

**REPORT OF THE HOUSE COMMITTEE ON POLICE AFFAIRS
ON**

A Bill

For

An Act to Repeal the Police Act, Cap P19 Laws of the Federation of Nigeria, 2004 and enact Nigeria Police Act, 2020 to provide for the framework for the police force and ensure cooperation and partnership between the police and host communities in maintaining peace, protecting liberties, life and property; and for related matters

PROVISIONS OF THE BILL	COMMITTEES RECOMMENDATIONS	REMARKS
<p>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</p>	<p style="text-align: center;">A Bill For</p> <p>An Act to Repeal the Police Act, Cap. P19, Laws of the Federation of Nigeria, 2004 and enact Nigeria Police Act, 2020 to provide for the framework for the police force and ensure cooperation and partnership between the police and host communities in maintaining peace, combating crime, protecting liberties, life and property; and for related matters</p>	<p>Redrafted in lower case and for elegance</p> <p>The word ‘‘Host’’ is deleted because it is too restrictive.</p>
<p>PART I- PRELIMINARY</p> <p>1. This Bill is based on the principles of:</p> <p>(1) Efficiency and effectiveness; (2) Accountability and transparency;</p>	<p><i>General Objective.</i></p> <p>1. The <i>Objective</i> of this <i>Bill</i> is to provide for a more efficient and effective police force that is based on the principles of:</p> <p>(a) accountability and transparency;</p>	<p>The word ‘‘objective’’ is commonly used in statutes.</p> <p>Where the name of the</p>

<p>(3) Protection of human rights and fundamental freedoms; and (4) Partnership with other security institutions,</p>	<p>(b) protection of human rights and fundamental freedoms; and (c) partnership with other security agencies.</p>	<p>Police is referred to as “Police Service” it should reflect its constitutional name</p>
<p>2. The specific objectives of this Bill are to:</p> <p>(1) establish the Nigeria Police Force that 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 and respect the dignity of all persons; (4) efficiently and effectively prevent crimes and protect the liberty and privacy of citizens. (5) ensure the safety and security of all persons and property in the country; (6) uphold and safeguard the fundamental rights of every person as guaranteed under the constitution; (7) foster cooperation and partnership between the Police and the communities it serves: and (8) respect for victims of crime and an understanding of their needs.</p>	<p><i>Specific Objectives.</i></p> <p>2. The <i>Specific</i> objectives of this Bill are to:</p> <p>(a) provide for a Police Force that is more responsive to the needs of the general public and has entrenched in its operations the values of fairness, justice and equity; (b) reposition the Police Force to uphold and safeguard the fundamental rights of every person in Nigeria in its operations; (c) bring about a positive change in the public perception of the Police Force by ensuring that its functions are performed in a manner sensitive to the needs and well-being of the general public; (d) <i>empower the Police Force to effectively prevent crimes without threatening the liberty and privacy of persons in Nigeria;</i> (e) <i>strengthen the Police Force in the performance of its functions, including safety and security of all persons, communities and property in Nigeria;</i> (f) <i>ensure that the police performs its functions by creating the enabling environment to foster cooperation and partnership between it and the communities it serves to effectively prevent, reduce or eradicate crimes;</i> (g) develop professionalism in the Police Force by providing relevant training in all police formations in Nigeria for enhanced performance; and</p>	<p>Use of correct verb</p> <p>Redrafted for elegance</p>

	<p><i>(h) respect for rights of victims of crime and an understanding of their needs.</i></p>	<p>Use of correct verb and removal of superfluous words</p> <p>The language of paragraph (h) of this section is adopted because it is more accurate</p>
<p>PART II</p> <p>3. ESTABLISHMENT AND DUTIES OF THE POLICE</p> <p>(1) There is hereby established for Nigeria a Police Force to be known as the Nigeria Police Force, which shall assume its duties, rights, powers, privileges, liabilities, structures and organs.</p> <p>(2) The Police shall consist of:</p> <p>(a) all persons who immediately before the commencement of this Bill were members:</p> <p>(i) of a Force established by Section 214 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended);</p> <p>(ii) appointed by the Police Service Commission under the Constitution;</p> <p>(iii) appointed as Special Constables under section 49 of the repealed Police Act Cap. P19 Laws of Federation 2004; and</p> <p>(b) Such other persons that may be appointed under this Bill.</p>	<p><i>Establishment, composition and duties of the Nigeria Police Force.</i></p> <p><i>3. (1) There is established for Nigeria the Nigeria Police Force (in this Bill referred to as "the Police Force") which shall, subject to the provisions of the Constitution of the Federal Republic of Nigeria:</i></p> <p>(a) be organised and administered in accordance with the provisions of this Bill; and</p> <p>(b) have such powers and duties and carry out such responsibilities as are conferred on it under this Bill or any other law.</p> <p><i>(2) The Police Force shall consist of:</i></p> <p>(a) all persons who immediately before the commencement of this Bill were members;</p> <p>(b) the Inspector-General of Police;</p> <p>(c) persons appointed to offices in the Police Force by the Police Service Commission under Part IV of this Bill;</p>	<p>Redrafted for elegance.</p> <p>The provision is amended to bring it in line with section 214 of the Constitution, which establishes the Nigeria Police Force.</p> <p>The hierarchy as captured in section 6 of the Bill is now listed in the Schedule in order to streamline the content of the Bill.</p> <p>Schedule</p>

