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# Perceptions of the Canadian criminal justice system among Nigerians: Evidence from a local Church in Winnipeg, Manitoba

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#### **Abstract**

Diasporic communities are everywhere conceivable in today's globalizing world. Winnipeg, Manitoba, albeit rather slowly, has not been left out of the increasing diversity of the Canadian population sequel to the surge in flows of "Third World" bodies hitherto considered *persona non grata* in Canada. Dispensing with the concept "Black," this paper investigates the assessment of the police and courts by a sample of Nigerians at a local church in Winnipeg. Participants in this study generally have a favorable view of the police and courts in Winnipeg. Consequently, one fundamental finding of the study is that totalizing, generalizing or homogenizing the experience of Blacks and/or Blackness is theoretically misleading. The paper argues that several studies that purport to investigate "Blacks" do not in anyway offer insights into the experiences and voices of newer immigrants or continental Africans.

Key terms: Perceptions, (In)Justice, Nigerians, Canada

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#### Introduction

Research into *perceptions* of justice in Canada as well as treatment of minorities by agencies of the criminal justice system is not as extensive as the United States (Wortley 1996, p. 442-3). This is bewildering in at least two major ways. First, the Canadian society is increasingly becoming more diverse sequel to the flows in migrants from non-traditional sources of immigration such as Asia and Africa. Second, at a theoretical level, perception of social reality is *sine qua non* to understanding human action. It is didactic that perception is the second stage of George Herbert Mead's four stages of the 'Act' after 'impulse' (Charon 1992, p. 126). The two other stages are 'Manipulation' and 'Consummation'. Human action, Mead argues, begins with impulse. Impulse is moderated by perception and may culminate in manipulation or realignment of external situation to carry out or guide the act. Consummation is the completion of the act. Although perceptions are imperfect as a depiction of reality, the formation and sustenance of perceptions are not done in a social vacuum (Chow 1996, p. 477-8). Perceptions are created and nurtured by one's, or other people's experiences, and a socio-psychological reading of events around a person's lifeworld. For Wortley, Hagan and Macmillan (1997, p. 670) 'group-based perceptions and expressions of injustice should be of special concern because they warn of potential breakdowns in relationships between legitimacy and compliance that undergird fundamental assumptions about the observance of law'. Criminality may result from perceived injustice (Hagan, Shedd and Payne 2005, p. 382).

This study investigates the perceptions of the Canadian criminal justice system by a sample of immigrant Nigerians in Winnipeg, Manitoba. Three main questions inform this study: What are the perceptions of the Canadian criminal justice system on the part of participants? Do experiences of participants with the Nigerian criminal justice system influence their perceptions about the Canadian criminal justice system? Data for this study was collected between March and April 2007 at a local church in Winnipeg mainly populated by Nigerians. This paper presents a part of the larger study which *inter alia* investigates identity formation and belonging among participants who are self-declared Canadian permanent residents or citizens. Although the data for the larger study include interview transcripts, only data from questionnaires are analyzed in this paper. The questionnaires contain a mixture of closed and open-ended questions. The open-ended responses by participants provide increased analytical cache for this study.

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A few fundamental caveats are imperative. First, this study is not necessarily representative of the opinions of all Nigerians in Winnipeg Manitoba. Rather, it is explorative and descriptive in scope. The aim is to contribute to the debate on the assessment of justice agencies by specific Diasporic communities (see James 1998; Henry, Hastings and Freer 1996; Chow 1996). Second, drawing participants from a local church in Winnipeg is not without its inherent problems. This choice was informed by pragmatic reasons. With no specific geographical location or reliable database for reaching Nigerians in Winnipeg, one of us used their membership of a church to facilitate the research while ensuring that all ethical and bureaucratic guidelines were followed. However, the role of the Black church in ensuring integration of members to society is well documented (see Vora and Vora 2002). A corollary to the second caveat is that the opinions analyzed here are those of Nigerian Christians or at the minimum, Pentecostal church-goers of Nigerian origins in Winnipeg. Consequently, the findings of this study must be taken with these disclosures in mind. Third, this study is descriptive and thus calls for further research.

This paper is divided into four parts. The first part elucidates and problematizes the significance of perceptions vis-à-vis minorities' standpoint on and understanding of fairness of law enforcement and courts. The second part provides a brief overview of the study population and the justice system to which the latter are accustomed. The third part presents the methodology of this study. The fourth part contains data analysis and findings of this study.

