



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

NIGERIA POLICE BILL, 2019
(SB.683)

A Bill
For

An Act to repeal the Police Act Cap. P19, Laws of the Federation of Nigeria, 2004 and enact the Nigeria Police Bill, 2019 to provide for the framework for the police service and ensure cooperation and partnership between the police and communities in maintaining peace and combating crime; and for related matters

FIRST READING

WEDNESDAY, 30TH MAY, 2018

SECOND READING

TUESDAY, 10TH JULY, 2018

THIRD READING AND PASSAGE

WEDNESDAY, 17TH APRIL, 2019

NIGERIA POLICE BILL, 2019



Arrangement of sections

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A Bill

For

An Act to repeal the Police Act Cap. P19, Laws of the Federation of Nigeria, 2004 and enact the Nigeria Police Bill, 2019 to provide for the framework for the police service and ensure cooperation and partnership between the police and communities in maintaining peace and combating crime; and for related matters

{ } Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria:

PART I - PRELIMINARY

1. The Objective of this Bill is to provide for a more efficient and effective police service that is based on the principles of:
(a) accountability and transparency; and
(b) protection of human rights and fundamental freedoms. General Objective.
2. The Specific objectives of this Bill are to:
(a) provide for a Police Force that is more responsive to the needs of the general public and has entrenched in its operations the values of fairness, justice and equity;
(b) reposition the Police Force to uphold and safeguard the fundamental rights of every person in Nigeria in its operations;
(c) bring about a positive change in the public perception of the Police Force by ensuring that its functions are performed in a manner sensitive to the needs and well-being of the general public;
(d) empower the Police Force to effectively prevent crimes without threatening the liberty and privacy of persons in Nigeria;
(e) strengthen the Police Force in the performance of its functions, including safety and security of all persons, communities and property in Nigeria;
(f) ensure that the police performs its functions by creating the enabling environment to foster cooperation and partnership between it and the communities it serves to effectively combat, reduce or eradicate crimes;
(g) develop professionalism in the Police Force by providing relevant training in all police formations in Nigeria for enhanced performance; and
(h) respect for victims of crime and an understanding of their needs. Specific Objectives.

PART II – ESTABLISHMENT, COMPOSITION AND DUTIES OF THE NIGERIA POLICE FORCE

3. (1) There is established for Nigeria the Nigeria Police Force (in this Act referred to as "the Police Force") which shall, subject to the provisions of the Constitution of the Federal Republic of Nigeria:
(a) be organised and administered in accordance with the provisions of this Bill; and
(b) have such powers and duties and carry out such responsibilities as are conferred on it under this Act or any other law. Establishment, Composition and duties of the Nigeria Police Force.
- (2) The Police Force shall consist of:
(a) the Inspector-General of Police;
(b) persons appointed to offices in the Police Force by the Police Service Commission under Part IV of this Bill; and

(c) Special Constables appointed under this Bill.

(3) The hierarchy of the Police Force is as specified in the Schedule to this Bill.

4. The Police Force shall:

Primary functions
of the Police
Force.

(a) prevent and detect crimes, and protect the rights and freedom of every person in Nigeria as provided in the Constitution and other enactments;

(b) maintain public safety, law and order;

(c) protect the lives and property of all persons in Nigeria;

(d) enforce all laws and regulations except the laws and regulations that are enforced or administered by other agencies;

(e) discharge such duties within and outside Nigeria as may be required of it under this Bill or any other law;

(f) collaborate with other agencies to take any necessary action and provide the required assistance or support to persons in distress, including victims of road accidents, fire disasters, earthquakes and floods;

(g) facilitate the free passage and movement on highways, roads and streets open to the public; and

(h) adopt community partnership in the discharge of its responsibilities under this Bill or under any other law.

5. (1) The Police Force is responsible for promoting and protecting the fundamental rights of persons in police custody as guaranteed by the Constitution.

Duty of Police
Force to enforce
certain
constitutional
provisions, etc.

(2) For the purpose of subsection (1) of this section, the Police Force shall collaborate with and maintain close working relationships with any Government agency or relevant private initiatives in the establishment of schemes or mechanisms offering legal services to accused persons, detainees or accused persons in police custody in need of legal services to ensure that they have full access to justice as laid down under the relevant provisions of Chapter IV of the Constitution.

(3) In addition to the provisions of subsections (1) and (2) of this section, the Police Force is also charged with the responsibility of promoting and protecting the fundamental rights of all persons as guaranteed under the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act and other international legal instruments on Human Rights to which Nigeria is a signatory.

6. (1) There is established for the Federation the Nigeria Police Council (in this Bill referred to as "the Council") which is the highest policy making body in matters relating to the Police Force.

Establishment
and functions of
the Nigeria Police
Council.

(2) The Police Council consists of:

(a) the President, who is the Chairman;

(b) the Governor of each State of the Federation;

(c) the Chairman of the Police Service Commission; and

(d) the Inspector-General of Police.

(3) The functions of the Police Council include:

(a) the organisation and administration of the Police Force and all other matters relating to the Police Force (not being matters relating to the use and operational control of the Police, or the appointment, disciplinary control and dismissal of members of the Police Force);

(b) the general supervision of the Police Force;

- (c) advising the President on the appointment of the Inspector-General of Police; and
- (d) receiving and deliberating on reports and advising the President or Inspector-General of Police on actions to be taken:
 - (i) pertaining to policing matters from the States of the Federation and the Federal Capital Territory, Abuja on any crucial decision of their Security Committee meetings held during the three months preceding a quarterly meeting of the Police Council, and
 - (ii) on security concerns relating to policing from the States and the Federal Capital Territory, Abuja, and taking such action as it may consider appropriate.
- (4) The Police Council shall meet at least once every three months and may hold emergency meetings when necessary.
- (5) The Secretary to the Government of the Federation, shall serve as secretary to the Police Council and his office shall provide the necessary secretarial support for the work of the Police Council.
- (6) Subject to the provision of this section, the Police Council shall regulate its own proceedings.

PART III- APPOINTMENT, REMOVAL, FUNCTIONS AND POWERS, ETC. OF INSPECTOR-GENERAL OF POLICE

7. (1) There shall be, as provided for under section 215 of the Constitution, an Inspector-General of Police (in this Bill referred to as "the Inspector-General") who shall:

Appointment,
removal, etc.
Inspector-General
of Police.

(a) be appointed by the President on the advice of the Police Council from among serving members of the Police Force; and

(b) serve for a single tenure of five years notwithstanding the age of retirement.

(2) The Inspector-General is the head of the Police and shall exercise all operational control over the Police and all its departments and units.

(3) The person to be appointed as Inspector-General shall be a Senior Police Officer not below the rank of an Assistant Inspector General of Police with the requisite academic qualifications of at least a first degree or its equivalent in addition to professional and management experience.

(4) The appointment of a person for the office of the Inspector-General shall meet the following criteria:

(a) Interested persons shall make an open and formal application to the Police Council;

(b) the Nigeria Police Council shall nominate three applicants from among the pool of applicants using the stipulated criteria for competence and qualification; and

(c) the President shall appoint the Inspector-General from the recommended applicants subject to the confirmation of the Senate.

(5) The Inspector-General shall only be removed from office by the President on the advice of the Police Council.

(6) The President shall remove the Inspector-General from office:

(a) for his inability to effectively perform the functions of his office;

(b) for gross misconduct; or

(c) where the President is satisfied that it is no longer in the interest of the Police Force or public for the Inspector-General to continue in office.

(7) The Inspector General shall not be removed from office except:

(a) a report or complaint of gross misconduct or incapacity to perform his duties has been made

against him by any person, including the President to the Nigerian Police Council;

(b) the Nigerian Police Council considers the allegations against him serious and sets up a committee of the Council to investigate the matter; and

(c) the Committee investigates the allegation, and after fair hearing, recommends that the person be removed from office.

8. (1) The powers and functions of the Inspector-General shall include:

Functions and powers of the Inspector-General of Police.

(a) the development of an overall national policing plan with inputs from the Police Force Headquarters and all the various police formations nationwide before the end of each financial year, setting out the priorities, objectives, cost implications and expected outcomes of policing for the next succeeding financial year;

(b) taking into cognisance the security situation across the country and its population, determine the manpower distribution of the Police based on its numerical strength after due consultation with the Police Service Commission;

(c) organising the Police Force into various components, units or groups for overall optimal performance and effectiveness;

(d) ensuring constant training and re-training of police officers and other staff and personnel of the Police Force and for this purpose, establish and maintain training institutions or centres for the training of members of the Police Force; and

(e) making Standing Orders relating to operational control of the Police Force which shall be:

(i) binding on all police officers; and

(ii) published in the Federal Government Gazette; and

(f) performing such other functions or exercising such powers as may be conferred on him under this Bill or any other law.

(2) The Inspector-General shall, in addition to the duties conferred on him under this section, ensure the discharge by the Police Force of the responsibilities referred to under section 5 of this Bill, and for this purpose, the Inspector-General shall:

(a) facilitate access to legal support for suspects, accused persons or detainees in police custody;

(b) ensure that police officers assigned to work under the relevant scheme provide necessary assistance as may be required by legal counsel; and

(c) for the purposes of performing the functions under this section, submit to the Attorney-General of the Federation and National Assembly an annual report on how those responsibilities referred to under section 5(2) of this Bill are discharged.

(3) The Attorney-General of the Federation shall after a review of the annual report received, send his findings and recommendations to the President and publish same in his official website

(4) The Inspector-General shall by order published in the Federal Government Gazette make detailed provisions and specifications for the establishment and proper working of the schemes or mechanisms under section 5 of this Bill.

(5) The Inspector-General shall, in performing his functions under this Bill, obtain inputs from the Assistant Inspectors-General of the Zonal Commands on the priority areas of policing for the Zones and incorporate submissions from Commissioners of Police of the States to be included in the overall national strategic plan for the next succeeding financial year.

9. (1) The Inspector-General may delegate any of his powers under this Bill to any police officer and such powers may be exercised with respect to the matters or class of matters specified or defined in the instrument of delegation.

Delegation of powers.

(2) For efficiency, effectiveness and ease of delegation of powers under subsection (1) of this section, and to ensure quick response to priority, safety and security needs, the Inspector-General shall assign powers to Zonal, State, Area and Divisional Commands of the Police Force.

PART IV- APPOINTMENT AND FUNCTIONS ETC. OF THE DEPUTY INSPECTOR-GENERAL, ASSISTANT INSPECTORS-GENERAL, COMMISSIONERS OF POLICE AND OTHER PERSONS INTO THE NIGERIA POLICE FORCE

10. (1) The Police Service Commission shall appoint for the Police Force one Deputy Inspector-General and such numbers of Assistant Inspectors-General as are required for the efficient performance of the functions of the Police Force. Appointment and duties of the Deputy Inspector-General.
- (2) A person appointed under subsection (1) of this section shall:
- (a) hold office until retirement or removal by the Police Service Commission on account of gross misconduct or incapacity to perform the functions of his office after following due process; and
- (b) perform such functions and responsibilities and exercise such powers as are assigned to him by the Inspector-General.
- (3) The Deputy Inspector-General of Police shall, in the absence from office of the Inspector-General, act on behalf of the Inspector-General in performing any of the functions and discharging the duties of the Inspector-General under this Act or under any law or in respect of any function as may be delegated by the Inspector-General.
- (4) On resumption of duty by the Inspector-General, the Deputy Inspector-General shall furnish reports, in such form or details as the Inspector-General may specify, of all matters dealt with by the Deputy Inspector-General in the absence of the Inspector-General from office.
11. (1) The Police Service Commission shall appoint such numbers of Commissioners of Police as are required for the efficient performance of the functions of the Police Force. Appointment of Commissioners of Police.
- (2) The Police Service Commission shall, from among the Commissioners of Police appointed under subsection (1) of this section, assign a Commissioner of Police to a State or to the Federal Capital Territory, Abuja, after consultation with the Governor of a State and the Minister of the Federal Capital Territory, Abuja, as the case may be.
- (3) The Commissioners of Police not assigned under subsection (2) of this section may be deployed by the Inspector-General of the Police to head Departments and such other operational units of the Police Force.
- (4) The Police Service Commission or Inspector-General, in assigning or deploying, as the case may be, Commissioners of Police under this section, shall reflect the principle of Federal character as provided in the Constitution and under the relevant Bill.
- (5) A person appointed under subsection (1) of this section shall hold office until retirement or removal by the Police Service Commission on account of gross misconduct or incapacity to perform the functions of his office.
12. (1) Subject to the provisions this Bill, the Commissioner of Police for a State shall have command and control over the Police in the State he is assigned to and shall exercise powers and perform the functions necessary to give effect to sections 4 of this Bill. Functions of Commissioners of Police for States.
- (2) The Commissioner of Police of a State shall also perform any duty delegated to him by the Inspector-General.
13. The Police Service Commission shall appoint such other persons to offices in the Police Force as are required for the effective and efficient performance of the functions of the Police Force on such terms and conditions as may prescribed by the Police Service Commission. Appointment of other persons.
14. (1) Persons appointed to offices under this Part, are entitled to such pensions, gratuities and other retirement benefits as are prescribed under the Pension Reform Act. Pensions.