	<p>(d) <i>Special Constables</i> appointed under this Bill; and (e) such other persons that may be appointed under this Bill.</p> <p>(3) The hierarchy of the Police Force is as specified in the Schedule to this Bill.</p>	
<p>4. GENERAL DUTIES OF THE POLICE</p> <p>1) The Police shall be employed to perform the following duties:</p> <p>(a) protect the rights and freedom of every person in Nigeria as provided in the Constitution, the African Charter on Human and Peoples' Rights, and any other law;</p> <p>(b) protect the lives and property of citizens;</p> <p>(c) preservation of law and order;</p> <p>(d) enforce all laws and regulations with which they are directly charged;</p> <p>(e) perform such military duties within and outside Nigeria as may be required of them under the authority of this Bill or any other Law;</p> <p>(f) provide humanitarian assistance for citizen(s) in distress such as victims of road accident, fire disaster, earthquake, flood, etc and where necessary collaborate with other agencies for humanitarian assistance;</p> <p>(g) facilitate the free passage and movement on highways, roads, streets and avenues open to the public.</p> <p>(h) adopt community partnership in the performance of the duties provided under this Section;</p> <p>(i) prevention, detection of crimes;</p> <p>(j) apprehension and prosecution of offenders;</p>	<p>Primary functions of the Police Force.</p> <p>4. The <i>Police Force shall:</i></p> <p>(a) <i>prevent and detect crimes, and</i> protect 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;</p> <p>(b) maintain public safety, law and order;</p> <p>(c) protect the lives and property of all persons in Nigeria;</p> <p>(d) enforce all laws and regulations <i>without prejudice to the enabling Acts of other security agencies;</i></p> <p>(e) <i>discharge</i> such duties within and outside Nigeria as may be required of it under this Bill or any other law;</p> <p>(f) collaborate with other agencies to take any necessary action and provide the required assistance or support to persons in distress, including victims of road accidents, fire disasters, earthquakes and floods;</p> <p>(g) facilitate the free passage and movement on highways, roads and streets open to the public;</p>	<p>It is recommended that the duties be reflected as functions. It is also important to make the functions as given by the Constitution priority. Redrafted to make it a more comprehensive provision.</p> <p>Redrafted for elegance</p> <p>Use of correct verb in legislative sentence.</p>

