INTRODUCTION

This factsheet contains a comparison of the provisions of the Police Act, Cap P.19, Laws of the Federation of Nigeria and the Police Act (Repeal and Re-enactment) Bill, 2019 (SB. 181). The bill was read the second time and referred to the Senate Committee on Police Affairs in February 2019 for further legislative action. The Committee has resolved to conduct a Public Hearing on the Bill to enable stakeholders make meaningful inputs before its passage into law. It is hoped that this factsheet will aid citizens’ understanding of proposed changes to the law.

SUMMARY & HIGHLIGHTS

Part I – PRELIMINARY

Key Provisions

» Sets out proposed guiding principles of the bill, which include efficiency and effectiveness, accountability and transparency, protection of human rights and fundamental freedoms and partnership.

» States the objectives of the bill to include: ensuring a people friendly Nigerian Police; embodying the values of accountability, fairness, justice and equity in Police operations; Police responsiveness, respect by Police of the dignity of all persons, safeguard of the fundamental rights in the Constitution; fostering of cooperation and partnership between the Police and the communities it serves; and respect for victims of crime and an understanding of their needs.

This Part takes on recommendations of previous Police Reform Panels that have proposed that a positive mission statement of the Police is required to move the citizenry away from their pre-conceptions on the Police Force and ensure the Police has the values of a civil agency that protects fundamental rights as guaranteed in the Constitution¹. The proposal in the bill therefore appears to be aimed at clarifying a mission for the Police.

PART II- ESTABLISHMENT AND DUTIES OF THE POLICE

Key Provisions

» Duties of the Police

» Establishment of the Nigeria Police Force

» Establishment of the Nigeria Police Council

¹ See Report of CSO Panel on Police Reform 2012
This part expands the general duties of the Police to include among others:

» protection of the rights and freedom of every person in Nigeria as provided in the Constitution, the African Charter on Human and Peoples’ Right, and any other law;

» provision of humanitarian assistance for citizen(s), facilitation of movement on highways etc. without subjecting citizens to extortion, and adoption of communist partnerships.

» Adoption of community partnership in the performance of the duties provided under this section

It also establishes the Nigerian Police Council in line with the Constitution. The Council is a constitutional body set up to organise, administer and supervise the Nigeria Police Force. There have been arguments that members of the Council rarely meet and thus unable to carry out their constitutional functions. It has been suggested that the law can mandate regular meetings of the Council to enable it to live up to its purpose. It has also been suggested that the powers of the functions of the Nigeria Police Council be expanded to include receiving and deliberating reports pertaining to policing matters and on security concerns. The argument here is that if such regular meetings afford State Governors the opportunity to make valuable inputs into the administration of the Police, it would give them a sense of ownership and reduce the tendency to demand for creation of State Police or Vigilante organisations.

PART III - This Part is missing a Heading but appears to deal with the Appointment of the Inspector General of Police, Deputy Inspector General of Police, Assistant Inspectors General and Commissioners of Police

Key Provisions

» Hierarchy of the Police

» Appointment and Removal of Inspector General of Police (IGP)

» Appointment of Deputy Inspector General of Police

» Duties of the Inspector General of Police, Deputy Inspector General of Police

Clause 6 provides for the Hierarchy of the Force to include an Inspector-General of Police, and this includes stipulation of a Deputy Inspector-General, not such number of Deputy Inspectors-General as contained in the existing Act. The DIG and Assistant-Inspectors Generals (AIGs) will be appointed by the Police Service Commission and shall be subject to due process for removal.

Clause 7 sets out the appointment procedure and qualification requirements for the person to be appointed as IGP - a Senior Police Officer not below the rank of an Assistant Inspector General of Police with the requisite academic qualifications of not less than a first degree or its equivalent in addition to professional and management experience. The appointment procedure includes a formal application, nomination by the Police Council, appointment by the President from the Council’s recommendations and Senate confirmation. The removal process for the IGP would only be occasioned by misconduct, gross violation of’ the constitution or demonstrated incapacity to effectively discharge his/her duties. This process includes investigation by the Police Council and Senate approval. It also proposes a 5-year tenure for the IGP in clause 7(6).

Clause 10 defines the powers and duties of the IGP, which includes development of a yearly financial plan for the Police and establishment of Police training centres. Clause 12 mandates State Commissioners to establish community police fora in the States under their command subject to the directions of the State Governor.

2 Paragraph 27 of the Third Schedule of the 1999 Constitution (as amended)
As the IGP has no security of tenure, experts have advocated for a tenured position and prescribed qualification for the position of IGP, including a removal process for the office holder, which the bill captures. Section 215 of the Constitution provides for appointment and removal of the IGP without prescribing appointment qualifications, a tenure or a removal procedure. The bill's attempt to fill this gap is commendable however, it may be subject to legal debate on whether this should be done in the Police Act or via Constitution amendment.

It is important to note that the 8th Senate had grappled with the issue of appointment procedure for the IGP. There was also the issue of whether or not there should be Senate confirmation for nominees to this position and whether the existing number of Deputy Inspectors-General (DIGs) should be maintained. In the end, the proposal for one DIG was jettisoned in favour of the existing seven. The issue of appointment procedure for the IGP remained an unresolved issue in the 8th National Assembly and resulted to the House of Representatives refusing concurrence on the Senate Bill.

PART IV- GENERAL ADMINISTRATION

Key Provisions

» Oath to be taken by police officers
» Declarations
» Re-engagement
» Training and Re-training of Police Personnel

The bill includes training requirement provisions for police officers in this section.

Clause 15 provides for enlistment of professionals from the relevant fields of criminology psychology, sociology, Law, medicine, pathology, etc. into the service; requirement of psychological evaluations and specialised training in any professional field relevant to policing and law enforcement during the enlistment period.

Clause 19 mandates all police officers to undergo periodic training and retraining in basic policing and law enforcement courses as well as specialised courses relevant to law enforcement. Also, it provides that the Inspector-General, in consultation with the Police Service Commission, shall be responsible for the revision of the training, duration as well as content of police training at least once in every five years.

A common criticism against the Police is their inadequate training and re-training of officers, which negatively impacts in their service delivery to citizens. The training and specialisation requirements in the bill are aimed at addressing this, as well as the lack of specialisation and what many term the “general duty policy” of the Police which leaves little room for specialisation and development of expertise.

PART V- POWERS OF THE POLICE OFFICER

Key Provisions

» Power to prosecute
» Arrest warrant
» Provisions governing search and search warrant safeguards
» Power to stop and search
This is one of the most significant parts of the bill as it addresses police powers vis-a-vis human rights and due process safeguards. The power to search and arrest under the current Police Act is not detailed and leaves room for wide discretion. The bill attempts to update the Police Act by making some reference to the Administration of Criminal Justice Act (ACJA) 2015. For instance, Clause 22 mentions that in addition to section 18 of ACJA which deals with cases where the Police can arrest without warrant, the Police can arrest any person that is found committing a felony, misdemeanor or simple offence, or is suspected by the Officer of having committed or is about to commit a felony, misdemeanor or breach of the peace.

