers beyond constitutional limits undermines the legitimacy of policing institutions. In constitutional democracies, the legitimacy of the police depends not only on the statutory powers conferred upon them but also on the manner and extent to which those powers are exercised within constitutional and legal boundaries. Collectively, these findings indicate that the exercise of stop and search powers by the Nigeria Police Force presents a significant challenge to democratic legitimacy and constitutional governance where such powers are exercised arbitrarily or unlawfully.

Accountability Deficits and the Need for a Constitutional Policing Framework

Perhaps most significantly, the study has revealed that, collectively, the issue surrounding police stop-and-search powers in Nigeria is one of accountability. In all figures and tables (Figures 2 and 4; Tables 7, 8, and 10), measures to provide institutional protections (MPTW) are low, and the ability to restrict police discretion (MPTW) is limited. The results of the survey indicate that only 29% of respondents were aware of the complaints system in place at the National Human Rights Commission ^[22], and only 23. 6% knew how to file a complaint against police officers. A search observation checklist (see Figure 4) indicated that only 17. 5% of searches were documented, 7.5% of locations provided information on the complaint procedure, and no police officers were observed wearing body cameras or handing out search receipts. The KII findings also indicated that 90% of informants felt existing accountability mechanisms did not work, 85% wanted comprehensive legislative reforms, and 80% wanted an independent civilian oversight mechanism. Similarly, the overwhelming needs of the FGD participants were calls for Police reforms, accountability, and technology-based safeguards. These findings are better understood when examined in light of this discovery, using the offered doctrinal framework. While the Constitution, the Police Act, 2020 ^[23], and the Administration of Criminal Justice Act, 2015, provide for the regulation of police behavior (as shown in the documentary review in Table 10), the Police Standing Orders only grant police very broad discretionary powers and offer weak procedural safeguards for police conduct. Judicial decisions such as *Ojukwu v. Military Governor of*

Lagos State^[24], Minister of Internal Affairs v. Shugaba^[25], and A. G. Federation v. Abubakar underscore the supremacy of the Constitution and the need for all arms of government to adhere to it. The empirical evidence indicates not that there were no laws, but rather that there is a lack of effective institutions to enforce them in Nigeria. The findings validate those of Goldsmith (2005), Bayley (2006), Bradford et al. (2014), and Akinlabi and Murphy (2018), emphasizing the importance of a police accountability mechanism as a foundation for ensuring constitutional policing and public trust. These, too, reflect international human rights standards, which set conditions for limitations on liberty, including legality, necessity, proportionality, and accountability. The findings suggest posits that the reforms of police stop and search policies in Nigeria actually need a constitutional policing framework that is based on six pillars: clear statutory guidelines for police stop and search policies; human rights education of police officers; independent civilian supervision of police officers; compulsory and detailed documentation of police stop and search effects; use of body-worn cameras; and extensive public legal education programs. If these institutional changes are not made, the disconnect between law and practice noted in this study will remain a serious threat to the consolidation of legitimate democratic governance in Nigeria, standing in the way of the future respect for constitutionally guaranteed rights and the legitimacy of the police.

Conclusion

In Nigeria, this study examined the constitutional limits and practical realities of police stop-and-search powers within the realm of restitution, using a three-way analysis: doctrinal, quantitative, and qualitative. The results demonstrate a significant disconnect between the language of the constitution and that of the statutes regulating the exercise of those police powers, and between that language and the ways those powers are actually exercised. Although the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the Police Act, 2020 and the Administration of Criminal Justice Act, 2015 provided some protections around personal liberty, the findings from the survey, FGDs, KIIs and Observation checklist revealed that there were a series of complaints on arbitrary arrests, unlawful searches of electronic devices, extortion, profiling and limited police accountability. The study has also confronted and vindicated the severity of the police misconduct, as that is the oppression of the people's constitutional rights. Police misconduct has generally eroded the public's trust and confidence in police institutions. The judicial bodies have consistently declared that police powers must comply with the constitution and be exercised in accordance with proportionality, necessity, legality, and accountability. However, the challenge does not arise from legislative insufficiency but from weak implementation and ineffective institutional oversight; the problem with police stops and searches is a lack of enforcement. This reflects inadequate institutional oversight and a complete gulf between the law and practice. Without meaningful reform, the police abuse of the Stop & Search Powers would further undermine public confidence in the Police, as well as constitutional democracy and the rule of law.

