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Institutional distrust trap: an analysis of the effect of public distrust in the Nigeria Police Force

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ABSTRACT

This article explores an effect of distrust of the police – unwillingness to rely on them for security and justice – on policing dynamics in contemporary Nigeria using a qualitative research design. It argues that policing according to formal prescriptions such as the Criminal Procedure Act is virtually impossible in contemporary Nigeria because of this pervasive public distrust. At the same time, police officers resort to informal processes that further undermine public trust in the criminal justice system and create a self-defeating cycle that allows many to justify support for or active participation in illegal forms of crime control, including lynching by mobs and extra-legal killing by security forces. This proposition is significant for policing studies in two ways. Firstly, it suggests a trust threshold that, when breached, leads to policing collapse. Despite widespread distrust, many police forces maintain order. Secondly, it reveals how distrust perpetuates itself, even amid attempts at reform in various countries.

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Introduction

The vast majority of Nigerians, irrespective of region, gender and social status, agree that the Nigeria Police Force (NPF) is ineffective and dysfunctional.[1] Undisciplined police repression during the #EndSARS movement against police brutality in 2021 further exposed its limitations as a peaceful protest become the scene of a massacre perpetuated by both the military and the police (Etim et al. 2022, p. 230, Richards and Eboibi 2023, p. 40). However, police brutality (Human Rights Watch (HRW/CLEEN) 2002, Human Rights Watch 2003, Amnesty International 2016) is only one manifestation of the policing crisis in the country and has been accompanied by phenomena including a proliferation of vigilante groups (Reno 2002, Harnischfeger 2008, Pratten 2008), mob lynching (Salihu and Gholami 2018, Tiwa 2022a, 2022b) and torture and extrajudicial killings by law enforcement (Human Rights Watch 2005, 2009, Agbiboa 2015b, Amnesty International 2016, Akinyetun 2021). With so many issues, it is no surprise that a 2016 survey of 127 countries by the World Internal Security and Police Index ranked the NPF as the worst national police force in the world.[2]

This situation is perplexing as most Nigerian regimes have advocated for police reform ever since independence from Great Britain in 1960 (Hills 2012, p. 746).[3] In addition, multiple agreements and joint projects with many development partners[4] and numerous public statements suggest that police leadership supports police reforms. Moreover, since the restoration of democracy in 1999

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international donors have – at the request of elected officials and appointed police chiefs – liberally funded programmes to improve the capacity of the NPF and make it more accountable to people and communities (Hills 2008, 2012). However, these reforms have had little impact, leading one to ask why disorder in the Nigeria policing sector has been so intractable despite all the support for reforms and international financial assistance.

On the one hand, core reforms to the Nigeria public police are believed to have failed because of a lack of genuine political will. Those who hold political power in Nigeria have been portrayed as jealously guarding an institution that they inherited from past oppressive regimes (the colonial rulers and military junta) and continue to benefit from as a very effective instrument of political control and domination (Ahire 1990, Marenin 1993). According to Hills (2008, p. 222)

> Public statements about the desirability of reform on the part of politicians and senior officers are arguably better understood as indicating tactical adjustment to unavoidable political pressures, than as genuine political commitment to fundamental reforms that would diminish their power and resources.

However, others have argued that rank-and-file officers have resisted and effectively sabotaged reforms for reasons ranging from economic survival to police subculture. Many observers have assumed that the ideals of 'honesty', 'service', 'integrity' and others that senior officers have often attempted to push through were doomed to have little to no resonance among their subordinates because of the dire material conditions under which they lived.(Hills 2008, p. 224, Oluwaniyi 2011, Agbiboa 2015a, Aborisade and Gbahabo 2021).

These explanations are valid and valuable but also one-sided. Both blame individuals (rank-and-file police, senior officers, political elites, etc.) whom they portray as insincere or dubious, even as they frame their behaviour as understandable within their socio-economic context. Blaming individuals for social and institutional problems often leads to problematising their very characters. Consider the argument according to which Nigerian political elites benefit from keeping the police weak, which implies that they would not be able to control a strong and effective police force like political elites in, say (western) Europe or (North) America. It is not so difficult to see the deeply rooted othering bias that underlies this kind of argument.

This paper seeks to show how police reform has been unsuccessful in Nigeria *despite* the good will of the main actors involved in the day-to-day production and reproduction of policing: the police and the public. Using mob vigilantism – a type of policing disorder in which people take the law into their own hands – as an entry point, and building on a burgeoning literature on public-police trust, the paper seeks to answer two simple but far-reaching questions[5]: what do people mean when they say they do not trust the police and how does this distrust affect policing?

Although the research on public-police trust (see the next section for an elaborated definition of trust) has grown rapidly in the past two decades, comprehensive responses to these fundamental questions are still hard to find in the literature.