The Administration of Criminal Justice Act, 2015, contains more detailed provisions than the Police Act and this bill on Police Powers to arrest and search. For example, Parts 3 (section 35-49) and part 18 (sections 143-157) of ACJA contain provisions on arrest and search warrants while Part 19 (sections 158 to 188) contains detailed provisions on bail and recognizance. Unfortunately, ACJA does not have general application across the country and is yet to be domesticated in many States. The bill tries to improve on arrest and search warrant provisions but falls short of extensive provisions of ACJA. In addition, it lacks necessary foundational provisions such as cases where a search can take place without a warrant. Further, it alludes to the existence of an arrest warrant without making detailed provisions on the process of obtaining it.

A number of the issues that have tainted the public perception of the Police, have stemmed from the excessive use of police powers. They range from inhumane treatment of suspects in detention, denial of basic services such as medical and legal services, arbitrary arrests and arrest in lieu of a suspect. Some provisions in this part of the bill as presently drafted attempt to address these concerns by proposing search warrant safeguards, stipulating when an arrest can be carried out without a warrant and actions to be taken before, during and after a search is conducted.

For instance, Clause 30 provides for cases where the police can exercise power to detain and search a suspected person or vehicle while Clause 32 provides for actions to be carried out by a police officer before a search occurs i.e. the Officer must be in uniform and wear a visible Police identity card and must inform the person in charge of the vehicle of his/her name, police station, object and grounds of the search. Clause 31 adds that certain personal attributes shall not be grounds for reasonable suspicion, including:

- a person’s colour, age, hairstyle or manner of dress;
- previous conviction for possession of an unlawful article; or
- stereotyped images of certain persons or groups as more likely to be committing offences.

Although commendable, these provisions can be improved to address the fundamental concerns of citizens. There may need to be further deliberations on the powers of the Police and safeguards for citizens to check the excess application of police powers. A cue can be taken from the Administration of Criminal Justice Act (ACJA) 2015, where the powers of the police are addressed in more detail. Furthermore, reference can be made to other jurisdictions and their provisions on powers of police officers in order to strengthen what is obtainable in our laws.

For instance, in common law countries such as the United Kingdom and Australia, persons can only be arrested if a judge or a magistrate issues a warrant. This principle is subject to exceptions, including when the offence is being or about to be committed. For instance, in England, a constable may arrest, without a warrant, anyone who is about to commit or is currently committing an offence (or anyone the constable has reasonable grounds to believe is about to commit or currently committing an offence). Similarly, most civil law legal systems only authorise police officers to arrest people without giving prior notice to a judge when the suspect is in the course of committing an offence. Under any other circumstances, police officers need to inform the Public Prosecutor.

The law should provide better clarity on the circumstances under which a warrant must or must not be issued. The bill reads as if arrest without warrant were the rule and the arrest with warrant the exception. International best practice requires that such provision should clearly lay down procedural requirements (an arrest warrant must be issued by a judge/magistrate) and then list the exceptions under which such a warrant is not necessary (e.g. flagrante delicto – caught in the act).
PART VI- PROPERTY UNCLAIMED, FOUND OR OTHERWISE

Key Provisions

» Unclaimed property found
» Documentation of arrest witnesses and death in Police station
» Procedure for reporting missing persons

Clause 38 improves on the procedure for handling property found and unclaimed by mandating the Police to keep records of such property in a register, make public announcements about the property to enable the rightful owner to claim it within a stipulated time frame, followed by a public auction where the property remains unclaimed.

Clause 39 makes provision for documentation of arrest witnesses and death in Police Station. This includes a requirement for the Inspector General to give a quarterly report to the Police Service Commission of the number and identity of persons who were killed or wounded during police operations across the country; or who died in police custody. With reports of deaths in police custody as well as inability of persons to track relatives taken into custody, this provision seeks to address the principles of accountability and transparency in ensuring there is proper documentation of persons in custody and actions of said person.

Clause 40 requires employers to notify the Police of a missing employee or persons under their control within 24 hours of the person's disappearance. The role of the police in tracing missing persons cannot be overemphasised. With kidnappings on the rise and persons increasingly going missing, it is imperative that there is a laid down procedure for reporting same. Furthermore, having missing persons documented would aid in utilising the police network to find such persons.

PART VII- OTHER PROVISIONS

Key Provisions

» Police Reward Fund
» Recognition and Commendation for gallant and exemplary service
» Police Officer indebtedness
» Private business and conflict of interest

This part retains the Police Reward Fund and sources of funding but amends the use of the funds as follows:

» to reward members of the police for exemplary service (not extra or special services as currently provided in the Police Act);
» such other purpose as may be determined, from time to time, by the Nigerian Police Council.

The use of the funds is subject to the rules for the time being in force under section 23 of the Finance Control and Management Act and shall be applied and disbursed at the direction of the Inspector General, based on criteria laid by the Nigeria Police Council.

A provision is included on recognition and commendation of officers for gallant and exemplary service (Clause 42). It says that 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 service by the Police Force either by recommendation for national honours; through public presentation of awards and certificates of exemplary service from communities and civil society; or 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. This provision is commendable and important for boosting the morale of officers.

Clause 43 makes strict provisions against police indebtedness and prescribes that debts to a creditor by a police officer will be recovered from the officer’s salary or remuneration.

Clause 45 amends the existing provision to say that while still in service, a police officer shall not directly be involved in managing and running any private business or trade except farming.

PART VIII- OFFENCES

Key Provisions

» Offences by police officers – desertion, drinking and use of psychotropic substances

» Offences against police officers – assault, impersonation, failure to aid

In addition to existing offences in the Police Act, such as starting a mutiny, failing to suppress a riot, striking a superior officer in the execution of his duty, etc., the bill includes as offences, the use of intoxicating liquor or psychotropic substances by police officers while on duty. This offence extends to persons who sell such substances to an officer, harbours such officer or tries to induce the officer with money, gift, spirits, liquors, psychotropic substances or stimulants to commit a breach of his duty. Such person shall be guilty of an offence and liable on conviction to one month in prison with or without an option of fine not less than ten thousand naira - Clause 50.

Clause 46 (3) adds that in discharging his duty, a police officer shall not discriminate against any Nigerian, 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.

The list of offences that may be committed by police officers appears to be limitative in its present form and ought to be amended to leave the possibility of adding other offences to the list, including corruption, fraud, use of excessive violence, etc.

PART IX- REGULATIONS AND STANDING ORDERS

Key Provisions

» Power to make Regulations

» Standing Orders

The bill provides in clauses 55 and 56 that:

» the Minister in charge of Police Affairs may make regulations on the recommendation of the Nigeria Police Council with respect to the organisation and administration of the Police, and;

» on the recommendation of the Police Service Commission with respect to appointments, promotions and disciplinary control of the Police.
» The Police Service Commission is empowered to make Standing Orders for the appointment, promotion, and discipline of members of the Police.