<p>(k) to visit public and private institutions of learning to check security situations;</p> <p>(l) to vet and approve the registration of private security companies and guards;</p> <p>(m) to vet and approve the registration of private Detective Schools and private Investigative outfits;</p> <p>(n) to vet and approve the registration of private subsidiary oil companies and oil related servicing companies; and</p> <p>(o) to vet and approve location of energy and petroleum products marketing companies.</p>	<p>(h) adopt community partnership in the <i>discharge</i> of its responsibilities under this Bill or under any other law;</p> <p><i>(l) to vet and approve the registration of private security companies and guards; and</i></p> <p><i>(m) to vet and approve the registration of private Detective Schools and private Investigative outfits.</i></p>	
<p>5. ESTABLISHMENT OF THE NIGERIA POLICE COUNCIL</p> <p>(1) There is hereby established a body to be known as the Nigeria Police Council (in this Act referred to as "the Council") which shall consist of-</p> <p>(a) the President who shall be chairman;</p> <p>(b) the Governor of each State of the Federation;</p> <p>(c) the chairman of the Police Service Commission;</p> <p>(d) the Inspector-General of Police.</p> <p>2) The functions of the Council shall include:-</p> <p>(a) the organisation and administration of the Nigeria Police Force and all other matters relating thereto (not being matters relating to the use and operational control of the Force, or the appointment, disciplinary control and dismissal of members of the Force);</p> <p>(b) the general supervision of the Nigeria Police Force;</p> <p>(c) advising the President on the appointment of the Inspector-General of Police.</p> <p>(3) The Permanent Secretary in the Police Affairs Office in the Presidency, shall be the Secretary to the Council and the</p>	<p><i>Establishment and functions of the Nigeria Police Council.</i></p> <p>5. (1) There is established for the Federation the Nigeria Police Council (in this Bill referred to as "the Police Council") which <i>is the highest policy making body in matters relating to the Police Force.</i></p> <p>(2) The Police Council consists of:</p> <p>(a) the President, who <i>is</i> the Chairman;</p> <p>(b) the Governor of each State of the Federation;</p> <p>(c) the Chairman of the Police Service Commission; and</p> <p>(d) the Inspector-General of Police.</p> <p>(3) The functions of the Police Council shall include:</p> <p>(a) the organisation and administration of the Nigeria Police Force and all other matters relating thereto (not being matters relating to the use and</p>	<p>Redrafted to reflect the establishment.</p> <p>Delete because it conflicts with functions of the Police Service Commission</p>

<p>Secretariat of the Council shall be in the Police Affairs Office, the Presidency.</p> <p>(4)The Inspector-General of Police shall be charged with the command and operational control of the Force.</p>	<p>operational control of the Force, or the appointment, disciplinary control and dismissal of members of the Force); and</p> <p>(b) advising the President on the appointment of the Inspector-General of Police.</p> <p><i>(4) The Police Council shall meet at least twice in a year and may hold emergency meetings when necessary.</i></p> <p><i>(5) The Permanent Secretary, Ministry of Police Affairs, shall serve as secretary to the Police Council and his office shall provide the necessary secretarial support for the work of the Police Council.</i></p> <p><i>(6) Subject to the provision of this section, the Police Council shall regulate its own proceedings.</i></p>	<p>new subsection (4) is inserted to provide for regular meetings of the Nigeria Police Council.</p>
<p><i>6. Duty of the Police Force to enforce certain constitutional provisions, etc.</i></p>	<p><i>Duty of Police Force to enforce certain constitutional provisions, etc.</i></p> <p><i>6. (1) The Police Force is responsible for promoting and protecting the fundamental rights of persons in police custody as guaranteed by the Constitution.</i></p> <p><i>(2) For the purpose of subsection (1) of this section, the Police Force shall collaborate with and maintain close working relationships with any Government agency or relevant private initiatives in the establishment of schemes or mechanisms offering legal services to accused persons, detainees or accused persons in police custody in need of legal services to ensure that they have full access to justice as laid down under the relevant provisions of Chapter IV of the Constitution.</i></p>	<p><i>New Insertion</i></p> <p>In view of the concerns about the adherence to human rights norms by the Police, this was inserted to ensure compliance.</p>
<p>6. PUBLIC SAFETY AND PUBLIC ORDER</p> <p>(1) The President may give to the Inspector-General of Police</p>	<p>Public safety and public order</p> <p>7. (1) The Police Force is responsible for maintaining</p>	<p>Retained with minor drafting amends to reflect this responsibility of the Police as contained in the Constitution.</p>

<p>such directions with respect to the maintaining and securing of public safety and public order as he may consider necessary, and the Inspector-General of Police shall comply with those directions or cause them to be complied with.</p> <p>(2) Subject to the provisions of subsection (1) of this section, the Commissioner of Police of a State shall comply with the directions of the Inspector-General of Police with respect to the maintaining and securing of public safety and public order within the State, or cause them to be complied with: Provided that before carrying out any such direction the Commissioner of Police may request that the matter should be referred to the President for his directions.</p>	<p>and securing public safety and public order.</p> <p>(2) The Police Force shall, in carrying out its responsibilities under subsection (1) of this section:</p> <p>(a) uphold the provisions of the Constitution and other laws;</p> <p>(b) uphold and protect the fundamental rights of all persons in Nigeria; and</p> <p>(c) be fair to all persons in Nigeria notwithstanding their economic status or religious, ethnic or political beliefs and affiliations.</p> <p>(3) Subject to the provisions of subsection (1) of this section, the Commissioner of Police of a State is responsible for maintaining security, public safety and public order within the State.</p> <p>(4) Where a person or organisation notifies the police of his or its intention to hold a public meeting, rally or procession on a public highway, or such meetings in a place where the public has access to, the police officer responsible for the area where the meeting, rally or procession will take place, shall mobilise personnel to provide security cover for the meeting, rally or procession.</p>	
<p>7. DELEGATION BY INSPECTOR-GENERAL OF POLICE</p>	<p><i>Delegation of powers.</i></p> <p>8. (1) The Inspector-General may delegate any of his</p>	