On the one hand, policing scholars take it for granted that public trust is necessary for effective and efficient policing and prefer to focus on the drivers of public trust and distrust, along with their determinants, correlates and so on, (Sunshine and Tyler 2003, Hohl et al. 2010, Tankebe 2013, Mason et al. 2014, Nix et al. 2015) to advise on how public trust can 'be activated to ensure that the police are regarded as legitimate' (Gilmour 2008, p. 51). As Oberwittler and Roche (2018, p. 3) rightly note when discussing the hugely influential impact procedural justice research on our understanding of police-citizen relationships, 'it may neither help us to fully grasp the sources of trust in the police and police legitimacy, nor always be suitable for understanding police-citizen relations in different countries'. In any case, because of policing studies overall focus on 'what works' (see Brodeur 2010), a fine-grained understanding of what people mean when they say they do not trust the police depends on looking beyond policing research and criminology more generally.

Conversely, the body of research (mostly by anthropologists of security in developing countries) that offers most insights into the situated meanings and behavioural translations of distrust of the police tends to 'take the failings of state policing institutions as a given and explore instead the

alternative, non-state means through which (people) conceive of and seek security' (Beek et al. 2017 Also see preface by Loader, P. xvii). Consequentially, this knowledge is typically one-sided and tends to legitimate alternative, non-state forms of policing (see Kirsch and Grätz 2010).

This paper brings these thematic concerns (people's situated definition(s) of police untrustworthiness, their behavioural responses to such definition(s), and the impact of the latter on policing dynamics) into the same analytical frame and examines them simultaneously. The analysis focuses on the interaction order (Goffman 1983) that governs the encounters between people and the police, as well as the symbols that epitomise public-police distrust and shapes policing dynamics. Guided by these interactionist lenses, the paper shows that pervasive distrust of the police makes policing based on formal prescriptions like the Criminal Procedure Act virtually impossible in contemporary Nigeria. Instead, police officers find it more effective to resort to the same informal practices that undermine public trust in the criminal justice system.[6] I call this self-defeating cycle, which allows many police and citizens to justify supporting or actively participating in illegal forms of crime control such as mob lynching and extra-legal killings, an *institutional distrust trap*.

This proposition's significance for policing studies is twofold. First, it hints at the possible existence of a trust threshold below which policing virtually collapses. Indeed, police organisations are notoriously distrusted across the world, except in a few developed countries (mainly Nordic European countries).[7] Yet despite this low level of public trust, many of these police forces seem able to maintain a relative degree of public order and avoid major policing disorder of the kind that has afflicted Nigeria for decades. Second, the paper sheds light on a mechanism through which distrust of the police sustains itself, even when the parties involved may be trying to appear trustworthy – as has been the case with police reform initiatives in many low – and middle-income and post-authoritarian countries (see Goldsmith 2005).

Data collection, analysis and research participants

The evidence presented in the next sections was collected during three periods of fieldwork in Nigeria between September 2017 to February 2019 as part of my broader qualitative research on what drives the mob lynching of alleged offenders (locally called 'Jungle Justice') in Nigeria.[8] Following Cooper-Knock and Owen's (2015, p. 356) methodological recommendation that the police 'must be understood on their own terms as well as through the eyes of the people they supposedly serve', I conducted 35 semi-structured, face-to-face and open-ended interviews with participants chosen for having somehow been connected to mob lynching across the country. Ten were police officers (six senior and four rank-and-file) who had either rescued suspected criminals who were about to be lynched or investigated cases of mob lynching; others were lawyers who had defended individuals prosecuted for participating in mob lynching, activists and human rights defenders who had led initiatives or campaigns against the practice, community leaders or informal security providers (vigilantes) whose communities or neighbourhoods had recently witnessed rising incidents of mob lynching, and journalists who specialised in crime reporting. I also conducted 13 focus group discussions with mostly unemployed young men who survived by hustling or through providing security to their communities in Lagos State, specifically in the cities of Ikorodu and Surulere. I selected the first location because a significant number of lynchings there had recently been reported in the news and the second, where I was living, for convenience. As well as these relatively structured focus group discussions and semi-structured individual interviews, I also had dozens of informal conversations with groups and individuals from all walks of life in Abuja, Kaduna, Ibadan, Jos and Port Harcourt. Thus, the insights presented in this paper draw on the opinions of more than a hundred Nigerians who were willing to share their thoughts with me. While the opinions and experiences with the police among my female participants did not differ significantly from those of their male counterparts, their substantially lower representation (less than 10% of the sample)[9] unfortunately means that I might have overlooked valuable gender-specific insights.

Key informants typically provided their informed consent verbally at the start of the interviews.[10] While this ethical requirement was not consistently extended to 'peripheral' participants[11] engaged in informal conversations for practical reasons, I systematically anonymised and ensured confidentiality for all participants who cannot be identified in any publications resulting from the study.

The research adopted an inductive approach, exploring why some Nigerians engage in vigilantism. It aimed to understand the moral justifications, support mechanisms and perceptions of suitable crimes and criminals for lynching. Formal Interviews were systematically recorded and, together other fieldnotes, analysed using Nvivo 11, with every aspect of the transcripts considered meaningful and categorised accordingly to form themes. In the final stage of analysis, I compared these themes and their patterns with relevant literature to derive theory-based interpretations, particularly regarding distrust in the police (for thematic analysis, see Braun and Clarke 2006). After describing what many Nigerians concretely mean when they say they do not trust the police and police officers' reactions to such perceptions, I will analyse what this implies using the concept of the institutional distrust trap.

