



## **POLICE, POLICING OVERSIGHT AND POLICE REFORM FOR LEGISLATORS AND LEGISLATIVE STAFF**

This primer answers the following basic questions:

1. Who are the Police and what do they do?
2. What National and International Human Rights Frameworks guide the Nigeria Police?
3. What is Police Reform?
4. What are the Objectives of Police Reform?
5. What is Policing Strategy? What are the Main Policing Strategies?
6. What are the Typical Features of an Effective Police?
7. What are Non- State Policing Actors and How do their Roles Intersect with that of the Nigerian Police?
8. What are the Typical Features of Democratic Civilian Control of the Police?
9. How does Democratic Policing Contribute to Good Security Sector Reform and Governance?
10. What is the Role of the National Assembly in Police Governance and Reform?
11. How can NASS monitor the Effectiveness and Efficiency of the Nigeria Police?
12. What is Police Budgeting?
13. How can NASS conduct better Oversight of the Implementation of the Police Budget?
14. What Actors are involved in Police Procurement and what is the Role of NASS therein?
15. How can NASS ensure that the Nigeria Police complies with Human Rights Norms?
16. What Good Practices can be learnt from other Countries on Policing and Police Reforms?

## 1. Who are the Police and what do they do?

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According to **section 4 of the Police Act**, the police is the state security agency that is responsible for "the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged..." They are also responsible for performing such military duties within or outside Nigeria as may be required of them by, or under the authority of the law. As such, apart from maintaining security within Nigerian borders, the Nigerian police also participates in peacekeeping missions outside the country.

## 2. What National and International Human Rights Frameworks guide the Nigeria Police?

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Some national and international instruments regulate police observance of human rights. They come as declarations, conventions, protocols, codes and standards. They include the following:

- a. The 1999 Constitution of the Federal Republic of Nigeria (as amended);
- b. Police Act and Regulations;
- c. Administration of Criminal Justice Act (ACJA), 2015;
- d. The Violence Against Persons (Prohibition) Act (VAPP ACT, 2015);
- e. The Child's Right Act, 2003;
- f. The National Gender Policy;
- g. The National and State Action Plans on UNSCR 1325 and related Resolutions 1 and 2;
- h. Various Acts and enactments of the Federal and State legislatures;
- i. Judicial pronouncements by courts of superior record;
- j. The Universal Declaration of Human Rights (1948);
- k. The 1979 UN Code of Conduct for Law Enforcement Officials;
- l. Convention on the Elimination of All forms of Discrimination Against Women (CEDAW);
- m. Convention Against Torture;
- n. Millennium Development Goals;
- o. Sustainable Development Goals;
- p. African Charter on Human and Peoples' Rights;

- q. Protocol to the African Charter on Human and People's Rights on the rights of women;
- r. AU Solemn Declaration on Gender Equality (2004).

### **3. What is Police Reform?**

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Police reform is the process of changing the attitude of the police in the discharge of their mandate, as it affects public safety and security, and reorienting them towards accountability, transparency, and openness in their operations. The police are central to the maintenance of internal security and are key to the criminal justice system. As such, it is critical for the society to review and keep tabs on their performance, such that where it is below par, pragmatic moves should be made to effect changes. A reform effort is a positive move to anchor police philosophy, internal administration and structure, systems, processes and operations on core principles of professionalism, human rights, rule of law, due process and, respect for the wishes of the people in a democracy. It is a holistic approach to bring police performance at par with international best practices and shore up their perception in the minds of the public.

### **4. What are the Objectives of Police Reform?**

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The objectives of police reform are to bring about, through systematic change, a friendly, accessible and acceptable policing system, which is tuned towards the wishes and aspirations of a people in a free democratic society. The overall goal is the emergence of an accountable, responsible and responsive police organisation that is essentially professional, mobile and capable of handling safety and security issues in an effective and efficient manner. Police reform aims at attitudinal change and reorientation of the police towards quality service delivery to the communities they serve, as to engender community engagement, citizen involvement, and to minimize incidences of brutality, torture, partiality, illegal arrest and detention, corruption and abuse of due process and standard operating procedures. Police reform favours both the police and the public, in that with increased understanding of the police and its challenges, funding and perception are improved, and political interference is reduced, thus affording the police the leeway to provide safety and security conducive to the conduct of legitimate business and which ultimately improves quality of life of the citizenry.

