



MARCH 2020

BILL ANALYSIS

A Bill for an Act to Repeal and Re-enact the Police Act Cap P19, Laws of the Federation of Nigeria 2004 (SB. 181) Sponsored By Senator Haliru Dauda Jika

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.² 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 Report³ 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.

³ See Main Report of the Presidential committee on the reform of the Nigeria police force, 2008, page 162. Report available online in "Motions Without Movement" Report of Presidential Committees on Police Reforms in Nigeria, page 48. Available at: <http://new.cleen.org/Report%20of%20Presidential%20Committee%20on%20Police%20Reform.pdf>

- 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 Jika Dauda Haliru

[] Commencement

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

PART I - PRELIMINARY

1. This Bill is based on the principles of:

Guiding Principle

(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:

Specific Objectives

(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;

	1	(7) Foster cooperation and partnership between the Police and the
	2	communities it serves; and
	3	(8) respect for victims of crime and an understanding of their needs.
	4	PART II - ESTABLISHMENT AND DUTIES OF THE POLICE
Establishment and Composition of the Nigerian Police Service	5	3.-(1) There is hereby established for Nigeria a police organization to
	6	be known as the Nigerian Police which shall replace the former Nigeria Police
	7	Force and assume its rights, powers, privileges liabilities structures and
	8	organs.
	9	(2) The Police shall consist of:
	10	(a) all persons who immediately before the commencement of this
	11	Bill were members:
	12	(i) of a force established by section 214 of the Constitution of the
	13	Federal Republic of Nigeria, 1999;
	14	(ii) appointed by the Police Service Commission under the
	15	Constitution;
	16	(iii) appointed as Special Constables under section 49 of the repealed
	17	Police Act Cap. P19 Laws of Federation 1990; and
	18	(b) Such other persons that may be appointed under this Bill.
General duties of the Police	19	4. The Police shall be employed to perform the following duties:
	20	(a) protect the rights and freedom of every person in Nigeria as
	21	provided in the Constitution, the African Charter on Human and Peoples'
	22	Right, and any other law;
	23	(b) protect the lives and property of citizens;
	24	(c) preserve law and order;
	25	(d) enforce all laws and regulations with which they are directly
	26	charged;
	27	(e) perform such military duties within and outside Nigeria as may be
	28	required of them under the authority of this Bill or any other Law;
	29	(f) provide humanitarian assistance for citizen(s) in distress such as
	30	victims of road accident, fire disaster, earthquake, flood, etc, and where

1 necessary collaborate with other agencies for humanitarian assistance;

2 (g) facilitate the free passage and movement on highways, roads
3 streets and avenues open to public without subjecting citizenry to
4 inhuman treatments or any form of extortion;

5 (h) adopt community partnership in the performance of the duties
6 provided under this section; and

7 (i) prevent and detect crimes without unreasonably threatening the
8 liberty and privacy of the citizens.

9 5.-(1) There is established a body to be known as the Nigerian
10 Police Council (in this Bill referred to as "the Council") which shall consist
11 of;

Establishment
of the Nigerian
Police Council

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

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

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

15 (d) The Inspector-General of Police.

16 (2) The functions of the Council shall include-

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

21 (b) the general supervision of the Police;

22 (c) advising the President on the appointment of the Inspector-
23 General of Police.

24 (3) The Permanent Secretary in the Police Affairs Office, in the
25 Presidency, shall be the Secretary to the Council and the Secretariat of the
26 Council shall be in the Police Affairs Office, the Presidency.

27 PART III

28 6. Pursuant to Section 215 (1) of the Constitution, the hierarchy of
29 the Police shall consist of the following:

30 (i) The Inspector-General of Police;

1 (ii) Deputy Inspector-General of Police;
 2 (iii) Assistant Inspectors-General of Police;
 3 (iv) Commissioners of Police;
 4 (v) Deputy Commissioner of Police;
 5 (vi) Assistant Commissioner of Police;
 6 (vii) Chief Superintendent of Police;
 7 (viii) Superintendent of Police;
 8 (ix) Deputy Superintendent of Police;
 9 (x) Assistant Superintendent of Police;
 10 (xi) Inspector of Police;
 11 (xii) Sergeant Major;
 12 (xiii) Sergeant;
 13 (xiv) Corporal;
 14 (xv) Constable; and
 15 (xvi) Such other officers as the Nigeria Police Council may, from time
 16 to time, consider necessary for effective discharge of the functions of the
 17 Police.

Appointment
 of Inspector
 General of Police

18 7.-(1) The Inspector General of Police shall be the head of the Police
 19 and exercise all operational control over the Police and all its
 20 departments/units.

21 (2) The person to be appointed as Inspector General of Police shall be
 22 a Senior Police Officer not below the rank of an Assistant Inspector General of
 23 Police with the requisite academic qualifications of not less than a first degree
 24 or its equivalent in addition to professional and management experience.

25 (3) The person for the office of the Inspector General of Police shall
 26 be appointed as follows:

27 (i) interested persons shall make an open and formal application to the
 28 Police Council;

29 (ii) the Nigerian Police Council shall nominate three applicants from
 30 among the pool of applicants using the stipulated criteria for competences and

1 qualification; and

2 (iii) the President shall appoint the Inspector General of Police
3 from the recommended applicants subject to the confirmation of the senate.