Behavioural translations of the distrust of the police

This paper uses Mayer et al.'s (1995, p. 712) seminal conceptualisation of trust as the

> willingness of a party to be vulnerable to the actions of another party based on the expectation that the other will perform a particular action important to the trustor, irrespective of the ability to monitor or control that other party.[12]

Previous applications of this definition in policing studies include Hamm et al. (2017) on the public's trust in the police. Its significance lies in its ability to represent trust as a construct determined by parameters from within both the trusting and trusted: on the one hand, 'willingness' or inclination to risk offering trust and on the other, being worthy of it. More specifically, the definition of Mayer et al. is suitable here because it clarifies the differences and connections between trust and risk and assessing the later appears to play an important role in my participants' interactions with police. As Mourtgos et al. (2020, p. 664) rightly summarise it, this 'model thus distinguishes among three issues: (a) the perceived characteristics of the trustee that affect trustworthiness, (b) trust as a behavioural intention to take risk and (c) actual risk-taking behaviour'.

Still, even if only humans can trust and distrust, anything can be trusted or distrusted. This includes pets, inanimate objects (people can trust that their car will not break down on the way to work), and normative arrangements such as institutions. According to the political scientist Margaret Levi, when people say they do not trust an institution they mean that the reliability of the said institution is very low (Levi 1998, p. 80). Yet since institutions can only 'act' through the people who staff them, trust – or distrust – in them is mediated by the perceptions that their clients (those who use the services they provide) have of their agents. Institutional distrust is thus the perception that the agents of an institution are not generally trustworthy. In the context of this paper, and in light of the definitions of Mayer et al. and Margaret Levi, institutional distrust should therefore be understood as people's perception that the overwhelming majority of NPF officers are untrustworthy on the one hand, and their reluctance to engage in any transaction that makes them vulnerable to NPF officers on the other hand. Since this perception is influenced by individuals' pre-existing inclination or propensity to trust, it is not necessarily (or always) an accurate judgement. Thus, following Hardin's (1993, p. 508) suggestion that a 'common-sense epistemology of trust' rooted in experience is required to make sense of lay people trust or distrust in others, I will now discuss my participants subjective appreciation of the trustworthiness of the NPF.

Typically, when asked why they or others supported lynching alleged offenders, my participants (including those who disapproved of the practice) answered that Nigerians take the law into their own hands because they do not trust the police. When asked why this was the case, most told stories – which they presented as their lived experience or that of someone they know personally

– in which police took bribes or submitted to pressure from powerful people (mostly politicians) and released criminals they were supposed to prosecute (Albert 2005, Human Rights Watch 2007, On Godfatherism in Nigerian Politics see Olarinmoye 2008, Abdullahi and Tunde 2013); extorted money from civilians through abusive arrest and detention; set up unnecessary roadblocks at which they harassed civilians; and protected criminals with whom they worked or were friends.[13] Although those practices are not necessarily similar, most participants called them corruption, a term that Nigerians tend to used expansively to refer to any behaviour considered inappropriate (See Pierce 2016 for a cogent discussion of Nigerians' understanding of 'corruption'). This perception is nevertheless consistent with most local and international analysts, who see Nigerian police officers as extremely corrupt and the police as a whole as one of the most corrupt institutions in the country (Adebayo and Ojo 2009, Aremu et al. 2009, Oluwaniyi 2011, Ojo 2014, Agbiboa 2015b). Various typologies and taxonomies of corrupt practices within the Nigerian police are well documented in the literature already (Adebayo and Ojo 2009, pp. 72–74, Oluwaniyi 2011, pp. 76–78), so I will focus on what distrusting the police means in practice for most Nigerians.

In practice, distrust of the police translates into three sets of behaviour. First, for various reasons, people expect nothing good from the police and therefore victims of abuse or crimes rarely seek them out or expect much help if they do.[14] As one participant put it when explaining why he did not report a burglary at his house, 'for an average Nigerian, police is *[sic]* zero' (Interview, Lagos, 30 September 2017). That is, he did not believe the NPF could apprehend the perpetrators, let alone recover his stolen property and his statement was a critique of the ability of the Nigerian police to perform its most basic function of solving crimes. When asked why he believed this, he emphasised two qualities that the police lacked: the capacity and skills to investigate and a genuine interest in cases like his. He described them as underequipped, undertrained, underpaid and interested only in 'high profile cases' (meaning crimes against rich people) from which they could personally benefit. This participant accepted his losses (a laptop, a smartphone, and a significant amount of cash) and undertook no particular actions in response. Other participants reported turning to various informal conflict management mechanisms, or to informal security and justice providers whom they considered more trustworthy than the police, to seek reparations or justice. Some complained to elders in their communities, or to the 'landlord associations' present in several urban settings. Still others sought help from vigilante groups or gangs operating in their neighbourhood or called on any other influential individual or organisation that they believe could help them. What typically determines which persons or groups (including the police) people turn to are the personal relationships they have developed (also see Baker 2004, Hornberger 2004). This shows how trust is inversely correlated with social distance and that social proximity (a quality that total institutions like police forces critically lack) functions as a proxy for benevolence, a key dimension of trustworthiness (see below). In this manner, distrusting the police implies empowering other providers of policing services or resorting to one or many forms of individual self-help, such as fighting back, retaliatory beatings, taking compensation by force, retaliatory vandalism etc. (see Black 1993).