<p>The Inspector-General of Police may, with the consent of the President by writing under his hand, delegate any of his powers under this Act (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined in the instrument of delegation.</p>	<p>powers under this Bill to any police officer, <i>as may be appropriate</i> and such powers may be exercised with respect to the matters or class of matters specified or defined in the instrument of delegation.</p> <p>(2) For efficiency, effectiveness and ease of delegation of powers under subsection (1) of this section, and to ensure quick response to priority, safety and security needs, the Inspector-General shall assign powers to Zonal, State, Area and Divisional Commands of the Police Force, <i>as may be appropriate</i>.</p>	<p>Inserted for elegance</p>
<p>8. COMMAND OF POLICE IN CASE OF ACTIVE SERVICE</p> <p>When required to perform military duties in accordance with the provisions of section 4 of this Act, such duties entailing service with the armed forces of Nigeria or any force for the time being attached thereto or acting therewith, the Police shall be under the command and subject to the orders of the Officer in command of the armed forces in Nigeria, but for the purposes of internal security shall remain under the control of a Superior Police Officer</p>	<p>9. Retained</p>	
<p>PART III -</p> <p>9. HIERARCHY OF THE POLICE</p> <p>Pursuant to Section 215 (1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), the hierarchy of the Police shall consist of the following:</p> <p>(i) The Inspector-General of Police;</p>	<p>10. Retained</p>	

<ul style="list-style-type: none"> (ii) Deputy Inspectors- General of Police; (iii) Assistant Inspectors-General of Police; (iv) Commissioners of Police; (v) Deputy Commissioners of Police; (vi) Assistant Commissioners of Police; (vii) Chief Superintendents of Police; (viii) Superintendents of Police; (ix) Deputy Superintendents of Police; (x) Assistant Superintendents of Police I (xi) Assistant Superintendents of Police II; (xii) Cadet Assistant Superintendents of Police; (xiii) Chief Inspectors of Police; (xiv) Deputy Chief Inspectors of Police; (xv) Assistant Chief Inspectors of Police; (xvi) Principal Inspectors of Police; (xvii) Senior Inspectors of Police; (xviii) Inspectors of Police I (Confirmed); (xix) Inspectors of Police II (Unconfirmed); (xx) Cadet Inspectors of Police; (xxi) Sergeant Majors; (xxii) Sergeants; (xxiii) Corporals (xxiv) Constables I (xxv) Constables II; (xxvi) Recruits and (xxvii) Such other Officers as the Nigeria Police Council may, from time to time consider necessary for effective discharge of the functions of the Police. 		
<p>10. APPOINTMENT OF THE INSPECTOR-GENERAL OF POLICE</p>	<p>11. Retained</p>	

<p>(1) The Inspector-General of Police shall be the head of the Nigeria Police Force and shall exercise full Command and Operational Control over the Police and all its departments/units.</p> <p>(2) The person to be appointed as Inspector-General of Police shall be a Senior Police Officer not below the rank of an Assistant Inspector-General of Police with the requisite academic qualifications of not less than a first degree or its equivalent in addition to professional and management experience.</p> <p>(3) The Inspector-General of Police shall be appointed by the President on the advice of the Police Council from among serving members of the Nigeria Police Force.</p> <p>(4) The Inspector-General of Police shall not be removed from Office except for gross misconduct, gross violation of the constitution of the Federal Republic of Nigeria or demonstrated incapacity to effectively discharge the duties of the Office.</p> <p>(5) The Inspector-General of Police shall not be removed from office except by the President of the Federal Republic of Nigeria.</p> <p>(6) The person appointed to the Office of the Inspector-General of Police shall hold Office for Four (4) years.</p>		
<p>11. POWERS, DUTIES AND FUNCTIONS OF THE INSPECTOR-GENERAL OF POLICE</p> <p>(1) The Inspector-General of Police shall exercise the powers and perform the duties and functions necessary to give effect to section 10(1) of this Bill.</p> <p>(2) Subject to subsection (1) of this section, the Inspector-General of Police's powers, duties and functions shall include</p>	<p>Powers, Duties and Functions of the Inspector-General of Police</p> <p>12. (1) The Inspector-General of Police shall exercise the powers and perform the duties and functions necessary to give effect to section 10 (1) of this Bill.</p> <p>(2) Subject to subsection (1) of this section, the Inspector-</p>	