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

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

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

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

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

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

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

20 8.-(1) the Deputy Inspector General and Assistant Inspectors
21 General shall be appointed by the Police Service Commission

Appointment
of Deputy Inspector
General of Police,
etc.

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

27 9. A Commissioner of Police shall be appointed for each state of
28 the federation and the Federal Capital Territory by the Police Service
29 Commission on the recommendation of the Inspector General of Police.

Powers, Duties and Functions

Power and
Duties of the
Inspector General
of Police

1
2 10.-(1) The Inspector General of police may exercise the powers and
3 shall perform the duties and functions necessary to give effect to section 7(1) of
4 this Bill.

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

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

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

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

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

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

Duties of the
Deputy Inspector
General of Police

19 11.-(1) The Deputy Inspector-General shall act in the absence of the
20 Inspector-General of Police.

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

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

27 (b) all matters of importance dealt with by the Deputy Inspector-
28 General during the absence of the Inspector-General shall be referred to the
29 Inspector General on his return.

1	12.-(1) Subject to this Bill, a State Commissioner of Police shall	Power, Duties and the Functions of Commissioner of Police
2	have command and control over the police in the state he/she is assigned to	
3	and may exercise the powers and shall perform the duties and functions	
4	necessary to give effect to sections 2 and 4 of this Bill.	
5	(2) A State Commissioner of police shall perform any duties	
6	delegated to him by the Inspector General subject to sections 2 and 4 of this	
7	Bill.	
8	(3) A State Commissioner shall subject to the directions of the State	
9	Governor, be responsible for establishing community police in the state	
10	under his command.	
11	13.-(1) The Inspector-General may delegate any of his powers	Delegation by Inspector-General of Police
12	under this Bill to any police officer so that the delegated powers may be	
13	exercised by the delegate with respect to the matters or class of matters	
14	specified or defined in the instrument of delegation.	
15	(2) Guided by the principle of efficiency and effectiveness, and for	
16	ease of delegation of powers, the Inspector-General shall devolve powers to	
17	Zonal, State, Area and Divisional Commands to ensure quick response to	
18	priority safety and security needs.	
19	PART IV - GENERAL ADMINISTRATION	
20	<i>Oaths for Officers</i>	
21	14. On appointment of any person as a member of the Nigerian	Oath to taken by officers on appointment
22	Police, such person shall forthwith take and subscribe to the official oath, the	
23	police oath and the oath of allegiance.	
24	15.-(1) A Constable shall on appointment be enlisted to serve in the	Commencement
25	Police for five years or for such other period as may be fixed by the Police	
26	Service Commission, which shall take effect from the day he has been	
27	approved for service.	
28	(2) Professionals from the relevant fields of criminology,	
29	psychology, sociology, Law, medicine, pathology, etc, shall be enlisted into	
30	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 (i) 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.

Delegation

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.

Re-engagement

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-

1 engagement be entitled to the rank which he was holding at the time of his
2 discharge provided there is a vacancy in the establishment of that rank at the
3 time he re-engages.

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

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

12 (7) The question of reinstatement of a re-enlisted Non-
13 Commissioned Officer or Constable to the rank he held prior to his
14 discharge shall be decided by a superior Police Officer.

15 (8) A Non-Commissioned Officer or Constable whose period of
16 service expires during a state of war, insurrection or hostilities, may be
17 compulsorily retained and his service prolonged for such period, not
18 exceeding twelve months, as the Police Service Commission may direct.

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

24 19.-(1) All police officers shall undergo periodic training and
25 retraining in basic policing and law enforcement courses as well as
26 specialized courses relevant to law enforcement;

Training and
retraining of
Police Personnel

27 (2) The Inspector-General, in consultation with the Police Service
28 Commission, shall be responsible for the revision of the training, duration as
29 well as content of police training at least once in every five years

	1	PART V - POWERS OF THE POLICE OFFICER
Conduct of Prosecutions	2	20.-(a) Subject to the provisions of section 174 and 211 of the
	3	Constitution of the Federal Republic of Nigeria and section 106 of the
	4	Administration of the Criminal Justice Act which relates to the powers of the
	5	Attorney-General of the Federation and of a State to institute and undertake,
	6	take over and continue or discontinue criminal proceedings against any person
	7	before any court of law in Nigeria, a Police Officer may conduct in person
	8	prosecutions before any court whether or not the information or complaint is
	9	laid in his name;
	10	(b) a police officer referred to in 20(a) above may conduct such
	11	prosecutions before the courts subject to the provisions of the relevant criminal
	12	procedure laws in force at the federal level and in state regarding prosecution
	13	by non-qualified legal practitioners
	14	(c) There shall be assigned to every Police Division at least 1 Police
	15	Officer that is qualified to practice as legal practitioner in accordance with the
	16	Legal Practitioners Act Cap L11 LFN 2004.
Decision to file case	17	21. Where a crime is reported to the Police or a person is brought to a
	18	police station on the allegation of commission of a criminal offence, it shall be
	19	the duty of the Police to investigate such allegations according to its internal
	20	processes and procedures and report their findings to the Prosecutor who shall
	21	decide whether to file a charge or not.
Power to arrest without warrant	22	22.-(1) In addition to the powers of arrest without warrant conferred
	23	upon a Police Officer by section 18 of the Administration of Criminal Justice
	24	Act, it shall be lawful for any Police Officer and any person whom he may call
	25	to his assistance, to arrest without warrant:
	26	(a) any person whom he finds committing a felony, misdemeanor or
	27	simple offence, or whom he reasonably suspects of having committed or is
	28	about to commit a felony, misdemeanor or breach of the peace;
	29	(b) any person whom any other person charges with having
	30	committed a felony or misdemeanour.