(2) Nothing in this Bill prevents the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

(3) For the purposes of the application of the provisions of the Pension Reform Act, any power exercisable under that Act by a Minister or other authority of the Government of the Federation, other than the power to make regulations under that Bill, is exercisable by the Police Service Commission, and not by any other person or authority.

15. (1) The Police Service Commission may, subject to the provisions of this Bill, make Standing Orders relating to the conditions of service of members of the Police Force and, the Standing Orders may provide for:
- Standing Orders.

(a) the appointment, promotion and disciplinary control, including dismissal of persons appointed by it into the Police Force; and

(b) appeals by persons appointed by it into the Police Force against dismissal or other disciplinary measures.

(2) The Standing Orders made under subsection (1) of this section is be binding on all persons appointed by the Police Service Commission and shall be published in the Federal Government Gazette.

PART V - GENERAL ADMINISTRATION

16. A person appointed as a member of the Police Force shall, prior to the commencement of duties, subscribe to the official oath, the police oath and the oath of allegiance under the Oaths Act.
- Oath to be taken by officers on appointment.

17. (1) A constable shall, on appointment, be enlisted to serve in the Police Force for five years, or for such other period as may be determined by the Police Service Commission.
- Enlistment and service.

(2) The period of enlistment referred to in subsection (1) of this section shall be effective from the approved date of commencement of service.

(3) Within the enlistment period, every police officer is required to undergo specialised training in any professional field relevant to policing and law enforcement.

(4) Professionals from the relevant fields including criminology, psychology, sociology, law, medicine or pathology shall be enlisted into the Police Force to practise and use their professional qualifications and expertise in the work of the Police Force.

(5) A person seeking to be recruited or enlisted for work in the Police Force shall undergo psychological and other evaluations as part of the recruitment and enlistment process to ascertain his character and suitability for the work of the Police Force.

18. (1) Notwithstanding the provisions of section 17 (1) of this Bill, and subject to the provisions of section 20 of this Bill, the Police Service Commission may extend the period of enlistment for a constable whose service is needed beyond general duties for six years.
- Extension of term of enlistment in special duties.

(2) Where a constable is granted an extension under subsection (1) of this section, he may be considered for re-engagement into the Police Force upon application by him.

19. A non-commissioned officer, constable or recruit constable on fresh enlistment, or a person re-engaged for a further period of service under section 18 (1) of this Bill, shall make and subscribe to the Police Declaration prescribed by the Oaths Act.
- Declaration.

20. (1) On approval by the appropriate authority, a non-commissioned officer or constable of good character may be re-engaged to serve for a second term of six years and for a third term of six years or until the officer reaches 35 years of service or age of 60 years, whichever is earlier.
- Re-engagement.

(2) On completion of the third term of six years, or if the officer has been re-engaged, until reaching the age of 60 years, the non-commissioned officer or constable may be discharged or may claim a discharge upon a six months' notice being given to him or by him.

(3) Where a non-commissioned officer or constable offers to re-engage within six months after having received his discharge, he is on re-engagement if his offer of service is accepted, entitled to the rank which he was holding at the time of his discharge, provided there is a vacancy in the establishment of that rank at the time he re-engages.

(4) The service of a non-commissioned officer or constable who has been re-engaged under this section *is deemed* to be continuous for the purposes of his pension or annual allowance or gratuities, as the case may be, and the non-commissioned officer or constable being regarded as being on leave without pay during the period between discharge and re-engagement.

(5) A non-commissioned officer or constable shall not be re-engaged after a *term* of six months has elapsed since his discharge, except his offer of service is accepted.

(6) The reinstatement of a re-engaged non-commissioned officer or constable to the rank he held prior to his discharge shall be decided by a superior police officer.

(7) A non-commissioned officer or constable, whose period of service expires during a state of war, insurrection or hostilities, may be compulsorily retained and his service prolonged for such period, not exceeding 12 months, as the Police Service Commission may direct.

(8) Subject to the provisions of the Pensions Reform Act and the provisions of subsection (2) of this section, a police officer other than a superior police officer shall not resign or withdraw himself from his duties without the approval of the Police Service Commission or any police officer authorised in writing by the Police Service Commission.

(9) For the purpose of this section, "appropriate authority" means the Chairman of the Police Service Commission or the Inspector-General acting under such powers as may be delegated to him by the Police Service Commission.

21. (1) The Inspector-General shall ensure that all police officers undergo;

Training
Programmes.

- (a) periodic training and re-training in basic policing;
- (b) training in crime detection and law enforcement;
- (c) training in investigation and gathering of evidence;
- (d) training in effective nationwide citizen engagement;
- (e) training in human rights;
- (f) training in prosecution and defence.

(2) The Inspector-General, in consultation with the Ministry and the Police Service Commission, is responsible for the revision of the training, duration and the content of the training of police officers, at least once in every five years.

(3) The Inspector-General shall ensure that training programmes are made available to all police officers, irrespective of gender and for all other staff or employees charged with responsibilities for discharging out the duties and responsibilities of the Police Force.

22. (1) Any Private or Government Department who desires to avail itself of the services of one or more police officers for the protection of property owned or controlled by it may make application to the Inspector-General:

Appointment of
supernumerary
police officers to
protect property.

- (a) stating the nature and situation of the property in question; and
- (b) giving such other particulars as the Inspector-General may require.

(2) On an application under subsection (1), the Inspector-General may, with the approval of the President as delegated by the Police Service Commission, direct the appropriate authority to appoint as supernumerary police officers in the Police Force such number of persons as the Inspector-General thinks appropriate for the protection of the property to which the application relates.

(3) Every supernumerary police officer appointed under this section-

(a) is appointed in respect of the area of the Police Zonal, State or Area Commands in which the personnel and property which he is to protect are located;

(b) is employed exclusively on duties connected with the protection of that property;

(c) shall, in the police area in respect of which he is appointed and in any police area adjacent thereto, have the powers, privileges and immunities of a police officer; and

(d) shall be:

(i) a member of the Police Force for all purposes, and

(ii) subject to the provisions of this Bill, particularly the provisions relating to discipline.

(4) The supernumerary police shall be a unit of the Police Force.

(5) Where any supernumerary police officer is appointed under this section, the private or government department availing itself of the services of that officer shall pay:

(a) all entitlements, including salary and allowances to the officer monthly;

(b) on the enlistment of the officer, the full cost of the officer's uniform and accoutrements, including ceremonial dresses, which:

(i) is the same as the Police general duty, and

(ii) shall be paid to the Police in a designated account approved by the Inspector-General

(6) All uniforms shall be supplied by the Police Force quarter Master.

(7) Where the private or government department availing itself of the services of any supernumerary police officer appointed under this section desires the services of that officer to be discontinued, the private or government department shall give at least two months' notice in writing to that effect to the Inspector-General who shall give approval to such request for implementation, and all benefits of the officer shall be paid within one month of his release.

23. (1) The appropriate authority may, at the request of any superior police officer, appoint any person as a supernumerary police officer at an appropriate level in the Police Force for the administration or maintenance of premises occupied or used for the purposes of the Force, but shall not do so in any particular case unless he is satisfied that it is necessary in the interest of security or discipline that persons discharging the duties in question are subject to the provisions of this Bill relating to discipline.

Appointment of supernumerary police officers for employment on administrative duties on police premises.

(2) Every supernumerary police officer appointed under this section:

(a) is appointed in respect of the area of the police area command or, where there is no police area command, the police division in which the premises in connection with whose administration or maintenance he are to be employed is situated;

(b) is employed exclusively on duties connected with the administration or maintenance of those premises;

(c) shall, in the police area in respect of which he is appointed, have the powers, privileges and immunities of a police officer;

(d) shall be a member of the Police Force for all purposes; and

(e) is subject to the provisions of this Bill, particularly the provisions relating to discipline.

24. (1) If, at any time, the Inspector-General with the consent of the President or as delegated by the

Appointment of supernumerary

Police Service Commission, is satisfied, as regards any police area, that it is necessary in the public interest for supernumerary police officers to be employed in that area, he may authorise the appropriate authority to appoint persons as supernumerary police officers in the Police Force in accordance with the authorisation.

police officers
where necessary
in the public
interest.

(2) Every authorisation under this section shall be in writing and shall specify the police area to which it relates and the maximum number of supernumerary police officers who may be appointed under that authorisation.

(3) Every supernumerary police officer appointed under an authorisation given under this section shall:

(a) is appointed in respect of the police area to which the authorisation relates;

(b) shall, in the police area in respect of which he is appointed and in any police area adjacent thereto, have the powers, privileges and immunities of a police officer; and

(c) shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Bill, particularly to the provisions relating to discipline.

25. (1) The appropriate authority may, at the request of the Inspector-General appoint any person as a supernumerary police officer in the Police Force for attachment as an orderly to:

Appointment of
supernumerary
police officers for
attachment as
orderlies.

(a) a Minister;

(b) a Commissioner of the Government of a State; or

(c) a police officer of or above the rank of Assistant Commissioner.

(2) Every supernumerary police officer appointed under this section:

(a) is employed exclusively on duties connected with the activities of the person to whom he is attached;

(b) shall, while so employed, have throughout Nigeria the powers, privileges and immunities of a police officer;

(c) may be trained to bear fire arms by the approval of the Inspector General;

(d) shall be a member of the Police Force for all purposes; and

(e) shall be subject to the provisions of this Bill, particularly the provisions relating to discipline.

26. (1) Every supernumerary police officer shall, on appointment, be enlisted to serve in the Police Force from month to month, and a supernumerary police officer may, at any time, resign his appointment by giving one month's notice in that behalf to his employer and superior police officer in charge of the police area in respect of which he is appointed, and his appointment may be determined by the appropriate authority on one month's notice in that behalf or on payment of one month's pay instead of such notice.

Provisions
supplementary to
sections 22 to 25.

(2) The ranks to which supernumerary police officers may be appointed shall be prescribed by Inspector-General with the consent of the President or as delegated by the Police Service Commission, but shall not exceed the rank of Commissioner of Police throughout his life time.

(3) There shall only be one Commissioner of Police at a time in the Federation and he is entitled to convert to general duty if he applies to the Inspector-General or Police service Commission.

(4) The Inspector General shall forward such application to the Police Service Commission for ratification provided that the officer:

(a) has attained the rank of Assistance Commissioner of Police;

(b) has served a minimum of 25 years from the first date of enlistment as supernumerary Police;

(c) holds a master's degree from an accredited Institution of higher learning;

(d) is between the age of 45 and 52 years; and

(e) is medically and physically fit.

(5) The ranks of the supernumerary police shall be equivalent to the general duty or regular police.

PART VI- FINANCIAL PROVISIONS

27. (1) There shall be established and maintained for the Police Force a fund (in this Bill referred to as "the Fund") into which shall be paid- Funding of the Police Force.