<p>to:</p> <p>(a) develop a plan before the end of each financial year, setting out the priorities, objectives and expected outcomes of policing and for the next financial year;</p> <p>(b) having due regards to the state of the security across the country and population, determine the distribution of the numerical strength of the Police;</p> <p>(c) organize or re-organize the Nigeria Police Force at the national level into various components, units or groups;</p> <p>(d) establish and maintain training institutions or centres for the training of Officers and other members; and</p> <p>(e) perform any duty on behalf of the Nigeria Police Force.</p>	<p>General of Police's powers, duties and functions shall include to:</p> <p>(a) develop a plan before the end of each financial year, setting out the priorities, objectives and expected outcomes of policing and for the next financial year;</p> <p>(b) having due regards to the state of the security across the country and population, determine the distribution of the numerical strength of the Police;</p> <p>(c) organize or re-organize the Nigeria Police Force at the national level into various components, units or groups;</p> <p>(d) establish and maintain training institutions or centres for the training of Officers and other members; and</p> <p>(e) perform any duty on behalf of the Nigeria Police Force.</p> <p><i>(3) Subject to the approval of the Inspector-General of Police, a retired Police Officer may be re-engaged for service for a period of two years and upon further application may be retained or re-engaged for another term of two years.</i></p> <p>(4) The Inspector-General of Police shall be charged with the command and operational control of the Force.</p>	<p>Section 5 (4) is lifted and is inserted here as subsection (4)</p>
<p>12. APPOINTMENT OF DEPUTY INSPECTORS-GENERAL OF POLICE AND ASSISTANT INSPECTORS-GENERAL OF POLICE.</p> <p>(1) the Deputy Inspectors-General of Police and Assistant Inspectors-General of Police shall be appointed by the Police</p>	<p>13. Retained</p>	

<p>Service Commission on the recommendation of the Inspector-General of Police.</p> <p>(2) A Person appointed under subsection (1) of this section shall hold Office until retirement or removal following due process by the Police Service Commission on account of gross misconduct or incapacity to perform his/her duties based on recommendation by the Inspector-General of Police;</p> <p>(3) the appointment of the Deputy Inspectors-General of Police shall reflect the Federal Character Principle as provided in the Constitution of the Federal Republic of Nigeria.</p>		
<p>13. DUTIES OF THE DEPUTY INSPECTORS-GENERAL OF POLICE</p> <p>(1) The most senior Deputy Inspector-General of Police shall act in the absence of the Inspector-General of Police.</p> <p>(2) When acting for the Inspector-General of Police, the Deputy Inspector-General of Police shall be guided by the following:</p> <p>(a) all matters involving any change in Police policy shall be held in abeyance until the Inspector-General of Police returns or, if the matter is urgent, referred directly to the Inspector-General of Police for his instructions, provided such matters do not contradict the general policy directive of the Police Council; and</p> <p>(b) all matters of importance dealt with by the Deputy Inspector-General of Police during the absence of the Inspector-General of Police shall be referred to the Inspector-General of Police on his return;</p> <p>(3) The Deputy Inspectors-General of Police shall be in charge of Police Geo-political Zones;</p> <p>(4) The Deputy Inspectors-General of Police shall perform</p>	<p>DUTIES OF THE DEPUTY INSPECTORS-GENERAL OF POLICE</p> <p>14. (1) The most senior Deputy Inspector-General of Police shall act in the absence of the Inspector-General of Police.</p> <p>(2) The Deputy Inspectors-General of Police shall perform such duties as assigned by the Inspector-General of Police.</p> <p><i>(3) The most senior Deputy Inspector-General of Police shall, in the absence from office of the Inspector-General, act on behalf of the Inspector-General in performing any of the functions and discharging the duties of the Inspector-General under this Act or under any law or in respect of any function as may be delegated by the Inspector-General.</i></p> <p><i>(4) On resumption of duty by the Inspector-General, the said Deputy Inspector-General shall furnish reports, in such form or details as the Inspector-General may specify, of all matters dealt with by the Deputy Inspector-</i></p>	