» The Inspector General of Police is empowered to make Standing Orders relating to operational control of the police.

The extant law provides that the President is responsible for making regulations. This Bill does not move the mantle of responsibility from the Executive but merely shifts the responsibility to the Minister. Conferring the responsibility of making regulations on the Minister is akin to what is obtainable in other establishment laws, where the supervising Minister is responsible for issuing subsidiary legislation such as Regulations or relevant Orders.

The Police Regulations and its regular review is a key component of review of the Police Act as it contains detailed provisions on enlistment, and more importantly, provisions that affect women police officers. Examples are provisions that discriminate against women police officers by directly or indirectly excluding them from certain aspects or types of training, prohibiting them from getting married without written consent of their Commissioner of Police, and discharging of pregnant unmarried police officers etc. These provisions are in conflict with constitutional provisions and recent court judgments against discrimination and should therefore be repealed. Other provisions, such as Regulation 121 of the Act, which provides for certain general duties of women police officers e.g. investigation of sexual offences, presence where women or children are being interviewed by male officers etc. should not be interpreted as limiting the role of women police officers. It is crucial that the law contains a provision mandating a regular review of the Regulations to ensure that it is up to date and in line with modern and best practices.

PART X- APPLICATION

Key Provisions

» Provides for application of the Act to persons already serving in the Nigeria Police Force.

» Deletion of provisions on special constables i.e. appointment, allowances etc. of a special constabulary to perform certain duties.

PART XI – COMMUNITY POLICE FORUMS AND BOARDS

Key Provisions

» Establishment of Community Police Forums

» Establishment of Divisional Community Police Boards

» Establishment of State Community Police Boards

» Objectives, functions and procedures of Community Police Boards

This part establishes community police forums, divisional and state community police boards to maintain partnership between the community and the Police, promote communication, improve rendering of police service, promote co-operation and improve transparency and accountability in the provision of police services. It shall be made up of representatives of the local community in the state of jurisdiction.

The objectives of the forums and boards as stated are to:
a. maintain a partnership between the community and the Police;

b. promote communication between Nigeria Police 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 rendering police service to the community; and

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

This bill however adds that this provision shall not prevent Police liaison with the community by means other than Community Police Forums and Boards.

Community Policing is a concept that has gained popularity although it is understood in different ways by stakeholders. It operates on the basis that community support and participation are critical to improving police performance, fighting crime and obtaining public ownership of police reform programs.

The MD Yusufu Police Reform Panel Report⁴ and Dan Mandami Panel Report noted the need to adapt community policing to suit Nigeria’s peculiarities and for the government to formulate a community policing policy and framework for the country, considering Nigeria’s cultural and political environment. It also recommended that all police officers should undergo training in the basic philosophy and practice of Community Policing. Both panels recommend that Community Policing Committees should be established in every local government and divisional commands comprising police officers, local government officials, traditional and community leaders to periodically meet and review priorities and performances.

In the bill, it appears that the establishment of the community partnership forums and boards is aimed at capturing this recommendation. Police reform experts however stress on the need for the Police to imbibe it as a philosophy and guiding principle in the performance of their duties as against focusing on setting up community policing structures to merely satisfy a requirement. The argument is that even though the police needs to adopt a broader concept of policing, there is no “one size fits all” approach to successful community policing, which should be left to individual communities to develop in accordance with their unique needs.

PART XII - ESTABLISHMENT OF THE TRAFFIC WARDEN SERVICE

Retains provisions on the Traffic Warden Service e.g. appointment, powers, ranks, regulation, discipline etc.

PART XIII- POLICE PUBLIC COMPLAINTS AND DISCIPLINE

This part establishes the Police Complaints Response Unit to receive complaints about police misconduct from the public or other police officers. The Bill also looks to enshrine the existing Police Complaints Unit within the legal framework governing the Police and provides a procedure for investigations. It mandates the Inspector-General of Police to establish a Police Complaints Response Unit in each of the Police Commands in all the State of Federation.

The Unit is mandated in monitor investigations initiated by the unit as well as conduct investigations. The Unit may receive:

» any complaint alleging that the conduct complained of resulted in the death or serious injury or other gross human rights violation;

» any complaint showing that a police officer is involved in an act constituting professional misconduct.

• If the investigations reveal a criminal offence, a copy of the report shall be sent to the Director of Public Prosecutions for prosecution.

• If it is an offence against discipline, it shall be sent to the appropriate Police or oversight authority for proper disciplinary action

• If it reveals false information against a police officer, then the complainant shall be tried according to relevant laws in force.

For any Police Service to be effective, it would need to have a feedback mechanism through which dereliction of duty and/or negligence can be checked. This provision is important so as to improve the professionalism of the Police Force and increase public respect and trust in the institution.

Even though, the insertion of the Unit in the Bill is a welcome development, it could do the following:

» Clarify the exact powers of the Unit within the overall chain of internal control of the police force;

» Grant personnel of the unit the right to independently deal with any case that falls within their authority;

» Give the Unit the ability to make independent decisions related to internal control;

» Ensure that its staff have clean records and are appointed based on objective criteria; and

» Develop the Unit’s capacity to collaborate with other national oversight bodies responsible for ensuring the proper functioning of state services.

OTHER ISSUES

FUNDING GAP IN THE POLICE ACT

The Police Act and the bill as proposed do not contain financial or funding provisions. The bill should establish an appropriate funding framework for the Police Force in line with what is obtainable in other Federal Government institutions e.g. annual budgetary allocations, aids and grants, other funding sources, authority for making expenditures etc. Particularly, a mandatory policing plan should be required to be drawn up annually by the Police Force and tied to expenditures in the bid to ensure that all police formations nationwide are appropriately funded for effective policing.

The CSO Panel on Police Reform found the current state of funding the NPF challenging at different levels, including “low budgetary allocation, incomplete release of budgeted funds and late release of funds, all of which make planning in the NPF a difficult enterprise.” The donation of funds and equipment to the NPF by state, local governments and private bodies, without record keeping or accountability have been criticised as giving room for corruption, waste and lack of accountability. It is therefore recommended that any amendment to the Police Act contains watertight provisions on funding and financial contributions to the Police, proper keeping of records, and compliance with statutory rules on accounting and audit just as is obtainable with other public institutions.
SUPERNUMERARY POLICE OFFICERS

A study of the provisions as contained in the proposed bill SB 181 indicates that the provisions/sections on the setting up of the Supernumerary police is missing. It appears this is an omission. The provisions to be contained therein should also regulate the utilisation of fees that are derived therefrom.

CONCLUSION

The Police is an integral part of a nation’s security architecture and the frontline provider of security to citizens. To this end, it is important that the Police Act is brought in conformity with best practices and modern-day standards. The repeal and re-enactment of the current law would have benefits not only for the citizens but for the institution itself.
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, 2020 TO
PROVIDE FOR THE FRAMEWORK FOR THE POLICE SERVICE AND ENSURE
COOPERATION AND PARTNERSHIP BETWEEN THE POLICE AND HOST
COMMUNITIES IN MAINTAINING PEACE AND COMBATING CRIME; AND FOR
RELATED MATTERS

Sponsored by Senator Ita Dauda Haliru

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

PART I - PRELIMINARY

1. This Bill is based on the principles of:
   (1) efficiency and effectiveness;
   (2) accountability and transparency;
   (3) protection of human rights and fundamental freedoms; and
   (4) partnership.

