

LEAD DEBATE ON THE POLICE ACT (REPEAL AND RE-ENACTMENT) BILL, 2018

Sponsor: Sen. Bala Ibn Na'allah (Kebbi South)

I thank you Mr. President and my Colleagues for the honour and privilege of leading this debate on a Bill for an Act to Repeal the Police Act CAP P19 LFN 2004 and establish a Police that shall protect the rights and freedoms of persons envisaged in the Constitution of the Federal Republic of Nigeria, 1999 (as amended), prevent the commission of crimes, detect crimes, apprehend offenders, preserve law order, protect lives and property and duly enforce all laws and regulations with which they are duly charged and such duties within or outside Nigeria as may be required of them by or under the authority of this or any other Act ensure cooperation between the Police Service and the various communities it serves in preventing and combating crimes; ensuring respect for the victims of crime; appreciating the needs of such victims and providing for effective civilian supervision of the Police.

The Bill was read for the first time in this Senate on Wednesday, 30th May, 2018. The general idea behind this Bill is the establishment of a service oriented modern Police that will meet globally acceptable policing standards in a democratic setting to replace the current Police Force which was conceptualize and established in the Colonial environment more to protect the colonial interest than to protect and safeguard the Nigerian citizen.

The philosophy of the Bill goes to the conceptualization of the Police as a service in which the people and communities are core stakeholders and in which the people come first as against the Police as a Force which stood apart from the people it set out to protect and safeguard.

This Bill when passed into law will replace the Police Act, which came into effect on 1st April 1943 with all its subsequent amendments.

The highlights of the Bill includes:

Section 5, which seeks to establish for Nigeria a Police organization to be known as the Nigeria Police to replace the Nigeria Police Force thereby removing the colonial vestiges of the police, making the Police more responsive to modern day policing in an independent nation governed by the Constitution and laws

promulgated there-under and to bring it within acceptable global standards of police in democratic countries.

Part Three of the Bill, which comprises sections: 8, 9, 10, 11, 12, 13, 14, 15 and 16 clearly establishes the hierarchy of the Police as contemplated by the Constitution, their Appointments, Duties; Functions and Powers.

Unlike the existing Police Act, the Bill outlines the roles and duties of the Police hierarchy to avoid role conflict and to introduce a Responsibility Clause to make them more effective.

Section 24(2) of the Bill forbids a Police Officer from being the prosecutor in matter that he or she participated to promote and respect the principles of natural justice and allow for a free and fair trial.

Section 28 of the Bill provides for the bail of persons arrested without warrant to the effect that such persons shall not be kept in Police detention for more than 24hours without being charged to Court within jurisdiction to try them. This is to bring the provision of the Act, when passed into law to conform with the constitutionally enshrined right to personal liberty as provided for by Section 35(5) of the constitution and the African Charter on Human and people's rights, which Nigeria has since ratified and which consequently is part of our municipal laws.

Part Eight deals with offences by a Police Officer. The Bill elaborates on existing offences within the existing Police Act and Section 51 particularly criminalizes the drinking while on duty of any intoxicating liquor. This provision is intended to prevent the abuse of weapons by a drunken Police Officer.

Part nine seeks to establish Community Police forum and Boards in all the States of the Federation to consist of broad representatives of the community and the State to ensure effective, efficient and participatory community policing (Section 59).

Divisional and State Police Boards are also established (Section 60 and 61 and the objective of such boards are stated (Section 62), to include:

- i. Establishing and maintaining a partnership between the community and the Police;
- ii. Promoting communication between the Police and the community.
- iii. Promoting cooperation between the Police and community in fulfilling the needs of the community regarding policing. The rationale is that

property of members of the community, it is ideal to involve the community in policing by engaging them in formal for a and decision making Boards and to provide them the opportunity tom participate in reviewing and revising policing mechanisms in communities.

Part XIII establishes a complaint authority with its functions clearly spelt out in Section 78 to include:

- i. Receiving complaints against police officers' misconduct from the public and;
- ii. Receiving complaints of misconduct against Police Officers from other Police Officers authority.

Section 79 provides the steps to be taken after investigations, including sending a copy of the Report of their investigations and recommendations to the Director of Public Prosecutions if an offence is disclosed and sending a copy of the Report of Investigations and Recommendations to the appropriate Police authority for proper disciplinary action as per its regulations.

We cannot envisage any meaningful reforms of the Nigeria Police without first and foremost, reforming the legal infrastructure under which it operates.

The Bill is therefore that crucial step to reforming the Nigeria Police to make it amenable to the demands and expectations of our independent, democratic country that is an eminent member of an increasingly globalized world and to have a Police that is the product of our democratic experiences and expectations. The Bill is certainly not an absolute panacea to our policing problems but will be a major contribution to addressing it.

The financial implication of this Bill is no more than what has been appropriated for the Police by the National Assembly.

I therefore seek your support for this Bill.