1 (2) The provisions of this section shall not apply to any offence
 2 with respect to which it is provided that any offender may not be arrested
 3 without warrant.

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

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

Power to arrest
without having
warrant possession

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

Summonses

15 25. When a person is arrested without a warrant, he shall be taken
 16 before a court which has jurisdiction with respect to the offence with which
 17 he is charged as soon as practicable after he is taken into custody:

Bail of person
arrested without
warrant

18 Provided that any Police officer for the time being in charge of a
 19 Police station may inquire into the case and:

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

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

	1	the appearance of the person before a court.
Application for extension of detention or remand	2	26.-(1) Where a Senior Police Officer of the rank of superintendent or
	3	above in charge of a police station in which a person is detained has a
	4	reasonable ground to believe that it is imperative to secure the person arrested
	5	without charge in detention in order to preserve evidence pertaining to an
	6	offence for which he is arrested; or obtain such evidence by interrogating him;
	7	(2) An application may be made to a Court pursuant to Section 293 of
	8	the ACJA to remand the person in prison custody or extend the detention in the
	9	police station and the court may grant the application for remand or extension
	10	of detention provided that:
	11	(a) there are reasonable grounds to justify further detention;
	12	(b) the application for extension is filed before the expiration of 48
	13	hours after the arrest;
	14	(c) the arrested person has been served with a copy of the information
	15	brought before the court for hearing and is given opportunity to be heard;
	16	(d) the offence for which the person is to be charged carries a sentence
	17	of not less than 3 years imprisonment upon conviction;
	18	(e) there is a verifiable evidence on oath that the person sought to be
	19	detained will materially interfere with investigation or escape from criminal
	20	trial if released; and
	21	(f) there is no other way of ensuring attendance of the person to trial
	22	and non-interference with investigation except by remand in police or prison
	23	custody.
	24	(3) The application referred to under this section, shall be determined
	25	by the court within 48 hours.
Power to search	26	27.-(1) In addition to the provision of section 12 of the Administration
	27	of Criminal Justice Act, a Police Officer may seize and retain anything for
	28	which a search has been authorized.
	29	(2) In every case in which any property is seized pursuant to this
	30	section, the person on whose premises it was at the time of seizure or the person

1 from whom it was taken if other than the person on whose premises it was,
2 may be summoned or arrested and brought before a court to account for his
3 possession of such property, and the court shall make such order on the
4 disposal of such property and may award costs as the justice of the case
5 may require.

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

11 (4) While searching the premises, a Police officer shall not violate
12 the human rights of person found in the premises that is being searched

13 28.-(1)A search warrant is unlawful unless it complies with this Search warrant
14 section. safeguard

15 (2) Where a Police Officer applies for any search warrant, it shall
16 be his duty to state:

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

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

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

24 (5) (a) a warrant shall specify:

- 25 (i) the name of the person who applies for it;
26 (ii) the date on which it is issued;
27 (iii) the law under which it is issued; and
28 (iv) the premises to be searched.
29 (b) a warrant shall identify, as practicable as possible, the article(s)
30 or person(s) to be searched.

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

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

3 29.-(1) A warrant to enter and search premises may be executed by
4 any Police Officer.

5 (2) Such a warrant may authorize a person to accompany any Police
6 Officer who is executing it.

7 (3) A search warrant may be issued and executed at any time on any
8 day, including a Sunday or public holiday.

9 (4) Where the occupier of premises which are to be searched is present
10 at the time when a Police Officer seeks to execute a warrant to enter and search,
11 the officer shall:

12 (a) identify himself to the occupier and, if not in uniform, shall
13 produce to the occupier, his official identity card;

14 (b) produce the warrant to the occupier, and

15 (c) supply the occupier with a copy.

16 (5) Where the occupier is not present, but some other person who
17 appears to the Police Officer to be in-charge of the premises is present,
18 subsection 4 of this section shall take effect as if the occupier is present

19 (6) Upon the execution of a warrant, a Police Officer shall make an
20 endorsement on it stating;

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

22 (b) whether any other articles were seized, other than articles which
23 were sought.

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

Power to detain
and search
suspected person
or vehicle

26 30. A Police officer may detain and search any person or attended
27 vehicle where:

28 (a) reasonable grounds for suspicion exist that the person being
29 suspected is having in his possession; or conveying in any manner anything

1 which he has reason to believe to have been stolen or otherwise unlawfully
2 obtained;

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

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

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

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

12 31. The following shall not be grounds for reasonable suspicions:

Where reasonable
suspicion never
exit

13 (a) Personal attributes including a person's color, age, hairstyle or
14 manner of dress;

15 (b) Previous conviction for possession of an unlawful article; or

16 (c) Stereotyped images of certain persons or groups as more likely
17 to be committing offences.

