



SENATE COMMITTEE ON POLICE AFFAIRS

REPORT OF THE SENATE COMMITTEE ON POLICE AFFAIRS ON A BILL FOR AN ACT TO REPEAL THE POLICE ACT CAP.P19 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NIGERIA POLICE ACT, 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.

8th April, 2019

1.0 The Police Act Cap. P19 Laws of the Federation of Nigeria 2004 (Repeal and Enact) Bill, 2018 (**SB.682**) was sponsored by Senator Bala Ibn Na'Allah Kebbi South. The Bill was read the first time.

The Senate on Tuesday, the 10th day of July, 2018 debated on the general principles of the Bill and after it was read the second time, it was referred to the Senate Committee on Police Affairs through an order of Reference Dated 11th day of July, 2018 to report back its recommendations

2.0 Methodology

In furtherance of the referral, the Committee held meetings whereby it deliberated further on the Bill and resolved to adopt the following legislative frame-work in performing the assignment, that is;

- i. to consult extensively with relevant stakeholders on the merits of the proposed legislation; and
- ii. to conduct a Public Hearing in order to collate inputs/views of stake holders and members of the Public.

3.0 Objectives of the Bill

Mr. President, Distinguished Colleagues, the Bill seeks to among other things provide for a Police Force that is more responsible, and responsive to the needs of the general Public and has entrenched in its operations, the values of fairness, justice, equity, accountability, co-operating and partnering with the communities it serves; and also to uphold and safeguard the fundamental rights of every persons and respect the dignity of all persons. This Bill is necessitated by the fact that the laws that governs the operations of the Nigeria Police Force has seen no comprehensive review since its initial promulgation in 1943.

The effort to review the Police Act has been a long- drawn effort which started in 2004 with slow progress made over the years. The current initiative which has culminated in the production of this document is the closest in the effort to reform the Nigeria Police for efficiency and effectiveness.

4.0 Committee's Action

As part of the committee's action on the referral, the Committee relied on the legislative frame work adopted in paragraph 2.0 on Methodology in handling this legislative proposal. Accordingly, the Committee at one of its meetings resolved to conduct a Public Hearing on the 5th day of December, 2018 in order to elicit viewpoints/opinions of stakeholders and members of the public.

Furthermore, the committee placed advertisement in print and electronic media, inviting memoranda from stakeholders and the general Public. In response to call for submission of memoranda, the committee received submissions from the under listed stakeholders and organizations, they are:

- The Hon. Attorney General of the Federation and Minister of Justice
- The Hon. Minister of Interior
- The Hon. Minister of Finance
- The Hon. Minister of Budget and National Planning
- The Hon. Minister of Trade and Investment
- The Chairman Police Service Commission
- The Inspector-General of Police
- The Director-General, Department of State Service
- The Nigeria Law Reform Commission
- The Revenue Mobilization, Allocation and Fiscal Commission
- The Nigeria Bar Association
- The Governor's Forum
- The Association of Retired Police Officers Nigeria
- The Association of Local Government of Nigeria (ALGON)
- The Administration of Criminal Justice Monitoring Committee
- NGO's and CSOs

Mr. President, Distinguished Senators, it is imperative to note that apart from memoranda submission, oral Presentations were also made during the Public Hearing

5.0 Public Hearing

In line with the committee's decision at one of its meetings, the committee conducted a Public Hearing on the Bill on the 5th day of December, 2018 at the Senate Conference Hall, National Assembly Complex. The guest of Honour, His Excellency, Senator (Dr.) Abubakar Bukola Saraki, CON, the president of the Senate, declared the Public Hearing open

In his keynote address, the president of the Senate, represented by Senator Bala Ibn Na'Allah welcomed stakeholders and invited guests to the Public Hearing. He stated that over the past few months, this piece of legislation has passed through its first and second stages and it is important to note that its contents have formed a vital part of the efforts of the senate, aimed at creating legislative interventions to address specific issues.

He stressed that the overall objective of the Bill is to help create a policing system in line with the global standards having regards to the fact that the Nigerian Police is a veritable part of our National Security architecture which many have noted is in need of reform, particularly in light of the many security issues that beset our nation at the current time. This concerns dictate that the Police must be up to the task of protecting lives and property, and do so without compromising human rights and the sense of community that holds us together.

He further said that when we talk of better intelligence to combat the myriad of Security threats to our country, there is no denying that a good relationship between the Police and the Community is crucial.