# Minorities' perceptions of the criminal justice system

Canada is undoubtedly a preferred destination for many migrants around the world, including Nigerians. In 'They like us! They really like Us!' *Maclean's*, a major news magazine in Canada, reports the results of a 2006 survey of 20 nations by Angus Reid Corporation to explain 'why the world loves Canada'. As the report demonstrates, when respondents were asked 'would you say Canada is better or worse in terms of quality of life' compared to other developed countries? A total of 91% of respondents stated that Canada is 'better'. Also, 57% of respondents agreed that Canada is a global leader in working for human rights and peace in the world. Canada is one of the few countries in the world with an active program for permanent migration and one out of every six Canadian residents was

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born outside the country (Citizenship and Immigration Canada 2005, p. 8).3 In 2004, 235, 824 persons migrated into Canada, while for 2003, 2002, 2001 and 2000, the figures are 221,355, 229,040, 250,633 and 227, 465<sup>4</sup> respectively. Of the 610, 450 persons in the city of Winnipeg, 105,750 are foreign-born.<sup>5</sup> This represents 17.32% of residents of Winnipeg. A further look at the data reveals that 81, 915 persons in Winnipeg are 'visible minorities'. Statistics Canada uses this term to refer to people such as Chinese, South Asian, Black, Filipino/a, Latin American, Southeast Asian, Arab, West Asian, Korean, etc, who are nonwhite phenotypically. Visible minorities represent 13.42% of Winnipeg population. Within the visible minority population, those designated Black are 11, 275 or 13.76%. When compared with the entire population of Winnipeg, Blacks constitute 1.84%. Nigerians are the fifth largest Black group in Winnipeg (Mensah 2005, p. 76).

In spite of its diversity, Canada's history is replete with the ill-treatment of minorities, such as First Nations Peoples and immigrants from different parts of the world. The near-annihilation of the First Nations or Aboriginal Peoples is well documented as well as discrimination against Jews, Ukrainians, Irish, (Weinfeld & Wilkinson, 1999, p. 56) Italians, Poles, Germans and so on (Boyko 1998, Henry & Tator 2002, p. 10). Immigrants fare badly particularly in the socio-economic sphere (Li 1988, p. 99), where devaluation of foreign credentials takes place<sup>6</sup> (Basran & Zong, 1998, p. 16). Therefore, they often earn less than the dominant groups in Canada (Li 1998, p. 115, Buzdugan 2006).

Against this backdrop, how do Nigerians, part of the group "Blacks", assess the criminal justice system? How does mere perception influence people's understanding of and opinion about agencies of the criminal justice system and their attendant behaviour? Criminologists have only recently begun to grapple with the importance of perceptions of criminal justice. As Brillon (1985, p. 121-122) understands it, a

negative image of the penal agencies, and a lack of confidence in the police, judiciary and the correctional institutions can prompt certain social groups to set up, if not their own system of justice, at least their own method of

<sup>&</sup>lt;sup>3</sup> See: Government of Canada (2005) You asked about immigration and citizenship.

<sup>&</sup>lt;sup>4</sup> Ibid pg. 11.

<sup>&</sup>lt;sup>5</sup> Statistics Canada (2002) 2001 Community profiles. Available at http://www.12.statcan.ca/english/profil101/CPo1/Index.cfm?Lang=E Accessed Dec.7, 2006).

<sup>&</sup>lt;sup>6</sup> Unlike the Nigerian labour market, where foreign credentials are arguably cherished, foreign credentials even from some Western countries are not necessarily favourably considered by employers in Canada.

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control. This is far from being a guarantee of better justice and a greater respect for people's rights and liberties.

Reiterating Hagan and Albonetti's (1982, p. 332) assertion about the importance of investigating perceptions of the justice system, Henderson, Cullen, Cao, Browning and Kopache (1997, p. 448) argue that 'perceived and actual discrimination in the administration of justice are distinct phenomena that deserve study in their own right' (Italics added). Consequently, exploration of public perceptions of the criminal justice system should be encouraged (Kaukinen & Colavecchia 1999, p. 366).

Perception influences the way minorities are treated in the criminal justice system (Jiwani 2002, p. 70, 76; Doran 2002, p. 159, Barnes 2002, p. 193) and how minorities regard and understand agents of the criminal justice system, particularly the police. Studies in the US have produced a near-universal unanimous verdict: Blacks, particularly Black males have a very negative perception of and experiences with all criminal justice agencies far more than all other minority groups (Hagan & Albonetti, 1982, p. 330-333, Parker, Onyekwuluje & Murty, 1995, p. 399, Henderson, Cullen, Cao, Browning & Kopache 1997, p. 448). More recent studies (Hagan, Shedd & Payne 2005, p. 381, Shedd & Hagan 2006, p. 313, Brunson 2007, p. 71, Stewart 2007, p. 123, Golub, Johnson & Dunlop 2007, p. 131) also support this assertion. This has consequences for integration of immigrants.

In Canada, Ontario remains the site of most of the studies that have been conducted on this crucial issue. The public believes that Black communities commit more crimes and hence are over-policed despite no direct empirical evidence as proof that they actually commit more crimes than other groups (Henry, Hastings and Freer 1996, p. 469). Henry et al. (1996, p. 470) also argue that crime is not only racialized in Canada, but specifically Jamaican immigrants are often targeted. In their study, Henry et al. (1996, p. 472) find that 37% of participants think there is a link between race and crime and 61% believe that the groups most responsible are Jamaicans, other West Indians or Blacks in general. The culture, customs, or background of Blacks are said to be responsible for their criminality by the participants.