2. The specific objectives of this Bill are to:
   (1) ensure that the Nigerian Police is people friendly;
   (2) embody in the operations of the Police the values of
      accountability, fairness, justice and equity;
   (3) make the police responsive to the security concerns of citizens
      and the community;
   (4) respect the dignity of all persons;
   (5) ensure the safety and security of all persons and property in the
      country;
   (6) uphold and safeguard the fundamental rights of every person as
      guaranteed under the constitution;
(7) Foster cooperation and partnership between the Police and the communities it serves; and

(8) respect for victims of crime and an understanding of their needs.

PART II - Establishment and Duties of the Police

3.- (1) There is hereby established for Nigeria a police organization to be known as the Nigerian Police which shall replace the former Nigeria Police Force and assume its rights, powers, privileges, liabilities, structures and organs.

(2) The Police shall consist of:

(a) all persons who immediately before the commencement of this Bill were members:

(i) of a force established by section 214 of the Constitution of the Federal Republic of Nigeria, 1999;

(ii) appointed by the Police Service Commission under the Constitution;

(iii) appointed as Special Constables under section 49 of the repealed Police Act Cap. P19 Laws of Federation 1990; and

(b) Such other persons that may be appointed under this Bill.

4. The Police shall be employed to perform the following duties:

(a) protect the rights and freedom of every person in Nigeria as provided in the Constitution, the African Charter on Human and Peoples' Rights, and any other law;

(b) protect the lives and property of citizens;

(c) preserve law and order;

(d) enforce all laws and regulations with which they are directly charged;

(e) perform such military duties within and outside Nigeria as may be required of them under the authority of this Bill or any other Law;

(f) provide humanitarian assistance for citizen(s) in distress such as victims of road accidents, fire disaster, earthquake, flood, etc., and where
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necessary collaborate with other agencies for humanitarian assistance;

(g) facilitate the free passage and movement on highways, roads

streets and avenues open to public without subjecting citizenry to

inhuman treatments or any form of extortion;

(h) adopt community partnership in the performance of the duties

provided under this section; and

(i) prevent and detect crimes without unreasonably threatening the

liberty and privacy of the citizens.

5.-() There is established a body to be known as the Nigerian

Police Council (in this Bill referred to as "the Council") which shall consist

of:

(a) The President, who shall be the Chairperson;

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

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

(d) The Inspector-General of Police.

(2) The functions of the Council shall include-

(a) the organisation and administration of the Police and all other

matters relating thereto (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);

(b) the general supervision of the Police;

(c) advising the President on the appointment of the Inspector-

General of Police.

(3) The Permanent Secretary in the Police Affairs Office, in the

Presidency, shall be the Secretary to the Council and the Secretariat of the

Council shall be in the Police Affairs Office, the Presidency.

PART III

6. Pursuant to Section 215 (1) of the Constitution, the hierarchy of

the Police shall consist of the following:

(i) The Inspector-General of Police;
(ii) Deputy Inspector-General of Police;
(iii) Assistant Inspector-General of Police;
(iv) Commissioner of Police;
(v) Deputy Commissioner of Police;
(vi) Assistant Commissioner of Police;
(vii) Chief Superintendent of Police;
(viii) Superintendent of Police;
(ix) Deputy Superintendent of Police;
(x) Assistant Superintendent of Police;
(xi) Inspector of Police;
(xii) Sergeant-Major;
(xiii) Sergeant;
(xiv) Corporal;
(xv) Constable; and
(xvi) Such other officers as the Nigeria Police Council may, from time to time, consider necessary for effective discharge of the functions of the Police.

7.-(1) The Inspector General of Police shall be the head of the Police and exercise all operational control over the Police and all its departments/units.
(2) The person to be appointed as Inspector General of Police shall be a Senior Police Officer not below the rank of an Assistant Inspector General of Police with the requisite academic qualifications of not less than a first degree or its equivalent in addition to professional and management experience.
(3) The person for the office of the Inspector General of Police shall be appointed as follows:
(i) Interested persons shall make an open and formal application to the Police Council;
(ii) the Nigerian Police Council shall nominate three applicants from among the pool of applicants using the stipulated criteria for competences and
(iii) the President shall appoint the Inspector General of Police from the recommended applicants subject to the confirmation of the Senate.

(4) The Inspector-General of Police shall not be removed from office except for gross misconduct, gross violation of the constitution or demonstrated incapacity to effectively discharge the duties of the office.

(5) The Inspector General of Police shall not be removed from office except:

(i) a report or complaint of gross misconduct or incapacity to perform his duties has been made against him by any person, including the President;

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

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

(iv) the Senate by resolution confirms the removal of the person.

(v) the person appointed to the office of the Inspector General of Police shall hold office for a single term of 5 years subject to the statutory retirement requirement in the public service.

8.-(1) The Deputy Inspector General and Assistant Inspectors General shall be appointed by the Police Service Commission.

(2) A person appointed under subsection (1) of this section shall hold office until retirement or removal following due process by the Police Service Commission on account of gross misconduct or incapacity to perform his/her duties based on recommendation by the Inspector General of Police.

Powers, Duties and Functions

10.- (1) The Inspector General of police may exercise the powers and duties and functions necessary to give effect to section 7(1) of this Bill.

(2) Subject to subsection (1) of this section, the Inspector General’s powers, duties and functions shall include:

(a) develop a plan before the end of each financial year, setting out the priorities, objectives and expected outcomes of policing and for the next financial year;

(b) having due regards to the state of the security across the country and population, determine the distribution of the numerical strength of the Police after due consultation with the Police Service Commission;

(c) organize or reorganize the Nigeria Police at national level into various components, units or groups;

(d) establish and maintain training institutions or centers for the training of officials and other members; and

(e) perform any legal act or act in any legal capacity on behalf of the Police.


(2) When acting for the Inspector-General, the Deputy Inspector-General shall be guided by the following:

(a) all matters involving any change in Police policy shall be held in abeyance until the Inspector-General returns or, if the matter is urgent, referred directly to the Inspector-General for his instructions, provided such matters do not contradict the general policy directive of the Police Council; and

(b) all matters of importance dealt with by the Deputy Inspector-General during the absence of the Inspector-General shall be referred to the Inspector General on his return.
12.-1 Subject to this Bill, a State Commissioner of Police shall have command and control over the police in the state he/she is assigned to and may exercise the powers and shall perform the duties and functions necessary to give effect to sections 2 and 4 of this Bill.

(2) A State Commissioner of Police shall perform any duties delegated to him by the Inspector General subject to sections 2 and 4 of this Bill.