### **5. What is Policing Strategy? What are the Main Policing Strategies?**

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Policing strategy is a framework designed and documented by the top hierarchy of the police, which outlines the vision and mission of the organisation, its goals and objectives and outlines methods of attaining desired outcomes. It captures its core values and principles,

and is essentially targeted to manage resources, prevent and combat crime and, generally ensure public safety. Policing strategies are dynamic and are aligned to the yearnings of the public.

### Box 1: Major policing strategies

- a) **Human resources strategy** tailored to ensure appropriate and needs-based recruitment, training and allocation of available manpower resources;
- b) **Operations strategy** includes crime prevention methodologies targeted at proactive intervention, crime mapping, criminal profiling, high visibility patrols, beats and response techniques and timing. It also covers standard operating procedures, rules of engagement and inter-agency collaboration;
- c) **Crime detection and reduction strategy**, employing best practices and professionalism such as forensics, to clear reported cases and ensure deterrence;
- d) **Intelligence-led policing strategy** this involves the collection, collation and analysis of information (transformed to intelligence) which ultimately guides police decision making, aimed at targeted patrol, searches and crime prevention, as well as investigation;
- e) **Communication/public relations strategy** tailored to meet the information needs of the internal and external publics. It also engages the use of Information and Communication Technology
- f) **Transport/fleet management strategy** to ensure judicious application, use and serviceability of allocated fleet resources

## 6. What are the Typical Features of an Effective Police?

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The police is said to be effective when it is stable, has the right leadership, and takes appropriate measures towards delivering on its core mandate of providing safety and security to the public. To this effect, it has to match the needs of security against the inalienable freedoms of the people. An effective police exhibits the following inevitable features:

- a) Has a leadership that is chosen based on merit and insulated from political interference;

- b) Practices intelligence-led policing and targeted policing;
- c) Employs the philosophy of community policing, marked by collaboration and partnership with the public, problem-solving approach to issues of crime and criminality, empowerment of police and public, service delivery and accountability;
- d) Employs high visibility policing;
- e) Demonstrates good clearance rate where cases reported are treated and resolved professionally and, on time;
- f) Shows capacity to burst the network/syndicate of organized crime;
- g) Demonstrates capacity to combat crime and ensure compliance with national and state laws, regulations and rules, so as to guarantee public safety;
- h) Evidences diligent investigation and prosecution to enhance deterrence;
- i) Exhibits reduced response time to distress and crises;
- j) Shows professionalism in operations, marked by robust Standard Operating Procedures, and guided by a Professional Standards Unit;
- k) Respects and promotes human rights of citizens;
- l) Manifests internal observance and respect for the human rights of personnel and promotes an atmosphere of harmony;
- m) Ensures due adherence to, and strict enforcement of the Code of Conduct of its personnel;
- n) Demonstrates availability of active, dynamic and effective internal and external oversight mechanisms to check abuse of power;
- o) Shows transparency, openness and accountability in its operations;
- p) Practices gender mainstreaming;
- q) Has the capacity to device and enforce security measures and systems to effectively enforce law and order;
- r) Provides the enabling environment for good governance and the exercise of legitimate businesses;
- s) Possesses a positive public perception, trust and confidence drawn from all of the above.

## 7. What are Non- State Policing Actors and How do their Roles Intersect with that of the Nigerian Police?

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Non-state policing actors are groups outside of the formal law enforcement organisations that are involved in the job of policing a society. It may be described as a *'do-it-yourself'* police concept, which symbolically enables the citizens to participate in the major function of policing the state. Such groups form part of proactive policing of an environment, showing a great concern for reducing criminality and the sufferings arising from it. They are usually the preferable police of choice in less advantaged communities and are mostly made up of members of the same community. They include vigilante and neighbourhood watch systems. These groups arose out of the perceived or real inadequate access by community members to formal police and security mechanisms. They are also a response to increased crime, a fear of crime or both, and the wealth gap that has made reliable security inaccessible to some sections of the community. Non-state actors therefore play a pivotal role in addressing safety and security needs, particularly in rural areas.