18 32.-(1) Where an officer is exercising the powers under section 32,
19 he shall before carrying out the search, question the person about his
20 behaviour or his presence in circumstances which gave rise to the suspicion.

Action before
a search takes
place

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

25 (3) Before any search of a detained person or vehicle may take
26 place, the officer must give the person to be searched or in-charge of the
27 vehicle the following information:

28 (a) his name and the name of the Police station to which he is
29 attached;

30 (b) the object of the search; and

	1	(c) his grounds or authorization for undertaking the search.
	2	(4) For any police officer to exercise the power to stop and search, he
	3	must be in uniform or wear visibly a valid Police Identity Card.
Conduct of search	4	33.-(1) Reasonable effort must be taken to minimize the
	5	embarrassment that a person being searched may experience.
	6	(2) The co-operation of the person to be searched shall be sought in
	7	every case.
	8	(3) A forcible search may be used as a last resort only if it has been
	9	established that the person being searched is unwilling to co-operate or resists.
	10	(4) The length of time for which a person or vehicle may be detained
	11	for a search will depend on the circumstances, but this must be within a
	12	reasonable time.
	13	(5) Searches in public must be restricted to superficial examination of
	14	outer clothing.
	15	(6) Where it is considered necessary to conduct a more thorough
	16	search that requires a person to take off his cloth or headgear, it:
	17	(a) shall be done out of public view and by an officer of the same sex
	18	with the person being searched; and
	19	(b) may not be made in the presence of anyone of the opposite sex
	20	unless the person being searched requests it.
Action after a search is carried out	21	34.-(1) An officer who has carried out a search must make a written
	22	record unless it is not practicable to do so, including situations where the
	23	number of persons to be searched is large or in situations involving public
	24	disorder.
	25	(2) The records must be completed and signed by the officer and
	26	person being searched on the spot and a copy to be given to the person being
	27	searched or the vehicle driver if it is a vehicle.
	28	(3) Subject to subsection (2) of this section, in case the search record
	29	is not available on the spot, the officer that carried out the search shall advise
	30	the person searched or the driver of the vehicle searched, the police station the

1 person may pick up the search record.

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

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

8 35.-(1) A search record shall be prepared in the prescribed Form to
9 be known as a National search Record Form.

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

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

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

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

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

18 (v) the object of the search;

19 (vi) the ground for making the search;

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

21 (viii) the place where the search was made;

22 (ix) the result of the search

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

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

26 36.-(1) A police officer shall take and record for the purposes of
27 identification the measurements, photographs and fingerprint impression of
28 all persons who may from time to time be in lawful custody.

Power to take
fingerprints

29 (2) where a person who has not previously been convicted of any
30 criminal offence is discharged or acquitted by a court, all records relating to

1 such measurements, photographs and fingerprint impressions including the
 2 document of acquittal or discharge shall be stored in a retrievable form and
 3 handed over to such person upon request.

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

7 (4) Subject to subsection (3) of this section, the Court may authorize a
 8 Police Officer to take the measurements, photographs and finger-print
 9 impressions of such person.

Public safety
and public order

10 37.-(1) The Inspector-General shall be responsible for maintaining
 11 and securing public safety and public order. In discharging these
 12 responsibilities, the Inspector-General shall:

13 (a) uphold the provisions of the Constitution and laws made there
 14 under;

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

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

18 (2) Subject to the provisions of subsection (1) of this section, the
 19 Commissioner of police of a State shall be responsible for maintaining and
 20 security public safety and public order within the State.

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

26 (4)(a) Where a person or organization notifies the police of their
 27 intention to hold a public meeting, rally or procession on a public highway, or
 28 such meetings in a place where the public has access to, the appropriate Police
 29 officer responsible for the area where the meeting, rally or procession will take
 30 place, shall mobilize personnel to provide security cover for the meeting, rally

1 or procession,

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

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

12 PART VI - PROPERTY UNCLAIMED, FOUND OR OTHERWISE

13 38.-(1) Where a police officer or any other person finds a property,
14 the property shall be taken to the nearest police station within 24 hours

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

17 (3) A register shall be designed and kept for lost but found property
18 which must contain the following information:

19 (a) the name of the property found;

20 (b) the description of the state or general particular of the property
21 found; when it was brought to the police station; and any other relevant
22 information relating to the property;

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

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

26 (e) the name and rank of the police officer who collected the
27 property, and

28 (f) the signature of both the police officer and the person who found
29 and brought the property to the station.

30 (4) A police officer who collects the lost but found property shall

1 prepare two copies of the lost but found property in the prescribed Form and a
 2 copy shall be given to the person who found and brought the property to the
 3 police station.

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

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

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

14 (7) Where a property in police custody is a perishable article or its
 15 custody involves unreasonable expense or inconvenience, it may be sold at any
 16 time, but the proceeds of sale shall not be paid into the police reward fund until
 17 they have remained in the possession of the police for six months, and in any
 18 other case, the property shall not be sold until it has remained in the
 19 possession of the police for six months.

