

PUBLIC ACCOUNTABILITY AND PERSONAL DIGNITY: A LEGAL ANALYSIS OF CITIZEN RECORDING OF POLICE OFFICERS IN NIGERIA

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ABSTRACT

The proliferation of mobile phones and social media has intensified the practice of citizens recording police officers during official duties. This paper analyses the constitutional and statutory framework governing such recording in Nigeria, using the legal opinion of Aliyu Salihu Kudumi and the Federal High Court decision in Maxwell N. Uwaifo v. Inspector-General of Police & 3 Ors. as the focal point. It examines the balance between public accountability under Section 39 of the 1999 Constitution and the rights to dignity and privacy under Sections 34 and 37. The paper integrates Nigerian jurisprudence, the Cybercrimes Act 2015, and comparative practice from the UK, US, and South Africa. It argues that while recording in public is lawful, it is subject to limits that protect operational integrity, personal dignity, and public safety. Recommendations address legal clarification, police training, and public education to manage this balance. [2026]

Keywords: Police Recording, Public Accountability, Right to Privacy, Dignity, Cybercrimes Act, Constitutional Law, Nigeria.

1.0 INTRODUCTION

1.1 Background

Mobile technology has transformed citizen-police interactions. Recording of police during patrols, stop-and-search, arrests, and checkpoints is now common. This has generated legal debate on the scope of public accountability and the rights of police officers as public officers and citizens.

1.2 Problem Statement

The absence of clear statutory guidance creates tension between demands for transparency and the need to protect police dignity, privacy, and operational security. Misunderstanding leads to unlawful arrests, seizure of devices, and malicious publication online.

1.3 Aim and Objectives

Aim: To provide a legal and policy analysis of citizen recording of police officers in Nigeria and propose a balanced framework.

Objectives:

1. Analyse the constitutional provisions on dignity, privacy, and freedom of expression.

2. Examine the Uwaifo judgment and its implications.
3. Assess the application of the Cybercrimes Act 2015 to malicious recording and publication.
4. Compare Nigerian practice with other jurisdictions.
5. Propose reforms for law, policy, and training.

1.4 Methodology

Doctrinal legal analysis of constitutional provisions, statutes, and case law, supplemented by comparative legal analysis and policy review.

2.0 CONSTITUTIONAL FRAMEWORK

2.1 Right to Dignity of the Person

Section 34(1)(a) of the 1999 Constitution guarantees every individual respect for the dignity of their person. This extends to police officers while on duty. Akinade 2020 argues that dignity is not forfeited by public office.

2.2 Right to Privacy

Section 37 protects the privacy of citizens, homes, correspondence, telephone conversations, and communications. The scope in public spaces is limited, but covert recording of private conversations remains protected.

2.3 Freedom of Expression and Information

Section 39 guarantees freedom of expression, including the right to receive and impart information. Recording and publication of police conduct in public falls within this right, subject to Section 45 limitations.

3.4 Limitation Clause

Section 45 permits restrictions reasonably justifiable in a democratic society for defence, public safety, public order, public morality, and protection of rights and freedoms of others.

3.0 JUDICIAL POSITION: MAXWELL N. UWAIFO V. IGP & 3 ORS.[2026]

The Federal High Court affirmed that citizens may record police officers performing official duties in public spaces. The Court held that harassment, intimidation, arrest, or seizure of phones solely for recording is unlawful.

However, the judgment did not create an unrestricted licence. It excluded recording intended to harass, obstruct duties, compromise operations, expose confidential methods, or subject officers to cyberbullying and malicious publication.

This decision aligns with the proportionality principle: the right to record is recognized but subject to legitimate limitations.

4.0 STATUTORY LIMITS: THE CYBERCRIMES ACT 2015

Section 24 criminalizes cyberstalking, online harassment, intimidation, and transmission of electronic communications intended to cause annoyance, insult, hatred, emotional distress, danger, or needless anxiety.

Where a citizen records and circulates videos with malicious intent to ridicule, blackmail, provoke hostility, or incite violence against police officers, criminal and civil liability may arise. Akinade 2019a provides forensic and legal guidance on handling such digital evidence.

