

## A Sociological Assessment of the National Drug Law Enforcement Agency's (Ndlea) Strategies of Arrest and Detention in Nigeria

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**Abstract:** Arrest and detentions are two operational strategies provided by law and often used by the NDLEA in its daily operations. A critical evaluation of the effectiveness of these strategies provides the needed periodic assessment of the nation's drug control measures. In this study, 99 detained drug suspects drawn from Lagos and Kano State Command's cells were surveyed. This enabled us to explore the NDLEA's ideology, policies, strategies and practices of arrest and detention. The data revealed that although NDLEA statistics of arrest indicate a consistent increase over the years, most of the arrested suspects are either users and or street level dealers. This leaves intact the barons and their structure of illicit dealings in narcotic drugs. Of equal concern is the revelation of gross violation of suspect's human right. Most detained respondents opined that the NDLEA's arrest and detention strategies are ineffective for any meaningful narcotic drug control in Nigeria.

**Key words:** Arrest, prevention, human right, narcotics, suspects, torture

### INTRODUCTION

The problems of narcotic drugs in Nigeria as manifest in the cultivation, trafficking and abuse is of increasing concern to the government, social researchers, and other stakeholders (Pike, 1998; Alemika, 1998; NDLEA, 2000). In response, the government has enacted several laws to address the problems. Decree 48 of 1989 was promulgated and as a correlate, an enforcement agency known as the National Drug Law Enforcement Agency (NDLEA) was established. Since its establishment, the NDLEA has mapped out and adopted strategies geared towards the control of narcotic drug abuse. Section 3(q) of Decree 48 of 1989 empowers the Agency thus:

- "Taking charge, supervising, controlling, coordinating all the responsibilities, functions and activities relating to arrest, investigation... of all offences connected with or relating to illicit traffic in narcotic drugs and psychotropic substance..."

In view of the above, arrest and detention have been choice strategies among operatives. The question is, how effective have these strategies been in controlling the drug problem in Nigeria? How effective has the NDLEA been in its fight against narcotic drugs and psychotropic substances? These are some of the major questions that this paper seeks to address.

Generally speaking, criminological insights have shown that very little of the crimes committed in the society are known to law enforcement agencies.

Consequently, few of the criminals are arrested and prosecuted. According to Robert and Keith (2002), in America, less than half of the crimes committed each year are reported to the police, and of those, recorded by the police, only about 20% are "cleared by arrest", still an arrest by no means guarantees prosecution and conviction (2002:281). Similarly, Odekunle (1979) has demonstrated that crimes in Nigeria are under-detected, underreported, under-recorded and therefore underestimated. He also reported that police clearance rate is very low.

With respect to narcotic drug offenders in Nigeria, Alemika (1998) argued that: "it is difficult to ascertain what proportion of drug traffickers is arrested" (1998:71). Consequently, arrest statistics indicate just the tip of the iceberg.

Thus, contrary to official interpretations of arrest statistics as indicators of effectiveness, criminologists interpret high statistics of arrest as a likely indication of widespread drug offences in the society. Furthermore, arrest statistics could reveal the true object of the operation of the NDLEA. For example, which class of people is mostly represented in the NDLEA cells? How effective have this strategy been in preventing and controlling drug offences in Nigeria? In order to answer this question, this study collected and analyzed available data.

**Research Methodology:** This study was conducted in 2006. Lagos and Kano were the locations visited for collecting the data for this study. These locations were invaluable for collecting survey and observational data.

A total of 99 suspected drug detainees were selected using Simple Random Sampling Technique for the survey.

The following techniques of data collection were employed, thus survey, in-depth interview, non-participant observation and documentary search. Given these multiple techniques used to collect the data for this study, the method of triangulation was used to analyze the data.

**RESULTS AND DISCUSSION**

The data elicited by this research with regard to NDLEA’s practices of arrest are very illuminating. Table 1 presents the statistics of arrest from the NDLEA.

Table 1 shows a steady increase in the number of suspects arrested, from 293 persons in 1991, to a maximum of 6,323 persons in 2006, an increase of 2,158%. While the figures confirm that crime in general and drug crime in particular is a male prerogative, it also indicates an increase in the involvement of women. From 61 females in 1994, NDLEA arrest of female offenders rose to 440 in 2006, an alarming increase of 72%.

Although arrest as a strategy is expected to disrupt drug contacts and lead to the prosecution of prosecute offenders, its success must be evaluated with caution, in the light of the problems identified with it which include: (1) those arrested are often employees and lower level dealers. Barons are rarely arrested, (2) illegal markets flourish with increase in arrest, (3) corruption and violence directed at enforcement officials are intensified, (4) it creates avenues for various human right abuses.