Documentation
of arrest witnesses
and death in Police
Station

20 39.-(1) Where a person appears in a police station in respect of a crime
 21 or an allegation of commission of a crime either as an accused person or a
 22 witness, or as a relation or friend of an accused person or a witness, the Duty
 23 officer or such other officer as may be authorized by the officer in Charge of the
 24 station shall enter in the official record book:

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

26 (b) the date of birth of the person;

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

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

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

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

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

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

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

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

16 40.-(1) Any person who is aware that somebody under his Missing person
17 employment or control is missing shall within 24 hours report to the police
18 the identity of the missing person and the circumstances in which that person
19 got missing.

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

23 PART VII - OTHER PROVISIONS

24 41.-(1) There shall be established a fund to be called "the Police The Police
25 Reward Fund"(in this section referred to as "the Fund")into which shall be Reward Fund
26 paid the following:

27 (a)all monies forfeited by order of a superior officer on members of
28 the police for offences against discipline;

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

30 (c) one third of any fees paid by members of the public in respect of

1 extracts from reports made by the police;

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

4 (e) all sums ordered to be paid into the fund under section 43(7)(b) of
5 this Bill.

6 (2) Subject to the rules for the time being in force under section 23 of
7 the Finance Control and Management Act, the fund shall be applied and
8 disbursed at the direction of the Inspector General, based on criteria laid by the
9 Nigeria Police Council, for any of the following purposes:

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

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

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

15 (d) such other purpose as may be determined from time to time by the
16 Nigerian Police Council

Recognition and
commendation
for gallant and
exemplary
service

17 42. Police officers who have distinguished themselves with their
18 outstanding performance in the discharge of their duties shall be duly
19 honoured and recognized for their gallant and exemplary service in any of the
20 following ways:

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

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

25 (c) the police shall set aside a day or week in every year to celebrate
26 outstanding performance by its officers as well as to remember their fallen
27 heroes

Police Officer
and indebtedness

28 43.-(1) A police officer shall not get himself trapped in indebtedness
29 of any kind while still in service, and where he does, he shall be disciplined and
30 the debt shall be recovered from his salary or remuneration provided the

1 creditor have evidence(s) to prove the indebtedness.

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

5 (3) When an order for payment of such debt or satisfaction of such
6 liability is made, the court making the order shall give due notice to the
7 senior police officer in charge of the command to which the indebted officer
8 belongs, and the amount ordered shall be withheld or deducted from the
9 indebted officers remuneration until the amount of the debt is made good.

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

Debt Recovery;
Exception

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

Private business
and conflict of
interest

16 PART VIII - OFFENCES

17 46. -(1) A police officer who:

Offences by
Police Officer

- 18 (a) begins, raises, abets, countenances, or excites mutiny;
19 (b) causes or joins in any sedition or disturbance whatsoever;
20 (c) being at any assemblage tending to riot, does not use his utmost
21 endeavour to suppress such assemblage;
22 (d) coming to the knowledge of any mutiny, or intended mutiny
23 does not without delay give information thereof to his superior officer;
24 (e) strikes or offers any violence to his superior officer, such officer
25 being in the execution of his duty;
26 (f) deserts or aids or abets the desertion of any officer from the
27 Service;
28 (g) fails to come to the aid or to assist any person in need of
29 assistance at the time of distress; or
30 (h) on enlistment falsely states that he has not been convicted or

1 imprisoned for a criminal offence or that he was never employed by the
2 government of the federation or government of any state;

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

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

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

16 Provided that a police officer shall not be convicted as a deserter or of
17 attempting to desert unless the court is satisfied that there was an intention on
18 the part of such officer either not to return to the force, or to escape some
19 particular important service.

Apprehension
of deserters

20 47. Upon reasonable suspicion that any person is a deserter, a police
21 officer or any other person may apprehend him and forthwith bring him before
22 a court having jurisdiction in the place where he was found, which may deal
23 with the suspected deserter or refer him to a court having jurisdiction in the
24 place in which he has deserted

Assault on
Police Officer

25 48. Any person who assaults, obstructs or resists any police officer in
26 the execution of his duty, or aids or incites any other person to assault, obstruct
27 or resist any police officer or any person aiding or assisting such police officer
28 in the execution of his duty, shall be guilty of an offence and, on summary
29 conviction by a court, shall be liable to a penalty of fifty thousand naira or to
30 imprisonment for a term of six months.