Their special advantages lie in the following:

- a) Many of them predate the formal police;
- b) They are grassroots-based, indigenous and widespread;
- c) They understand the communities and terrain better than the police;
- d) Since crime is a social problem, it is better understood and solved by the members of the society or community to which they belong;
- e) They represent citizen involvement and serve the partnership component of community and democratic policing;
- f) They are an integral part of intelligence-led policing.

As a corollary, non-state actors complement and ease police role, particularly in the areas of information generation and management, intelligence-led policing, patrols, cordon, search and, arrest. Their functions form an integral part of community and democratic policing.

However, the police have resisted, either overtly or tacitly, the introduction and prevalence of informal policing groups, not because they serve no purpose or are undesirable, but due to the mode of operation of the groups and the desire to preserve police hegemony and monopoly of the law and order space. Also, there are concerns of human rights abuses, grandstanding (competing with, instead of complementing the police), illegal detention, torture, trial by ordeal, and extra-judicial executions (jungle justice) by informal policing operators, which is not helped by the absence of a regulatory framework governing their activities.

## 8. What are the Typical Features of Democratic Civilian Control of the Police?

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The Nigeria Police Force is established by Sections 214 and 215 of the 1999 Constitution of the Federal Republic of Nigeria (as amended). Being grounded by the Constitution, which is the *grundnorm* of the land, the police has its operations and control rooted in democratic norms, rule of law and accountability. Apart from having its duties, responsibilities and powers defined by laws made by the legislature, the police is controlled or monitored by bodies and agencies set up by law, and headed by civilian members of government. These include the Nigeria Police Council, the Police Service Commission, the National Human Rights Commission, the Public Complaints Commission, the Attorney-General of the Federation (and of the States), the Ministry of Police Affairs among others. In addition, the two chambers of the National Assembly approve police budgets, and exercise oversight functions over its administration and operations. These institutions can subject the police to administrative inquiry, review and periodic assessments. Apart from the National Assembly, citizens and civic groups and the media can beam their lights or act as independent watchdogs over the police; they can monitor and disseminate their findings on the policies, activities, expenditures and processes of the police.

## 9. How does Democratic Policing Contribute to Good Security Sector Reform and Governance?

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The art of democratic policing dissociates the police from dictatorial, oppressive and brutal practices, and opens it up to international best practices as found in openness, accountability and transparency. Democratic policing harps on rule of law and respect for fundamental rights and freedoms. As a key player in the security sector, the police in a democracy are expected to be competent, ethical, disciplined and professional in their operations, and be civil, courteous, humane, truthful, and impartial in their interactions with the public.

A professional attitude grounded in democratic norms and principles will enhance the deterrent factor in crime control and management. Such a disposition will gain for the police, public trust and confidence. With the confidence and collaboration so gained, the police will be enabled to discharge its mandate efficiently and effectively, and consequently secure a prime place in internal security space and management.

## 10. What is the Role of the National Assembly in Police Governance and Reform?

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The legal authority for the administration and operation of the police comes from the enabling legislation made by the National Assembly i.e. the Police Act, Cap P.19, Laws of the Federation of Nigeria, 2004. The National Assembly is also constitutionally empowered to authorize police budget and review their expenditure. It is therefore expected that justification for funds requested and the actual budget implementation is monitored closely. One of the roles of NASS is to make itself aware of gaps in meeting police financial requirements, and as such, legislate on alternative sources of funding.

However, it is important that focus should not be on funding alone. To help in its role, NASS should demand up to date information or data on policing, crime statistics, as well as government policies and priorities for the police, respond appropriately. Being a public institution, the police lies within the oversight purview of the National Assembly as regards its respect for human rights, rule of law, inclusion, openness and accountability, as well as, police adherence to its own set rules, regulations and code of conduct. In this regard, NASS should take deliberate steps towards monitoring police compliance with human rights and inclusivity.