Conversely, Wortley (1996, p. 439-467) investigates racial differences in the perception of criminal injustice. He finds that 76% of Blacks believe that the police treat Black people differently than Whites, while 60% believe judges do the same. Black respondents, Wortley

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finds, are much more likely to perceive police and criminal court discrimination than Chinese or White respondents. Wortley (1996, p. 447-8) also emphasizes that there seems to be a 'racial hierarchy of criminal justice treatment — with blacks on the bottom, whites on the top, and Asians somewhere in the middle'. Interestingly, a third of the Chinese and White respondents believe that Black people are treated worse than Chinese people (Wortley 1996, p. 462). Wortley (1996, p. 452) finds that demographic factors could not explain racial difference in the perception of criminal injustice and that police contact increases perception of injustice.

In another study, participants believe that the police often make a connection between criminal activities and national origin and/or immigrant status (James 1998, p. 168). Congruent with Henry et al (1996), James (1998, p. 168) finds that Jamaicans and Somalis are two groups specifically targeted by law enforcement. James (1998, p. 172) argues that there is a process of othering of minorities, especially Blacks which in turn contributes to law enforcement's criminalization of the youth from such groups. This notion of 'up to no good', for James (1998, p. 172), captures Black youth's perception of how the police see them and 'becomes a self-perpetuating, cyclical phenomenon'.

Frater (1991, p. 68 cited in James 1998, p. 164) quotes one of the participants of his study as saying that 'there is no positive image of Black people' and so the police 'assume all Black people are the same'. The Commission on Systemic Racism in the Ontario Criminal Justice System [CSROCJS] (1998, p. 178) also argues that there is 'widespread perceptions among Black, Chinese and White Torontonians that judges do not treat people equally...that judges discriminate on the basis of race'. Wortley, Hagan and Macmillan demonstrate that Black respondents perceive more injustice than do Chinese or White respondents and Black respondents are more likely than Chinese respondents to perceive discrimination against Chinese people. Wortley et al. (1997, p. 652) assert that perceptions of criminal injustice emanate from race, involuntary police contact, social status and the media.

Manzo and Bailey's (2005, p. 290) study of eight juvenile offenders of mixed (Black and White) racial origins shows that the respondents believe many people in society simply assume that they are criminals. Blacks are a main subject of the attention of law enforcement officials in public spaces (Tanovich 2006). Studies among other racialized communities demonstrate similar findings. Chow (1996, p. 477-484) examines Chinese community leaders' perceptions of the criminal justice system in Toronto. Chow (1996, p. 479) finds that

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47.9%) disagreed or strongly disagreed with the statement that: 'The laws of this country are generally consistent with principles of equality'. Almost three out of every four respondents (73.3%) agreed or strongly agreed that 'systemic racism is prevalent in the criminal justice system'. Overall, 84.3% of respondents believe that the current criminal justice system is in need of reform. The next section introduces the reader to the background of participants in this study. This is done with a view to providing a context for the perceptions they hold about the Canadian criminal justice system.

# Study Population and the criminal justice system in Nigeria

Nigerians constitute the largest number of Black people on earth. With a population of over 140 million people, it is a fact that Nigerians are as diverse as they are many. There are at least 252 'identifiable' ethnic groups (Elechi 2006, p. 3) in Nigeria with superfluous languages and dialectical differences even within the same culture area unmatched anywhere in Africa (Mensah 2005, p. 73). However, almost on a daily basis, hundreds and thousands of Nigerians check out of Nigeria to seek greener pastures because of the social, economic and religious problems occasioned by the blatant failure of the state — a phenomenon described as 'Brain Drain'. Thus, a large number of Nigerians reside outside Nigeria. The preferred destinations include countries like USA, UK, Canada, Sweden, Germany, Holland, Australia, South Africa and even economically struggling states like Kenya, Zimbabwe, Libya and Ghana.

Nigerians have learnt not to have a high expectation from the state and its agents, particularly the police. A protégée of British colonial rule (Dambazau, 1994), the Nigeria police was not conceived as a service to the people of Nigeria. Rather, it was meant to protect the colonialists and their families and of course, their trades including slavery (Gololo 1993; cited in Dambazau, 1994: 145).

Organizations like the Human Rights Watch (2005) have always been unequivocal in their negative assessment of the Nigerian police. The UN's special rapporteur on torture, Manfred Nowak, crisscrossed Nigerian prisons for one week and concluded that suspects are detained without trial for as long as 10 years and are "frequently tortured to extract confessions...flogging with whips, beating with batons and machetes, shooting them with power cartridges" are said to be some of the common methods (BBC 2007). The recent death of Mohammed Yusuf, leader of Boko Haram, a religious group opposed to western

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education, in the hands of the police after he was arrested is only one tragic episode in the series of police brutality in Nigeria.