He concluded by saying that, in all, the Bill is intended to establish a policing system that is fit for purpose- able to prevent and detect crimes, apprehend offenders and enforce laws and regulations within its mandate.

Finally, he formally declared the Public Hearing open.

6.0 Highlights of Presentations by Stakeholders

Mr. President, Distinguished Senators, it is apposite to state here that the preponderance of opinion of all the stakeholders who made both written and oral

presentations at the Public Hearing commended the intendment of the Bill and expressed their total support for its passage into law by the National Assembly.

The stakeholders are unanimous that the effort of the Senate in bringing up this Bill is not only timely but desirable.

Here is a glimpse of views and opinions expressed by the stakeholders on few sections of the draft Bill.

- The first has to do with the name of the force "The Nigerian Police Force" which is proposed to be changed to the Nigerian Police. The name the Nigerian Police Force is the name given by the Nigerian constitution, therefore deleting the word "Force" is unconstitutional and cannot stand except and until that constitution provision is amended.
- Opinions were divided on the provision in the draft Bill in section 7 (3) (iii) regarding the appointment of Inspector-General of Police by the President of the Federal Republic of Nigeria subject to the confirmation of the Senate, ditto for the removal of Inspector-General of Police.
- The stakeholders were unanimous, in support of the provision in section 7 (6) regarding the tenor of office of the Inspector-General of Police to hold office for a single term of 5 years subject to the statutory retirement requirement in the Public Service. This will be in tandem with what operates in some security agencies such as the EFCC, the ICPC and Police Service Commission which in turn will stabilize the office of the Inspector-General of Police and enable him set out his strategic operational plans for a given period.
- Another provision in the draft Bill that enjoyed unanimity during the Public Hearing is section 60 that deals with the Establishment of Community Police Forum. It was argued that it is difficult to police people without their consents. That the introduction of the forum is not only in line with the Federal Government policy on policing but will make the job of policing very efficient, effective and of international best practice. It will give opportunity to the Police and the Public acting in partnership.
- The position of the draft Bill proposing the reduction of the existing seven (7) Deputy Inspector-General of Police (DIG) to just one (1) was opposed by the majority of the stakeholders. Noting that the present arrangement of having seven(7)

Deputy Inspector-General of Police (DIG) reduces the work load of the Inspector-General of Police and that to reduce the number of the Deputy Inspector-General of Police to one (1) will be retrogressive.

7.0 Observations/Findings

Having exhaustively and painstakingly analyzed the Presentations made by stakeholders during the Public Hearing vis-a-vis our comments on some clause(s) of the Bill, we hereby observe and find, as follows:

- (1) that from the views expressed and canvassed by stakeholders during the Public Hearing, it can be deduced that stakeholders and the general Public were in full support of the passage of the Bill with reservations in some of the provisions in the draft Bill;
- (2) that the legislative intent behind the introduction of the Bill by the Senate is laudable and commendable as it is aimed at repositioning the Nigeria Police Force in the performance of its constitutional functions of protecting life and property;
- (3) that opinions were divided on the provisions of the Bill that seeks for the confirmation of the Senate for the appointment and removal of the Inspector-General of Police. Some were in support while others were against;
- (4) that there was unanimity on the issue of tenure of office for five (5) years for the inspector-General of Police;
- (5) that the provision in the draft Bill in respect of the establishment of community Police Forum is a welcome development;

8.0 Recommendation

The Senate Committee on Police Affairs, which was referred the Bill for an Act to Repeal the Police Act Cap.P19 Laws of the Federation of Nigeria, 2004 and Enact the Police Act, 2019, having considered same, hereby recommends as follows;

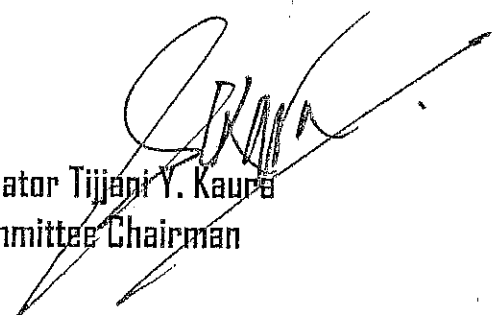
1. that it should be made binding on the Inspector-General of Police to adhere to policing plans. The national policing plan should be made with inputs from the Police Force Headquarters and all the various Police formations nationwide before the end of each financial year, setting out priorities, objectives, cost implications and expected outcomes of Policing for the next succeeding financial year- in order to change budgeting from a top-down approach to a bottom-up approach.