(a) budgetary allocations as may be appropriated by an Act of the National Assembly for the Police Force;

(b) such contributions as may be made available to the Police Force for the purposes of this Bill, by the State Governments and the Federal Capital Territory, Abuja;

(c) aid and assistance from international bilateral and multilateral organisations provided that the purpose for the aid or assistance does not conflict with the objectives of this Bill;

(d) all sums of money accruing to the Police Force by way of grants-in-aid, gifts, testamentary dispositions, endowments and contributions from any other source;

(e) all money generated by the Police Force in the course of its operations, including:

(i) two-thirds of fees paid by members of the public in respect of extracts from police reports,

(ii) two-thirds of fees paid in accordance with Standing Orders for services of police officers who would otherwise be off duty, and

(iii) tuition fees from the Police Force training institutions; and

(f) any other financial resource that may be vested in or accrue to the Police Force in the course of performing its functions under this Bill or any other law.

(2) A State Government or the Federal Capital Territory, Abuja, as the case may be, shall:

(a) keep records of all contributions made; and

(b) specify the purpose for which a contribution is made, under subsection (1) (b) of this section.

28. (1) The Police Force shall, from time to time, apply the money accruing in the Fund to:

Expenditures by the Police Force.

(a) the cost of administration and operations of the Police Force;

(b) the payment of salaries, allowances, expenses and other benefits of the members of the Police Force and the Warden Service established under this Bill and the other staff of the Police Force;

(c) the payment of pensions and other retirement benefits under any law;

(d) costs of acquisition and upkeep of premises belonging to the Police Force and any other capital expenditure of the Police Force;

(e) all costs connected with or incidental to the operations of the Community Police Forums and Boards established under Part XIII of this Bill;

(f) the investments, maintenance of utilities, training, research and similar activities; and

(g) any other payment for anything incidental to the provisions of this section or any other function of the Police Force under this Bill.

(2) Any contribution made by a State Government or the Federal Capital Territory under section 27 (1) (b) of this Bill or any other contribution in respect of which a purpose was specified shall be used by the Police Force for the purpose specified.

29. (1) The Police Force shall, not later than 30th September of each year, submit to the National Assembly through the Minister estimates of its income and expenditure for the next succeeding financial year. Estimates.

(2) Notwithstanding the provisions of subsection (1) of this section, the Police Force may, where necessary due to unforeseen circumstances, submit supplementary or adjusted statements of estimated income and expenditure to the Minister for submission to the National Assembly.

(3) The Police Force shall, in preparing its estimates under this section, obtain inputs from the Force Headquarters, Zonal Headquarters, State Commands, Area Commands and Divisional Commands on their budgetary needs based on the annual policing plans for the various policing formations to be included in the overall estimates for the Police Force for the next succeeding financial year.

30. (1) The Police Force shall:

Accounts and
audit.

(a) keep proper records and accounts of the income and expenditures of the Police Force; and

(b) prepare a statement of account in respect of each financial year.

(2) The Police Force shall, within the first four months of each financial year, submit for auditing, the accounts of the Police Force to auditors appointed by the Police Force from the list and in accordance with guidelines approved by the Auditor-General of the Federation.

(3) The audited accounts of the Police Force and the Auditor-General's report on the accounts shall be forwarded to the National Assembly by the Auditor-General annually.

31. (1) The Police Force shall, not later than 30th June of each financial year, submit to the Minister, in respect of the preceding financial year, an annual report on the activities of the Police Force in such form as the Minister may direct. Annual report.

(2) The report under subsection (1) of this section shall include:

(a) detailed information with regards to the activities and expenditures of the Police Force utilized in the carrying out of its policing plan;

(b) a copy of the audited accounts of the Police Force for that year together with the Auditor-General's report on the accounts;

(c) information and description of all contributions made to the Police Force under section 27 (1)(b) of this Bill, including contributions other than cash; and

(d) such other information as the Minister may request.

(3) The Police Force shall, from time to time, provide the Police Council, Police Service Commission and Minister with such information relating to the affairs of the Police Force as they may request.

32. The Inspector-General of Police shall:

Accountability.

(a) keep proper accounting records, in such manner as may be determined by the Minister in respect of:

(i) income and expenditures of the Police Force, and

(ii) all its assets, liabilities and other financial transactions;

(b) prepare an annual report, including financial statements, in accordance with generally accepted accounting principles and practices; and

(c) ensure that the:

(i) available accounting resources of the Police Force are adequate and used economically in the most effective and efficient manner, and

(ii) accounting and other financial records are properly safeguarded.

PART VII – POWERS OF THE POLICE OFFICERS

33. A. Investigation and Arrest

Where an alleged offence is reported to the Police, or a person is brought to the police station on the allegation of committing an offence, the Police shall investigate the allegation in accordance with due process and report its finding to the Attorney-General of the Federation or of a State, as the case may be, for legal advice.

Investigation of an allegation by the Police.

34. (1) A suspect or defendant alleged or charged with committing an offence established by an Act of the National Assembly or under any other law shall be arrested, investigated, tried or dealt with according to the provisions of this Bill, except otherwise provided under this Bill.

Arrest generally.

(2) A person shall not be arrested merely on a civil wrong or breach of contract.

(3) A suspect shall be brought before the court as prescribed by this Bill or any other written law or otherwise released conditionally or unconditionally.

35. In making an arrest, the police officer or other persons making the arrest shall actually touch or confine the body of the suspect, unless there is a submission to the custody by word or action.

Mode of arrest.

36. A suspect or defendant may not be handcuffed, bound or subjected to restraint except:

No unnecessary restraint.

(a) there is reasonable apprehension of violence or an attempt to escape;

(b) the restraint is considered necessary for the safety of the suspect or defendant; or

(c) by order of a court.

37. (1) Except when the suspect is in the actual course of the commission of an offence or is pursued immediately after the commission of an offence or has escaped from lawful custody, the police officer or other person making the arrest shall inform the suspect immediately of the reason for the arrest.

Notification of cause of arrest and rights of suspect.

(2) The police officer, the person making the arrest or the police officer in charge of a police station shall inform the suspect of his rights to:

(a) remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice;

(b) consult a legal practitioner of his choice before making, endorsing or writing any statement or answering any question put to him after arrest; and

(c) free legal representation by the Legal Aid Council of Nigeria or other organisations, where applicable.

(3) The authority having custody of the suspect shall notify the next of kin or relative of the suspect of the arrest at no cost to the suspect.

38. A person shall not be arrested in place of a suspect.

Arrest in lieu prohibited.

39. (1) A suspect shall:

Humane treatment of arrested suspect.

(a) be accorded humane treatment, having regard to his right to the dignity of his person; and

(b) not be subjected to any form of torture, cruel, inhuman or degrading treatment.

40.

(1) A police officer may, without an order of a court and without a warrant, arrest a suspect:

Arrest by police officer without warrant.

(a) whom he suspects on reasonable grounds of having committed an offence against a law in Nigeria or against the law of any other country, unless the law creating the offence provides that the suspect cannot be arrested without a warrant;

(b) who commits any offence in his presence;

(c) who obstructs a police officer while in the execution of his duty, or who has escaped or attempts to escape from lawful custody;

(d) in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to the thing;

(e) whom he suspects on reasonable grounds of being a deserter from any of the armed forces of Nigeria;

(f) whom he suspects on reasonable grounds of having been involved in an act committed at a place outside Nigeria which, if committed in Nigeria, would have been punished as an offence, and for which he is, under a law in force in Nigeria, liable to be apprehended and detained in Nigeria;

(g) having in his possession without lawful excuse, the burden of proving which excuse shall lie on the person, any implement of housebreaking, car theft, firearm or any offensive or dangerous weapon;

(h) whom he has reasonable cause to believe a warrant of arrest has been issued by a court of competent jurisdiction in Nigeria;

(i) found in Nigeria taking precautions to conceal his presence in circumstances, which afford reason to believe that he is taking such precautions with a view to committing an offence;

(j) whom he is directed to arrest by a judge or magistrate.

(k) whom he reasonably suspects to be planning to commit an offence for which the police officer may arrest without a warrant, if it appears to him that the commission of the offence cannot be otherwise prevented; or

(l) required to appear by a public summons issued under this Bill or any other Act.

(m) to prevent the suspect in question from:

(i) causing physical injury to himself or any other person,

(ii) suffering physical injury,

(iii) causing loss of or damage to property;

(iv) committing an offence against public decency where members of the public going about their normal business cannot reasonably be expected to avoid the person in question, or

(v) causing an unlawful obstruction of the highway; and

(n) to protect a child or other vulnerable person from the suspect in question;

(2) No person shall be arrested without warrant except as provided in subsection (1) above.

(3) The authority given to a police officer to arrest a suspect who commits an offence in his presence is exercisable in respect of offences committed in the officer's presence notwithstanding that the Act creating the offence provides that the suspect cannot be arrested without a warrant.

41. A private person may arrest a suspect in Nigeria who in his presence commits an offence, or whom he reasonably suspects of having committed an offence for which the police is entitled to arrest

Arrest without warrant by

without a warrant.

Private person.

42. (1) A private person who arrests a suspect shall immediately hand over the suspect so arrested to a police officer or, in the absence of a police officer, shall take the suspect to the nearest police station, and the police officer shall make a note of the name, address and other particulars of the private person making the arrest.

Handing over of an arrested suspect by private person.

(2) Where there is reason to believe that the arrested suspect comes under the provisions of section 40 (1) of this Bill, a police officer shall re-arrest him. If there is no sufficient reason to believe that the suspect has committed an offence, he shall be released immediately.

(3) Where there is reason to believe that the suspect has committed an offence, and he refuses, on the demand of a police officer, to give his name and address, or gives a name or address which the police officer reasonably believes to be false, the provisions of section 63 of this Bill shall apply.

(4) Where a suspect so arrested by a private person is handed over to a police officer or an official of an agency authorised by law to make arrests, the police officer or official shall take note of the name, residential address and other particulars of the private person making the arrest, and the date, time and other circumstances of the arrest, and where the arrested suspect is taken to the police station or to the agency, the officer shall make the entries in the crime diary.

(5) The police officer or official to whom the arrested suspect is handed over by the private person shall obtain from the private person who made the arrest a formal witness statement setting out the facts and circumstances of the arrest.

(6) The provisions of section 46 of this Bill do not apply to this section unless the suspect arrested and handed over has been re-arrested in accordance with subsection (2) of this section.

43. A judge or magistrate may arrest or direct the arrest of a suspect committing an offence in his presence and shall thereupon hand him over to a police officer who shall proceed to take necessary action.

Arrest for offence committed in presence of Judge or Magistrate.

44. A person is bound to assist a judge, magistrate or police officer or other person reasonably demanding his aid in arresting or preventing the escape of a suspect whom the judge, magistrate, police officer or other person is authorised to arrest.

When public is bound to assist in arrest.

45. (1) A suspect who is arrested, whether with or without a warrant, shall be taken immediately to a police station, or other place for the reception of suspect, and shall be promptly informed of the allegation against him in the language he understands.

Arrested suspect to be taken immediately to police station.

(2) A person who has the custody of an arrested suspect shall give the suspect reasonable facilities for obtaining legal advice, access to communication for taking steps to furnish bail, and otherwise making arrangements for his defence or release.

(3) Notwithstanding the provision of subsection (2) of this section, any communication or legal advice shall be done in the presence of an officer who has custody of the arrested suspect.

46. (1) Where a suspect is arrested, whether with or without a warrant, and taken to a police station or any other agency effecting the arrest, the police officer making the arrest or the officer in charge shall cause to be taken immediately, in the prescribed form, the following record of the suspect arrested:

Recording of arrests.

(a) the alleged offence;

(b) the date and circumstances of his arrest;

(c) his full name, occupation and residential address; and

(d) for the purpose of identification:

(i) his height,

(ii) his photograph,

(iii) his full fingerprint impressions, or

(iv) such other means of his identification.

(2) The process of recording in subsection (1) of this section shall be concluded within a reasonable time of the arrest of the suspect, but not exceeding 48 hours.

(3) Any further action in respect of the suspect arrested under subsection (1) of this section shall be entered in the record of arrests.