Thus, in order to critically evaluate the performance of NDLEA with respect to arrest as a strategy, suspected drug offenders were interviewed. The aim is to critically examine the socio-demographic attribute of typical NDLEA detainees. The detained respondents’ evaluation of the effectiveness of the NDLEA is also examined.

Using survey and in-depth interview, information was elicited from the respondents. The socio-demographic variables of the respondents are presented in Table 2.

Table 2 presents the basic socio-demographic variables of the respondents. The data reveals that, a typical drug suspect in NDLEA cell is a semi-literate male. Occupationally, he is either an unskilled or semi-skilled worker who is most often unemployed or marginally employed. Though married, he is still in his early adult age. Given the criminogenic nature of the Nigerian socio-economic order, and the interest-ridden character of the Nigerian criminal justice agencies including the NDLEA, it is no wonder that the suspects have the attributes described above. This study notes that the socio-economic characteristics of the suspects tilts heavily towards the poor and economically marginalized group in the society.

Table 1: Statistics of suspects arrested by NDLEA between 1990 - 2007

Year	Males	Females	Total
1990	NA	NA	464
1991	NA	NA	293
1992	NA	NA	395
1993	NA	NA	458
1994	632	61	693
1995	732	66	798
1996	1,099	88	1,187
1997	2,208	164	2,372
1998	2,610	204	2,814
1999	2,380	121	2,501
2000	2,253	132	2,385
2001	2,693	136	2,829
2002	2,549	108	2,657
2003	2,316	174	2,490
2004	3,382	318	3,700
2005	3,181	292	3,473
2006	5883	440	6,323
2007	5891	417	6308
<b>Total</b>	<b>37,809.00</b>	<b>2,721.00</b>	<b>42,140.00</b>

Source: NDLEA Headquarters, Ikoyi and Lagos

Table 2: Socio-demographic characteristics of detained suspected drug offenders

Characteristics	Lagos N = 50		Kano N = 49		Total	
	No	%	No	%	No	%
<b>Age</b>						
18-35	29	58	30	61.2	59	59.6
36-49	16	32	15	30.6	31	31.3
50>	5	10	4	8.2	9	9.1
<b>Total</b>	<b>50</b>		<b>49</b>		<b>99</b>	
<b>Gender</b>						
Male	42	84	46	93.9	88	88.9
Female	8	16	3	6.1	11	11.1
<b>Total</b>	<b>50</b>		<b>49</b>		<b>99</b>	
<b>Occupation</b>						
Highly skilled	2	4	1	2.0	3	3.0
Semi skilled	9	18	10	20.4	19	19.2
Business/	2	4	2	4.1	4	4.0
Trading	14	24	15	30.6	29	29.3
Civil servant	5	10	4	8.2	9	9.1
Unemployed	15	30	16	32.7	31	31.3
Others	3	6	1	2.0	4	4.0
<b>Total</b>	<b>50</b>		<b>49</b>		<b>99</b>	
<b>Educational attainment</b>						
Tertiary	6	12	4	8.2	10	10.1
Secondary	20	40	15	30.6	35	35.6
Primary	23	46	25	51.0	48	48.5
Others	1	2	5	10.2	6	6.1
<b>Total</b>	<b>50</b>		<b>49</b>		<b>99</b>	
<b>Marital status</b>						
Single	15	30	10	30.4	25	25.3
Married	29	50	30	61.2	59	59.6
Divorce/separate	4	8	5	10.2	9	61
widow	2	4	4	8.2	6	
<b>Total</b>	<b>50</b>		<b>49</b>		<b>99</b>	

In terms of drugs of offence, this investigation reveals that the overwhelming majority (80.8%) of the respondents were arrested for cannabis related offences (Table 3). This corroborates earlier findings where 88.6% of the respondents were arrested for cannabis related offences (NDLEA, 2000). Further analysis of the findings

Table 3: Findings on type, sources and weight of drugs

Responses	Lagos N = 50		Kano N = 49		Total	
	No	%	No	%	No	%
<b>Drug offence</b>						
Cannabis	41	82	39	79.6	80	80.8
Cocaine	2	4	1	2.0	3	3.0
Heroin	3	6	2	4.1	5	5.1
Psychotropic	4	8	7	14.3	11	11.1
Total	50		49		99	
<b>Weight of drug</b>						
1-50 g	25	50	28	57.1	53	53.5
51 g - 1 kg	17	34	18	36.7	35	35.4
>1 kg	5	10	2	4.0	7	7.1
	3	6	1	2.0	4	4.0
Total	50		49		99	