With that sort of criminal justice background, how do Nigerians in Winnipeg regard agencies of criminal justice? It is of sociological importance to know whether their perceptions of criminal justice in Canada are based on experience in Canada or if such perceptions are part of what they brought with them to Canada from Nigeria as a demonstration of their lived experience.

#### **Methods**

The study population is a local church in Winnipeg, Manitoba. The church was registered in Winnipeg in 2000 by a Nigerian who came as a permanent resident to Canada and continues to lead the church to date. The church has its headquarters in Nigeria, where it is a household name. Church services in Winnipeg began in 2001 and as of March 11, 2007, the church had an estimated 104 members. Among this number, 24 are infants and children (below 18 years). This study was conducted among adults (18 years and above) who are 80 in number in the study population. The church is dominated by Nigerians even though it has members who are Sierra Leoneans, Canadians, Togolese, and Ghanaians. Invitation for participation was sent out. Questionnaires were given to Nigerians who indicated interest in participating in the study. The survey was conducted with a revised version of questionnaires used by Jefferson and Walker (1993) and Chow (1996). The survey includes open-ended questions to allow subjects to provide explanations for some of their responses. These responses are used in the interpretation of quantitative results. Sixty seven questionnaires were returned, representing a response rate of 83.75%. For purposes of analysis, "Agree" and "Strongly Agree" are merged and re-coded as one variable, while "Disagree" and "Strongly Disagree" are also recoded into one variable in order to ensure that there are no counts of less than five in each column.

#### **Results**

A total of 67 questionnaires were filled and returned by respondents. The frequency distribution shows that 35 (52.2%) are males, while 32 (47.8%) are females.

Of the 67 respondents, there are 17 Canadian citizens (25.4%), 23 permanent residents (34.3%), while 26 (38. 8%) are on student visa or study permit. Over 80% of respondents

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(N=54) have been in Canada no longer than five years. Only one participant has been in Canada for 16 years or higher, while five participants (7.5%) have spent between six and 15 years in Canada. This clearly shows that most of the participants are fairly recent immigrants in Canada. A total of 37 respondents in the study have never been married (55.2%) while 30 (44.8%) are married. An examination of the level of education variable shows that only 16 (23.9%) of the respondents have high school diploma, while those with bachelors' degree or Higher National Diploma (HND), comprise 49.3% (N=33) of the sample. Those who have a Master's or Ph.D, constitute 20.9% (N=14) of the sample.

In terms of age distribution, age cohorts 18-25 years and 26-33 years constitute the bulk of participants with 37.3% and 38.8% respectively. Only four respondents (6.0%) are between 34-68 years. This shows that the population of study is a relatively young population compared with its host society. This is hardly surprising; since the general population in Nigeria is noted to be quite young. Over 60% of Nigerians are youths, 44% of which are 15-year-olds or under (United Nations Development Program 2005).

Table 1: Perceptions about the Police<sup>7</sup>

	Variable	Agree/	Disagree/	Neutral	Don't
		Strongly	Strongly		Know
		Agree	Disagree	N & %	N & %
		N & %	N & %		
1	Overall the majority of police in	23 (34.3)	9 (13.4)	8 (11.9)	27 (40.3)
	Winnipeg are fair to everyone				
2	Overall the majority of police in	18 (26.9)	9 (13.4)	11 (16.4)	29 (43.3)
	Winnipeg are <u>not</u> racist				
3	Overall the majority of police in	17 (25.4)	8 (11.4)	15 (22.4)	25 (37.3)
	Winnipeg are honest				
4	The police help the Nigerian	8 (11.9)	6 (9.0)	12 (17.9)	40 (59.7)
	community				
5	There are a lot of dishonest police	5 (7.5)	18 (26.9)	15 (22.4)	28 (41.8)
	officers in Winnipeg				
6	It is best to avoid the police wherever	26 (38.8)	29 (43.3)	5 (7.5)	5 (7.5)
	possible				
7	I will offer useful information to the	53 (79.1)	3 (4.5)	10 (14.9)	1 (1.5)
	police wherever possible				
8	Police treat all ethnic groups fairly	9 (13.4)	21 (31.3)	12 (17.9)	24 (35.8)
9	Police treat all religious groups fairly	13 (19.4)	9 (13.4)	16 (23.9)	28 (41.8)

<sup>&</sup>lt;sup>7</sup> In all of the tables, where row percentages do not add up to 100, the shortfall is as a result of no response treated as system missing during data coding.