(4) Where a suspect who is arrested, with or without a warrant, volunteers to make a confessional statement, the police officer shall ensure that the making and taking of the statement shall be in writing and may be recorded electronically on a retrievable video or audio visual means.

(5) Notwithstanding the provision of subsection (4) of this section, an oral confession of arrested suspect is admissible in evidence.

47. A police officer or any other person authorised to make an arrest may break out of a house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained in the house or place.

Power to break out of a house or place for the purpose of liberation.

48. (1) A police officer making an arrest or to whom a private person hands over the suspect, shall immediately record information about the arrested suspect and an inventory of all items or property recovered from the suspect.

Inventory of property of arrested suspect.

(2) An inventory recorded under subsection (1) of this section shall be duly signed by the police officer and the arrested suspect, but the failure of the arrested suspect to sign the inventory shall not invalidate it.

(3) The arrested suspect, his legal practitioner or such other person, as the arrested suspect may direct, shall be given a copy of the inventory.

(4) Where any property has been taken under this section from an arrested suspect, a police officer may, upon request by either the owner of the property or parties having interest in the property, release such property on bond pending the arraignment of the arrested suspect before a court.

(5) Where a police officer refuses to release the property to the owner or any person having interest in the property under subsection (4) of this section, the police officer shall immediately make a report to the court of the fact of the property taken from the arrested suspect and the particulars of the property.

(6) The court to which a report is made under subsection (5) of this section, may, if it is of the opinion that the property or any portion of it can be returned in the interest of justice to the safe custody of the owner or person having interest in the property, direct that the property or any portion of it be returned to the owner or to such person having interest in the property.

(7) Where any property has been taken from a suspect under this section, and the suspect is not charged before a court but is released on the ground that there is no sufficient reason to believe that he has committed an offence, any property so taken from the suspect shall be returned to him, provided the property is neither connected to nor a proceed of an offence.

49. (1) The Inspector-General and head of every agency authorised by law to make arrests shall remit quarterly to the Attorney-General of the Federation a record of all arrests made with or without warrant in relation to Federal offences within Nigeria.

Quarterly report of arrests to the Attorney-General.

(2) The Commissioner of Police of a State and the head of every agency authorised by law to make arrest within a State shall remit quarterly to the Attorney-General of that State a record of all arrests made with or without warrant in relation to State offences or arrests within the State.

(3) The report shall contain the full particulars of arrested suspects as prescribed under section 41 of this Bill.

(4) A register of arrests containing the particulars prescribed under section 41 of this Bill shall be kept in the prescribed form at every police station or agency authorised by law to make arrests, and every arrest, whether made with or without warrant, within the local limits of the police station or agency, or within the Federal Capital Territory, Abuja, shall be entered accordingly by the officer in charge of the police station or official in charge of the agency as soon as the arrested suspect is brought to the station or agency.

(5) The Attorney-General of the Federation shall establish an electronic and manual database of all records of arrests at the Federal and State level.

50. B. Search

(1) A police officer may seize and retain anything for which a search has been authorised.

Power to search.

(2) In every case in which property is seized under this section, the person on whose premises it was at the time of seizure or the person from whom it was taken, if other than the person on whose premises it was, may be summoned or arrested and brought before a court to account for his possession of the property, and the court shall make such order on the disposal of the property and may award costs as the justice of the case may require.

(3) An authority under subsection (2) of this section may only be given when the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty, and punishable by imprisonment.

(4) While searching the premises, a police officer shall not violate the human rights of persons found in the premises that is being searched.

51. (1) A police officer may exercise the power to stop and search in any:

Power to stop and search.

(a) place the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; or

(b) other place to which the public has ready access at the time when he proposes to exercise the power but which is not a private residence.

(2) A Police officer may detain and search any person or vehicle where:

(a) reasonable grounds for suspicion exist that the person being suspected is having in his possession; or conveying in any manner anything which he has reason to believe to have been stolen or otherwise unlawfully obtained;

(b) reasonable grounds for suspicion exist that such person or vehicle is carrying an unlawful article;

(c) reasonable grounds for suspicion that incidents involving serious violence may take place within a locality;

(d) information has been received as to a description of an article being carried or of a suspected offender; and

(e) a person is carrying a certain type of article at an unusual time or in a place where a number of burglaries or thefts are known to have taken place recently.

(3) If, in the course of a search, a police officer discovers an article which he has reasonable grounds for suspecting to be a stolen or prohibited article, he may seize it.

(4) An article is prohibited for the purposes of this Part of this Bill if it is:

(a) an offensive weapon; or

(b) an article:

(i) made or adapted for use in the course of or in connection with an offence to which this section refers; or

(ii) intended by the person having it with him for such use by him or by some other person.

(5) The offences to which subsection (4)(b)(i) applies are:

(a) burglary;

(b) theft;

(c) offences related to receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty.

(6) In this Part of this Bill "offensive weapon" means any article:

(a) made or adapted for use for causing injury to persons; or

(b) intended by the person having it with him for such use by him or by some other person.

52. (1) Where a police officer is exercising the powers under section 51 of this Bill he shall, before carrying out the search, question the person about his behaviour or his presence in circumstances which gave rise to the suspicion. Action before a search takes place.

(2) If the person to be searched has a satisfactory explanation which makes a search unnecessary or other circumstances come to the attention of the police officer that make the search unnecessary, no search may take place.

(3) Before any search of a detained person or vehicle may take place, the officer shall give the person to be searched or in charge of the vehicle:

(a) his name and the name of the police station to which he is attached;

(b) the object of the search; and

(c) his grounds or authorisation for undertaking the search.

(4) For any police officer to exercise the power to stop and search, he shall be in uniform or wear visibly a valid Police Identity Card.

53. (1) Reasonable effort shall be taken to minimise the embarrassment that a person or the person whose property is being searched may experience. General conduct of the search.

(2) The co-operation of the person to be searched shall be sought in every case.

(3) A forcible search may be used as a last resort only if it has been established that the person being searched is unwilling to co-operate or resists.

(4) The length of time for which a person or vehicle may be detained for a search depends on the circumstances, but this shall be within a reasonable time.

(5) Searches in public shall be restricted to superficial examination of outer clothing.

(6) Where it is considered necessary to conduct a more thorough search that requires a person to take off his cloth or headgear, it:

(a) shall be done out of public view and by an officer of the same sex with the person being searched; and

(b) may not be made in the presence of anyone of the opposite sex unless the person being searched requests it.

54. (1) Where a suspect is arrested by a police officer or a private person, the police officer making the Search of arrested

arrest or to whom the private person hands over the suspect may search the suspect if the police officer has reasonable grounds for believing that the arrested person may present a danger to himself or others. suspect.

(2) A police officer shall also have the power in any such case to search the arrested person for anything:

(a) which he might use to assist him to escape from lawful custody; or

(b) which might be evidence relating to an offence.

(3) Where an arrested suspect is admitted to bail and bail is furnished, he shall not be searched unless there are reasonable grounds for believing that he has on his person any:

(a) stolen article;

(b) instrument of violence or poisonous substance;

(c) tools connected with the kind of offence which he is alleged to have committed; or

(d) other articles which may furnish evidence against him in regard to the offence, which he is alleged to have committed.

(4) The power to search conferred under subsection (2) of this section is only a power to search to the extent that is reasonably required for the purpose of discovering anything or evidence.

(5) The powers conferred under this section to search a person are not to be construed as authorising a police officer to require a person to remove any of his clothing in public.

(6) A constable may not search premises in the exercise of the power conferred under subsection (2)(b) of this section unless he has reasonable grounds for believing that there is evidence for which a search is permitted under that paragraph on the premises.

(7) A police officer shall place in safe custody all articles other than necessary wearing apparel found on the suspect.

55. (1) Subject to the provision of this section, an intimate search of a suspect may be carried out, if a police officer of at least the rank of Assistant Superintendent of Police has reasonable grounds for believing that the suspect in lawful custody: Examination of arrested suspect.

(a) may have concealed on him anything which:

(i) could be used to cause physical injury to himself or others, and

(ii) might so use while he is in police detention or in the custody of a court; or

(b) that evidence of the offence alleged to have been committed can only be gotten from examination of the suspect.

(2) An authorisation under subsection (1) of this section may be given orally or in writing, and where an oral authorisation has been given, it shall be confirmed in writing as soon as practicable specifying the grounds for the intimate search.

(3) A police officer carrying out the intimate search shall inform the person who is to be subjected to the search of the:

(a) purpose for the search; and

(b) authorisation and grounds for the search.

(4) An intimate search shall be by way of examination by a suitably qualified person.

(5) Where an officer of the rank of at least an Assistant Superintendent of Police considers it

impracticable for an intimate search to be by way of examination by a suitably qualified person, the intimate search may be carried out by a police officer at the rank of Sergeant.

(6) An intimate search shall be carried out by a suitably qualified person or Sergeant of the same sex as the suspect.

(7) No intimate search may be carried out except:

- (a) at a police station;
- (b) at a hospital; or
- (c) at some other place used for medical purposes.

(8) If an intimate search of a person is carried out, the custody record relating to him shall state:

- (a) the authorisation by virtue of which the search was carried out;
- (b) the grounds for giving the authorisation;
- (c) the fact that the appropriate consent was given;
- (d) which parts of his body were searched; and
- (e) why they were searched.

(9) The information required to be recorded by subsection (8) of this section shall be recorded as soon as practicable after the completion of the search.

(10) The custody officer at a police station may seize and retain anything which is found on an intimate search of a person, or cause any such thing to be seized and retained if he:

(a) believes that the person from whom it is seized may use it to:

- (i) cause physical injury to himself or any other person,
- (ii) damage property,
- (iii) interfere with evidence, or
- (iv) assist him to escape;

(b) if he has reasonable grounds for believing that it may be evidence relating to an offence.

(11) Where anything is seized under this section, the suspect from whom it is seized shall be told the reason for the seizure unless he is:

- (a) violent or likely to become violent; or
- (b) incapable of understanding what is said to him.

(12) Where the appropriate consent for an intimate search of any suspect was refused without good cause, in any proceeding against that suspect for the offence for which the search was required, the court, judge, magistrate or presiding judicial officer may draw such inferences from the refusal as it is considered proper.

(13) Every quarterly report submitted to the Attorney-General pursuant to section 44 of this Bill shall contain information about searches under this section which have been carried out during the period to which it relates.

(14) The report on the searches referred to under subsection 12 of this section shall include-

- (a) the total number of searches;

- (b) the number of searches conducted by way of examination by a suitably qualified person;
- (c) the number of searches not conducted by a suitably qualified person, but conducted in the presence of such a person; and
- (d) the result of the searches carried out.

(15) In this section "suitably qualified person" means a registered:

- (a) medical practitioner; or
- (b) nurse.

56. The following shall not be grounds for reasonable suspicions;

Where reasonable suspicion never exist.

- (a) personal attributes, including a person's colour, age, hairstyle or manner of dress;
- (b) previous conviction for possession of an unlawful article; or
- (c) stereotyped images of certain persons or groups as more likely to be committing offences.

57. (1) Where a person or police officer acting under a warrant of arrest or otherwise having authority to arrest, has reason to believe that the suspect to be arrested has entered into or is within any house or place, the person residing in or being in charge of the house or place shall, on demand by the police officer or person acting for the police officer, allow him free access to the house or place and afford all reasonable facilities to search the house or place for the suspect sought to be arrested.

Search of place entered by suspect sought to be arrested.

(2) Where access to a house or place cannot be obtained under subsection (1) of this section, the person or police officer may enter the house or place and search it for the suspect to be arrested, and in order to effect an entrance into the house or place, may break open any outer or inner door or window of any house or place, whether that of the suspect to be arrested or of any other person or otherwise effect entry into such house or place, if after notification of his authority and purpose, and demand of admittance duly made, he cannot obtain admittance.

(3) Where the suspect to be arrested enters a house or place in the actual occupancy of another person being a woman who by custom or religious practice does not appear in public, the person making the arrest shall:

- (a) before entering the house or place, give notice to the woman that she is at liberty to withdraw; and
- (b) afford her every reasonable opportunity and facility for withdrawing, and may then enter the house or place, but the notice shall not be necessary where the person making the arrest is a woman.