1	49. Where any person is called upon to aid and assist a police	Refusing to aid
2	officer who is, while in the execution of his duty, assaulted or resisted or in	Police Officer
3	danger of being assaulted or resisted, and such person refuses or neglects to	assaulted
4	aid and assist accordingly, he shall be guilty of an offence and, on summary	
5	conviction by a court, shall be liable to a penalty of fifty thousand naira or to	
6	imprisonment for a term of six months.	
7	50.-(1) While on duty, a police officer shall not take any in	Drinking of
8	toxicating liquor, psychotropic substances or stimulants, where he does, he	alcohol or use of
9	shall be punished in accordance with the police disciplinary procedures.	psychotropic
10	(2) A person who:	substances and
11	(a) Knowingly harbors or entertains, or either directly or indirectly,	stimulants while
12	sells or gives any intoxicating liquor, psychotropic substances or stimulants	on duty
13	to any police officer while on duty, or permits any such police officer to	
14	abide or remain in his house unlawfully; except in cases of extreme urgency;	
15	(b) by threats or by offer of money, gift, spirits, liquors,	
16	psychotropic substances or stimulants induces or attempts to induce any	
17	police officer to commit a breach of his duty as a police officer or to omit any	
18	part of such duty;	
19	Shall be guilty of an offence and liable on conviction to one month	
20	in prison with or without an option of fine not less than ten thousand naira.	
21	51. Any person not being a police officer who:	Impersonation
22	(a) puts on or assumes either in whole or in part, the apparel, name	of Police Officer
23	, designation, or description of any police officer or resembling and intended	
24	to resemble the apparel, name or designation of any police officer; or	
25	(b) in any way pretend to be a police officer for the purpose of	
26	obtaining admission into any house or other place, or of doing any act which	
27	such person would not by law be entitled to do of his own authority:	
28	Shall be guilty of an offence and on summary conviction liable to a	
29	penalty of not less than N50,000, or to imprisonment for a term of three	
30	years or to both.	

Obtaining admission into the Police by fraud	1	52.-(1) A person who:
	2	(a) knowingly uses or attempts to pass off any forged or false
	3	certificate character, letter, or any other document for the purpose of obtaining
	4	admission into the Police; or
	5	(b) on applying for enlistment, makes a false statement;
	6	Shall be guilty of an offence and, on summary conviction before a court liable
	7	to imprisonment for a term of six months.
	8	(2) A police officer may arrest without a warrant any person whom he
Ordinary course of Law not to be interfered with	9	reasonably believes to be guilty of an offence under this section.
	10	53. Nothing in this Bill shall be construed to exempt a police officer
	11	from being proceeded against by the ordinary course of law when accused of
Persons acquitted by the Court shall not be punished on the same charge under this Bill, nor convicted, except reduction	12	any offence punishable under any other Act or law.
	13	54.-(1) A person who has been acquitted by a court of any crime or
	14	offence shall not be tried on the same charge or suffer any punishment under
	15	this Bill.
	16	(2) Where a member of the police has been convicted by a court of any
	17	crime or offence, he shall not be liable to be punished for the same offence
	18	under this Bill, otherwise than by reduction in rank or grade or by dismissal
	19	from the police.
Power to make Regulations	20	PART IX - REGULATIONS AND STANDING ORDERS
	21	55.-(1) The minister supervising the police may make regulations on
	22	the recommendation of:
	23	(a) the Nigeria Police Council with respect to the policy, organization
	24	and administration of the police, including establishments and financial
	25	matters, other than pensions within the meaning of the Pensions Act (Cap. P4);
	26	(b) the Police Service Commission with respect to appointments,
	27	promotions and disciplinary control of police officers as stated in the
Standing Order	28	constitution.
	29	56.-(1) The Police Service Commission may make Standing Orders
	30	for the appointment, promotion, and discipline of members of the Police.

1 (2) The Inspector General of Police may make Standing Orders
2 relating to operational control of the police.

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

5 PART X - APPLICATION

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

Application of
Act to persons
already serving

10 PART XI - COMMUNITY POLICE FORUMS AND BOARDS

11 58.-(1) For effective and efficient community policing, the
12 Commissioner of Police in each state of the federation shall establish
13 Community Police Forums and Boards that shall consist broadly of
14 representatives of the local community in his state of jurisdiction.

Establishment
of Community
Police Forums

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

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

21 59.-(1) A State Commissioner of Police shall in collaboration with
22 the relevant stake holders in the community, establish Divisional
23 Community Police Boards in all Police Divisions within the State.

Establishment
of Divisional
Community
Police Boards

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

27 (3) Subject to section 65 (1) (b) of this Bill, the Divisional Police
28 Officers and the members designated by him from time to time for that
29 purpose, shall be members of the Divisional Community Police Board
30 concerned.

Establishment of State Community Police Boards	1	60.-(1) A State Police Commissioner shall in collaboration with the
	2	State Executive Council, establish a State Community Police Board.
	3	(2) A State Community Police Board shall subject to subsection (3) of
	4	this section, consist of representatives of Divisional Community Police Boards
	5	designated for that purpose by the Divisional Community Police Boards in the
	6	state concerned.
Objects of Community Police Forums and Boards	7	(3) Subject to section 65 (1) (b) of this Bill, the State Commissioner of
	8	Police and the members designated by him from time to time for the purpose,
	9	shall be members of the State Community Police Board concerned.
	10	61.-(1) The Community Police Forums and Boards shall in each state
	11	be established with a view to:
	12	(a) maintaining a partnership between the Community and the Police;
Functions of Community Police Forums and Boards	13	(b) promoting communication between Nigerian Police and the
	14	Community;
	15	(c) promoting co-operation between the police and the community in
	16	fulfilling the needs of the community regarding policing;
	17	(d) improving the rendering of Police services to the community;
	18	(e) improving transparency in the Police and accountability of police
Procedural matters	19	service to the community; and
	20	(2) This section shall not prevent Police liaison with the community
	21	by means other than Community Police Forums and Boards.
	22	62. A State or Divisional Community Police Board or Community
	23	Police Forum or Sub-Forum shall perform the functions it deems necessary and
	24	appropriate to achieve the objects stated in section 63 of this Bill.
Procedural matters	25	63.-(1) Every State or Divisional Community Police Board and
	26	Community Police Forum or Sub-Forum shall:
	27	(a) shall elect from amongst its members a Chairperson, Vice-
	28	Chairperson and a the Secretary who shall be a Police Officer;
	29	(b) determine the number of members to be assigned by the State
	30	Commissioner or Division Police Officer to serve as members of the Board,