<p>such duties as assigned by the Inspector-General of Police.</p>	<p><i>General in the absence of the Inspector-General from office.</i></p>	
<p>14. DUTIES OF THE ASSISTANT INSPECTORS-GENERAL OF POLICE</p> <p>(1) The Assistant Inspectors-General of Police shall be subordinate in rank to the Deputy Inspector-General of Police but shall be senior to all Commissioners of Police.</p> <p>(2) The Assistant Inspectors-General of Police shall act for the Inspector-General of Police in the absence of both the Inspector-General of Police and the Deputy Inspectors-General of Police, and when so acting, the provisions of paragraphs (a) and (b) of subsection (2) of section 10 of this Bill shall, with all necessary modifications, apply to him;</p> <p>(3) The Assistant Inspectors-General of Police shall be in charge of Police Zonal Commands and shall perform such duties as assigned by the Inspector-General of Police.</p>	<p>15. Retained</p>	
<p>15. APPOINTMENT OF COMMISSIONERS OF POLICE.</p> <p>A Commissioner of Police shall be appointed for each state of the Federation and the Federal Capital Territory by the Police Service Commission on the recommendation of the Inspector-General of Police.</p>	<p><i>Appointment of Commissioners of Police.</i></p> <p>16. (1) The Police Service Commission shall appoint such numbers of Commissioners of Police as are required for the efficient <i>performance</i> of the functions of the Police Force.</p> <p>(2) The Police Service Commission shall, from among the Commissioners of Police appointed under subsection (1) of this section, assign a Commissioner of Police to a State or to the Federal Capital Territory.</p> <p>(3) The Commissioners of Police not assigned under</p>	<p>It recommends that appointment and deployment of Commissioners of Police</p>

	<p>subsection (2) of this section may be deployed by the Inspector-General of the Police to head Departments and such other operational units of the Police Force.</p> <p>(4) The Police Service Commission or Inspector-General of Police, in assigning or deploying, as the case may be, the Commissioners of Police under this section to State commands, departments or units, shall reflect the principle of Federal character as provided in the Constitution and under the relevant Act.</p> <p>(5) A person appointed under subsection (1) of this section shall hold office until <i>promotion, redeployment</i>, retirement or removal by the Police Service Commission on account of gross misconduct or incapacity to perform the functions of his office, <i>as the case may be</i>.</p>	<p>should reflect Federal Character and further creates conditions or instances for removal of CPs.</p>
<p>16. POWERS, DUTIES AND FUNCTIONS OF A COMMISSIONER OF POLICE.</p> <p>(1) Subject to this Bill, a State Commissioner of Police shall have command and operational control over the Police in the state he/she is assigned to and shall exercise the powers and perform the duties and functions necessary to give effect to sections 2 and 4 of this Bill.</p> <p>(2) A State Commissioner of Police shall perform any duties assigned to him by the Inspector-General of Police subject to sections 2 and 4 of this Bill.</p> <p>(3) A State Commissioner of Police shall subject to the directions of the Inspector-General of Police, be responsible for establishing and implementing Community Policing in the</p>	<p>Functions of Commissioners of Police for States.</p> <p>17. Subject to the provisions of this Bill, the Commissioner of Police of a State or the Federal Capital Territory shall:</p> <p>(a) have command and control over the Police in the State he is assigned to; and</p> <p>(b) exercise powers and perform the functions necessary to give effect to sections 4 of this Bill; and</p> <p>(c) perform any duty delegated to him by the Inspector-General.</p>	<p>It is recommended that subsection (3) of the Bill, which says that a State Commissioner shall be subject to the directions of the State Governor be deleted.</p>

state under his command.		
<p>17. DELEGATION BY THE INSPECTOR-GENERAL OF POLICE.</p> <p>(1) The Inspector-General of Police may delegate any of his powers under this Bill to any Police Officer so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined in the instrument of delegation.</p> <p>(2) Guided by the principle of efficiency and effectiveness, and for ease of delegation of powers, the Inspector-General of Police shall devolve powers to Zonal, States, Area Commands, Divisions and Police Posts to ensure quick response to safety and security needs.</p>	<p>18. Retained</p>	
<p>PART IV - GENERAL ADMINISTRATION</p> <p>18. OATHS FOR POLICE OFFICERS.</p> <p>On enlistment/recruitment or appointment of any person as a member of the Nigeria Police Force, such person shall forthwith take and subscribe to the official oath, the Police oath, the oath of allegiance and oath of secrecy.</p>	<p>19.</p>	
<p>19. REMUNERATION</p>	<p>20. REMUNERATION</p> <p><i>(1) The police officer shall not be paid salary below what is payable to officers in other security agencies.</i></p> <p><i>(2) A police officer shall not get himself involved in indebtedness of any kind while still in service, and where</i></p>	