(3) A State Commissioner shall subject to the directions of the State Governor, be responsible for establishing community police in the state under his command.

13.-1 The Inspector-General may delegate any of his powers under this Bill to any police officer so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined in the instrument of delegation.

(2) Guided by the principle of efficiency and effectiveness, and for ease of delegation of powers, the Inspector-General shall devolve powers to Zonal, State, Area and Divisional Commands to ensure quick response to priority, safety and security needs.

PART IV - GENERAL ADMINISTRATION

Oaths for Officers

14. On appointment of any person as a member of the Nigerian Police, such person shall forthwith take and subscribe to the official oath, the police oath and the oath of allegiance.

15.-1 A Constable shall on appointment be enlisted to serve in the Police for five years or for such other period as may be fixed by the Police Service Commission, which shall take effect from the day he has been approved for service.

(2) Professionals from the relevant fields of criminology, psychology, sociology, Law, medicine, pathology, etc, shall be enlisted into the service and such professionals shall practice their professions and use...
1. their expertise in the advancement of the duties of the service.

2. (3) All candidates intending to be enlisted/ recruited into the service

3. shall undergo psychological and other evaluations as may be required as part of

4. the enlistment or recruitment process to ascertain their character and suitability

5. for the job.

6. (4) Within the period of enlistment, every police officer shall undergo

7. specialized training in any professional field relevant to policing and law

8. enforcement.

9. 16.- (1) Subject to section 18 of this Bill, the Police Service

10. Commission may extend the service of constables whose service is needed

11. beyond general duties for a period of six years.

12. (2) Subject to subsection (1) of this section, a Constable that serves an

13. extension may be considered for a re-engagement into the Police Force

14. provided he applies for it.

15. 17. A Non-Commissioned Officer; Constable or Recruit Constable

16. on fresh enlistment, or re-engaged for a further period of service, shall make

17. and subscribe to the Police declaration prescribed by the Oaths Act.

18. 18.- (1) Upon approval by the appropriate authority, a Non-

19. Commissioned Officer or Constable of good character may be re-engaged to

20. serve for second period of six years as well as third period of six years or until

21. the officer reaches 35 years of service or age of 60 years, whichever is earlier

22. (2) Upon completion of such third period of six years, or if the officer

23. has re-engaged until reaching the age of 60 years, the Non-Commissioned

24. Officer or Constable may be discharged or may claim a discharge provided a

25. six months' notice is given to or by him.

26. (3) The prescribed approval referred to in subsections (1) and (2) of

27. this section shall be that of the Chairman of the Police Service Commission or

28. as delegated to the Inspector General of Police by the Commission.

29. (4) Where a Non-Commissioned Officer or Constable Offers to re-

30. engage within six months after having received his discharge, he shall on re-
engagement be 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.

(5) The service of a Non-Commissioned Officer or Constable who has re-engaged under this section shall be deemed to be continuous for the purposes of the pension or annual allowance or gratuities, as the case may be, and the Non-Commissioned Officer or Constable regarded as being on leave without pay during the period between discharge and re-engagement.

(6) A Non-Commissioned Officer or Constable may not be re-engaged after a period of six months has elapsed since his discharge, except his offer of service is accepted.

(7) The question of 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.

(8) 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 twelve months, as the Police Service Commission may direct.

(9) Subject to the provisions of section 7(1) of the Pension Act and to the provisions of subsection (2) of this section, no Police Officer other than a superior police officer shall be at liberty to resign or withdraw himself from his duties without the approval of the Police Service Commission or any Police Officer authorized in writing by the Police Service Commission.

(10) All police officers shall undergo periodic training and retraining in basic policing and law enforcement courses as well as specialized courses relevant to law enforcement;

(2) The Inspector-General, in consultation with the Police Service Commission, shall be responsible for the revision of the training, duration as well as content of police training at least once in every five years.
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PART V - POWERS OF THE POLICE OFFICER

20. (a) Subject to the provisions of section 174 and 211 of the Constitution of the Federal Republic of Nigeria 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 and undertake, take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria, a Police Officer may conduct in person prosecutions before any court whether or not the information or complaint is filed in his name;

(b) a police officer referred to in 20(a) above may conduct such prosecutions before the courts subject to the provisions of the relevant criminal procedure laws in force at the federal level and in state regarding prosecution by non-qualified legal practitioners.

(c) There shall be assigned to every Police Division at least 1 Police Officer that is qualified to practice as legal practitioner in accordance with the Legal Practitioners Act Cap L11 LFN 2004.

21. Where a crime is reported to the Police or a person is brought to a police station on the allegation of commission of a criminal offence, it shall be the duty of the Police to investigate such allegations according to its internal processes and procedures and report their findings to the Prosecutor who shall decide whether to file a charge or not.

22. (1) In addition to the powers of arrest without warrant conferred upon a Police Officer by section 18 of the Administration of Criminal Justice Act, it shall be lawful for any Police Officer and any person whom he may call to his assistance, to arrest without warrant:

(a) any person whom he finds committing a felony, misdemeanor or simple offence, or whom he reasonably suspects of having committed or is about to commit a felony, misdemeanor or breach of the peace;

(b) any person whom any other person charges with having committed a felony or misdemeanor.
(2) The provisions of this section shall not apply to any offence
with respect to which it is provided that any offender may not be arrested
without warrant.

(3) For the purpose of this section the expressions felony,
misdemeanour and simple offence shall have the same meanings as they
have in the Criminal Code and Penal Code.

23. Any warrant lawfully issued by a court for apprehending a
person charged with any offence may be executed by a Police Officer at any
time notwithstanding that the warrant is not in his possession at that time, but
the warrant shall, be shown to the person apprehended not later than 24
hours after his arrest.

24. 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.

25. When a person is arrested without a warrant, he shall be taken
before a court which has jurisdiction with respect to the offence with which
he is charged as soon as practicable after he is taken into custody:
Provided that any Police officer for the time being in charge of a
Police station may inquire into the case and:

(a) except when the case appears to such officer to be of a serious
nature, he may release such person upon his entering into a recognizance
with or without sureties, for a reasonable amount to appear in court at the
day, time, and place mentioned in the recognizance; or

(b) if it appears to a police officer that an inquiry cannot be
completed forthwith, he may release such person on his entering into a
recognizance with or without sureties for a reasonable amount, to appear at
such Police Station and at such times as are named in the recognizance,
unless he previously receives notice in writing from the senior Police
officer in charge of that Police station that his attendance is not required, and
any such bond may be enforced as if it were a recognizance, conditional for
the appearance of the person before a court.