Interestingly, although most of my participants told me they did not trust the NPF to prevent or investigate crime and ensure offenders are punished, some of them (most but not all upper-middle class) admitted to using bribes or personal relationships with one or many police officers to prevail in various conflicts, such as land disputes, debt collections and romantic rivalries (also see Cooper-Knock and Owen 2015). This shows that despite its overwhelmingly negative reputation, distrust of the NPF is not totalising: while NPF appear to have disqualified itself as a serious policing actor, its brutality and corruption have paradoxically given its members credibility as trustworthy specialists in violence who can be hired to settle private scores.[15]

The second concrete implication of distrust of the police is that many Nigerians want to avoid any interaction with the police. In practice, this means at least two things. First, many eyewitnesses do not report criminal incidents to the police, even where police demonstrate unusual interest and publicly appeal to witnesses for information. When prompted to clarify the reason for this attitude,

participants emphasised Nigerian police officers' lack of ethics and scruples. One of the most interesting explanations, which I was told at several different places and times, noted that police often level false charges against mere witnesses if they are unable to arrest the main culprits, especially when they come under pressure from their organisation or from authorities to deliver. In other words, it is reckless to try to help the police in Nigeria because they are reputed to turn against those who do.

Not wanting to collaborate with the police also means that even those who tip them off during an investigation may refuse to provide the kind of testimony that can be used by the prosecution. Most of my police participants reported such behaviour, which highlights how trust in an institution and trust in the people staffing it is not necessarily the same. An important level of trust is necessary for someone to supply a policeman with intelligence. But when the same persons then refuse to put what they know in writing or testify in court out of fear, it means that they do not trust the institution of police to protect him (see also Bell's (2016) notion of 'situational trust'). For many – perhaps most – people, distrust of the police simply means minimising contact with them.

The third concrete implication of popular distrust of the police is that all the means of escaping punishment that are assumed to exist – bail, bribery and godfatherism – have convinced many that most of those who are actually in prison and thus appear to have been punished are either innocent or petty criminals. In both cases, people believe they ended up there because they had neither the protection of a godfather nor money to bribe their way out. The same belief holds for those who are killed, whether extralegally or by state sanctioned executions. Consider this extract from a focus group discussion:

> Tunde[16]: Those who get background never go to jail. Background is godfather. If you have a good godfather, and you are arrested and sentenced to jail term or to death, they will replace you with someone else and free you. They will go and arrest an innocent in the street and put everything on him. They will kill him instead in replacement.
>
> -Emeka: Even if you don't have godfather. If you have money to bribe them, they will look at someone in their custody that can't pay, and they will put everything on him. (Lagos, 18 October 2017)

This quotation suggests that because of pervasive distrust, there is virtually nothing that the police do that people see as genuine, a key policing challenge which is further discussed below. What need to be emphasised here is that as a particular register of popular imaginaries (none of my participants could provide any evidence despite passionately claiming that 'such things happen regularly') such beliefs highlight the role of rumour 'as a medium that contests the legitimacy of hegemonic 'truths' produced through modern institutions in Africa' (Musila 2008, p. 37). Moreover, the quote demonstrates from a theoretical standpoint the existence of a trust threshold below which policing results or achievements alone are unlikely to act as drivers or sources of trust and legitimacy (also see Hough 2007, Tyler 2011, p. 255). Empirically finding and testing such a threshold would be a significant leap forward for police studies that would help bridge the theoretical opposition between instrumentalist and normative approaches.[17] Rather than only asking what can generate and consolidate public trust of the police, we could focus on which approaches are more or less effective at different existing levels of trust.

Ultimately, the three distrust-driven behaviours just presented encompass the main dimensions of police trustworthiness available in the literature, including Stoutland's (2001, p. 227) 'shared priorities', 'acting competently', 'behaving dependably' and 'treating the public with respect' and Tyler and Huo's ideas of 'honesty', 'competency', 'benevolence' and 'caring intentions towards the communities' (Tyler 1990, 2005, Tyler and Huo 2002). More generally, my participants echoed the four criteria found by Frederique Six (2003) to play a role in trust of authority figures in general: 'ability', 'benevolence', 'dedication' and 'ethics'. My civilian participants expressed their distrust of the ability of the NPF by arguing that they lacked the most basic equipment and skills required to perform their duties correctly. They frequently recounted confrontations in which armed robbers overwhelmed police with superior firepower. They also dismissed any benevolent actions of the

NPF by explaining that they would help ordinary people when they are forced to do so or out of personal interest.[18] In addition, participants used stories about people who were prosecuted and sent to jail despite being known to be innocent to stress the total absence of morality and ethics within the force.