58. (1) An officer who has carried out a search shall make a written record unless it is not practicable to do so, including situations where the number of persons to be searched is large or in situations involving public disorder.

Action after search is carried out.

(2) The records shall be completed and signed by the officer and person being searched on the spot and a copy to be given to the person being searched or the vehicle driver if it is a vehicle.

(3) Subject to subsection (2) of this section, in case the search record is not available on the spot, the officer that carried out the search shall advise the person searched or the driver of the vehicle searched, of the police station the person may pick up the search record.

(4) A searched person may refuse to collect a search record that his signature is not appended on.

(5) Where the person to be searched is unwilling to provide detailed information about himself, the officer may not detain him, he shall be allowed to go unless unlawful items are found in his possession or in the vehicle searched.

59. (1) A search record shall be prepared in the prescribed Form to be known as a National search Record Form. Search record.

(2) The following information must always be included in the National Search Record:

- (a) the name of the person searched or if, he withholds it, description of the person;
- (b) the date of birth of the person searched;
- (c) a note of the person's ethnic origin;
- (d) when a vehicle is searched, a description of the vehicle, including the registration number;
- (e) the object of the search;
- (f) the ground for making the search;
- (g) the date and time the search was made;
- (h) the place where the search was made;
- (i) the result of the search;
- (j) a note of any injury or damage to property resulting from the search; and
- (k) the identity of the officer making the search.

60. (1) A search warrant is unlawful unless it complies with this section.

Search warrant
safeguards.

(2) Where a police officer applies for any search warrant, it shall be his duty to state:

- (a) the ground on which he makes the application;
- (b) the law under which the warrant would be issued;
- (c) the premises to be searched,; and
- (d) possibly the article or person to be searched.

(3) An application for a warrant shall be made in writing under oath and supported by necessary information.

(4) A warrant shall authorise an entry on one occasion only.

(5) A warrant shall:

(a) specify:

- (i) the name of the person who applies for it,
- (ii) the date on which it is issued,
- (iii) the law under which it is issued, and
- (iv) the premises to be searched;

(b) a warrant shall identify, as practicable as possible, the article or person to be searched.

(6) Two copies of a warrant shall be made.

(7) The two copies shall be clearly certified as copies.

61. (1) A warrant to enter and search premises may be executed by any police officer.
- (2) Such a warrant may authorise a person to accompany any police officer who is executing it.
- (3) A search warrant may be issued and executed at any time on any day, including a Sunday or public holiday.
- (4) Where the occupier of premises which is to be searched is present at the time when a police officer seeks to execute a warrant to enter and search, the police officer shall:
- (a) identify himself to the occupier and, if not in uniform, shall produce to the occupier, his official identity card;
- (b) produce the warrant to the occupier; and
- (c) supply the occupier with a copy.
- (5) Where the occupier is not present, but some other person who appears to the police officer to be in charge of the premises is present, subsection (4) of this section shall take effect as if the occupier is present.
- (6) Upon the execution of a warrant, a police officer shall make an endorsement on it stating whether:
- (a) the articles or persons sought were found; and
- (b) any other articles were seized, other than articles which were sought.

Execution of
search warrant.

62. C. Statements

- (1) Where a suspect is arrested on allegation of having committed an offence, his statement shall be taken, if he so wishes to make a statement.
- (2) The statement may be taken in the presence of a legal practitioner of his choice, or where he has no legal practitioner of his choice, in the presence of an officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace or any other person of his choice, provided that the legal practitioner or any other person mentioned in this subsection shall not interfere while the suspect is making his statement, except for the purpose of discharging his duty as a legal practitioner.
- (3) Where a suspect does not understand or speak or write in the English language, an interpreter shall record and read over the statement to the suspect to his understanding and the suspect shall then endorse the statement as having been made by him, and the interpreter shall attest to the making of the statement.
- (4) The interpreter shall endorse his name, address, occupation, designation or other particulars on the statement.
- (5) The suspect referred to in subsection (1) of this section shall also endorse the statement with his full particulars.

Recording of
statement of
suspect.

63. (1) Where a suspect who, in the presence of a police officer, has committed or has been accused of committing an offence triable summarily, refuses, on demand of the police officer, to give his name and residential address, or gives a name or residential address which the officer has reason to believe to be false, he may be arrested by the officer in order that his name or residential address may be ascertained.
- (2) Where the true name and residential address of the suspect have been ascertained, he shall be required to appear before a magistrate if so required, but if the person is not resident in Nigeria, a surety or sureties resident in Nigeria shall secure the recognizance.
- (3) Where the true name and address of the suspect cannot be ascertained within 48 hours from the time of arrest, or if he fails to execute a recognizance, or, where so required, to furnish

Refusal to give
name and
residence.

sufficient sureties, he shall immediately be brought before the nearest magistrate having jurisdiction.

(4) Where the suspect on being brought before the court still refuses, the court may deal with him as it will deal with an uncooperative witness under this Bill.

64. D. Release of arrested suspect

(1) Where a suspect has been taken into police custody without a warrant for an offence other than an offence punishable with death, an officer in charge of a police station shall inquire into the case and release the suspect arrested on bail subject to subsection (2) of this section, and where it will not be practicable to bring the suspect before a court having jurisdiction with respect to the offence alleged, within 20 hours after the arrest.

Release on bail of a suspect arrested without warrant.

(2) The police officer in charge of a police station shall release the suspect on bail on his entering into a recognisance with or without sureties for a reasonable amount of money to appear before the court or at the police station at the time and place named in the recognisance.

(3) Where a suspect is taken into custody and it appears to the police officer in charge of the station that the offence is of a capital nature, the arrested suspect shall be detained in custody, and the police officer may refer the matter to the Attorney-General of the Federation or of a State, as the case may, for legal advice and cause the suspect to be taken before a court having jurisdiction with respect to the offence within a reasonable time.

65. (1) Where a suspect is taken into custody, and it appears to the police officer that the inquiry into the case cannot be completed immediately, he may discharge the suspect on his entering into a recognisance, with or without sureties for a reasonable amount, to appear at the police station and at such times as are named in the recognisance, unless he previously receives notice in writing from the police officer in charge of that police station that his attendance is not required.

Power to release on bail before charge is accepted.

(2) A recognisance under subsection (1) of this section may be enforced as if it were a recognisance conditional for the appearance of the said suspect before a magistrate's court or the place in which the police station named in the recognisance is situate.

66. (1) Where a suspect taken into custody in respect of a non-capital offence is not released on bail after 24 hours, a court having jurisdiction with respect to the offence may be notified by application on behalf of the suspect.

Remedy of suspect detained in custody.

(2) The court shall order the production of the suspect detained and inquire into the circumstances constituting the grounds of the detention and where it deems fit, admit the suspect detained to bail.

(3) An application for bail under this section may be made orally or in writing.

67. E. Miscellaneous

Any summons lawfully issued by a court may be served by any police officer at any time during the hours of daylight, which is between 6am to 6pm.

Summons.

68. (1) Subject to the provisions of section 174 and 211 of the Constitution and section 106 of the Administration of the Criminal Justice Act which relates to the powers of the Attorney-General of the Federation and of a State to institute, take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria, a police officer who is a legal practitioner, may prosecute in person before any court whether or not the information or complaint is laid in his name.

Powers to prosecute.

(2) A police officer may, subject to the provisions of the relevant criminal procedure laws in force at the Federal or State level, prosecute before the courts those offences which non-qualified legal practitioners can prosecute.

(3) There shall be assigned to every Police Division at least one police officer:

(a) who is qualified to practise as legal practitioner in accordance with the Legal Practitioners Act ;

and

(b) whose responsibility is to promote human rights compliance by officers of the Division.

69. (1) There shall be established at the Nigeria Police, a Central Criminal Records Registry.

Central Criminal
Records Registry.

(2) For the purposes of subsection (1) of this section, there shall be established at every State Police Command a Criminal Records Registry which shall keep and transmit all records to the Central Criminal Records Registry.

(3) The State or Federal Capital Territory Police Command, Abuja shall ensure that the decisions of the court in all criminal trials are transmitted to the Central Criminal Records Registry within 30 days of the judgement.

70. (1) A police officer shall take and record for the purposes of identification the measurements, photographs and fingerprint impression of all persons who may be in lawful custody.

Power to take
fingerprints.

(2) Where a person who has not previously been convicted of any criminal offence is discharged or acquitted by a court, all records relating to such measurements, photographs and fingerprint impressions including the document of acquittal or discharge shall be stored in a retrievable form and handed over to such person upon request.

(3) A police officer shall apply to a court to compel any person in lawful custody, who refuses to submit to the taking and recording of his measurements, photographs or fingerprint impressions, to submit himself.

(4) Subject to subsection (3) of this section, the court may authorise a police officer to take the measurements, photographs and finger-print impressions of such person.

71. (1) An officer in charge of a police station or an official in charge of an agency authorised to make arrest shall, on the last working day of every month, report to the nearest magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.

Police to report to
supervising
Magistrates.

(2) The report shall contain the particulars of the suspects arrested as prescribed under section 46 of this Bill.

(3) The magistrate shall, on receipt of the reports, forward them to the Criminal Justice Monitoring Committee which shall analyse the reports and advise the Attorney-General of the Federation as to the trends of arrests, bail and related matters.

(4) The Attorney-General of the Federation shall, upon request by the National Human Rights Commission, the Legal Aid Council of Nigeria or a non-governmental organisation, make the report available to them.

(5) Where no report is made in accordance with subsection (1) of this section, the magistrate shall forward a report to the Chief Judge of the State and the Attorney-General of the State for appropriate remedial action.

(6) With respect to the Federal Capital Territory, Abuja, the report referred to in subsection (5) of this section shall be forwarded to the Chief Judge of the Federal Capital Territory, Abuja and the Attorney-General of the Federation for remedial action.

72. (1) The Chief Magistrate, or where there is no Chief Magistrate within the police division, any magistrate designated by the Chief Judge for that purpose, shall, at least every month, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the prison.

Chief Magistrate
to visit police
stations every
month.

(2) During a visit, the magistrate may:

(a) call for, and inspect, the record of arrests;

(b) direct the arraignment of a suspect;

(c) where bail has been refused, grant bail to any suspect, where appropriate, if the offence for which the suspect is held is within the jurisdiction of the magistrate.

(3) An officer in charge of a police station or an official in charge of an agency authorised to make an arrest shall make available to the visiting Chief Magistrate or designated magistrate exercising his powers under subsection (1) of this section:

(a) the full record of arrest and record of bail;

(b) applications and decisions on bail made within the period; and

(c) any other facility the magistrate requires to exercise his powers under that subsection.

(4) With respect to other Federal Government agencies authorised to make arrests, the High Court having jurisdiction shall visit such detention facilities for the purpose provided in this section.

(5) Where there is default by an officer in charge of a police station or an official in charge of an agency authorised to make arrest to comply with the provisions of subsection (3) of this section, the default shall be treated as a misconduct and shall be dealt with in accordance with the relevant police regulations under this Bill, or under any other disciplinary procedure prescribed by any provision regulating the conduct of the officer or official of the agency.