26.-{(1) Where a Senior Police Officer of the rank of Superintendent or above in charge of a police station in which a person is detained has a reasonable ground to believe that it is imperative to secure the person arrested without charge in detention in order to preserve evidence pertaining to an offence for which he is arrested; or obtain such evidence by interrogating him;

(2) An application may be made to a Court pursuant to Section 293 of the Act to remand the person in prison custody or extend the detention in the police station and the court may grant the application for remand or extension of detention provided that:

(a) there are reasonable grounds to justify further detention;

(b) the application for extension is filed before the expiration of 48 hours after the arrest;

(c) the arrested person has been served with a copy of the information brought before the court for hearing and is given opportunity to be heard;

(d) the offence for which the person is to be charged carries a sentence of not less than 3 years imprisonment upon conviction;

(e) there is a verifiable evidence on oath that the person sought to be detained will materially interfere with investigation or escape from criminal trial if released; and

(f) there is no other way of ensuring attendance of the person to trial and non-interference with investigation except by order in police or prison custody.

(3) The application referred to under this section, shall be determined by the court within 48 hours.

27.-{(1) In addition to the provision of Section 12 of the Administration of Criminal Justice Act, a Police Officer may seize and retain anything for which a search has been authorized.

(2) In every case in which any property is seized pursuant to this section, the person on whose premises it was at the time of seizure or the person.
23

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

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

29.-(1) A warrant to enter and search premises may be executed by any Police Officer.

(2) Such a warrant may authorize 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) When the occupier of premises which are to be searched is present at the time when a Police Officer seeks to execute a warrant to enter and search, the 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) When 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 in stating:

(a) Whether the articles or persons sought were found; and

(b) Whether any other articles were seized, other than articles which were sought.

(7) A search warrant may be endorsed by a superior Police Officer in the absence of a Magistrate or Justice of the Peace.

30. A Police officer may detain and search any person or attended 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 exists 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.

31. The following shall not be grounds for reasonable suspicion:
(a) Personal attributes including a person’s color, 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.

32.-(1) Where an officer is exercising the powers under section 32,
he shall before carrying out the search, question the person about his
behaviour or his presence in circumstances which gave rise to the suspicion.
(2) If the person to be searched has a satisfactory explanation
which will make a search unnecessary or other circumstances has come to
attention of the 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 must give the person to be searched or in-charge of the
vehicle the following information:
(a) his name and the name of the Police station to which he is
attached;
(b) the object of the search; and
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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
should be allowed to go unless unlawful items are found in his possession or
in the vehicle searched.

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

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

(i) the name of the person searched or if he withholds it, description
of the person;

(ii) the date of birth of the person searched;

(iii) a note of the person's ethnic origins

(iv) when a vehicle is searched, a description of the vehicle,
including its registration number;

(v) the object of the search;

(vi) the ground for making the search;

(vii) the date and time the search was made;

(viii) the place where the search was made;

(ix) the result of the search

(x) a note of any injury or damage to property resulting from the
search; and

(x) the identity of the officer making the search.

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

(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 authorize a
Police Officer to take the measurements, photographs and fingerprint
impressions of such person.

37.-(1) The Inspector-General shall be responsible for maintaining
and securing public safety and public order. In discharging these
responsibilities, the Inspector-General shall:

(a) up hold the provisions of the Constitution and laws made there
under;

(b) uphold and protect the fundamental rights of citizens; and

(c) be fair to all citizens notwithstanding their economic status or
religious, ethnic or political beliefs and affiliations

(2) Subject to the provisions of subsection (1) of this section, the
Commissioner of Police of a State shall be responsible for maintaining and
securing public safety and public order within the State.

(3) Notwithstanding the provisions of any law for the time being in
force, neither the Inspector General of Police nor the Commissioner of Police
or their lawful delegates shall unreasonably disallow members of the public,
the right to hold peaceful rallies, processions and assemblies in public
highways, buildings or spaces.

(4)(a) Where a person or organization notifies the police of their
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 appropriate Police
officer responsible for the area where the meeting, rally or procession will take
place, shall mobilize personnel to provide security cover for the meeting, rally
or procession.

(b) Where the appropriate police officer has reason to believe that
the rally, procession or assembly will lead to riots or other violence, he shall
convey this in writing giving reasons for his refusal to provide cover for the
public meeting, rally, procession or such assembly, and may advise for its
postponement.

(3) Where the organisation decides to proceed with the meeting,
rally assembly or procession, notwithstanding the advice; the police may
apply to a High Court in the state where the meeting, rally, procession or
assembly is to take place, for an order restraining the organisers from
proceeding with it.

PART VI - PROPERTY UNCLAIMED, FOUND OR OTHERWISE

38.-(1) Where a police officer or any other person finds a property,
the property shall be taken to the nearest police station within 24 hours
(2) A police officer on duty shall collect the property found and
make a record of it.

(3) A register shall be designed and kept for lost but found property
which must contain the following information:
(a) the name of the property found;
(b) the description of the state or general particular of the property
found; 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 it to the station;
(e) the name and rank of the police officer who collected the
property; and
(f) the signature of both the police officer and the person who found
and brought the property to the station.

(4) A police officer who collects the lost but found property shall
prepare two copies of the lost but found property in the prescribed Form and a copy shall be given to the person who found and brought the property to the police station.

(5) (a) The police officer in-charge of the police station that is in possession of lost but found property shall make public announcements, about the property and for the rightful owner to claim it within 6 months with evidence and proof of ownership;

(b) The police officer in-charge of the station in possession of the property shall release the property to the owner upon satisfactory proof of ownership;

(6) Where the property remains unclaimed after the expiration of six months, the police officer in-charge of the station shall bring the property before a court for public auction.

(7) 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, but the proceeds of sale shall not be paid into the police reward fund until they have remained in the possession of the police for six months, and in any other case, the property shall not be sold until it has remained in the possession of the police for six months.

39.-(1) Where a person appears in a police station in respect of a crime or an allegation of commission of a crime 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 station shall enter in the official record book:

(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 visit;

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

(e) the exact time the person came to the station and leaves, for everyday he visits; and
(i) any ailment or medical condition which the person has.

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

(3) Where in exercise of the police duty a person is shot, wounded or killed, the officer commanding the operation shall record the number of those wounded or killed, the names of such victims or their description as much as possible and efforts taken to ensure hospitalization of the wounded or proper reservation of the dead.

(4) Any police officer who fails to keep appropriate records mentioned in subsections (1), (2) and (3) of this section shall be guilty of a serious misconduct, which shall attract disciplinary measure.

(5) The Inspector General shall give a quarterly report to the Police Service Commission itemizing the number and identity of persons who were killed or wounded during police operations across the country; or died in police custody.

40-(1) Any person who is aware that somebody 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.

(2) When such report is lodged with the police, the duty officer or such other designated staff shall immediately record the names and addresses of the missing person and the person who made the report.

PART VII - OTHER PROVISIONS

41-(1) There shall be established a fund to be called "the Police Reward Fund" (in this section referred to as "the Fund") into which shall be paid the following:

(a) all monies forfeited 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 any fees paid by members of the public in respect of
extracts from reports made by the police;
(d) one third of any fees paid in accordance with Standing Orders for the services of police officers who would otherwise be off duty; and
(a) all sums ordered to be paid into the fund under section 41(7)(b) 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 fund shall be applied and disbursed at the direction of the Inspector General, based on criteria laid by the Nigeria Police Council, for any of the following purposes:
(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) such other purpose as may be determined from time to time by the Nigerian Police Council.