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10	Police treat all people fairly	20 (29.9)	14 (20.9)	10 (14.9)	22 (32.8)
	regardless of how much money they				
	have				
11	Police do not use threats or	17 (25.4)	15 (22.4)	15 (22.4)	19 (28.4)
	unreasonable				
	Pressure when questioning people				
12	When the police take written	24 (35.8)	6 (9.0)	14 (20.9)	21 (31.3)
	evidence from people what they				
	write down is fair and accurate				
13	I will swiftly call the police to	8 (11.9)	38 (56.7)	16 (23.9)	3 (4.5)
	intervene in any				
	Dispute				

Table 1 shows the frequency distribution of respondents' perceptions about the police. Despite the fact that 23 respondents (34.3) believe that the majority of the police in Winnipeg are fair to everyone and 35.8% believe that when the police take down written evidence what they write down is fair and accurate, only 8 respondents (11.9%) would swiftly call the police to intervene in any dispute. Considering that 53 respondents (79.1%) agree to offer useful information to the police, this is an intriguing finding. It is an indication that Nigerians would rather resolve disputes without the state or any of its agents even if they do trust the police (see Elechi, 2006). Also, 38.8% of respondents (N=26) believe that it is better to avoid the police wherever possible. For a sample with 17 Canadian citizens and 23 Canadian permanent residents this is rather interesting.

From the data generated through the open-ended survey questions, the meaning of "Neutral" and "Don't Know" responses become clearer. Ignatius<sup>8</sup> (male, single, 28 years, degree holder) chooses "Neutral" on the statement: "I do not perceive any discrimination against minorities in the courts in Winnipeg." When asked if his answer was based on his experience or on what others had told him, he answers: "These are things I think; despite a general clamour against racial and ethnic discrimination, there still exist individuals who find it hard to tolerate individuals from different culture, and these people have a chance of finding themselves as lawyers or judge in court of law." The same respondent rates Winnipeg courts as "very good".

Respondents were asked to rate the police in Winnipeg in comparison to the Nigerian police on a scale of 0-6 (0= Don't Know, while 6 = Excellent). A total of 40 respondents (59.7%) rated Winnipeg police as "Good" or "Very Good", while 29.9% (N=20) rated

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<sup>&</sup>lt;sup>8</sup> Pseudonyms are used throughout.

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Winnipeg police as "Excellent". Only one respondent rated Winnipeg police as "Average", while another claimed "Don't Know". In all, 89.6% of respondents (N=60) rates the Winnipeg police better than the Nigeria police. Asked "(w)hich of the two police establishments, if any — Winnipeg and Nigerian police — would you be willing to trust without inhibitions?" 85.1% of respondents (N=57) would be willing to trust the Winnipeg police without inhibitions, while 5 respondents (7.5%) would not trust any of the two police establishments.

It is didactic but hardly surprising that no participant chooses to trust the Nigerian police. This corroborates studies by Elechi (2006, p. 80), Ojukwu and Briggs (2005, p. 6-7), Okereke (1993) and Maier's (2000), which catalogue the high level of inefficiency and public distrust of the police and entire criminal justice system in Nigeria. The open-ended questions shed some light on why the results should surprise no one. A few comments on the Nigerian police by respondents might suffice: "I was carrying a laptop in my bag in Lagos. Policemen stopped me and asked for the receipt which they knew I wouldn't be carrying around. I had to bribe them so that they wouldn't lie against me" (Dawud; male, married, 30 years, university degree holder & permanent resident). Others have similar responses, Olaniyi (male, married, 43 years, graduate degree holder & Canadian citizen) declares: "terribly dishonest. My apartment was burgled. Police took bribe from me before they could take the report. That is Nigeria police."

Table 2: Perceptions about the Courts and Correctional System

	Agree/ Strongly	Disagree/ Strongly	Neutral	Don't Know
Variable/statement	Agree N & %	Disagree N & %	N & %	N & %
In general, racial and ethnic minorities are treated fairly by the court system.	14 (20.9)	7 (10.4)	10 (14.9)	33 (49.3)
If a person of Nigerian descent is involved in a crime as an offender, that person is usually treated on the presumption of innocence.	7 (10.4)	9 (13.4)	20 (29.8)	31 (46.3)
Ethnic and racial minorities receive harsher sentences	14 (20.9)	9 (13.4)	11 (16.4)	30 (44.8)

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Ethnic and racial minorities are less likely to receive attractive plea bargaining offers or deals from prosecutors to lessen their punishment	13 (19.4)	9 (13.4)	8 (11.4)	31 (50.8)
I do not perceive any discrimination against minorities in the courts in Winnipeg.	15 (22.4)	8 (11.9)	12 (17.9)	29 (43.3)
I will swiftly take any dispute to court for resolution here in Canada	13 (19.4)	19 (28.4)	20 (29.9)	10 (16.1)
Ethnic and racial minorities are treated fairly in prisons	8 (11.9)	9 (13.4)	8 (11.9)	41 (61.2)
Ethnic and racial minorities are disproportionately represented in prisons	10 (14.9)	6 (9.0)	13 (19.4)	35 (52.22)

The results presented in Table 2 above can at best be said to be mixed. It is worth noting that more respondents (N=19; 28.4%) are willing to swiftly take a dispute to a Winnipeg court than are willing to call the police (N=8; 11.9%). The large number of respondents claiming "Don't Know" and "Neutral" makes it difficult to make a statement on what their true perceptions are. One reason may be because they have not had any experiences with the agents of the criminal justice system, or they simply do not wish to reveal their opinion.