PART VIII – WARRANTS

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|-----|---|--|
| 73. | Where under a law, there is power to arrest a suspect without warrant, a warrant for his arrest may be issued by the court. | General authority to issue warrant. |
| 74. | <p>(1) A warrant of arrest issued under this Bill, unless the contrary is provided under any other law, shall:</p> <p>(a) bear the date of issue;</p> <p>(b) contain all necessary particulars; and</p> <p>(c) be signed by the issuing judge or magistrate.</p> <p>(2) A warrant shall:</p> <p>(a) state the offence or matter for which it is issued;</p> <p>(b) name and describe the suspect to be arrested; and</p> <p>(c) order the person to whom it is directed to arrest the suspect and bring him before the court.</p> | Form and requisites of warrant of arrest. |
| 75. | A warrant of arrest shall not be issued in the first instance in respect of any complaint or statement unless the complaint or statement is on oath either by the complainant himself or by a material witness. | Warrant to be issued on complaint only if on oath. |
| 76. | A warrant of arrest may be issued on any day, including a Sunday or public holiday. | Warrant may be issued on any day. |
| 77. | <p>(1) A warrant of arrest may be directed to a police officer by name or to all police officers.</p> <p>(2) It is not necessary to make a warrant of arrest returnable at any particular time and a warrant shall remain in force until it is executed or until a Judge or a Magistrate cancels it.</p> <p>(3) Where a warrant of arrest has been executed and the suspect arrested has been released, the warrant shall no longer be valid authority for re-arresting the suspect.</p> | Warrant, to whom directed and duration. |
| 78. | (1) A court issuing a warrant of arrest may, where its immediate execution is necessary and no police officer is immediately available, direct it to some other person or persons and the person or persons shall execute the warrant. | Warrant of arrest may in exceptional cases be directed to other persons. |

(2) A person, when executing a warrant of arrest directed to him, shall have all the powers, rights, privileges and protection given to or afforded by law to a police officer executing a warrant of arrest and shall conform with the requirement imposed by law on a police officer.

79. (1) A warrant of arrest may be executed on any day, including a Sunday or public holiday.

Execution of
warrant and
procedure.

(2) A warrant of arrest may be executed by any police officer at any time and in any place in any State other than within the actual court room in which a court is sitting.

(3) The Police officer executing a warrant of arrest shall, before making the arrest, inform the suspect to be arrested that there is a warrant for his arrest unless there is reasonable cause for abstaining from giving the information on the ground that it is likely to occasion escape, resistance or rescue.

(4) A suspect arrested on a warrant of arrest shall, subject to the provisions of the Constitution, sections 80 and 81 of this Bill, be brought before the court that issued the warrant of arrest.

80. A warrant of arrest may be executed notwithstanding that it is not in the possession of the person at the time of executing the warrant, but the warrant shall, on the demand by the suspect, be shown to him as soon as practicable after his arrest.

Power to arrest
on warrant but
without the
warrant.

81. (1) A court, on issuing a warrant for the arrest of a suspect in respect of a matter other than an offence punishable with death, may, if it deems fit by endorsement on the warrant, direct that the suspect named in the warrant be released on bail on his entering into such a recognizance for his appearance as may be required in the endorsement.

Court may direct
particulars of
security to be
taken on
execution of
warrant.

(2) The endorsement shall specify:

(a) the number of sureties, if any;

(b) the amount in which they and the suspect named in the warrant are, respectively, to be bound, or are to provide as cash security on the request of the surety or suspect;

(c) the court before which the arrested suspect is to attend; and

(d) the time at which the suspect is to attend, including an undertaking to appear at a subsequent time as may be directed by any court before which he may appear.

(3) Where an endorsement is made, the officer in charge of a police station to which on arrest the suspect named in the warrant is brought, shall discharge him on his entering into a recognizance, with or without sureties approved by that officer, in accordance with the endorsement, condition for his appearance before the court and at the time and place named in the recognizance.

(4) Where security is taken under this section, the officer who takes the recognizance shall cause it to be forwarded to the court before which the suspect named in the recognizance is bound to appear.

82. (1) A warrant of arrest issued by a Federal High Court sitting anywhere in Nigeria may be executed in any part of Nigeria.

Warrant issued by
the Federal High
Court.

(2) A warrant issued under this section may be executed in accordance with section 79 of this Bill.

83. Where a suspect in lawful custody escapes or is rescued, the person from whose custody he escaped or is rescued or any other person may pursue and re-arrest him in any place in Nigeria.

Re-arrest of
suspect escaping.

84. The provisions of sections 47 and 57 of this Bill shall apply to arrests under section 83 of this Bill, although the person making such arrest is not acting under a warrant and is not a police officer having authority to arrest.

Provisions of
sections 47 and
57 to apply to
arrests under
section 83.

85. (1) The Police Force is responsible for maintaining and securing public safety and public order.

Public safety and
public order.

(2) The Police Force shall, in carrying out its responsibilities under subsection (1) of this section:

(a) uphold the provisions of the Constitution and other laws;

(b) uphold and protect the fundamental rights of all persons in Nigeria; and

(c) be fair to all persons in Nigeria notwithstanding their economic status or religious, ethnic or political beliefs and affiliations.

(3) Subject to the provisions of subsection (1) of this section, the Commissioner of Police of a State is responsible for maintaining security, public safety and public order within the State.

(4) Where a person or organisation notifies the police of his or its intention to hold a public meeting, rally or procession on a public highway, or such meetings in a place where the public has access to, the police officer responsible for the area where the meeting, rally or procession will take place, shall mobilise personnel to provide security cover for the meeting, rally or procession.

PART IX - PREVENTION OF OFFENCES AND SECURITY FOR GOOD BEHAVIOUR

86. (1) A police officer may intervene for the purpose of preventing, and shall, to the best of his ability, prevent the commission of an offence. Police to prevent offences and injury to public property.

(2) A police officer may of his authority intervene to prevent an injury attempted to be committed in his presence to any public property, whether movable or immovable, or the removal of or injury to any public landmark or buoy or other mark used for navigation.

87. A police officer receiving information of a plan to commit any offence shall communicate the information to the police officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of the offence. Information of plan to commit offence.

88. Notwithstanding the provisions of this Bill or any other law relating to arrest, a police officer on a reasonable suspicion of a plan to commit an offence, may arrest, without orders from a magistrate and without warrant, the suspect where it appears to the officer that the commission of the offence cannot otherwise be prevented. Arrest by police to prevent offences.

89. (1) A judge, magistrate, or any other public officer charged with responsibility for maintaining law and order may intervene to prevent the commission of an offence or any damage to any public property, movable or immovable. Prevention by other public officers of offences and injury to public property.

(2) A person is bound to assist a Judge or Magistrate or police officer or any other public officer reasonably demanding his aid:

(a) in preventing the commission of an offence or any damage to any public property, movable or immovable;

(b) in the suppression of a breach of the peace or in the prevention of any damage to any property, movable or immovable or to any railway, canal, water supply, telecommunication system, oil pipeline or oil installation, or electrical installation; or

(c) in the prevention of the removal of any public landmark, buoy or other mark used for navigation.

PART X- PROPERTY FOUND AND UNCLAIMED, ETC.

90. (1) Where a police officer or any other person finds a lost property, the police officer or person who finds the property shall take it to the nearest police station within 24 hours after it is found. Found and unclaimed property.

(2) A police officer on duty shall collect the property which was found and make a record of it.

(3) A register shall be kept at a police station for the purpose of making entries of the property found and brought to the station which shall contain:

(a) the type of property found;

(b) the description of the property stating the general particulars and state and condition of the property when it was brought to the police station and any other relevant information relating to the property;

(c) the date and time it was found and brought;

(d) the name, address and telephone number, if any, of the person who found and brought the property to the station;

(e) the name and rank of the police officer who collected the property; and

(f) the signatures of the police officer and the person who found and brought the property to the station.

(4) A police officer who collects the lost and found property shall enter the details in the register referred to in subsection (3) of this section and prepare two forms acknowledging the receipt of the lost and found property and give a duly signed copy to the person who found and brought the property to the police station.

(5) The police officer in charge of the police station in possession of the property found shall make a public announcement at least on three consecutive times in the print and electronic media about the property in the custody of the police station for the rightful owner to claim the property with authentic proof of ownership within a period of six months.

(6) The police officer in charge of the station in possession of the property shall release the property upon satisfactory proof of ownership.

(7) Where the property remains unclaimed after the expiration of six months, the police officer in charge of that police station shall bring the property before a magistrate court for auction and the proceeds shall be paid into the Police Reward Fund established under section 94 of this Bill.

(8) Where a property in Police custody is a perishable article or its custody involves unreasonable expense or inconvenience, it may be sold at any time, and the proceeds of sale shall be paid into the Police Reward Fund established under section 94 of this Bill.

(9) There shall be deducted from the proceeds of a sale under subsections (7) and (8) of this section, before being paid into the Police Reward Fund the cost, if any, of the sale and of any sum which the court may direct to be paid as a reward to any person by whom the property was delivered into the possession of the police.

91. (1) Where a person appears in a police station in respect of an offence or an allegation of the commission of an offence either as an accused person or a witness, or as a relation or friend of an accused person or a witness, the duty officer or such other officer as may be authorized by the officer-in-charge of the police station shall enter in the official record book:

Documentation of arrest, witnesses and death in police station.

(a) the name of the person and his national identity number, if any;

(b) the date of birth of the person;

(c) the reason for the person's visits;

(d) the name and address of the person's next-of-kin;

(e) the exact time the person comes to the station and leaves, for everyday he visits; and

(f) any ailment or medical condition which the person has.

(2) The particulars mentioned in subsection (1) of this section shall be updated each day the person remains in custody in the police station.

(3) Where, in the discharge of the police duty, a person is shot, wounded or killed, the officer commanding the operation shall record:

(a) the number of those wounded or killed, the names of the victims or their description as much as possible; and

(b) efforts taken to ensure hospitalisation of the wounded or proper preservation of the dead.

(4) A police officer who fails to keep appropriate records referred to in subsections (1), (2) and (3) of this section commits a serious misconduct, which attracts disciplinary measure.

(5) The Inspector-General shall give a quarterly report to the Police Force Commission itemising the number and identity of persons who:

(a) were detained in all police formations across Nigeria;

(b) were charged and prosecuted in the courts in Nigeria and the outcome of their cases;

(c) were killed or wounded during police operations across Nigeria; and

(d) died in police custody.

92. (1) A person who is aware that a person under his employment or control is missing shall, within 24 hours report to the police the identity of the missing person and the circumstances in which that person got missing. Missing persons.

(2) When a report is made to the police under subsection (1) of this section, the duty officer or such other designated staff shall immediately record the name and address of the missing person and the person who made the report.

PART XI – ESTABLISHMENT OF THE POLICE REWARD FUND, ETC. AND OTHER PROVISIONS RELATING TO THE POLICE FORCE

93. (1) There is established for the Nigeria Police the Police Reward Fund (in this Bill referred to as “the Reward Fund”) into which shall be paid: Establishment,
etc. of the Police
Reward Fund.

(a) all money levied by order of a superior officer on members of the police for offences against discipline;

(b) all fines levied for assaults on members of the police;

(c) one-third of fees paid by members of the public in respect of extracts from reports made by the police;

(d) one-third of fees paid in accordance with Standing Orders for the services of police officers who would otherwise be off duty; and

(e) all sums ordered to be paid into the Fund under section 85 (7) of this Bill.

(2) Subject to the rules for the time being in force under section 23 of the Finance Control and Management Act, the Reward Fund shall be applied and disbursed at the direction of the Inspector-General, based on criteria laid by the Police Service Commission:

(a) to reward members of the police for exemplary services

(b) for payment of *ex gratia* compassionate gratuities to widows or children of deceased members of the force;

(c) for making *ex gratia* payments towards the funeral expenses of any member of the police who dies in the service of the police; and

(d) for such other purpose as may be determined, by the Nigerian Police Council.

94. Police officers who have distinguished themselves with their outstanding performance in the discharge of their duties shall be duly honoured and recognised for their gallant and exemplary Recognition and
commendation
for gallant and

service by the Police Force:

exemplary
service.

(a) by recommendation for national honours, attention being paid to deserving officers of lower rank, in particular;

(b) through public presentation of awards and certificates of exemplary service from communities and civil society; or

(c) by the police setting aside a day or week in every year to celebrate outstanding performance by its officers and to remember their fallen heroes.

95. (1) A police officer shall not get himself involved in indebtedness of any kind while still in service, and where he does, he shall be disciplined and the debt or liability shall be recovered from his remuneration if the creditor can prove the indebtedness by withholding from the police officer's remuneration an amount not exceeding one-half of his monthly remuneration until the amount of the debt or liability is made good.

Police officer and
indebtedness.

(2) Where the recovery of the debt or liability is by a court order, the court making the order shall give due notice to the senior police officer in charge of the command to which the indebted officer belongs, and the amount ordered shall be withheld or deducted from the indebted officer's remuneration until the amount of the debt is made good.