Another role of NASS is the adoption, review and amendment of the legal framework guiding the police and the involvement of the public in the process. As representatives of the people, the National Assembly should develop a framework and platform for gauging public opinion, perception and acceptance of the police, as a way to determine needed areas and scope of intervention and reform. Besides, the National Assembly should beam its light on the performance of other statutory bodies charged with police oversight functions.



## Box 2: Indicative Overview of Parliament's functions in police governance

Parliament's generic functions in police governance	Description of activities
<b>Legislative function</b>	<ul style="list-style-type: none"> <li>• Reviewing the comprehensiveness of the legal framework relevant to the police;</li> <li>• Enacting and amending laws relevant to the police, including police service laws, legislation on the authorization and use of special powers by the police, states of emergency laws, riot control and crowd management; and,</li> <li>• Legislating the remit, powers and accountability of police oversight and complaints bodies.</li> </ul>
<b>Oversight function</b>	<ul style="list-style-type: none"> <li>• Conducting parliamentary oversight of the following aspects of the police: police vision, doctrine, government white paper on the police; organisation and size of the police; and the authorisation and use of special powers;</li> <li>• Scrutinising top appointments within the police service;</li> <li>• Scrutinising the rules of engagement of the police, especially the use of deadly force and firearms; and</li> <li>• Conducting special parliamentary inquiries into policing and its oversight.</li> </ul>
<b>Budget control function</b>	<ul style="list-style-type: none"> <li>• Approving, rejecting or amending the budget of the police service;</li> <li>• Scrutinising the effects of changes of government funding for the police;</li> <li>• Scrutinising the effectiveness and efficiency of the police and if the police is properly funded; and,</li> <li>• Receiving and reviewing audit reports on the expenditures of the police.</li> </ul>

Source: Mario J. Aguja and Hans Born (Eds.), *The Role of Parliament in Police Governance: Lessons Learned from Asia and Europe* (Geneva: DCAF, 2017).

## 11. How can NASS monitor the Effectiveness and Efficiency of the Nigeria Police?

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To master the art of monitoring the performance of the police presupposes an understanding of the concept of policing, the character of the Nigeria police, their personality, duties, powers and administration. Also, it requires an understanding of the strengths, weaknesses, opportunities and threats (SWOT) of the police. For NASS to monitor police effectiveness and efficiency, it must of necessity:

- a) Learn and understand the Act or law enabling police establishment, and the gaps viz-a-viz modern trends and requirements;
- b) Learn and understand the inner workings of the police, its structure, systems and processes, including standard operating procedures;
- c) Ask relevant questions and demand prompt appropriate answers on issues of personnel welfare and motivation;
- d) Master what constitutes best practices and makes for effectiveness and efficiency;
- e) Learn strategies to conduct fool-proof oversight function, based on integrity;
- f) Monitor the compliance by the Police, of legal and human rights standards and obligations;
- g) Monitor the implementation of police budget to prevent illegal virement, and leakages;
- h) Develop a template to measure performance;
- i) Outsource to researchers and consultants, some technical areas for investigation.

## 12. What is Police Budgeting?

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Police budgeting is the act of planning in monetary terms, for the operational and administrative requirements of the Force, and usually for a one-year period. It is a top-bottom approach whereby the Budget Office of the Force estimates and aggregates the needs of the various formations and commands and presents same to the National Assembly for appropriation. Because the Federal Government is the sole funder of the Police, such budgeting process and outcome has to be in line with public sector requirements and monetary policy of the government. It is more or less a "wish list", subject to the financial capacity and will of the government. The process is typically accomplished in concert with the Ministry of Interior, Federal Ministry of Finance, the Budget Office of the Federation, the Accountant-General of the Federation, the Auditor-General of the Federation and, the Central Bank of Nigeria.

Police budget covers three core areas:

- a) Personnel costs
- b) Overhead costs and
- c) Capital expenditure.