42. Police officers who have distinguished themselves with their outstanding performance in the discharge of their duties shall be duly honoured and recognized for their gallant and exemplary service in any of the following ways:
(a) by recommendation for national honors, in particular attention being paid to deserving officers of lower rank;
(b) through public presentation of awards and certificates of exemplary service from communities and civil society; and
(c) the police shall set aside a day or week in every year to celebrate outstanding performance by its officers as well as to remember their fallen heroes.

43.- (1) A police officer shall not get himself trapped in indolence of any kind while still in service, and where he does, he shall be disciplined and the debt shall be recovered from his salary or remuneration provided the
creditors have evidence(s) to prove the indebtedness.

(2) Subject to subsection(1) of this section, for such debt or liability to be settled, the officer's remuneration may be withheld to an extent not exceeding one-half of his monthly payment thereof.

(3) When an order for payment of such debt or satisfaction of such liability is made, 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 officers remuneration until the amount of the debt is made good.

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

45. While still in service, a police officer shall not directly be involved in managing and running any private business or trade except farming.

PART VIII - OFFENCES

46.-(1) A police officer who:

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

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

(c) being at any assemblage tending to riot, does not use his utmost endeavour to suppress such assemblage;

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

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

(f) deserts or aids or abets the desertion of any officer from the Service;

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

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

government of the federation or government of any state;

(2) Any officer found indulging in any manner prescribed in
S.48(1)(a-h) shall be subject to appropriate disciplinary proceedings in
accordance with the police disciplinary mechanisms and if found guilty, shall
be recommended for dismissal and charged to court for prosecution in
accordance with the relevant laws in force.

(3) In discharging his duty, a police officer shall not discriminate
against any Nigerian, 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 thereupon
may be found guilty, either of desertion or of absence without leave:
Provided that 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 such officer either not to return to the force, or to escape some
particular important service.

47. Upon reasonable suspicion that any person is a deserter, a police
officer or any other person may apprehend him and forthwith bring him 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

48. Any person who assaults, obstructs or resists any police officer in
the execution of his duty, or aids or incites any other person to assault, obstruct
or resist any police officer or any person aiding or assisting such police officer
in the execution of his duty, shall be guilty of an offence and, on summary
conviction by a court, shall be liable to a penalty of fifty thousand naira or to
imprisonment for a term of six months.
49. Where any 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 such person refuses or neglects to
aid and assist accordingly, he shall be guilty of an offence and, on summary
conviction by a court, shall be liable to a penalty of fifty thousand naira or to
imprisonment for a term of six months.

50.- (1) While on duty, a police officer shall not take any in
toxicating liquor, psychotropic substances or stimulants, where he does, he
shall be punished in accordance with the police disciplinary procedures.

(2) A person who:

(a) Knowingly harbors or entertains, or either directly or indirectly,
sells or gives any intoxicating liquor, psychotropic substances or stimulants
to any police officer while on duty, or permits any such police officer to
abide or remain in his house unlawfully, except in cases of extreme urgency;

(b) by threats or by 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 as a police officer or to omit any
part of such duty;

Shall be guilty of an offence and liable on conviction to one month
in prison with or without an option of fine not less than ten thousand naira.

51. Any person not being a police officer who:

(a) puts on or assumes either in whole or in part, the apparel, name
designation, or description of any police officer or resembling and intended
to resemble the apparel, name or designation of any police officer; or

(b) in any way pretend 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:

Shall be guilty of an offence and on summary conviction liable to a
penalty of not less than N50,000, or to imprisonment for a term of three
years or to both.
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<th>No.</th>
<th>Section</th>
<th>Text</th>
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<tr>
<td>52.-(1)</td>
<td>A person who:</td>
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<td>2</td>
<td>(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; or</td>
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<td>3</td>
<td>(b) on applying for enlistment, makes a false statement;</td>
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<td>5</td>
<td>Shall be guilty of an offence and, on summary conviction before a court liable to imprisonment for a term of six months.</td>
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<td>8</td>
<td>(2) A police officer may arrest without a warrant any person whom he reasonably believes to be guilty of an offence under this section.</td>
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<td>10</td>
<td>53. 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.</td>
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<td>54.-(1)</td>
<td>A person who has been acquitted by a court of any crime or offence shall not be tried on the same charge or suffer any punishment under this Bill.</td>
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<td>16</td>
<td>(2) Where a member of the police has been convicted by a court of any crime or offence, he shall not be liable to be punished for the same offence under this Bill, otherwise than by reduction in rank or grade or by dismissal from the police.</td>
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**PART IX - REGULATIONS AND STANDING ORDERS**

55.-(1) The minister supervising the police may make regulations on the recommendation of:

- the Nigeria Police Council with respect to the policy, organization and administration of the police, including establishments and financial matters, other than pensions within the meaning of the Pensions Act (Cap. P4);
- the Police Service Commission with respect to appointments, promotions and disciplinary control of police officers as stated in the constitution.

56.-(1) The Police Service Commission may make Standing Orders for the appointment, promotion, and discipline of members of the Police.
(2) The Inspector General of Police may make Standing Orders relating to operational control of the police.

(3) Such Standing Orders shall be binding upon all Police Officers and shall be published in the Federal Gazette and in one national daily.

PART X - APPLICATION

57. All the provisions of this Bill shall extend to all persons who, at the commencement of this Bill are serving in the Nigeria Police Force established by the Constitution of the Federal of Nigeria as if such persons had been appointed under this Bill.

PART XI - COMMUNITY POLICE FORUMS AND BOARDS

58.- (1) For effective and efficient community policing, the Commissioner of Police in each state of the federation shall establish Community Police Forums and Boards that shall consist broadly of representatives of the local community in the state of jurisdiction.

(2) A community police sub forum shall be established at all Divisional Police Headquarters.

(3) Subject to section 65 (1) (b) of this Bill, the Commissioner of Police and the members designated by him from time to time for the purpose, shall be members of the community police forum and sub-forums established at various police formations.

59.- (1) A State Commissioner of Police shall in collaboration with the relevant state holders in the community, establish Divisional Community Police Boards in all Police Divisions within the State.

(2) A Divisional Community Police board shall in collaboration with the relevant state holders in the community, establish Divisional Community Police Boards in all Police forums.

(3) Subject to section 65 (1) (b) of this Bill, the Divisional Police Officers and the members designated by him from time to time for that purpose, shall be members of the Divisional Community Police Board concerned.
60.-(1) A State Police Commissioner shall in collaboration with the
State Executive Council, establish a State Community Police Board.

(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 In the
state concerned.

(3) Subject to section 65 (1) (b) of this Bill, the State Commissioner of
Police and the members designated by him from time to time for the purpose,
shall be members of the State Community Police Board concerned.