5.0 BALANCING ACCOUNTABILITY AND DIGNITY

5.1 Public Accountability Interest

Citizens have a legitimate interest in documenting police misconduct, unlawful detention, extortion, and brutality. This supports evidence preservation and public oversight, consistent with Section 39 and democratic policing principles.

5.2 Police Dignity and Safety Interest

Police officers retain constitutional rights. Reckless recording and publication can compromise investigations, expose informants, reveal tactical procedures, and endanger officers. Akinade 2008b emphasizes communication and diplomacy in managing such tensions.

5.3 Judicial Guidance on Limitation

Dokubo-Asari v. FRN recognizes that national security and public safety may justify lawful restrictions on freedoms. Ndukwem Chiziri Nice v. AGF and Medical and Dental Practitioners Disciplinary Tribunal v. Okonkwo uphold protection against undue public humiliation and privacy invasion.

6.0 COMPARATIVE PERSPECTIVE

6.1 United States

In Glik v. Cunniffe, the First Circuit held that the First Amendment protects recording police in public. Interference with police duties or endangerment is not protected [2011].

6.2 United Kingdom

Section 58 of the Police Reform and Social Responsibility Act 2011 and Article 10 ECHR protect recording, but Section 76 of the Counter-Terrorism Act 2008 restricts recording that could prejudice police operations.

6.3 South Africa

Section 16 of the Constitution protects freedom of expression, including recording in public. Courts have upheld this right while recognizing limits for privacy and operational security.

Nigeria's position under Uwaifo is broadly consistent with these jurisdictions.

7.0 OPERATIONAL CONSIDERATIONS

7.1 Intelligence and Operational Security

Akinade 2008a and 2008b stress that reckless recording can compromise anti-crime and counter-terrorism operations. Police must distinguish between public-facing duties and sensitive operations.

7.2 Evidence Preservation

Lawful recordings by citizens can serve as evidence in complaints against police misconduct. Proper chain of custody is essential for admissibility under Section 84 Evidence Act 2011. Akinade 2019a provides forensic protocols.

7.3 Police Conduct

Professional conduct reduces the likelihood of contentious recordings. Akinade 2020 advocates for intelligence-led policing and professional standards to build public trust.

8.0 CHALLENGES

1. **Ambiguity in Application:** Lack of clear guidelines on what constitutes “obstruction” or “operational compromise”.
2. **Cyberbullying and Malicious Publication:** Difficulty in distinguishing accountability from harassment online.
3. **Police Misunderstanding:** Some officers view all recording as hostile, leading to unlawful seizures.
4. **Evidentiary Issues:** Authentication and chain of custody for citizen-generated videos.

9.0 RECOMMENDATIONS

9.1 Legislative Clarification

1. Amend the Cybercrimes Act 2015 to provide clear defences for good-faith recording of public officials in public spaces.
2. Enact guidelines distinguishing lawful public accountability from unlawful harassment and operational compromise.

9.2 Policy and Administrative Measures

1. The Nigeria Police Force should issue a public directive prohibiting the seizure of phones and arrest of citizens solely for recording police in public.
2. Establish a Police Public Accountability Unit to receive and process citizen-recorded complaints.

9.3 Training and Professional Standards

1. Integrate the legal framework on recording into police training curricula, using Akinade 2020 as a reference.

2. Train officers on de-escalation and communication skills to manage encounters involving recording, per Akinade 2008b.

9.4 Public Education

1. Conduct public awareness campaigns on the lawful scope of recording and the limits imposed by Section 24 Cybercrimes Act.
2. Educate citizens on evidence preservation and chain of custody for recordings intended for legal use.

9.5 Judicial and Oversight Mechanisms

1. Encourage courts to apply proportionality analysis in cases involving recording and publication.
2. Strengthen the Police Service Commission and Public Complaints Commission to handle complaints arising from recording incidents.

10.0 CONCLUSION

Nigerian law recognizes the right of citizens to record police officers performing official duties in public spaces as an aspect of public accountability. This right is not absolute. It is subject to constitutional limits protecting dignity, privacy, public safety, and operational integrity. Section 24 of the Cybercrimes Act 2015 provides a legal basis for prosecuting malicious recording and publication. The Uwaifo decision marks a progressive step toward transparency, but requires complementary policy, training, and legislative clarification to prevent abuse and protect all parties. A balanced approach preserves both democratic accountability and the dignity and safety of police officers.

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