Before discussing how these distrust-fuelled behaviours shape both individual police encounters with the public and policing in general Nigeria, it is important, in line with the spirit of the commonsense epistemology of trust, to add nuance by complementing them with police perspective. Although all my participants from the NPF recognised that few Nigerians trusted them, they rejected their reasoning and responded that if policing in the country was less effective than it should be, it was precisely because most Nigerians did not understand or support their work. They feel that many Nigerians are grossly ignorant of their work[19] and about things as basic as the existence of a variety of legal sanctions other than imprisonment (Interview with an Assistant Commissioner of Police responsible for an important police command in Lagos). This sentiment, shared by all my police participants, is well documented in the policing literature. For example, Sparrow et al. (1990, p. 51) quoted American police officers who claimed that: '[T]he public is generally naïve about police work. Members of the public are basically unsupportive and unreasonably demanding. They all seem to think they know our job better than we do.' (See also Bartels and Silverman 2005).

The police also see Nigerians as not understanding the role evidence plays in the criminal justice system. Most police participants complained about reports of alleged crimes that offered no evidence and sometimes were based on mere rumours. They added that most complaints people brought to the police cannot even be brought to trial because 'it is obvious based on the law that the judge will reject them'.

> (…) You say somebody has committed an offence, where are the evidence *[sic]*? who is the complainant? […] If you say somebody is a ritual killer, you should be able to see his shrine. Where is the shrine? Where are the decapitated bodies of the human beings that he has slaughtered to put on the shrine?' (Interview with a superintendent of police, Lagos, 7 December 2017

This quotation suggests that police in Nigeria have lost patience with baseless crime reports and accusations that collapse at the stage of preliminary investigations. This may encourage them to disregard many of the complaints brought to them, which of course increases the chances that genuine crimes will fall through the cracks. Seen this way, interestingly, both police and public portrayals of the other side's behaviour appear at least partly accurate.

Evidence is also at the heart of what my police participants framed as the public's unwillingness to support their work, especially during investigations and prosecutions. Officers complained that they often found themselves involved in cases where the main complainant withdraws before the process is complete or incidents with suspects but no complainant to file a case. This is especially common when they rescue victims of mob justice. Often, the alleged victims of the crime that triggered the incident, who should be both complainants and witnesses, are nowhere to be found. In addition, any evidence of the original crime has often been destroyed by the mob, leaving the police with little or no alternative but to free the suspects. When the police do manage to put together a case, the prosecution often loses because the public does not play its part in court.

> When the case is reported … the police would take statements, when we find that the issue cannot be resolved, we go to courts. It is in courts that members of the public are expected to come and give evidence, they are expected to follow up their cases. Most time, they don't follow up … If you don't give evidence to courts, you don't follow up, what would happen? The judge would be left with no other option than to let the person go. Because there is no proper evidence. So, it is the nonchalance of the populace to follow up their cases that most time allow criminal to go back to the community. And who bears the blame? The police!' (Interview with an Assistant Commissioner of Police and Area Commander, Lagos, January 05th January 2018)

In short, according to police officers many people believe it is enough to simply report cases without showing up when the prosecution needs their support. Many of my civilian participants' comments

confirmed this perception. In fact, some of them directly criticised the police's expectation that they do more 'follow up', which they considered not only inconvenient but dangerous.

> Police want you to be monitoring the case. But when the criminal justice system process will take place, I will not be able to monitor this kind of criminal [an armed robber] because he can come back and retaliate. So, we're trying to escape ourselves too. But the police told us that if you're not coming to monitor the case, they will have no choice than to release the criminal … Additionally, we don't have time for that. We have already made sure that we handed over the criminal to the police. Normally the police should be fully in charge of the follow up; they should take over the case. But not in Nigeria! […] (Focus group discussion with vigilantes, Ikorodu, 6 February 2018)

Besides the issue of evidence, this extract exemplifies distrust in the NPF's ability to protect those who might want to support them. It also contains a broader critique of the role that civilians are expected to play in dispensing justice in the context of job and income precarity, a point that is beyond the scope of this paper. Moreover, the quote confirms that many – perhaps most – offenders in contemporary Nigeria effectively escape punishment. While most people blame this situation on the police, the previous quotations show that the issue is more complex, as their work is complicated by several factors over which they have little control. What might such a situation imply about the way the police perform their duties? In other words, given people's overall reluctance to collaborate with police and their deep 'ignorance' of formal policing procedures, how do they carry out their investigations and secure the evidence necessary to prosecute cases?