	<p><i>he does, he shall be disciplined and the debt or liability shall be recovered from his remuneration if the creditor can prove the indebtedness by withholding from the police officer's remuneration an amount not exceeding one-third of his monthly remuneration until the amount of the debt or liability is made good.</i></p> <p><i>(3) Where the recovery of the debt or liability is by a court order, the court making the order shall give due notice to the senior police officer in charge of the command to which the indebted officer belongs, and the amount ordered shall be withheld or deducted from the indebted officer's remuneration until the amount of the debt is made good.</i></p>	
<p>19. ENLISTMENT/RECRUITMENT, APPOINTMENT AND SERVICE.</p> <p>(1) The responsibility for the recruitment and enlistment of Officers and Men into the Nigeria Police Force shall be the duty of the Inspector-General of Police.</p> <p>(2) For the purpose of Section 19 (1) above, there shall be the Nigeria Police Recruitment Board;</p> <p>(a) The Nigeria Police Recruitment Board shall be responsible for the recruitment of Officers and Men into the Nigeria Police Force.</p> <p>(b) The Police Recruitment board shall comprise of the Inspector-General of Police as Chairman, all the serving Deputy Inspectors-General of Police, the Force Secretary, Commandants of Staff College Jos, Police Academy Wudil - Kano, Police Colleges and the Officer in-charge of the Legal Section of the Nigeria Police Force.</p>	<p>21. Recruitment, Appointment and Service.</p> <p><i>(1) The responsibility for the recruitment of recruit constables into the Nigeria Police Force and recruit cadets into the Nigeria Police Academy shall be the duty of the Inspector-General of Police.</i></p> <p><i>(2) For the purpose of subsection (1), there shall be the Nigeria Police Recruitment Committee (in this Bill referred to as "the Police Recruitment Committee").</i></p> <p><i>(3) The Police Recruitment Committee is responsible for the recruitment of recruit constables into the Nigeria Police Force.</i></p>	<p>The Provision On Constables' Recruitment Is In The Principal Act And Now Modified To Meet Standard And Best Practice</p> <p>Board is replaced with a "Committee" to avoid confusion, and the reader is not misled</p>

<p>(c) The recruitment of Officers and Men into the Nigeria Police Force shall be of national spread, cutting across each state of the federation.</p> <p>(d) The members of the Police Recruitment Board shall have power to delegate Officers not below the rank of Chief Superintendent of Police to represent them at Board Meetings or recruitment exercise.</p> <p>(e) The decision of the Board shall be final as regard any matter affecting the recruitment/enlistment of Officers and Men into the Nigeria Police Force.</p> <p>(3) Every Police Officer shall on enlistment/recruitment or appointment serve in the Nigeria Police Force for a period of 35 years or till he/she attains the age of 60 years, whichever is earlier.</p> <p>(4) Professionals from the relevant fields of engineering, medicine, pathology, pilots, forensic, etc, shall be appointed into the Nigeria Police Force as Specialists and shall practise their professions and expertise in the advancement of the objectives of the Force.</p> <p>(5) All candidates intending to be enlisted/recruited or appointed into the Nigeria Police Force shall undergo psychological and other medical evaluations as may be required as part of the enlistment/recruitment or appointment process to ascertain their character and suitability for the job.</p> <p>(6) Within the period of enlistment/recruitment or appointment, every Police Officer shall undergo specialized training in any professional field relevant to Policing and law enforcement.</p>	<p><i>(4) The Police Recruitment Committee shall consist of:</i></p> <p><i>(a) the Inspector-General of Police as Chairman;</i></p> <p><i>(b) all the serving Deputy Inspectors-General of Police;</i></p> <p><i>(c) the Force Secretary;</i></p> <p><i>(d) Commandants of Staff College, Jos;</i></p> <p><i>(e) Police Academy Wudil, Kano;</i></p> <p><i>(f) a representative of the Police Colleges; and</i></p> <p><i>(g) the Officer in-charge of the Legal Section of the Nigeria Police Force.</i></p> <p><i>(5) The recruitment of recruit constables into the Nigeria Police Force shall be of national spread across each State of the Federation.</i></p> <p><i>(6) The members of the Police Recruitment Committee shall have power to delegate officers, not below the rank of Chief Superintendent of Police, to represent them at any meeting or recruitment exercise.</i></p> <p><i>(7) The decision of the Police Recruitment Committee is final on any matter concerning the recruitment of recruit constables into the Nigeria Police Force.</i></p>	
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(8) Every police officer shall, on recruitment or appointment, serve in the Nigeria Police Force for a period of 35 years or until he attains the age of 60 years, whichever is earlier.

