

Chapter 7

Crime Witnesses' Non-Cooperation in Police Investigations: Causes and Consequences in Nigeria

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ABSTRACT

The importance of crime witnesses in policing and crime control cannot be overemphasized. In Nigeria, a constant impediment in the effective operation of the criminal justice system machineries is the non-cooperation of crime witnesses with personnel of the Nigeria Police Force. Against this background, this paper examines the causes and consequences of crime witnesses' non-cooperation in police investigations in Nigeria. Rational choice theory was employed for its theoretical anchorage. A wide range of socio-cultural factors were identified as sustaining the traditional communication gap between the Police and crime witnesses that possess vital information which can aid their crime investigation. The Nigeria Police Force is urged to develop a holistic road-map through which the level of public confidence in its operation can be boosted.

INTRODUCTION

Crime witnesses are among the globally recognised important actors contributing to the operation of the criminal justice system. In every criminal case, witnesses have an important role to play as necessary facts cannot be determined without them (Bhushan & Pranati, 2007). Indeed, the process of investigating and prosecuting offenses, grave or not, depends largely on the information and testimony of witnesses (Kramer, 2010). Similarly, it is only witnesses who can prove the case if the testimony of the victim is insufficient; and in cases where the victim is dead, the role of the witnesses becomes all the more important (Bhushan & Pranati, 2007). Hence, witnesses are the cornerstones of a successful national criminal justice system (Kramer, 2010).

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Many studies have revealed that police investigators agree that eyewitnesses usually provide central leads in their investigations (Berresheim & Weber, 2003; George & Clifford, 1992; Kebbell & Milne, 1998). Witnesses often have extensive first-hand information about a target event which frequently plays a vital role in uncovering the truth about a crime (Fisher, Ross, & Cahill, 2010; Reno, Fisher, Robinson, Brennan, & Traver, 1999). The evidence they provide can be critical in identifying, charging, and ultimately convicting suspected criminals (Fisher et al., 2010).

Aver (2011) maintains that the Police cannot succeed in the role of crime control, prevention and enforcement of law without having a good relationship with the community in which they dwell. However, Kebbell and Milne (1998) observe that witnesses rarely supply sufficient information to the Police. In a similar vein, Krammer (2010) contends that witnesses neither want to cooperate with law enforcement or judicial authorities because of perceived or actual intimidation or threat against their person or family member. In most of cases, witnesses do not face life-threatening situation, but they often suffer verbal threats, intimidation, harassment, assault, property damage or simply fear of reprisal as a result of their cooperation with the authorities (United Nations Office on Drugs and Crime, 2008).

Bakowski (2013) submits that in spite of the fact that an effective investigation and prosecution of a crime is not possible without witness testimony, making full use of such evidence is a real challenge to the criminal justice systems because many witnesses are intimidated by those against whom they are called to testify. Although most witnesses do not face life-threatening situations, however, the lives of some may actually be in danger (Bakowski, 2013).

The risk of harm to crime witnesses in the majority of instances, according to Kramer (2010), lasts only to the conclusion of the trial or hearing, because the goal of threat or intimidation in most cases is to prevent the witness from testifying. Fisher, Ross and Cahill (2010) note that despite the fact that police interviews are a central element in eliciting complete, detailed, accurate witness reports, the police are not very proficient at interviewing cooperative witnesses. The recall of witnesses and their ability to relate relevant information may be affected by many factors, including age (such as for child and elderly witnesses), intellectual or physical impairment, language, their relationship with the offender or involvement in the case or offence or due to trauma they have suffered as a victim (Kramer, 2010). In the opinion of Reno et al. (1999), one way of ensuring that police investigators obtain accurate and reliable evidence from eyewitnesses is to follow sound protocols in their investigations. Similarly, Kramer (2010) contends that where witnesses are at a risk, the importance of getting cases to trial or to conclusion quickly cannot be overstressed. Moreover, it is important that the Police and prosecutors identify at the first stages of contact, vulnerable witnesses, who need special consideration during their contact with the criminal justice process. In addition, the United Nations Office on Drugs and Crime (2008) stresses the importance of the ability of a witness to give testimony in a judicial setting or to cooperate with law enforcement investigators without fear of intimidation or reprisal.

According to the United Nations Office on Drugs and Crime (2008), many countries are increasingly enacting legislation or adopting policies to protect witnesses whose cooperation with law enforcement authorities or testimony in a court of law would endanger their lives or those of their families. On his part, Chene (2012) suggests that police can protect witnesses against intimidation by minimizing the information given over the radio about the witnesses; performing house-to-house calls on neighbours; interviewing witnesses in safe places where they will not be recognized; enquiring from witnesses whether they feel intimidated or whether they have been threatened; engaging in surveillance of the witness at crucial times; escorting the witness to work, court, etc; lending a personal alarm device; assisting with

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