Impossible policing and institutional distrust trap

Earlier, I enumerated my participants' grievances against the police. Typically, they complained of corruption, whether in the form of accepting bribes or setting excessive bail. They also criticised unjustified arrests, which they framed as pretexts to extort money. While those vices certainly exist among the police, I argue that they must also be seen partly as perverse effects of people's distrust in the police. Consider the issue of 'unjustified' or 'abusive' arrests. Bearing in mind that potential witnesses are typically unwilling to testify in support of police investigations, how is the NPF to investigate, say, a murder where the only clue is the victim's corpse? Typically, they arrest as many people as they can at the crime scene and demand statements about what they know or do not know and where and with whom they were when the crime was committed. Naturally, most of the arrested will probably have no idea what happened: hence the feeling of injustice. In addition, if the police are to do their work *properly* and use the statements, they must verify them. This can take days, weeks, or months, depending on parameters like the complexity of the case and the workload of the investigators involved. Since police can only detain suspects for a limited period and know that potential suspects or witnesses are unlikely to return to the station willingly if needed, they are likely to offer them the option of bail, which many will naturally interpret as the primary reason they were arrested in the first place. Here, one can see how distrust locks people's interactions with the police in a self-defeating spiral. Consider how a lawyer, who represented three defendants in a case of mob justice at a federal high court in the southern city of Port Harcourt late in 2017, explained to me why Nigerians tend to systematically flee the scenes of mob justice incidents immediately after the alleged criminals are killed.

> ' … all of us know that, in Nigeria, if a crime happens anywhere police will come and anybody that is around the scene will be arrested. So, they will not arrest you because you are part of that crime. They will arrest you because you're seen around that place. So, it is fear of being arrested and made to pay money for bail that makes them run away. (…) So, they will gather as much as possible. They don't have a clue about what happened, they know that nothing concerns you with the incident, but after taking your statement they will say: 'Remove his clothes! Put him inside the cell!' So, people run away because they don't want to find themselves in this very situation, where you have yourself arrested by police and thrown in cell. And, in fact, if you don't have money to bail yourself immediately, you will have to stay there for a while, and sometimes if you don't even have at all, they can actually frame another charge. [expression of astonishment on the interviewer's face] What? Are you not a Nigerian? You have not had any experience with the police? If you don't have money, they will beat you very well and

> ask you to confess. […] So, people don't run away because they know that they have committed a crime; people run away because fear of Nigeria Police is the beginning of wisdom. And when anything that has to do with crime has been committed, not necessarily murder, if people fight here, and police were called, and they came, do you know they make arrest? (Interview, Port Harcourt, 27 February 2018)

My participant argued that perpetrators typically do not run away because they believe they committed a crime – many perceive mob justice as totally legitimate – but because they anticipate police harassment and extortion. Nevertheless, his comment illustrates the perverse effects of distrust on policing dynamics perfectly, if only because as a lawyer he cannot ignore that the police have the legal authority to arrest anyone if believe it could advance their investigation. Whether or not he is aware that people typically do not support police work willingly, he recognises that they systematically flee crime scenes. Interestingly, he never reflected on how such attitudes might undermine the police and add to their motives for arresting bystanders.

In addition, the lawyer identifies (in passing) another perverse effect of distrust of police when he mentions how they bully those they arrest by, for example, threatening to remove someone's clothes and to throw him inside the cell. In his view, this is to extort money from them, but given that even those who know something may still want to avoid getting involved in an interminable trial or risk having to testify against a dangerous suspect, how else can the police secure their collaboration? While the Nigeria Police can certainly offer protection, as I have shown earlier many do not think they have the capacity to do so effectively. So, what options are they left with? How can police handle cases where tip-offs have led to the arrest of dreaded criminals, but no one is willing to testify for the prosecution? What if police violence – bullying, torture, extrajudicial killing – is, at least to some extent, another unfortunate outcome of people's distrust in the police? Consider this quotation from a Lagos-based lawyer, the director of an important access to justice NGO, responding to many police officers' claims that it is corrupt judges who are releasing criminals:

> … the problem is when the police say they have done very good investigations, what they may be saying, in many cases is that they have gotten confessional statements from those people [laughter] and you know that they have used their own techniques to get those confessional statements from those suspects. So, when a policeman tells you they have done very good investigations, he is probably telling you in their own language, that they have tortured him enough and gotten confessional statements from him. Now the problem is, if you get a good lawyer who can exclude those confessional statements from the trial, you now will figure out that the case that was brought by the prosecutor, is actually very weak without these confessional statements. That they are too weak to secure a conviction in a criminal trial. So, it is a very unfortunate cycle that plays out, the police does not do adequate investigations, they use illicit methods to gather evidences, and then they think they have closed the case, the prosecutor takes over the case, in particular those cases where you have confessional statements takes them to courts, and then many times, they lose those cases and then they blame the judges, and then the police that hasn't [*sic*] done a good job now think that it is a waste of time to take cases to courts and then so, in many cases particularly with suspects who are not connected (i.e. with no godfather), who are not rich, who cannot bribe their way out, they just extrajudicially execute them and think that they have done the public interest mission that they are meant to. (Interview, Lagos 19 January 2018)