61.-(1) The Community Police Forums and Boards shall in each state
be established with a view to:

(a) maintaining a partnership between the Community and the Police;
(b) promoting communication between Nigerian Police and the
Community;
(c) promoting co-operation between the Police and the community in
fulfilling the needs of the community regarding policing;
(d) improving the rendering of Police services to the community;
(e) improving transparency in the Police and accountability of Police
service to the community; and

(2) This section shall not prevent Police liaison with the community
by means other than Community Police Forums and Boards.

62. A State or Divisional Community Police Board or Community
Police Forum or Sub-Forum shall perform the functions it deems necessary and
appropriate to achieve the objects stated in section 63 of this Bill.

63.-(1) Every State or Divisional Community Police Board and
Community Police Forum or Sub-Forum shall:

(a) shall elect from amongst its members a Chairperson, Vice-
Chairperson and a Secretary who shall be a Police Officer;
(b) determine the number of members to be assigned by the State
Commissioner or Division Police Officer to serve as members of the Board,
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normally undertaken by the Police 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.

(6) Without prejudice to the generality of the foregoing sub-section, a
Traffic Warden shall be required to 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 unauthorized places.

65.(1) Notwithstanding anything to the contrary in any enactment,
the Inspector-General is vested with the power to appoint, confirm such
appointment, promote, transfer, dismiss or exercise any disciplinary control
over any Traffic Warden.

(2) Subject to the provisions of this Bill, a person may be appointed a
Traffic warden if he-

(a) is not less than nineteen nor more than 21 years of age;
(b) is in possession of a minimum educational qualification of Senior
Secondary School Certificate (SSCE);
(c) is not less than 167.64 centimetres and 162.56 centimetres tall
respectively for the men and the women;
(d) in the case of men, has not less than 86.36 centimetres chest
measurement when fully expanded;
(e) is of good character and is physically fit; and
(f) has signified his willingness to serve as a traffic warden,
(3) The supervising ministry on the recommendation of the Nigeria
Police Council shall from time to time by notice published in the Federal
gazette, fix the maximum number of persons who may at any given time hold
appointments under this section; and a person shall not be appointed as a traffic
warden if his appointment would cause the number or the time being so fixed to
be exceeded.

(4) The Inspector-General may-
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(a) from time to time with the approval of the Police Service Commission, fix the maximum number of Traffic Wardens who may at any
given time hold appointments in any State;

(b) at his own discretion fix the maximum number of Traffic
Wardens who may at any given 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.

(5) In relation to traffic wardens appointed under this Bill:
(a) section 18 of this Bill shall have effect as if for the reference to
enlistment or re-engagement, there were substituted respectively a
reference to appointment or re-appointment, and

(b) the form of the Police Declaration prescribed by the Oaths Act
shall be adapted by the substitution:

(i) for the words "Police Officer" where they occur in the fifth line,
of the words "a Traffic Warden" and

(ii) for the words from "for the preservation of peace" to the end of
the declaration, of the words "to discharge all duties of my office according
to law".

66. (1) Every Traffic Warden appointed under this Bill shall be
appointed to serve as a traffic warden for a period of one year, and only in the
Police Province, District or Division in which he resides.

(2) Such a Traffic Warden may subject to satisfactory conduct and
service, be re-appointed for further periods of 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.

67. A Traffic Warden appointed under this Bill shall, when on duty,
be in uniform and within the Police Division in which he is appointed to
serve, but not elsewhere, and shall have the powers, privileges and
1. Immunity of a Police Officer under any law relating to the regulation of road traffic.

2. Every 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 expiration of time or under section 12 of this Bill, shall in like manner be issued with a certificate of discharge.

3. A Traffic Warden shall have such rank as may be assigned to him by the Inspector-General within the following grades:
   a. Traffic Warden Grade III;
   b. Traffic Warden Grade II;
   c. Traffic Warden Grade I; and
   d. Senior Traffic Warden.

4. 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).

5. 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.

6. 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.
Wardens such equipment as he considers necessary for the proper carrying
out of the duties of Traffic Wardens under this Bill.

(2) Any expenses incurred by the Inspector-General under this
section shall be defrayed out of monies provided by the Federal
Government.

73. The Inspector-General may delegate any of his powers under
this Bill 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.

74.—(1) Every person appointed into the warden service shall be
required to undergo a course of training at the traffic training school of
Police College for a period of twelve weeks or such other or further period as
the Inspector-General may determine.

(2) A Traffic Warden appointed under this Bill shall be allotted a
service number with the letters "TW" and the service numbers of all traffic
wardens employed in the Federation 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 flap of the uniform whenever he is on duty.

PART XIII - POLICE PUBLIC COMPLAINTS AND DISCIPLINE

75. The Inspector-General of Police shall establish a Police
Complaints Response Unit in this Act referred to as "the Unit" in each of the
Police Commands in all the States of Federation.

76.—(1) The Unit shall consist of representatives of the Federal or
State Intelligence Bureau, Police Provost Marshal and any other unit as the
Inspector-General of Police may deem fit.

(2) The Unit shall be headed by an officer not below the rank of a
Chief Superintendent of Police.
77.-(1) The Unit shall receive:
   (a) complaint or information of Police officers misconduct from the
   public; or
   (b) complaint of police officer misconduct from other police
   members or authority.
(2) The Unit may receive:
   (a) any complaint alleging that the conduct complained of resulted in
   the death or serious injury or other gross human rights violation;
   (b) any complaint showing that a police officer is involved in an act
   constituting professional misconduct.
(3) The Unit shall monitor the investigations initiated by the Unit.
(4) While conducting investigation into any complaint by any
member of the public against a Police Officer, the Nigeria Police shall afford
the person against whom the complaint has been made opportunity to defend
himself.
(5) Upon the conclusion of an investigation, the appropriate
investigative 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.
78. After investigation, the head of the Unit with approval from the
Inspector General of Police shall:
(a) send a copy of the investigation report and recommendations to
the Director of Public Prosecutions for prosecution if the investigation reveals
that a criminal 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
stated in the First Schedule Regulations 370 of the Police Act and Regulations;
and
(c) where it is discovered after investigations that the complaint
knowingly gave false information against any Police Officer or should have
reasonably known that the information is false, such a person shall be tried
according to relevant laws for the time being in force.

79. The Police Act Cap P19, Laws of the Federation of Nigeria,
2004 is repealed.

80. Anything done or purported to have been done under the
Police Act, Cap P19, Laws of the Federation of Nigeria, 2004 remains valid,
subject to the Provisions of this Bill.

81. In this Bill, except where the context otherwise requires:

"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;

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

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

"Minister" means the minister charged with responsibility over Police
matters and Ministry shall have a corresponding meaning;

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

"Police Officer" means any 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 Police Officer" means any Police Officer above the rank of a Cadet
Assistant Superintendent of Police;

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

"The Police" means the Nigeria Police Service established under this Bill.

82. This Bill may be cited as the Nigerian Police Act (Repeal and
EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Police Act Cap. P19 LFN, 2004 and enact the Nigerian Police Act, 2020, to provide for the cooperation and partnership between the Police and host communities in maintaining peace and combating crime.
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.