Table 4: Findings on offence type, Arresting Agency Precipitating factors and length of detention

Responses	Lagos N = 50		Kano N = 49		Total	
	No	%	No	%	No	%
<b>Length of detention</b>						
1-6 days	11	22	8	16.3	19	19.2
1 week-1 month	25	50	31	63.3	56	56.6
> 1 month	14	28	10	20.4	24	24.2
Total	50		49		99	
<b>Precipitating factor</b>						
Quick money	23	46	25	51.0	48	48.5
Peer influence	10	20	7	32.7	17	17.2
Unemployment	15	30	16	2.0	31	31.3
Others	2	4	4		3	3.0
Total	50		49		99	
<b>Arresting agency</b>						
NDLEA	35	70	36	73.5	71	71.7
Police	10	20	12	24.5	22	22.2
Others	5	10	1	2.0	6	6.1
Total	50		49		99	
<b>Type of offence</b>						
Inter-trafficking	4	8	3	6.1	7	7.1
Street peddling	29	58	27	55.1	56	56.6
Prod./cultivist	3	6	-	-	3	3.0
Abuse	12	24	18	36.7	30	30.3
Others	2	4	1	2.0	3	3.0

shows that while 4 and 3% were arrested for cocaine related offences in Lagos and Kano, respectively, 6 and 4.1% of the respondents in Lagos and Kano respectively, were arrested for heroin related offences. The implication of the above findings is that cannabis continues to be the dominant drug of offence in Nigeria. This is attributed to the fact that cannabis is the only drug cultivated and therefore widely trafficked and abused in Nigeria.

Another disturbing finding (Table 3) is the increasing involvement of Nigerians in psychotropic related offences. 11.1% of suspected psychotropic offenders show a significant increase compared to Alemika (1998) report where only 0.7% of respondents were psychotropic related offenders. The implication here is that, psychotropic drugs are becoming widespread in the country.

Furthermore, the findings in Table 3 show that out of the total 99 respondents, 53.5 persons were arrested with

drugs weighing between 1-50 g, 35.4% with drugs weighing between 51 g to 1 kg Only 7.1% was arrested with drugs weighing over 1 kg. The implication of these findings is that most of the drug suspects in NDLEA cells are arrested with very little quantity, less than 1 kg of drugs.

This finding was further confirmed when the types of offences the respondents were arrested for was investigated; only 7.1% of the total 99 respondents were arrested for trafficking. The majority of the respondents (58% in Lagos and 55.1% in Kano) said they were arrested for using and/or street level drug dealing/peddling. This further reveals that in its operations, the NDLEA does mainly arrest street level dealers leaving the barons untouched. No evidence was elicited to show that drug barons are arrested by the NDLEA.

The researcher also investigated the arresting agencies of the suspects and the duration of suspects' detention in NDLEA cells. The findings reveal that majority of the respondents (70% in Lagos and 71% in Kano) were arrested by the NDLEA. Out of the total 99 respondents, 22.2% said the Nigeria Police arrested them. These findings corroborate earlier ones where it was reported that 81.7% of the respondents were arrested by the NDLEA (2000). This shows that the overwhelming majority of the suspects in NDLEA cell are arrested by the agency itself. The finding also shows that the NPF still plays important role at least in street level drug prevention and control.

In terms of the duration of detention in NDLEA cell, the findings in Table 4 reveal that out of the 99 respondents, 19.2% said they were detained for between 1-6 days. The majority of the respondents (50% in Lagos and 63.3% in Kano) reported being detained for between 1 to 4 weeks. 24.2% out of the total 99 respondents said they were in NDLEA custody for over one month. The implication of these findings is that majority of drug suspects in NDLEA cell are detained more than the 48 h prescribed by the law. It also suggests that there is always undue delay in pre-trial investigations by the NDLEA. This clearly suggests the violation of the fundamental rights of the suspects.

In order to evaluate the NDLEA's process of arrest and pre-trial investigations, respondents were asked how they were arrested, interviewed and or interrogated and how satisfied they are with the way the NDLEA is handling their cases. In order to evaluate NDLEA's process of arrest, the detained respondents were asked whether they were promptly told their offences when arrested. Of the 99 respondents, 57.88% said that when arrested, they were not promptly told their offences in a "language" they understood. This finding is not surprising given the fact that most of the suspects are the uneducated poor, who could not insist on their rights. One of the

respondents explained his experience with the NDLEA when arrested as thus:

- “The NDLEA came to my house where I live with my family and ‘invited’ me to their office. I demanded to know why they were ‘inviting’ me, but instead of getting an answer, they started beating me. They forced me into a waiting jeep. Since three weeks, I have been in detention here.”