Recommendations

The recommendations from this research are that Nigeria should institute a constitutional policing regime that specifically addresses the use of stop-and-search powers. Firstly, the National Assembly should enact comprehensive statutory guidelines on the use of stop and search powers, clarify when they can or should be applied, and establish a yardstick for reasonable suspicion based on objective factors. Secondly, compulsory training in human rights and constitutional law for all members of the Nigeria Police Force should be institutionalized within the Nigeria Police Force to underscore fundamental rights, the rule of law, and the principle of procedural justice, with a focus on these and other training areas. Thirdly, an independent civilian oversight and complaints commission should be established to investigate complaints of police misconduct and ensure accountability. Therefore, the following measures should be taken: Incidents involving stop and search should be recorded electronically; an officer would be required to provide a receipt for searching someone; and they would have to indicate on the form that they searched that person for a particular reason. Fifth, body-worn cameras and digital monitoring technologies should be widely deployed as effective means to boost transparency and reduce opportunities for abuse and extortion. Sixthly, there is a need for more public legal education on the citizens' rights and their remedies as laid out in the constitution. The capacity of the Constitution's enforcement and the judiciary should be improved through built-in enforcement mechanisms and sanctions for future violations by the Nigerian Police, so that public confidence in policing is restored, and to encourage Police officers who obey the Nigerian Constitution during Stop and Search.

References

1. Bowling B, Phillips C. Disproportionate and discriminatory: Reviewing the evidence on police stop and search. *The modern law reviews*, 2007;70(6):936-61.
2. Reiner R. *The politics of the police*. OUP Oxford, 2010.
3. Akinlabi OM. Young people, procedural justice and police legitimacy in Nigeria. *Policing and society*, 2017;27(4):419-38.
4. Tankebe J. Viewing things differently: The dimensions of public perceptions of police legitimacy. *Criminology*, 2013;51(1):103-35.
5. Newburn T. The future of policing in Britain. In *Transformations of policing*. Routledge, 2017, 225-247.
6. Okeshola FB, Adeta AK. The nature, causes, and consequences of cybercrime in tertiary institutions in Zaria-Kaduna state, Nigeria. *American International Journal of Contemporary Research*, 2013;3(9):98-114.
7. Nigeria. National Human Rights Commission Act, Cap N46, Laws of the Federation of Nigeria, 2004.
8. Akinlabi OM, Murphy K. Dull compulsion or perceived legitimacy? Assessing why people comply with the law in Nigeria. *Police practice and research*, 2018;19(2):186-201.
9. Tyler TR, Huo YJ. *Trust in the law: Encouraging public cooperation with the police and courts*. Russell Sage Foundation, 2002.
10. Bottoms A, Tankebe J. Beyond procedural justice: A dialogic approach to legitimacy in criminal justice. *The journal of criminal law and criminology*, 2012, 119-70.