2. That the name "Nigeria Police" proposed in the draft Bill should be changed to 'Nigeria Police Force' as presently in use in view of the failed constitution alteration attempt to amend the name.
3. that the Police abide and enforce certain constitutional provisions, particularly fundamental rights of persons in Police custody under chapter 4 of the 1999 constitution (as amended) and other international instruments on Human rights to which Nigeria is a signatory (including of provisions that reiterate the importance of fundamental human rights and advocating for their observance).
4. that on the Appointment and Removal of the inspector-General of Police, the provisions of the constitution in line with section 215 of the 1999 constitution (as amended) should be studied, as any proposal contrary to this provision will require constitution alteration for it to be viable.
5. That the establishment of community Police Forum is strongly recommended.
6. That the tenure of office of the Inspector-General of Police should be a single 4-year term which will make for a secured tenure.

We so move

9.0 Conclusion

We wish to use this opportunity to express our profound gratitude to the President of the Senate and indeed the entire Senate for the privilege of serving in this capacity. We are ready more than ever before to perform any assignment that will be given to us in the future.

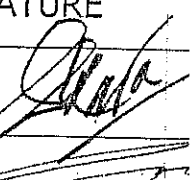
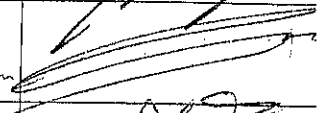
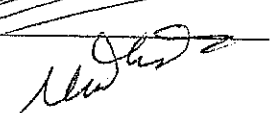
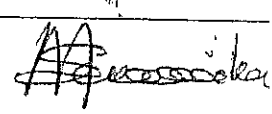
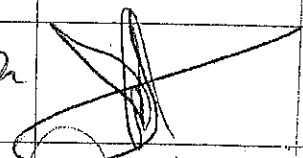
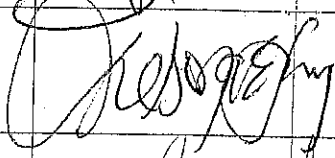
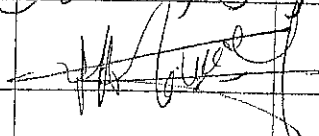
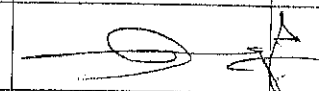


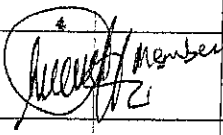
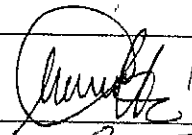
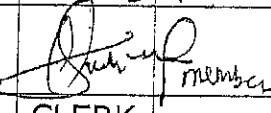
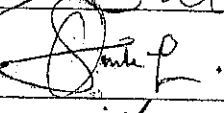
Senator Tijjani Y. Kaura
Committee Chairman



Barr. Falade A. Lawson
Committee Clerk

ENDORSEMENT

S/N	NAME	DESIGNATION	SIGNATURE
1	SENATOR TIJJANI .Y. KAURA- CHAIRMAN	Chairman	
2	SENATOR. STELLA A. ODUAH – VICE - CHAIRMAN	Vice chairman	
3	SEN. ABU IBRAHIM	member	
4	SENATOR. NAFADA USMAN BAYERO		
5	SENATOR. ADAMU M. ALIERO	Member Member	Signature 
6	SENATOR. OLUSOLA ADEYEYE		
7	SENATOR. THEODORE A. ORJI	Member	
8	SENATOR. EMMANUEL I. PAULKER		
9	SENATOR. OMOGUNWA O. YELE		
10	SENATOR. EMMANUEL BWACHA	Member	
11	SENATOR. NELSON EFIONG	Member	
12	SENATOR. ABDULLAHI A. GUMEL	Member	
13	SENATOR DAVID MARK		
14	SENATOR OBINNA OGBA	Member	
15	SENATOR MOHAMMED S. LAFIAGI		
16	SENATOR MAGNUS ABE		

17	SENATOR OVIE OMO-AGEGE		
18	SENATOR ABDULLAHI ALIYU		
19	SENATOR SULEIMAN HUNKUYI		
20	SENATOR YAHAYA GUMAU		
21.	SENATOR BINTA MASI GARBA		
22.	BARR. FALADE A LAWSON	CLERK	