96. The remuneration of a police officer shall not be withheld on account of any debt or liability, which he may have incurred within three years before being appointed to the police.

Debt recovery:
exception.

97. A police officer shall not, while in service, be directly involved in managing and running any private business or trade except farming.

Private business
and conflict of
interest.

PART XII-OFFENCES

98. (1) A police officer who:

Offences by police
officer.

(a) begins, raises, abets, countenances, or excites mutiny;

(b) causes or joins in any sedition or disturbance of any nature whatsoever;

(c) being at an assembly tending to riot, does not use his utmost endeavour to suppress the assembly;

(d) coming to the knowledge of any mutiny, or intended mutiny does not without delay give information of the mutiny to his superior officer;

(e) strikes or offers any violence to his superior officer, while in the execution of his duty;

(f) deserts or aids or abets the desertion of an officer from the Nigeria Police;

(g) fails to come to the aid or to assist any person in need of assistance at the time of distress;

(h) on enlistment falsely states that he has not been convicted or imprisoned for a criminal offence or that he was never employed by the Government of the Federation or of a State; or

(i) employs excessive force, violence or any other acts leading to death or serious bodily harm while in the execution of his duty:

shall be subject to appropriate disciplinary proceedings in accordance with the police disciplinary mechanisms and if found liable, shall be recommended for dismissal and charged to court for prosecution in accordance with the relevant laws in force.

(2) An officer found engaging in any manner prescribed in subsection (1)(a) to (h) of this section shall be subject to appropriate disciplinary proceedings in accordance with the police disciplinary mechanisms and if found liable, shall be recommended for dismissal and charged to court for prosecution in accordance with the relevant laws in force.

(3) A police officer shall not, in discharging his duty, discriminate against a person in Nigeria, based on the person's place of origin, gender, socio-economic status, ethnic, political or religious affiliation or any form of disability and shall not use such language, or act in such a way that suggests a bias towards a particular group.

(4) A police officer may be proceeded against for desertion without reference to the time during which he may have been absent, and may be found guilty, either of desertion or of absence without leave.

(5) A police officer shall not be convicted as a deserter or of attempting to desert unless the court is satisfied that there was an intention on the part of the officer either not to return to the Police Force, or to escape some particular important service.

99. On reasonable suspicion that a person is a deserter, a police officer or any other person may apprehend him and bring him immediately before a court having jurisdiction in the place where he was found, which may deal with the suspected deserter or refer him to a court having jurisdiction in the place in which he has deserted. Apprehension of deserters.
100. A person who assaults, obstructs or resists a police officer in the execution of his duty, or aids or incites any other person to assault, obstruct or resist a police officer or other person aiding or assisting the police officer in the execution of his duty, commits an offence and is liable on conviction to a fine of ₦1,000,000 or imprisonment for a term of six months or both. Assault on police officer.
101. Where a person is called upon to aid and assist a police officer who is, while in the execution of his duty, assaulted or resisted or in danger of being assaulted or resisted, and the person refuses or neglects to aid and assist accordingly, he commits an offence and is liable on conviction to a fine of ₦100,000 or imprisonment for a term of six months or both. Refusing to aid police officer assaulted.
102. (1) A police officer shall not, while on duty, take any intoxicating liquor, psychotropic substances or stimulants and if he does, he shall be punished in accordance with the police disciplinary procedures. Taking of intoxicating liquor or use of psychotropic substances and stimulants while on duty.
(2) A person who:
(a) knowingly harbours or entertains, or either directly or indirectly, sells or gives any intoxicating liquor, psychotropic substances or stimulants to a police officer while on duty, or permits a police officer to stay or remain in his house unlawfully except in cases of extreme urgency, or
(b) by threats or offer of money, gift, spirits, liquors, psychotropic substances or stimulants, induces or attempts to induce any police officer to commit a breach of his duty:
commits an offence and is liable on conviction to a fine of not less than ₦500,000 or imprisonment for a term of two years or both.
103. A person, not being a police officer who: Impersonation of police officer.
(a) puts on or assumes either in whole or in part, the apparel, name, designation, or description of a police officer or resembling and intended to resemble the apparel, name or designation of a police officer, or
(b) in any way, pretends to be a police officer for the purpose of obtaining admission into any house or other place, or of doing any act which such person would not by law be entitled to do of his own authority,
commits an offence and is liable on conviction to a fine of not less than ₦5,000,000 or imprisonment for a term of five years or both.
104. (1) A person who: Obtaining admission into Police Force with forged or false certificate.
(a) knowingly uses or attempts to pass off any forged or false certificate character, letter, or any other document for the purpose of obtaining admission into the Police Force; or

(b) on applying for enlistment, makes a false statement,

commits an offence and is liable on conviction to a fine of N100,000 or imprisonment for a term of six months or both.

(2) A police officer may arrest without a warrant a person whom he reasonably believes has committed an offence under this section.

105. Nothing in this Bill shall be construed to exempt a police officer from being proceeded against by the ordinary course of law when accused of any offence punishable under any other Act or law.

Ordinary course of law not to be interfered with.

106. (1) A person who has been acquitted by a court of any offence shall not be tried on the same charge or suffer any punishment under this Bill.

Persons acquitted by the court not to be tried for the same offence under this Bill.

(2) Where a police officer has been convicted by a court for an offence, he shall not be liable to be punished for the same offence under this Bill, but may have his rank or grade reduced or be dismissed from the Police Force.

PART XIII – COMMUNITY POLICE FORUMS AND BOARDS

107. (1) For the effective and efficient policing of communities in a State, the Commissioner of Police of a State shall establish Community Police Forums and Boards (in this Bill referred to as “the Forums” and “Boards”, respectively) that shall consist of representatives of the Police Force and the local community in the State.

Establishment of Community Police Forums.

(2) A Commissioner of Police of a State shall establish Community Sub-Forums (in this Bill referred to as “the sub- forums”) at all Divisional Police Headquarters in the State.

(3) Subject to section 112 (1) (b) of this Bill, the Commissioner of Police and members designated by him from time to time for the purpose, shall be members of the Forums and Sub-Forums established at various police formations.

108. (1) A Commissioner of Police of a State shall, in collaboration with the relevant stakeholders in the community, establish Divisional Community Police Boards (in this Bill referred to as “Divisional Boards”) in all Police Divisions within the State.

Establishment of Divisional Community Police Boards.

(2) A Divisional Board shall, in collaboration with the relevant stakeholders in the community, establish Divisional Community Police Boards in all police formations in the Division.

(3) Subject to section 112 (1) (b) of this Bill, the Divisional Police Officer and the members designated by him, from time to time for that purpose, shall be members of the Divisional Board concerned.

109. (1) A Commissioner of Police of a State shall, in collaboration with the State Executive Council, establish a State Community Police Board.

Establishment of State Community Police Boards.

(2) A State Community Police Board shall, subject to subsection (3) of this section, consist of representatives of Divisional Community Police Boards designated for that purpose by the Divisional Community Police Boards of a State concerned.

(3) Subject to section 107 (1) (b) of this Bill, Commissioner of Police in a State and the members designated by him, from time to time for the purpose, shall be members of the State Community Police Board concerned.

110. (1) The objectives of the Forums and Boards are to:

Objectives of Community Police Forums and Boards.

(a) maintain a partnership between the community and the Police Force;

(b) promote communication between the Police Force and the community;

(c) promote co-operation between the Police and the community in fulfilling the needs of the community regarding policing;

(d) improve the police service to the community; and

(e) improve transparency and accountability in the provision of police services to the community.

(2) This section does not prevent police liaison with the community by means other than Forums, Boards, Sub-Forums and Divisional Boards.

111. A Forum, Board, Sub-Forum and Divisional Board shall perform the functions it considers necessary and appropriate to achieve the objectives stated in section 110 of this Bill.

Functions of
Community Police
Forums and
Boards.

112. (1) A Forum, Board, Sub-Forum and Divisional Board shall:

Procedural
matters.

(a) elect, from amongst its members, a chairman, Vice-Chairman and a Secretary who shall be police officers;

(b) determine the number of members to be assigned by the State Commissioner or Divisional Police Officer to serve as members of the Board, Forum or Sub-Forum concerned;

(c) determine its own procedure and cause minutes to be kept of its proceedings; and

(d) whenever it considers necessary, co-opt other members, experts or community leaders to the Forum, Board, Sub-Forum and Divisional Board in an advisory capacity.

(2) Members of the Forums, Boards, Sub-Forums and Divisional Boards shall render their services on a voluntary basis and shall have no claim to any remuneration solely for services rendered to the Forums, Boards, Sub-Forums or Divisional Boards.

(3) The majority of the members of a Forum, Board, Sub-Forum or Divisional Board shall constitute a quorum at any of its meetings.

(4) In the absence of the Chairman of a Forum, Board, Sub-Forum or a Divisional Board at a meeting, the Vice-Chairman shall preside over the meeting, and if both the Chairman and Vice-Chairman are absent, the members present shall elect one of them present to preside over the meeting.

PARTXIV – TRAFFIC WARDEN SERVICE

113. (1) There is established a Traffic Warden Service (in this Bill referred to as "the Warden Service").

Establishment of
Traffic Warden
Service.

(2) The Warden Service shall consist of traffic wardens appointed from time to time under this Bill.

(3) The Warden Service shall be a part of the Police Force and accordingly, references to the Police Force shall, subject to the provisions of this Bill, include references to the Warden Service.

(4) Notwithstanding subsection (3) of this section, where any Act, whether passed before or after the commencement of this Bill, requires police officers to discharge military duties, or confers any power on any person whether expressly or in general terms to require police officers to discharge those duties, that Act shall not, in the absence of express provision to the contrary, extend to traffic wardens.

(5) Traffic wardens shall be employed to perform functions normally undertaken by police officers in connection with the control and regulation of, or the enforcement of the law relating to, road traffic and shall, in that connection, act under the direction of the Police Force.

(6) Without prejudice to the generality of the provisions of subsections (1)-(5) of this section, a traffic warden shall deal primarily with:

(a) the general control and direction of motor traffic on the highway;

(b) assisting pedestrians to cross the road; and

(c) controlling vehicles stopping or parking in unauthorised places.

114. (1) Notwithstanding anything to the contrary in any law, the Inspector -General has power to appoint, promote, transfer, dismiss or exercise disciplinary control over traffic wardens. Appointment of traffic wardens.
- (2) Subject to the provisions of this Bill, a person may be appointed a traffic warden if he:
- (a) at least 19 and not more than 21 years of age;
 - (b) is in possession of a minimum educational qualification of Senior Secondary School Certificate;
 - (c) at least 167.64 centimetres and 162.56 centimetres tall respectively for the men and women;
 - (d) in the case of men, has at least 86.36 centimetres chest measurement when fully expanded;
 - (e) is of good character and physically fit; and
 - (f) has signified his willingness to serve as a traffic warden.
- (3) The Police Service Commission shall, from time to time by notice published in the Federal Government Gazette, fix the maximum number of persons who may, at any time hold appointments under this section and a person shall not be appointed as a traffic warden if his appointment would cause the number fixed for that period of time to be exceeded.
- (4) The Inspector-General may-
- (a) from time to time with the approval of the Police Service Commission, fix the maximum number of traffic wardens who may, at any time' hold appointments in any State;
 - (b) at his own discretion, fix the maximum number of traffic wardens who may, at any time, hold any particular rank in the Warden Service in any State: and
 - (c) in either case, fix different numbers with respect to different States.
115. (1) A traffic warden on appointment, or if re-appointed for a further term, shall make and subscribe to the police declaration prescribed by the Oaths Act as modified under subsection (2) of this section. Declarations by traffic wardens.
- (2) The police declaration prescribed by the Oaths Act is modified by substituting for the words:
- (a) "police officer", wherever they occur, the words "traffic warden"; and
 - (b) "for the preservation of peace" to the end of the declaration, the words, "to discharge all duties of my office according to law".
116. (1) A traffic warden appointed under this Bill shall be appointed to serve as a traffic warden for one year, and only in the Police Division in which he resides. Tenure of office of traffic wardens.
- (2) A traffic warden may, subject to satisfactory conduct and service, be re-appointed for further three years until the expiration of the tenth year of his appointment in the Warden Service, when he may elect to determine his appointment or elect that his service be allowed to continue until he is 55 years of age.
117. A traffic warden appointed under this Bill shall, when on duty: Powers, etc. of traffic wardens.
- (a) have the powers, privileges and immunities of a police officer under any law relating to the regulation of road traffic; and
 - (b) be in uniform and within the Police Division in which he is appointed to serve, but not elsewhere.
118. A traffic warden shall, on first appointment, be issued with a certificate of appointment in a form approved by the Inspector-General and on the determination of that or any subsequent appointment whether by effluxion of time or under section 105 of this Bill, shall in like manner be Certificate of appointment and discharge.

issued with a Certificate of Discharge.