11. Roach K. *The 9/11 effect: Comparative counter-terrorism*. Cambridge University Press, 2011.
12. Walker S, Archbold CA. *The new world of police accountability*. 3rd ed. Thousand Oaks, CA: Sage Publications, 2018.
13. Tankebe J. Public cooperation with the police in Ghana: Does procedural fairness matter? *Criminology*,2009;47(4):1265-93.
14. Bradford B. Policing and social identity: Procedural justice, inclusion and cooperation between police and public. *Policing and society*,2014;24(1):22-43.
15. Goldsmith A. Police reform and the problem of trust. *Theoretical criminology*,2005;9(4):443-70.
16. Director of State Security Service v OlisaAgbakoba (1999) 3 NWLR (Pt. 595) 314.
17. Attorney-General of the Federation v Abubakar (2007) 10 NWLR (Pt. 1041) 1.
18. Ashworth A, Zedner L. *Preventive justice*. OUP Oxford, 2014.
19. Fawehinmi v Inspector-General of Police (2002) 7 NWLR (Pt. 767) 606.
20. Fawehinmi v Inspector-General of Police (2002) 7 NWLR (Pt. 767) 606.
21. Jim-Jaja v Commissioner of Police, Warri (2013) 6 NWLR (Pt. 1350) 225.
22. National Human Rights Commission. Annual report on human rights and police accountability in Nigeria. Abuja: NHRC, 2023.
23. Nigeria. Police Service Commission (Establishment) Act, Cap P29, Laws of the Federation of Nigeria, 2004.
24. Military Governor of Lagos State v Ojukwu (1986) 1 NWLR (Pt. 18) 621.
25. Minister of Internal Affairs v Shugaba Abdulrahman Darman (1982) 3 NCLR 915.
26. Goldstein H. *Policing a free society*. Policing a Free Society. Cambridge, Mass: Ballinger Pub. Co., 1977.
27. Bland N, Miller J, Quinton P, Willis CF. *Managing the Use and Impact of Searches: A review of force interventions—Home Office, Policing and Reducing Crime Unit, Research, Development and Statistics Directorate*, 2000.
28. Bradford B. *Stop and search and police legitimacy*. Routledge, 2017.
29. Shiner M, Delsol R. *The politics of the powers in Stop and search: The anatomy of a police power*. London: Palgrave Macmillan UK, 2015, 31-56.
30. Zedner L. *Fixing the future? The pre-emptive turn in criminal justice*.
31. Nigeria. Police Act, 2020.
32. Nigeria. Constitution of the Federal Republic of Nigeria 1999 (as amended).
33. Administration of Criminal Justice Act, 2015.
34. Reiner R. *The politics of the police*. OUP Oxford, 2010.
35. Alemika E, Chukwuma IC. *Criminal victimization and fear of crime in Lagos Metropolis, Nigeria*. Cleen Foundation Monograph Series, 2005, 1.
36. Akinlabi OM. Young people, procedural justice, and police legitimacy in Nigeria. *Policing and society*,2017;27(4):419-38.
37. Alemika EE, Chukwuma I, editors. *Police internal control systems in West Africa*. Malthouse Press, 2011.
38. Amnesty International. *Nigeria: Harvest of human rights violations by security agencies*. London: Amnesty International, 2021.
39. Loader I, Walker N. *Civilizing security*. Cambridge University Press, 2007.
40. Tyler TR. Psychological perspectives on legitimacy and legitimation. *Annu. Rev. Psychol*,2006;57(1):375-400.
41. Tankebe J. Viewing things differently: The dimensions of public perceptions of police legitimacy. *Criminology*,2013;51(1):103-35.
42. Stone CE, Ward HH. Democratic policing: A framework for action. *Policing and Society: An International Journal*,2000;10(1):11-45.
43. Nnamdi L. Critical Analysis of The Police Power to Stop And Search In Light Of The Rights To Privacy And Personal Liberty Of A Person. Available at SSRN 4977317, 2020.
44. Newburn T. The future of policing in Britain. In *Transformations of Policing*. Routledge, 2017, 225-247.
45. Okeshola FB, Adeta AK. The nature, causes, and consequences of cybercrime in tertiary institutions in Zaria, Kaduna State, Nigeria. *American International Journal of Contemporary Research*,2013;3(9):98-114.
46. Nigeria. National Human Rights Commission Act, Cap N46, Laws of the Federation of Nigeria, 2004.
47. Akinlabi OM, Murphy K. Dull compulsion or perceived legitimacy? Assessing why people comply with the law in Nigeria. *Police practice and research*,2018;19(2):186-201.
48. Tyler TR, Huo YJ. *Trust in the law: Encouraging public cooperation with the police and courts*. Russell Sage Foundation, 2002.
49. Sunshine J, Tyler TR. The role of procedural justice and legitimacy in shaping public support for policing. *Law & Society Review*,2003;37(3):513-47.
50. Bottoms A, Tankebe J. Beyond procedural justice: A dialogic approach to legitimacy in criminal justice. *The journal of criminal law and criminology*, 2012, 119-70.
51. Roach K. *The 9/11 effect: Comparative counter-terrorism*. Cambridge University Press, 2011.
52. Walker S, Archbold CA, Walker S, Archbold CA. *The new world of police accountability*. 3rd ed. Thousand Oaks, CA: Sage Publications, 2018.
53. Tankebe J. Public cooperation with the police in Ghana: Does procedural fairness matter? *Criminology*,2009;47(4):1265-93.
54. Bradford B. Policing and social identity: Procedural justice, inclusion and cooperation between police and public. *Policing and society*,2014;24(1):22-43.
55. Goldsmith A. Police reform and the problem of trust. *Theoretical criminology*,2005;9(4):443-70.
56. Director of State Security Service v Olisa Agbakoba (1999) 3 NWLR (Pt. 595) 314.
57. Attorney-General of the Federation v Abubakar (2007) 10 NWLR (Pt. 1041) 1.
58. Ashworth A, Zedner L. *Preventive justice*. OUP Oxford, 2014.
59. Fawehinmi v Inspector-General of Police (2002) 7 NWLR (Pt. 767) 606.
60. Tankebe J. *Police legitimacy*. The Oxford handbook of police and policing, 2014, 238-59.
61. Jim-Jaja v Commissioner of Police, Warri (2013) 6 NWLR (Pt. 1350) 225.
62. Amnesty International. *Nigeria: Time to end impunity: Torture and other violations by Special Anti-Robbery Squad (SARS)*. Nigeria: Time to end impunity: Torture

- and other violations by Special Anti-Robbery Squad (SARS). London: Amnesty International, 2020.
63. CLEEN Foundation. Citizens' perceptions and experiences of policing in Nigeria. Lagos: CLEEN Foundation, 2022.
 64. National Human Rights Commission. Annual report on human rights and police accountability in Nigeria. Abuja: NHRC, 2023.
 65. Nigeria. Police Service Commission (Establishment) Act, Cap P29, Laws of the Federation of Nigeria, 2004.
 66. Military Governor of Lagos State v Ojukwu (1986) 1 NWLR (Pt. 18) 621.
 67. Minister of Internal Affairs v Shugaba Abdulrahman Darman (1982) 3 NCLR 915.