### **Box 3: Common Items in Nigeria Police Budget**

The common items in the annual Police budget are captured in three broad areas:

#### **1) Personnel costs**

- a) Salaries and wages
- b) Allowances
- c) Social contributions (Contributory Pension, National Health Insurance Scheme, Group Life Insurance)

#### **2) Overhead costs**

- a) Local travel and transport
- b) International travel and transport
- c) Utilities (Electricity, telephone, internet, water, sewerage, leases etc.)
- d) Materials and supplies (stationeries, books, printing, drugs, uniforms, teaching aids, foodstuff etc.)
- e) Maintenance (motor vehicles, office, aircraft, furniture, plants, sea boats etc.)
- f) Training
- g) Consulting and professional services
- h) Fuel and lubricants
- i) Financial services
- j) Miscellaneous (refreshment, sports, welfare, postages etc.)

#### **3) Capital expenditure**

- a) Purchase of fixed assets
- b) Purchase of motor vehicles (vans, trucks)
- c) Purchase of equipment (security, medical, teaching, industrial, recreational, navigational, ICT, etc.)
- d) Construction and Rehabilitation of offices, stations, barracks, health facilities, aircraft etc.

### **13. How can NASS conduct better Oversight of the Implementation of the Police Budget?**

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To conduct a better oversight of police budget implementation, NASS needs to understand that the current budgeting process is top-bottom, and therefore not needs-based. Coupled with paltry appropriation and cash-backing, the management of the budget is largely discretionary. Chances are also high that allocations could be diverted to unapproved uses, and according to the priorities estimated by the police top hierarchy.

With this background, NASS is better placed to insist on a bottom-top approach to budgeting, such that there is strict observance of expenditure according to budgetary provisions. Aside from these;

- a) NASS oversight function should be based on integrity;
- b) The police should not be made to foot the bill for NASS oversight functions;
- c) The procurement process should be closely monitored by insisting on due process and in line with the Public Procurement Act (2007);
- d) Illegal virement should be penalised;
- e) NASS should exercise diligence to separate statutory budgetary allocations from interventions from the Police Trust Fund.
- f) NASS (Police Affairs and Public Accounts Committees in particular) should begin to take seriously, the reports of the Auditor-General to enable them scrutinise expenditure and use of public funds by the police. The current trend is that such reports are rarely, if ever, considered by NASS.

### **14. What actors are involved in Police Procurement and what is the Role of NASS therein?**

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Police procurement is the use of public funds by the Police for the delivery of goods, works and services through third party vendors (contractors). It involves a sequence of activities starting with needs assessment, budgetary appropriation (or direct intervention), open competitive tender and bidding, and award of contracts. Police Procurement is expected to follow due process in line with the Public Procurement Act (2007), with the aim to derive value for money, improve efficiency and judicious use of scarce resources in a timely, transparent, equitable and accountable manner. The procurement office also looks after disposal of obsolete police assets.

Actors involved in police procurement are:

- a) The accounting officer (the Inspector-General of Police)
- b) Force Procurement Office
- c) Force Tenders Board
- d) Ministerial Tenders Board
- e) Federal Executive Council [(c), (d), (e), depending on their respective thresholds and the value of the contract]
- f) Civil society (or non-governmental organisations) & professional bodies
- g) Bureau of Public Procurement
- h) Accountant-General of the Federation
- i) Auditor-General of the Federation

The role of the National Assembly in Police procurement is that of oversight; to check and guard against illegal virement, procurement fraud, conflict of interests, collusion among vendors, kickbacks, bid rigging, and failure to follow due process in awarding contracts. NASS is also expected to monitor project administration and compliance.

## 15. How can NASS ensure that the Nigeria Police complies with Human Rights Norms?

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To ensure that the police lives up to its role as the protector and promoter of human rights, NASS has to master the dictates of human rights norms, and the letters of the laws in that respect. In addition, NASS needs to:

- a) Understand police functions and powers and how they impact on human rights;
- b) Understand the police code of conduct and standard operating procedures;
- c) Distinguish between the needs for security and the protection of individual rights;
- d) Ensure through oversight, that the police respects and practices human rights internally;
- e) Through advocacy, encourage and align police top hierarchy towards reducing stress and managing post-traumatic stress disorders among its ranks;
- f) Monitor media reports on police conduct;
- g) Ensure through oversight that the police internal disciplinary mechanisms are robust, updated and enforced;

- h) Call for reports of investigations into police misconduct; and
- i) Oversee the Police Service Commission in the conduct of its affairs, as it relates to police discipline.