It is no wonder that when asked whether they were physically assaulted, majority (76.2%) reported in the affirmative. According to a key informant, a self confessed dealer/user of cannabis:

- “I no go lie you, them de beat us well, well if we no ‘talk’. In fact, if you no gree ‘talk’ them go use anything to make you confess. Evensesf them fit hang you or use cigarette fire to make person talk.”

The summary of what this respondent is saying in Nigeria pigeon language is that, officials of NDLEA to extract confessions often torture persons suspected of pushing drugs.

Further probe into the pre-trial experiences of the respondents reveals that majority (57.4%) said that the investigators did not record their statements exactly the way they gave them. In fact, some detainees accused the investigators of forcing them to sign confessional statement. All these testimonies are evidences of violation of human rights of persons suspected of violation of drug law.

Given the overall findings, it is not surprising that the respondents’ evaluation of the NDLEA was generally negative. When asked how satisfied they are with the manner the NDLEA is handling their cases, majority (69.1%) of the 99 respondents said they are very dissatisfied. Adelanwa (2006) also reported that 68.9% of the suspects he studied expressed dissatisfaction with the manner the NDLEA handled their cases. According to a female suspect:

- “How can I be satisfied when I am unjustly being detained? I do not know when I will be released or taken to court. And the condition we are being kept is so dehumanizing. How can any one be satisfied with the NDLEA?”

It is therefore not surprising when asked to evaluate the effectiveness of the NDLEA, majority of the respondents (70% in Lagos and 69.4% in Kano) said that the agency is ineffective. This finding corroborates that of Adelanwa (2006) who also reported that 69.3% of his subjects said the NDLEA is not effective in the performance of its duties.

#### **The foregoing analyses of the arrest and detention strategies of the NDLEA reveal that:**

- There has been a consistent rise in the number of drug offenders being arrested by the NDLEA.
- Majority of the people arrested by the NDLEA are users and street level dealers, mostly of cannabis. No evidence has been elicited showing that drug barons are being arrested by the NDLEA.
- Contrary to expectations, NDLEA rising arrest statistics have little or no impact on drug markets. Narcotic drugs were found to be available and affordable in most of the locations visited. Drugs are abused openly on streets with utter disregard to the existence of the NDLEA.
- There is an increasing involvement of women in drug crimes going by the rise in statistics on arrested female suspects.
- Human right violation of suspects is rampant in NDLEA cells. These include torture and prolonged pre-trial detention. These practices informed the suspects’ acrimony towards the Agency. Most detained respondent opined that the NDLEA is ineffective in the prevention and control of drug abuse in Nigeria.

#### **DISCUSSION**

The findings on the NDLEA’s strategies of arrest and detention are very illuminating. From the data collected, the statistics revealed a steady increase in the number of suspects arrested. From 293 persons in 1991, to a maximum of 6,323 persons in 2006, an alarming increases of 2,158%.

Just as with other enforcement agencies, NDLEA has often used their statistics of arrest to demonstrate their effectiveness (Onovo 1999). Criminologists on the other hand continue to call for caution in the light of the problems identified with it which include: (1) those arrested are often employees and lower level dealer,. Barons are rarely arrested; (2) illegal/black markets flourish with increase in arrest; (3) corruption and violence directed at enforcement officials are intensified; (4) it creates avenues for various human right abuses (Alemika, 1993; Stimpson, 1987; Akor, 2005).

The finding of this study about the profile of NDLEA detainees corroborates earlier studies by Alemika (1998) and Adelanwa (2006). Given the crimiogenic nature of the Nigerian socio-economic order (Odekunle, 1985) and the interest-ridden character of the Nigerian criminal justice agencies, including the NDLEA (Alemika, 1998), it is no wonder that the suspects have the attributes described above. Reiman (1976) argued that in general, the criminal justice system in capitalist societies fail to reduce crime because it closes its eyes to the dangerous acts of the

affluent class and insists on stacking the deck against the poor. It is no wonder that the socioeconomic characteristics of the suspects in NDLEA cell tilts heavily towards the poor and the economically marginalized class in the society. In a related study, Alemika 1998 also concluded that there is no significant evidence that drug barons are being arrested, convicted and imprisoned by the NDLEA.