I have quoted him at length because he brilliantly captures the race to the bottom I mentioned earlier. Here, however, the race takes place in a closed circuit within the criminal justice system itself, before dramatically affecting how the police perform their duties. Yet although the participant blames the self-defeating cycle on inadequate initial investigations by police, the evidence so far discussed suggests that the recourse to 'illicit methods to gather evidence' often has deeper causes. Following Laurence's (2020) demonstration that deep seated, systemic and institutionalised factors shape police officers decisions to recourse to illegitimate methods of investigation and policing, it is important to stress that it is not always possible for police in Nigeria to rely on licit investigation techniques like testimony by witnesses. In addition, my participant suggested that such situations, which often lead to the release of potentially dreaded criminals, may frustrate the police as much as the public. Interestingly, just as the latter often turn to mob justice to try to fix the problem, the former often turn to extrajudicial killings in trying to fix the same problem. (For

an extensive review of the scope of extrajudicial killings by members of the NPF, see Human Rights Watch 2005). Yet my informant outrightly disqualifies the police's own ad hoc solution as a 'public interest mission', reasoning that those that they kill extralegally are the defenceless criminals who are unable to bribe them. On this point, I disagree with my participant. As Alice Hills (2009, p.312) rightly observed among the NPF, 'some officers extract confessions through torture or kill suspects in their custody who [*sic*] they believe to be guilty precisely because they lack the skills or resources to carry out effective investigation.' Thomas Bierschenk (2017, p. 118) makes a similar argument, claiming that '[T]he use of violence by the police is a strategy adopted in the absence of other truth technologies (for example, fingerprints)'. Moreover, and contrary to popular beliefs, ethnographies have revealed that 'many police officers in Africa want to be fair and just in what they do and are caught in paradoxes generated by the ways in which they do it.' (Beek et al. 2017, p. 8).

Unlike my participant, therefore, I argue that like mob justice extra-legal killings and similar police abuses are often an attempt to circumvent the problem that institutional distrust creates – high rates of crime due to impunity. Yet this attempt is destined to further exacerbate the very distrust of the police that it is trying to circumvent. In other words – building on Drury et al. (2003) who once remarked that police perceptions often lead to policing techniques that paradoxically increased public hostility towards them – policing in contemporary Nigeria is trapped in a vicious circle whose perverse internal logic requires that in order to carry out their mission police must often rely on the very practices and techniques that erode people's support for them. I call this pernicious dynamic an *institutional distrust trap*.

Two intersecting phenomena constantly feed the trap. The first is that people's beliefs about the police, whether or not they are true, translate into concrete actions and/or strategic inactions that perpetuate the vicious cycle of distrust and its consequences. This feedback loop is in line with interactionists claim that a minimum of trust and commitment to saving the face of the other party is a prerequisite for meaningful and sensible interactions (Goffman 1959, Garfinkel 1967). It also confirms Kääriäinen and Sirén's (2012, p. 279) intuition that '[I]t is likely that the trust of citizens in the police and the trust of the police in citizens are mutually reinforcing processes'.

The second phenomenon is the pressure that society exerts on police to control crime. Coupled with police's own quest for legitimacy, such pressure drives them to fall into the trap set by institutional distrust because the NPF, as a state institution, has a constitutional mandate that police officers cannot evade. The societal expectations placed on the police are arguably disproportionate compared to their actual capacity as most people, fairly or not, blame them for the country's high crime rate. This also creates an incentive for police officers to play their own part, or at least show that they are trying. In practice, as I have suggested earlier, this often means circumventing the very same laws and procedures that they are supposed to abide by. As Kääriäinen and Sirén (idem) have rightly noted, '[I]n practical police work, efficiency requirements and ethical principles may contradict each other, and the police officers in the field must find a way to resolve this conflict'. The point here is not whether the police can escape from the trap but to highlight how this context shapes their perception and framing of the right course of action. Additional research would likely reveal more factors explaining why they keep falling into the trap.

Thus, as a concept, institutional distrust trap helps uncover a fundamental dynamic that constantly generates and sustains disorder. It thus sheds light on one of the reasons why disorder may endure indefinitely although each party it negatively affects is struggling hard to restore order (including by resorting to ad hoc solutions like extra-legal killings by police and mob vigilantism). In an institutional distrust trap situation, each party's actions inevitably restart the vicious cycle of distrust and accelerates the race to the bottom. The institutional distrust trap is thus a micro and context-specific theory of sustained societal disorder, a valuable complement to 'grand theories' (Mills 2000/1959) such as anomie theory (see Durkheim 1984/1893, Merton 1938, Dahrendorf 1985, 1988) which has been used by several authors to explain the underlying causes of policing disorder such as mob vigilantism in Nigeria (e.g. Baker 2002, Salihu and Gholami 2018) and elsewhere (Godoy 2004, 2006).