1 forum or Sub-Forum concerned;
 2 (c) determine its own procedure and cause minutes to be kept of its
 3 proceedings; and
 4 (d) whenever it deems it necessary, co-opt other members or
 5 experts or Community leaders to the Board or Forum in an advisory
 6 capacity.

7 (2) Members of the Community Police Forums or Boards shall
 8 render their services on a voluntary basis and shall have no claim to
 9 compensation solely for services rendered to such Forums and Boards.

10 (3) The majority of the members of the Board, Forum or Sub-
 11 Forum concerned shall constitute a quorum at a meeting thereof.

12 (4) In the absence of the Chairperson of the board or forum or sub-
 13 forum at a meeting, the vice-chairperson shall act as Chairperson, and if both
 14 the Chairperson and the Vice-Chairperson are so absent, the members
 15 present shall elect one of their members present at the meeting to preside.

16 PART XII - TRAFFIC WARDEN SERVICE

17 64.-(1) There is hereby established a Traffic Warden Service (in
 18 this Bill referred to as "the warden Service").

Establishment
of the Traffic
Warden Service

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

21 (3) The Warden Service shall be a part of the Nigerian Police and
 22 accordingly, references to the Police established under this Bill shall subject
 23 to the provisions of this Bill include references to the Warden Service.

24 (4) Notwithstanding subsection (3) of this section, in so far as any
 25 enactment whether passed or made before or after the commencement of
 26 this Bill requires Police Officers to perform military duties, or confers any
 27 power on any person whether expressly or in general terms to require
 28 Police Officers to perform such duties, that enactment, shall not in the
 29 absence of express provision to the contrary extend to Traffic Wardens.

30 (5) Traffic Wardens shall be employed to discharge functions

1 normally undertaken by the Police in connection with the control and
 2 regulation of, or the enforcement of the law relating to road traffic and shall in
 3 that connection, act under the direction of the Police.

4 (6) Without prejudice to the generality of the foregoing sub section, a
 5 Traffic Warden shall be required to deal majorly with-

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

7 (b) assisting pedestrians to cross the road; and

8 (c) controlling vehicles stopping or parking in unauthorized places.

Appointment
of Traffic Wardens

9 65.-(1) Notwithstanding anything to the contrary in any enactment,
 10 the Inspector -General is vested with the power to appoint, confirm such
 11 appointment, promote, transfer, dismiss or exercise any disciplinary control
 12 over any Traffic Warden.

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

15 (a) is not less than nineteen nor more than 21 years of age;

16 (b) is in possession of a minimum educational qualification of Senior
 17 Secondary School Certificate (SSCE);

18 (c) is not less than 167.64 centimetres and 162.56 centimetres tall
 19 respectively for the men and the women;

20 (d) in the case of men , has not less than 86.36 centimetres chest
 21 measurement when fully expanded;

22 (e) is of good character and is physically fit; and

23 (f) has signified his willingness to serve as a traffic warden,

24 (3) The supervising ministry on the recommendation of the Nigeria
 25 Police Council shall from time to time by notice published in the Federal
 26 gazette, fix the maximum number of persons who may at any given time hold
 27 appointments under this section; and a person shall not be appointed as a traffic
 28 warden if his appointment would cause the number or the time being so fixed to
 29 be exceeded.

30 (4) The Inspector-General may-

1 (a) from time to time with the approval of the Police Service
 2 Commission, fix the maximum number of Traffic Wardens who may at any
 3 given time hold appointments in any State;

4 (b) at his own discretion fix the maximum number of Traffic
 5 Wardens who may at any given time hold any particular rank in the warden
 6 service in any State, and

7 (c) in either case fix different numbers with respect to different
 8 States.

9 (5) In relation to traffic wardens appointed under this Bill;

10 (a) section 18 of this Bill shall have effect as if for the reference to
 11 enlistment or re-engagement, there were substituted respectively a
 12 reference to appointment or re-appointment, and

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

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

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

20 66.-(1) Every Traffic Warden appointed under this Bill shall be
 21 appointed to serve as a traffic warden for a period of one year, and only in the
 22 Police Province, District or Division in which he resides.

23 (2) Such a Traffic Warden may subject to satisfactory conduct and
 24 service, be re-appointed for further periods of three years until the expiration
 25 of the tenth year of his appointment in the warden service, when he may elect
 26 to determine his appointment or elect that his service be allowed to continue
 27 until he is 55 years of age.