Respondents were also asked to rate Winnipeg courts vis-à-vis Nigerian courts on a scale of 0-6 (0= "Don't Know, 6= Excellent). A total of 28 respondents (41.8%) rated Winnipeg courts as "Good" or "Very Good" in comparison to Nigerian courts while another 17.9% (N = 12) rated Winnipeg courts as "Excellent." When asked "(w)hich of the two court systems, if any — Winnipeg and Nigerian courts — would you be willing to trust without inhibitions?" Thirty seven respondents (55.2%) chose Winnipeg courts, while 4.5% (N = 3) would rather trust Nigerian courts. This is an improvement over how the Nigerian police fared when a similar question was asked. However, a total of 13 respondents (19.4%) would not trust any of the two court systems.

Overall, the general trend is that respondents do not trust the Nigerian police and Nigerian courts. For instance, 13.4% (N=9) of respondents disagreed with the statement "(o)verall the majority of police in Winnipeg are <u>not</u> racist," yet not one respondent is willing to trust the Nigerian police, while as reported above, 57 respondents (85.1%) would trust the Winnipeg police without inhibitions. Winnipeg's correctional facilities also receive respondents' approval. A total of 22 respondents (32.8%) state that Winnipeg prisons are

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"Good" or "Very Good" compared with those in Nigeria, while 11 respondents (16.4%) think they are "Excellent". Only five respondents rate Winnipeg prisons as "Average".

Table 3: General Overview of the Canadian Criminal Justice System

	Agree/ Strongly	Disagree/ Strongly	Neutral	Don't Know
Variable	Agree N & %	Disagree N & %	N & %	N & %
Members of the Nigerian community are relatively well-informed of the various crime policies in Canada	20 (29.9)	16 (23.9)	12 (17.9)	18 (26.9)
Minorities receive good legal representation in the criminal justice system in Canada	10 (14.9)	12 (17.9)	16 (23.9)	27 (40.3)
Legal services are readily available to members of the Nigerian community	19 (28.4)	4 (6.0)	15 (22.4)	26 (38.8)
The laws in Canada are generally consistent with the principles of equality	36 (53.7)	3 (4.5)	9 (13.4)	17 (25.4)
Sometimes I get confused about the laws in Canada	20 (29.9)	18 (26.9)	14 (20.9)	13 (19.4)
I feel very much at home in Canada	39 (58.2)	7 (10.4)	19 (28.4)	
I would rather use other means to resolve disputes than use criminal justice agents	38 (56.7)	7 (10.4)	14 (20.9)	5 (7.5)
The current criminal justice system in Canada, particularly in Winnipeg, is in need of reform	8 (11.9)	6 (9.0)	15 (22.4)	35 (52.2)

Table 3 above presents findings from respondents' assessment of their host society's socio-legal milieu. Opinions are divided among participants regarding knowledge of the crime policies in Canada: 29.9% (N=20) state that members of the Nigerian community are relatively well-informed, while 23.9% (N=16) disagrees or strongly disagrees. Only 14.9% (N =10) agree that minorities in general receive good legal representation. A total of 36 respondents (53.7%) agree that the laws in Canada are generally consistent with the principles of equality, while only three respondents (4.5%) disagree. Some respondents (N=17; 25.4%) do not know whether or not Canadian laws are consistent with the principles of equality. A total of 20 respondents (29.9%) sometimes get confused with the laws in Canada, while 18 (26.9%) do not get confused. Others either choose to remain neutral or don't know. However, some respondents claim that they are not confused about the law are suspect.

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Chibuzor (male, single, 19 years, high school graduate & student) admitted to being confused about the laws in Canada. Chibuzor states: "(l)ike the example of pedestrians owning the road." What Chibuzor is confused about is the fact that pedestrians have the right to press buttons at pedestrian cross points on most roads in Winnipeg and all drivers are expected to stop and do stop. This is confusing to him because drivers literally "own" the roads in Nigeria. In Nigeria, some drivers may stop to allow pedestrians to walk across the road at their discretion but pedestrians do not exude such confidence as they do here in Winnipeg.

Most respondents (N=38; 56.7%) would rather use other means to resolve disputes despite the fact that 39 respondents (58.2%) feel very much at home in Canada. The question on whether or not the criminal justice system in Canada as a whole is in need of reforms yields a rather disappointing plethora of don't knows (N=35; 52.2%). Some respondents indicate not knowing enough about the criminal justice system, others claim not to have had any experiences with agents of the criminal justice system.

## Discussion

The findings show that perceptions of the participants about the criminal justice system are mixed, but more positive, than can be found in the existing race-crime literature. The experience of most of the respondents with the Nigerian justice system is generally negative and majority of the respondents would rather trust the police and courts in Canada. This is shown to have consequences for their reluctance to involve any agent of the justice system in any issue unless it is life-threatening.