Furthermore, the findings on NDLEA operatives' methods of interrogating and detaining suspected drug offenders confirm the explicit ideology of criminal justice agencies like the NDLEA. The findings of this study reveal that; of the 99 respondents, 57.88% said when arrested, they were not promptly told their offences in a 'language' they understood. 76.2% reported that they were physically assaulted. "I was whipped with *koboko* to confess" reported a key informant. It is no surprise that 69.1% of the detained respondents said they were very dissatisfied with the manner the NDLEA was handling their cases. Adelanwa (2006) and Joseph (2003) also reported that 68.9 and 72.1% of their respective respondents expressed dissatisfaction with the manner the NDLEA handled their cases.

From the findings of this study with regards to arrest as a drug control strategy, it is evident that the NDLEA procedures for arrest, interrogation and detention are fraught with a lot of human right abuses. Nigeria, being a signatory to several international charters and conventions on human rights and treatment of offenders cannot afford to run a drug law enforcement agency, which inflicts cruel and unusual punishment. Alemika (1990) has identified the common denominators of cruel and repressive agency to include:

- Any situation involving prolonged nudity
- Conditions of overcrowding
- Unjustifiable physical beating, or the use of torture to inflict punishment
- Inadequate food and water
- Inadequate or unavoidable medical care
- Lack of adequate heat or ventilation
- Unsanitary living conditions
- Excessive solitary confinement

From the investigations conducted, suspects reported an abhorring state of the NDLEA detention facilities. Complaints received include congestion, lack of sleeping facilities such as beds, mattresses and blankets. Detainees also reported that their cells are infested with infectious insects. These findings that correspond with the work of Adelanwa (2006) suggest that the NDLEA drug suspects are detained in cruel and inhuman detention cells. It is not surprising that 83 and 90% of inmates in Lagos and Kano respectively, rated the accommodation as unsatisfactory.

Having discovered that drug suspects held a negative view of the condition for their arrest and detention, it

needs to be noted that this opinion is closely linked to the magnitude of the socio-economic and political deprivation experienced by the suspects, first as members of the exploited and oppressed class and secondly as detainees of the NDLEA. These deprivations lead to a variety of social reactions by these suspects towards their fellow inmates and towards NDLEA operatives. Due to the deprivations suffered by the detainees, their relationship with each other is confliction. The conflict is, most often, attributed to their struggle for scarce goods and services in the NDLEA cells. This situation inhibits the development of class-consciousness and class solidarity among people of the same socio-economic class.

Similarly, the relationship between the suspects and NDLEA custodial staff is also characterized by one form of conflict or the other. Conflict between detainees and the officers do arise when officers threaten to, or actually punish 'rule infraction'. Consequently, drug suspects end up perceiving the officers as their oppressors. This situation renders the suspects view of the officers' class position to be at variance with the reality. It also reveals that, an NDLEA detainee, like other detainees for common crimes in Nigeria, does not identify with the law enforcement officers as members of his own class. This has the likely effect of inhibiting the development of class awareness and consciousness among the suspects in particular and the exploited and subjugated class in general.

## CONCLUSION AND RECOMMENDATIONS

The preceding section discussed the major findings of this research. Implicit in every evaluation or assessment are recommendations on how to remedy the identified inadequacies of the institution under scrutiny. Thus, from the foregone analysis and discussion of the (in) effectiveness of the NDLEA, some recommendations become inevitable.

- The NDLEA methods of arrest and detention need a drastic overhaul. While individual and collective NDLEA operatives should ordinarily be responsible for the implementation of this recommendation, there is a strong need for a continuous supervision and scrutiny of these practices of the NDLEA by human right organizations and other civil societies.
- Officers must ensure that the processes of arresting suspects are in accord with the rules of procedures.
- The officers must also ensure that the interrogation of suspects is devoid of torture and any form of human rights abuses.
- The NDLEA should provide the suspects with legal aid. The current operational state of the nation's legal aid scheme needs to be made available to common drug offenders who form the bulk of NDLEA cell inmates. This will enhance fair and speedy investigation of cases.

Having made all these recommendations, the need to conclude by drawing attention to the criminogenic factors inherent in Nigerian dependent capitalist socio-economic structure is necessary. Fundamental steps must be taken in order to contain the fundamental social structural basis of drug crimes. These include the control of problems generated by the social structure such as unemployment, poverty, malnutrition, diseases, squalor, rural-urban drift, illiteracy and glaring inequality. There is also the need for a drastic reduction of gross inequality in wealth, opportunities, power and related social injustice inherent in the operative socio-economic system in Nigeria.

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