28 67. A Traffic Warden appointed under this Bill shall, when on duty,
 29 be in uniform and within the Police Division in which he is appointed to
 30 serve, but not elsewhere, and shall have the powers, privileges and

Powers of a
Traffic Warden

	1	immunities of a Police Officer under any law relating to the regulation of road
	2	traffic.
Certificate of Appointment and Discharge	3	68. Every Traffic Warden shall on first appointment, be issued with a
	4	certificate of appointment in a form approved by the Inspector -General and on
	5	the determination of that or any subsequent appointment whether by effluxion
	6	of time or under section 12 of this Bill, shall in like manner be issued with a
	7	certificate of discharge.
Ranks of Traffic Wardens	8	69.-(1) A Traffic Warden shall have such rank as may be assigned to
	9	him by the Inspector-General within the following grades:
	10	(a) Traffic Warden Grade III;
	11	(b) Traffic Warden Grade II;
	12	(c) Traffic Warden Grade I; and
	13	(d) Senior Traffic Warden.
Regulation	14	70.-(1) A Traffic Warden appointed under this Bill may at any time
	15	give to any superior Police Officer under whom he is serving, notice in writing
	16	of his intention to resign his appointment on a date mentioned in the notice (not
	17	being less than 28 days later than the date on which the notice is given).
	18	(2) On receipt by the superior police officer of the notice referred to in
	19	subsection (1) of this section, the superior police officer shall immediately
	20	refer such notice to the Commissioner having control over him and the Traffic
	21	warden and if the Commissioner consents to the notice having effect, the
	22	appointment of the traffic warden shall be terminated accordingly.
Discipline	23	71.-(1) In so far as the context so admits, but subject to the provisions
	24	of this Bill, a Traffic Warden shall be subject to the provisions of the Police
	25	Regulations for purposes of discipline.
	26	(2) In the application to Traffic Wardens of the Second Schedule to the
	27	Police Regulations, references to Constables, Corporals, Sergeants and
	28	Inspectors shall include respectively references to Traffic Wardens Grade I and
	29	Senior Traffic Wardens.
Provision of Equipment	30	72.-(1) The Inspector-General may provide for use by the Traffic

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

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

6 73. The Inspector-General may delegate any of his powers under
7 this Bill to the Commissioner of a state or the Commandant of a Police
8 College (except his power of delegation), so that the delegated powers may
9 be exercised by the delegate with respect to the matters or class of matters
10 specified or defined by the instrument of delegation.

Delegation of
power by Inspector
General

11 74.-(1) Every person appointed into the warden service shall be
12 required to undergo a course of training at the traffic training school of
13 Police College for a period of twelve weeks or such other or further period as
14 the Inspector-General may determine.

15 (2) A Traffic Warden appointed under this Bill shall be allocated a
16 service number with the letters "TW" and the service numbers of all traffic
17 wardens employed in the Federation shall appear on the register kept for that
18 purpose by the inspector General.

19 (3) A Traffic Warden to whom a service number has been allocated
20 under subsection (2) of this section shall wear his service number on the
21 shoulder flaps of the uniform whenever he is on duty.

22 PART XIII - POLICE PUBLIC COMPLAINTS AND DISCIPLINE

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

26 76.-(1) The Unit shall consist of representatives of the Federal or
27 State Intelligence Bureau, Police Provost Marshal and any other unit as the
28 Inspector General of Police may deem fit.

29 (2) The Unit shall be headed by an officer not below the rank of a
30 Chief Superintendent of Police.

1 77.-(1) The Unit shall receive:

2 (a) complaint or information of Police officers misconduct from the
3 public; or

4 (b) complaint of police officer misconduct from other police
5 members or authority.

6 (2) The Unit may receive:

7 (a) any complaint alleging that the conduct complained of resulted in
8 the death or serious injury or other gross human rights violation;

9 (b) any complaint showing that a police officer is involved in an act
10 constituting professional misconduct.

11 (3) The Unit shall monitor the investigations initiated by the Unit.

12 (4) While conducting investigation into any complaint by any
13 member of the public against a Police Officer, the Nigeria Police shall afford
14 the person against whom the complaint has been made opportunity to defend
15 himself.

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

Steps to be taken
after Investigation

19 78. After investigation, the head of the Unit with approval from the
20 Inspector General of Police shall:

21 (a) send a copy of the investigation report and recommendations to
22 the Director of Public Prosecutions for prosecution if the investigation reveals
23 that a criminal offence has been committed.

24 (b) send a copy of the investigation report and recommendations to
25 the appropriate Police or oversight authority for proper disciplinary action if
26 the investigations reveal that the offence committed is against discipline as
27 stated in the First Schedule Regulations 370 of the Police Act and Regulations;
28 and

29 (c) where it is discovered after investigations that the complainant
30 knowingly gave false information against any Police Officer or should have

1 reasonably known that the information is false, such a person shall be tried
2 according to relevant laws for the time being in force.

3 79. The Police Act Cap P19, Laws of the Federation of Nigeria,
4 2004 is repealed.

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

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

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

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

12 "Court" means any court established by any law in force in Nigeria,

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

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

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

18 "Police Officer" means any member of the Nigerian Police;

19 "Prosecuting Officer" means any person appointed by the Attorney General
20 of the Federation or of the States to prosecute crimes on their behalf and for
21 the Nigeria Police;

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

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

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

28 82. This Bill may be cited as the Nigerian Police Act (Repeal and Citation
29 Re-enactment) Bill, 2020.

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.



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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.

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