The mode of operation of the Nigerian police may be partly responsible for some of the responses positive responses above. The Human Rights Watch ([HRW] 2005a) in "Rest in Pieces: Police Torture and Deaths in Custody in Nigeria," for instance, states that torture by the Nigerian police is "routine". In a report (HRW 2005b), the organization commends Nigeria's (former) president Olusegun Obasanjo for admitting that "Nigerian police officers have committed killings and torture" after initial persistent denials. The import of this must not be lost on the reader: people who have witnessed or experienced "routine" police torture and heard tales of confirmed extra-judicial killings will have low expectations of the police.

It not an overstatement that Nigerians may in actual fact be impressed by the comportment of Winnipeg police officers as against the usual commando-like approach of

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the Nigerian police. For example, when asked if he has had any experience with the Nigerian police, Tanimo (unknown demographics), states that: "Always; and I always bribe myself out of trouble. You can't win no matter what." Another respondent, Adeola (female, 22 years, university degree holder & student) offers more insight: "Nigerian police are brutal. They misuse the power they have..." Diepreiye (male, 30 years, single, university degree holder & student) explains that "...I have never seen them (Winnipeg police) use violence." Bisade (Male, university degree holder & student) argues that "(i)t is rare before one can see any police officer collecting bribe from any member of the society." Bisade also states that the Winnipeg police cannot make up evidence about people because "they could be charged for assault and abuse." Implicit in Bisade's last comment is that the Winnipeg police have checks and balances, which as the Human Rights Watch (2005a, 2005b) reports, is lacking in the Nigeria police.

The low regard for the Nigerian police raises a fundamental point with respect to assessment of the Winnipeg police. There is a possibility that the Winnipeg police receive such favorable rating because of respondents' experiences with the Nigerian police and not essentially because of the performance of the Winnipeg police. Hence, a sort of comparison is going on in the mind of participants making them to implicitly assess the Nigerian police rather than the Winnipeg police.

For instance, Ajiri (Female, married, 50 years, university degree holder & Canadian citizen) in response to the question of giving information to the police in the survey argues that "(s)tatistics have shown how dishonest the police force is generally and this include(s) the Winnipeg police." The same respondent argues that "Whites are favored by the police against Blacks." Similarly, Keji (Female, single, 21 years, high school graduate & Canadian citizen) when asked if she had ever had an experience with the Winnipeg police responds: "Yes, I would rather not explain what happened."

None the less, there is evidence that the Winnipeg police are fair to visible minorities. The Canadian Broadcasting Corporation (CBC 2006) presents the results of a survey on racism in the justice system among a group of respondents in Winnipeg. About 41% of the respondents believe the police treat visible minorities fairly. Only 16% of "dark-skinned" participants and 15% of Aboriginal respondents feel "I have been treated unfairly by a Winnipeg police officer because of my race." Only 30% of Aboriginal participants feel they are not treated fairly by the justice system.

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In spite of this, some participants are still wary of the police. Okeke (male, single, 25 years, Higher National Diploma holder & student) disagrees with the statement that "I will offer useful information to the police in Winnipeg when occasion demands" in the survey because does not "trust police due to personal encounters and stories from friends." Asked if he thinks the police treat all people fairly regardless of how much money they have, Okeke (male, single, 25 years, Higher National Diploma holder & student) responds thus: "No, the issue of race is present here again. I have had friends (rich friends) who are black with good cars get pulled over constantly until they had to complain to the police stations in person and rich white friends who have never been pulled over with equally expensive cars." Okeke also explains why making up evidence against people by the police is a possibility: "Although at times, stories of events (police arrests and bust-ups) have been held back or not released in time for public knowledge. An example will be the Jubilee Avenue drug bust, when 3 officers were shot and supposedly one was by friendly fire."

Okeke (male, single, 25 years, Higher National Diploma holder & student) does not trust any police establishment. He distrusts the Nigerian police because "I have friends working in the police force in Nigeria so I hear what they have to say." He also states that he will not call the police to intervene in any dispute in Winnipeg because "I have actually witnessed an accident while driving behind a police car and the police didn't stop. Their lights were not on to signal that they were busy and people, including myself, made efforts to stop them so they can handle the situation." Okeke claims that he was once stopped and searched by the police "for an apparent reason that a rental car was stolen in the city." He also explains that "(t)he same thing or similar (thing) has happened to friends of mine with lousy excuses for unjustifiable has-to-be-racially-motivated stops." In the same vein, Efe (male, married 33 years, graduate degree holder & permanent resident) argues that "(n)o matter who you are the possibility of bias is always there. It is a known fact that more affluent citizens or residents are treated better." Ngozi (female, single, 23 years, high school graduate & permanent resident) believes that the Winnipeg police use more violence than necessary. She states that "(a) friend of mine had broken bones after a mistaken identity arrest." She explains further that "looking at different news stories celebrities normally get away with more crime than low income families." Ngozi (female, single, 23 years, high school graduate & permanent resident), however, posits that the "(p)olice can be mediators between two people in an extreme conflict."