119. A traffic warden shall have such rank as may be assigned to him by the Inspector-General within the following grades: Ranks of Traffic Wardens.
- (a) Traffic Warden Grade III;
 - (b) Traffic Warden Grade II;
 - (c) Traffic Warden Grade I; and
 - (d) Senior Traffic Warden.
120. (1) A Traffic Warden appointed under this Bill may at any time give to any superior Police Officer under whom he is serving, notice in writing of his intention to resign his appointment on a date mentioned in the notice not being less than 28 days later than the date on which the notice is given. Resignation.
- (2) On receipt by the superior police officer of the notice referred to in subsection (1) of this section, the superior police officer shall immediately refer such notice to the Commissioner having control over him and the traffic warden and if the Commissioner consents to the notice having effect, the appointment of the traffic warden shall be terminated accordingly.
121. (1) In so far as the context so admits, but subject to the provisions of this Bill, a traffic warden shall be subject to the provisions of the Police Regulations for purposes of discipline. Discipline.
- (2) In the application to traffic wardens of the provisions of Police Regulations relating to the power to award punishments and to whom they may be awarded, references to Constables, Corporals, Sergeants and Inspectors shall include, respectively, references to Traffic Wardens Grade I and Senior Traffic Wardens.
122. (1) The Inspector-General of Police may provide, for use by the traffic wardens, such equipment as he considers necessary for the proper discharge of their duties under this Bill. Provision of equipment.
- (2) Any expenses incurred by the Inspector-General under this section shall be defrayed out of the fund of the Police Force.
123. The Inspector-General may delegate any of his powers under this Part to the Commissioner of a State or the Commandant of a Police College (except his power of delegation), so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined by the instrument of delegation. Delegation of power by Inspector-General.
124. (1) A traffic warden is required to undergo a course of training at the Traffic Training School of a Police College for 12 weeks or such other or further period as the Inspector-General may determine. Instruction of Traffic Warden, etc.
- (2) A traffic warden shall, on appointment, be allocated a service number with the letters, "TW" and the service numbers of all traffic wardens employed under this Bill shall appear on the register kept for that purpose by the Inspector-General.
- (3) A traffic warden to whom a service number has been allocated under subsection (2) of this section shall wear his service number on the shoulder flaps of his uniform whenever he is on duty.

PART XV - POLICE PUBLIC COMPLAINTS AND DISCIPLINE

125. The Inspector-General of Police shall establish a Police Complaints Response Unit (in this Bill referred to as "the Unit") in each of the Police Commands in all the States of the Federation. Establishment of a Police Complaints Response Unit.
126. (1) The Unit shall consist of representatives of the Federal or State Intelligence Bureau, Police Provost Marshal and any other unit of the Police Force as the Inspector-General considers fit. Composition of the Unit.
- (2) The Unit is headed by an officer not below the rank of a Chief Superintendent of Police.
127. (1) The Unit shall receive compliments: Functions of the

- (a) or information of police officers' misconduct from the public;
- (b) of police officers' misconduct from other police officers or authority.
- (c) alleging that the conduct complained of resulted in the death or serious injury or other gross human rights violation; and
- (d) showing that a police officer is involved in an act constituting professional misconduct.

(2) The Unit shall monitor the investigations initiated by the Unit.

(3) While conducting investigation into any complaint by a member of the public against a police officer, the Unit shall afford the person against whom the complaint has been made opportunity to defend himself.

(4) On the conclusion of an investigation, the appropriate investigative unit of the Unit shall make available a copy of its findings or investigation report to the Unit within 21 days from the day the complaint was made.

128. After investigation, the head of the Unit shall forward the report and its recommendations to the Inspector-General who shall:
- Steps to be taken after investigation.
- (a) send a copy of the investigation report and recommendations to the Director of Public Prosecutions for prosecution if the investigation reveals that an offence has been committed;
 - (b) send a copy of the investigation report and recommendations to the appropriate Police or oversight authority for proper disciplinary action if the investigations reveal that the offence committed is against discipline as specified in this Bill and in Police Regulations made under this Bill; and
 - (c) where it is discovered after investigations that the complainant knowingly gave false information against the police officer or should have reasonably known that the information is false, the complainant shall be tried according to relevant laws for the time being in force.

PART XVI – MISCELLANEOUS PROVISIONS

129. The Police Force or other persons shall not, in the performance of his or its functions under this Bill, regulations or Standing Orders made under to this Bill, discriminate against any person on the basis of gender as provided under section 42 of the Constitution.
- Prohibition against gender discrimination.
130. (1) A police officer who, on reasonable grounds, believes that an order given to him by a superior officer is unlawful, he is not bound to comply with the order and shall immediately make a report in such form as it is provided by the Police Service Commission for that purpose.
- Disobeying of unlawful orders.
- (2) On the receipt of the report referred to in subsection (1) of this section, the Police Service Commission shall immediately inquire into the matter and may, where the inquiry reveals that the order was:
- (a) lawful, take appropriate disciplinary action against the police officer for disobeying a lawful order; and
 - (b) unlawful, take appropriate disciplinary action against the superior police officer for giving an unlawful order.
131. (1) The Minister may make regulations on the recommendation of:
- Power to make regulations.
- (a) the Inspector-General of Police, with respect to the policy, organisation and administration of the Police Force, including establishments and financial matters, other than pensions within the meaning of the Pensions Reform Act.
 - (b) the Police Service Commission, with respect to appointments, promotions and disciplinary control of police officers as specified in the Constitution.

(2) The Minister shall regularly review the police regulations.

132. (1) The Police Act Cap P19 Laws of the Federation, 2004 is repealed.

Repeal.

(2) Subject to section 6 of the Interpretation Act (relating to the repeal of enactments), the repeal of the Act referred to under subsection (1) of this section does not affect anything done or purported to have been done under it.

133. (1) There are vested in the Police Force established under this Bill, all assets, funds, resources and other moveable or immoveable property which immediately before the commencement of this Bill were vested in the Police Force existing immediately before the commencement of this Bill.

Savings and transitional provisions.

(2) All rights, interests, obligations and liabilities of the Police Force existing immediately before the commencement of this Bill under any contract or instrument, or in law or in equity, are by virtue of this Bill assigned to and vested in the Police Force established under this Bill.

(3) Any contract or instrument referred to in subsection (2) of this section has the same effect against or in favour of the Police Force established under this Bill and shall be enforced as fully and effectively as if, instead of the Police Force existing immediately before the commencement of this Bill, the Police Force established under this Bill had been named in it or had been a party to it.

(4) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill in respect of any right, interest, obligation or liability of the Police Force existing immediately before the commencement of this Bill may be continued, or as the case may require, be commenced and the determination of a court or tribunal or other authority or person may be enforced by or against the Police Force established under this Bill to the same extent that the cause of action or determination might have been continued or commenced or enforced by or against the Police Force existing immediately before the commencement of this Bill as if this Bill had not been enacted.

(5) Subject to the provisions of this Bill and to such directions as may be issued by the Police Service Commission, a person who immediately before the commencement of this Bill held office in the Police Force existing before the commencement of this Bill is deemed to have been transferred to the Police Force established under this Bill on terms and conditions not less favourable than those obtaining immediately before the commencement of this Bill and employment in the Police Force existing immediately before the commencement of this Bill is deemed to be service in the Police Force established under this Bill for the purpose of pension.

(6) Any regulation, order, notice made or issued by or for the purpose of the Police Force existing immediately before the commencement of this Bill are deemed, if not inconsistent with this Bill, to have been made or issued by or for the purposes of the Police Force established under this Bill and shall continue in force until revoked or amended, subject to such modifications as may, from time to time be applicable to the Police Force established under this Bill.

(7) The Minister may if he thinks fit, within 12 months after the commencement of this Bill, by notice published in the Federal Government Gazette, make additional transitional provisions for the better carrying out of the objectives of this section.

134. In this Bill:

Interpretation.

"Commissioner" means a Commissioner of Police, a Deputy Commissioner of Police or an Assistant Commissioner of Police;

"Constable" means any Police Officer below the rank of Corporal;

"Constitution" means the Constitution of the Federal Republic of Nigeria, 1999 (as altered);

"court" means any court established by any law in force in Nigeria;

"Criminal justice monitoring committee" refers to the Administration of Criminal Justice Monitoring Committee set up under section 469 of the Administration of Criminal Justice Act to ensure effective and efficient application of the Act, speedy dispensation of criminal matters and for

related matters;

"functions" includes duties;

"Inspector" includes a Chief Inspector and an Inspector of Police;

"Minister" means the Minister charged with responsibility over police matters;

"Ministry" shall be construed accordingly;

"Non-Commissioned Officer" means a Police Sergeant-Major, a Police Sergeant or a Police Corporal as the case may be;

"Police" means the Police Force;

"Police Force" means the Police Force established under section 3 of this Bill;

"police officer" means a member of the Nigerian Police;

"prosecuting officer" means any person appointed by the Attorney General of the Federation or of the States to prosecute crimes on their behalf and for the Nigeria Police;

"senior or superior police officer" means any police officer above the rank of a Cadet Assistant Superintendent of Police; and

"Superintendent of Police, includes a Chief Superintendent of Police, Superintendent of Police, a Deputy Superintendent of Police, and an Assistant Superintendent of Police.

135. This Bill may be cited as the Nigeria Police Bill, 2019.

Short title.

SCHEDULE

The hierarchy of the Police Force specified in section 3 (3) of this Bill is:

(Section 3 (3))

- (a) The Inspector-General of Police;
- (b) Deputy Inspector- General of Police;
- (c) Assistant Inspectors-General of Police;
- (d) Commissioners of Police;
- (e) Deputy Commissioner of Police;
- (f) Assistant Commissioner of Police;
- (g) Chief Superintendent of Police;
- (h) Superintendent of Police;
- (i) Deputy Superintendent of Police;
- (j) Assistant Superintendent of Police;
- (k) Inspector of Police;
- (l) Sergeant Major;
- (m) Sergeant;
- (n) Corporal;
- (o) Constable; and

such other officers as the Police Service Commission may consider necessary for effective discharge of the functions of the Police.

EXPLANATORY MEMORANDUM

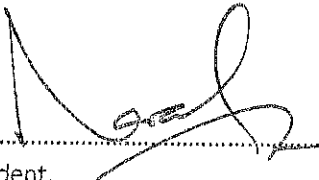
This Bill seeks to repeal the Police Act Cap. P19 Laws of the Federal Republic of Nigeria, 2004 and enact the Nigeria Police Act, 2019, to provide for a more effective and well organised Police Force driven by the principles of transparency and accountability in its operations and management of its resources.

This Bill also seeks to establish an appropriate funding framework for the Police Force in line with what is obtainable in other Federal Government key institutions in the bid to ensure that all police formations nationwide are appropriately funded for effective policing.

The Bill further seeks to:

- (a) enhance professionalism in the Police Force through the provision of increased training opportunities for police officers and other persons employed by the Police Force; and
- (b) create an enduring cooperation and partnership between the Police Force and communities in maintaining peace and combating crimes nationwide.

THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY, 17TH APRIL, 2019


.....
President,
Senate of the Federal Republic of Nigeria


.....
Clerk,
Senate of the Federal Republic of Nigeria