## 16. What Good Practices can be learnt from other Countries on Policing and Police Reform?

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### The United Kingdom (UK)

**Appointment & Independence:** The appointment of the head of the Metropolitan Police (Scotland Yard) is done through open advertisement and interview. The same goes for the chief police officers for 43 of the 45 territorial police forces in the UK. This democratic process ensures placement on merit and professional competence, chemistry and character.

**Constabulary Independence,** where the police act apolitically and independently, and in line with their oath of office and the law. In this case, interference from political masters and players is limited. There is policing by consent, accountability and openness as results of crime and order maintenance are regularly published and subjected to public scrutiny.

**Bottom-up budgeting,** whereby each Borough Police in the UK determines its financial needs and justifies its expenditure. Also, 70% of the police budget is funded by the central government, with the rest funded by council tax contributions and charges for some police services, like policing football matches. In such cases, the police generate revenue to meet some of their recurrent needs.

### United States of America

**Decentralised Structure:** The United States (US) operates a decentralised police system with a reported number of about 18,000 federal, state, county, and local policing/law enforcement agencies in the country with varying legal and geographic jurisdictions.<sup>1</sup> The essence is that each of the federating states determines its policing needs and provides the structure to meet them. As such, there are:

- o the Federal law enforcement agencies (*the US constitution does not provide for a federal police force*) consisting of many outfits such as: the Federal Bureau of Investigation (FBI); Central Intelligence Agency (CIA); Immigrations and Customs

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<sup>1</sup> See US Department of Justice, National Sources of Law Enforcement Employment Data, available at: <https://www.bjs.gov/content/pub/pdf/nsleed.pdf>. This number includes college campus patrols, sheriffs, local police, and federal agents. For strictly local law enforcement, police and sheriff departments with armed officers, the total is closer to 15,400. While this is seen to be useful in bringing policing closer to communities, there have been concerns about its large number, which has given rise to fragmentation, inconsistency in training, procedures and efficiency. See: <https://www.politifact.com/punditfact/statements/2016/jul/10/charles-ramsey/how-many-police-departments-are-us/>.

Enforcement (ICE); Bureau of Alcohol, Tobacco Firearms and Explosives (ATF); Department of Homeland Security; U.S. Drug Enforcement Administration (DEA); U.S. Secret Service; Federal Bureau of Prisons (BOP), and the U.S. Marshall Service<sup>2</sup>;

- o the police forces of the federating states and their investigative outfits;
- o Sheriffs' departments and the police forces of counties, cities and villages, and services.

The Police Departments in New York (NYPD), Los Angeles (LAPD) and California (California Highway Police) all in the United States of America place serious emphasis on training, availability of back-up systems and rescue teams. They have demonstrated a high success rate in crime prevention and law enforcement, with a minimal response time to crises and distress.

**Training:** In the 2010s, following widespread reports and agitations against police maltreatment of minorities and shooting deaths of unarmed civilians in several states of the United States of America, police retraining on use of force spectrum was reoriented towards them being guardians, rather than warriors. Stronger emphasis was laid on critical thinking and confidence building to enable police officers see themselves as strong and capable, and therefore not needing to misapply force to prove themselves. This later gave vent to the application of body-cameras as part of police accoutrement.

## Both US and UK

**Community-oriented policing model in the United States of America and, the United Kingdom,** whose strategy of policing focuses on building ties and working closely with members of the communities, thus creating partnerships and strategies for reducing crime and disorder. This is essentially a proactive policing model that is intelligence led, and problem-oriented. The police departments are often highly accessible to the public.