Conclusion

This paper has brought together three topics that are often analysed separately – people's situated definition(s) of police untrustworthiness, their behavioural responses to such definition(s) and the impact of the latter on policing dynamics – to complicate our understanding of the drivers of the disorder that has gripped policing in Nigeria for decades, despite several attempts at reform. Using an interactionist lens and tapping into on the growing literature on public-police trust, I have identified and described a distrust-driven self-defeating spiral that fuels disorder in the policing realm in Nigeria by allowing many to justify supporting and/or actively participating in illegal forms of crime control, such as mob lynching and extra-legal killings by law enforcement agents. This *institutional distrust trap* can be broadly conceived of as a micro – and context-specific theory of sustained societal disorder and, as such, constitutes a useful complement to popular and grand theories such as anomy theory, which often fail to specify the concrete mechanisms through which such disorder sustains itself, including amidst attempts by parties to appear trustworthy, as seen in police reform initiatives in numerous low – and middle-income, and post-authoritarian countries. In addition, the proposition suggested the potential existence of a trust threshold below which policing collapses, as widespread distrust in other countries seems insufficient to impair police organisations' ability to maintain public order and prevent major policing disorders, as witnessed in Nigeria. Confirming and subsequently determining such a threshold using statistical-econometric tools if a promising area for future inquiries.

Notes

1. See https://www.noi-polls.com/post/security-situation-in-nigeria-poll; https://www.noi-polls.com/post/in-nigeria-majority-of-police-encounters-marked-by-bribery-difficulty-getting-assistance-survey-s; consulted on 19 February 2024.
2. http://www.ipsa-police.org/Images/uploaded/Pdf%20file/WISPI%20Report.pdf consulted on 30 May 2023
3. Former President Muhammadu Buhari for example created among other things, a Presidential Panel on Police Reform, a Police Reform and Transformation Office (https://twitter.com/NPFReformOffice), etc.
4. These include the likes of GIZ, https://www.giz.de/en/worldwide/41986.html (consulted on 12 June 2023); UNDP, https://undprolhr2021.org/africa/nigeria.html (consulted on 12 June 2023); DCAF, https://issat.dcaf.ch/Learn/SSR-in-Practice/Case-Studies/Policing-Reform-efforts-in-Nigeria-through-the-Justice-for-All-Programme (consulted on 12 June 2023)
5. See for example Hamm *et al.* (2017, p. 1184) who argue that '[S]cholars need to ensure that their work is on the cutting edge of understanding both the nature of public perceptions of the police and the mechanisms by which those perceptions shape relevant public behaviour'.
6. Julia Hornberger (2004, p. 225) observes a similar 'disjuncture between actual policing practice and a form of normatively prescribed official policing' but attributes it to 'the parallel existence of the different (policing) realms of interests and (policing) practices' (idem).
7. According to Goldsmith (2005, p. 451) '[T]here are many reasons not to trust the police. (…) withholding trust from police will often be perfectly sensible and rational, especially where trustors' security needs and interests are better served by other arrangements. These reasons include the structural relationships between police and other groups, the traditional role and functions practised by the police and how they have been experienced by citizens, the 'tools of trade' of police work (including technologies used and attitudes and dispositions held by police towards their work) and particular characteristics of police interactions with citizens'.
8. This research was supported by funding from the graduate school of the Faculty of Social Sciences of the University of Hamburg and by the European Union, through the Erasmus Mundus Joint Ph.D. Scheme.
9. The substantial overrepresentation of men in operational units of the police, vigilante groups, and among mobsters posed challenges for this research to achieve gender parity.
10. Police officers did so only after viewing the official letter issued by the Lagos State Commissioner of Police inviting all divisional police officers under him to support the study
11. On 'central' versus 'peripheral' participant, see Delamont and Atkinson (2018, p. 28)
12. For cogent discussions of this conceptualisation, see Hamm *et al.* (2017) and Schoorman *et al.* (2007).
13. Scholars typically believe that people support or resort to vigilantism because specialised state institutions, chiefly the police, are either ineffective or illegitimate, both dimensions being generally described as conceptually and empirically intertwined (Nivette 2016, p. 146, aslo see Tankebe 2013, p. 112, Beetham 1991, Bottoms and Tankebe 2012).

14. For a cogent discussion of the reasons why people report crime to the police, including considerations of costs and benefits, normative assumptions, and social capital (in the sense of 'generalised trust'), see Kääriäinen and Sirén (2011, p. 66).
15. For a cogent discussion of why people engage with the criminal justice system, especially magistrates and courts of first instance in Africa, see Macdonald *et al.* (2022, pp. 513–515).
16. Names changed for confidentiality.
17. Normative approaches, based on a procedural justice perspective, posit that the perceived fairness of police influences citizens' trust in the police (Reisig *et al.* 2007, Tyler 2011, Stott *et al.* 2012, Murphy *et al.* 2014, Gau and Brunson 2015)etc. Instrumental approaches posit that public trust in the police is associated with how effectively the police do their job, especially in reducing crime, and fear of crime (see Sunshine and Tyler 2003, Murphy and Cherney 2011, Sun 2022).
18. While ensuring they had a personal interest – especially by 'donating' money to 'defray the cost of investigations' – would get the police to act, it did not guarantee final satisfaction. In fact, many participants claimed that officers would often take advantage of the victims' desperation to retrieve their stolen valuables (cars, phones, laptops, etc.) and extort huge amount of money from them.
19. This sentiment is evident in posters displayed outside most Nigerian police stations that typically clarify police duties and dispel misconceptions: for example, 'Nigeria Police is not a Debt Collector'.

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