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Not surprisingly, respondents generally believe that police encounters and court cases are undesirable, needless and must be avoided by all means necessary. In spite of this, all the respondents prefer the Winnipeg police to the Nigeria police even though 56.7% of them would rather not involve them in their personal affairs. More respondents (34.3%) think the police are fair to everyone as against 13.4% who think they are unfair. The courts receive a mixed assessment. Data analysis also shows a high level of ambiguity in the perceptions of criminal justice agencies. Participants are also found to have a frame of reference, namely agencies of criminal justice in Nigeria. Participants' experiences with the police and courts in Nigeria influence their perceptions about the Canadian criminal justice system. Respondents also perceive justice or injustice in terms of issues unrelated to criminal justice as Tyler (1990, p. 178) emphasizes. Hence, even when asked to comment on attitudes of the police or courts, participants keep going back to other areas of life particularly the economy.

Most respondents believe that their culture is against involving the police or courts in dispute resolution. They believe that the judicial process is expensive, long and emotionally tortuous. Despite being highly educated, most participants demonstrate confusion about the laws in Canada. Therefore, respondents settle disputes amicably through the involvement of the church, reserving life-threatening cases for the intervention of the police. Consequently, unofficial legal ordering is intrinsic to participants' everyday life.

Results of in-depth interviews also show that respondents identify strongly with Nigeria/Nigerianness and perceive their Canadian identity exclusively in terms of immigration documents germane for instrumental purpose, particularly ease of travel around the world. There is also a highly essentialized dichotomy between "us" and "them" in the diction and articulation of respondents' experiential reality during the interviews. The study finds evidence of the cultural hybrid, marginality, borderline existence and disjunction and displacement in their *lebenwelt* (or lifeworld).

In addition, the pervasive level of confusion about Canadian laws among participants means that it is necessary to inform migrants of the basic laws prior to or on their arrival in Canada. New immigrants should not be expected to simply know or find out for themselves. It is crucial that steps be taken by immigration authorities to make new immigrants aware of basic laws guiding the Canadian society. Public enlightenment through community associations and centres may also be embarked upon for those who are already in Canada. There is a glaring gulf in the area of integration. Deliberate efforts to educate the populace on

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openness to new comers should be a priority. Also, the police establishment needs to adequately prepare its men and women for the challenges of policing people who perceive the uniformed forces (based on experiences elsewhere) as an army of occupation. Law enforcement officials can earn the trust of such people by demonstrating an understanding that agents of the state are distrusted in some parts of the world.

# **Concluding remarks**

This study has implications for the race-crime debate and perceptions of in(justice) "Blacks." One fundamental finding of the study is that totalizing, generalizing or homogenizing the experience of "Blacks" and "Blackness" is theoretically misleading. However, this happens in much of the literature (Harris-Laswell 2003, Vora & Vora 2002, Danesh 1999, Delisi & Regoli 1999), but there are notable exceptions (Garland, Spalek & Chakraborti 2006, Mensah 2005, Abdi 2005, Hatt 1994, p. 164). It is necessary to reiterate Okeke's (2005, p. 176) assertion that most of these studies on "Blacks" do not in anyway offer insights into the experiences and voices of newer immigrants or continental Africans.

One major argument of this paper is that the African-American experience should not be used to as generalization for the experiences of all peoples of African descent. Nigerians are not African-Americans in the same way that Caucasian Germans are not necessarily French. Consequently, Blacks of Nigerian descent perceive the criminal justice system in a more positive way than African-Americans and Chinese. The study also indicates the presence of unofficial forms of dispensing justice among participants and a high propensity not to involve agents of the Canadian criminal justice system in their "personal affairs". This study also demonstrates ways in which the Nigerian immigrant is torn between a distant "home" territory, and the Canadian society to which they do not fully belong despite possessing Canadian citizenship or permanent residence. The fact that they are "transmigrants" (Okeke 2005, p. 117) whose roots are still intact makes them undergo what Papastergiadis (2000, p. 115) calls "deterritorialization."

Future research may consider studying immigrants who have been in Canada longer. Most participants in the study have been in Canada only within the last 5 years. Longitudinal study from a few months after arrival to a 10-20 year period might be very apt in exploring what experiences define people's opinions about the criminal justice system over the long term. A Canada-wide study in this area is long overdue. Such a study will help in comparing

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perceptions across the provinces and territories. It is hoped that future research will take a cue from this study and not lump people of African ancestry into an amorphous "Black" category.

Canada remains a fulcrum of hope for minorities in the Western world. How well Canada fulfills its desired creed as a multicultural haven depends on the level of social preparedness as demonstrated in the attitudes of everyday people in the amphitheatre of life, mediated by what is done or left undone at the governmental level including the activities or inactivity of the bureaucratic apparatchiks in government agencies and privately owned businesses. We hope Canada lives up to its promise as a place of and for everyone.

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