**Police Unions in the US and UK,** where officers float unions to ventilate and aggregate their views and grievances, and advocate for their welfare and concerns. An example is the National Black Police Association (NBPA), an interest group of the Black and Minority Ethnic (BME) staff of the UK police forces, founded in November 1999, which seeks to improve their working environment, to enhance racial harmony and the quality of service to all communities of the United Kingdom.

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<sup>2</sup> See: An overview of the US federal police force at <https://www.policeone.com/archive/articles/an-overview-of-the-federal-police-force-3lUfL7uRZ5zjdWbT/>

## China

**Use of Force:** The Peoples' Armed Police Force of China has integrated unarmed combat craft to disable and arrest suspects. The tactics involve use of body sequences and manipulation of vital body parts to neutralise an opponent and bring him to justice. By so doing, use of lethal force is minimised.

## South Africa

**Public participation in Reform of the South African Police Service:** In the apartheid era in South Africa, there were eleven ethnic based police forces, which were all militarised, and acted with impunity in brutality, torture, kidnapping and other human rights abuses. The police were unpopular as they were perceived as agents of the state and set up for regime protection. But in the post-apartheid era, and with democracy in place, one national and civil police service was formed, structured for accountability and oriented and trained to be apolitical and democratic. A new Police Act was legislated where civil society groups and development partners provided technical expertise in the reform. The new police service was community oriented to identify with community problems, priorities and joint problem-solving. With improved budgeting and performance came improved legitimacy and public acceptance.



## Box 4: Some other Good Practices<sup>3</sup>

### Decentralised decision making

Decentralisation of decision-making power to local police units is adopted in many countries to reinforce the implementation of community based policing, as it enables local police heads to directly respond to the needs of the local constituency. It also allows for greater input and participation of the local heads to police budget and policing priorities. Also, local authorities are often involved in decision making. For instance, in the **United Kingdom**, in 2011, in order to decentralize decision-making power over the police to local bodies, a system of democratically-elected local police and crime commissioners was set up to devolve greater responsibility for community-based policing to the local level. In **India and Germany**, provincial or State Assemblies have extensive powers to examine any police matter and make the police answerable to local elected representatives.

### Limiting political control

In order to avoid the politicisation of the police, political authorities in countries like the UK do not have operational control over the police. Also, administrative control and supervision are often done by independent executive agencies. For instance, in **Netherlands and India**, the ministry of home affairs is responsible for developing guidelines for the police and monitoring their activities.

### Review of police misconduct

To avoid the police policing itself, strengthen external civilian oversight of the police and the credibility of police complaints mechanisms in the eyes of the public, dedicated independent police complaints bodies have been set up by countries such as **Belgium, the Philippines and the United Kingdom** to receive and investigate complaints on police misconduct. This is different from generic independent bodies/ombudsman that receive and investigate public complaints such as the National Human Rights Commission.

In 2004, the UK Parliament established the Independent Police Complaints Commission (changed to Independent Office for Police Conduct in 2018) to oversee the internal police complaints system, undertake independent investigations into the most serious cases of police misconduct, such as death and serious injuries as well as other breaches of human rights. It is also an appeal body for internally-handled (minor) complaints and issues guidance on complaints-handling to the police services. To avoid police capture and interference, this body is headed by a civilian who is not a current or former police officer and appointed by the Minister of Home Affairs. It is mandated to provide annual reports to the parliament.

Other countries that utilise independent police complaints bodies include Cyprus, France, Hungary, Ireland, Portugal, Canada, Kenya, and South Africa.

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<sup>3</sup> See: Mario J. Aguja and Hans Born (Eds.), *The Role of Parliament in Police Governance: Lessons Learned from Asia and Europe*, DCAF, 2017. Available at: [https://www.dcaf.ch/sites/default/files/publications/documents/The\\_Role\\_of\\_Parliament\\_in\\_Police\\_Governance.pdf](https://www.dcaf.ch/sites/default/files/publications/documents/The_Role_of_Parliament_in_Police_Governance.pdf)

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## About PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making processes.

The main focus of PLAC's intervention in the democratic governance process is on building the capacity of the legislature and reforming the electoral process. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy. PLAC receives funding support from donors and other philanthropic sources.