(9) Professionals from the relevant fields, including engineering, medicine, pathology, aviation, law, psychology, accountancy and forensic science, shall:

(a) be appointed into the Nigeria Police Force as specialists; and

(b) practise their professions and use their expertise in the advancement of the objectives of the Police Force.

(10) All candidates wishing to be recruited or appointed into the Nigeria Police Force shall undergo psychological and other medical evaluations as may be required as part of the recruitment or appointment process to ascertain their character and suitability for the job.

(11) Within the period of recruitment or appointment, every police officer shall undergo specialised training in any professional field relevant to policing and law enforcement.

<p>20. RE-ENGAGEMENT AFTER SERVICE</p> <p>(1) Subject to the approval of the Inspector-General of Police, a retired Police Officer may be re-engaged for service for a period of two (2) years and upon further application may be retained or re-engaged for another term of two (2) years or such other period as may be determined by the Inspector-General of Police.</p>	<p>21. Deleted</p>	<p>Transferred to Clause 12 as subsection (3).</p>
<p>21. TRAINING AND RE-TRAINING OF POLICE PERSONNEL</p> <p>(1) All Police Officers shall undergo periodic training and retraining in basic policing and law enforcement courses as well as specialized courses relevant to law enforcement;</p> <p>(2) The Inspector-General of Police shall be responsible for the revision of the training duration as well as content of Police training at least once in every five years</p>	<p><i>Training Programmes.</i></p> <p>22. (1) The Inspector-General shall ensure that all police officers undergo regular training and re-training in:</p> <p><i>(a) basic policing, ethics, code of conduct and standard operating procedures;</i></p> <p><i>(b) crime detection and law enforcement;</i></p> <p><i>(c) investigation and gathering of evidence;</i></p> <p><i>(d) effective nationwide citizen engagement;</i></p> <p><i>(e) human rights, gender issues, public relations and other emerging issues;</i></p> <p><i>(f) democratic policing and emotional intelligence</i></p> <p><i>(g) prosecution and defence.</i></p> <p>(2) The Inspector-General, in consultation with the Ministry and the Police Service Commission, is responsible for the revision of the training, duration and</p>	<p>Noting that police officers in the Force require extensive training and the absence of this is a major challenge for officers, a more detailed provision is recommended to address this.</p>

	<p><i>content of the training of police officers, at least once in every five years.</i></p> <p><i>(3) The Inspector-General shall ensure that training programmes are made available to all police officers, irrespective of gender and for all other staff or employees charged with responsibilities for discharging the duties and responsibilities of the Police Force.</i></p> <p><i>(4) all police officers shall undergo periodic training and retraining in basic policing and law enforcement courses as well as specialized courses relevant to law enforcement;</i></p> <p><i>(5) The Inspector-General of Police shall be responsible for the revision of the training duration as well as content of Police training at least once in every three years.</i></p>	
	<p><i>PART V – POWERS OF POLICE OFFICERS</i></p>	
<p><i>29. Investigation of an allegation by the Police.</i></p>	<p><i>A. Investigation and Arrest</i></p> <p><i>Investigation of an allegation by the Police.</i></p> <p><i>23. Where an alleged offence is reported to the Police, or a person is brought to the police station on the allegation of committing an offence, the Police shall investigate the allegation in accordance with due process and report its finding to the Attorney-General of the Federation or of a State, as the case may be, for legal advice.</i></p>	<p><i>Considering the extensive powers usually exercised by the Police, this is not clearly laid out or regulated in the Police Act or proposed bill. Furthermore, the Administration of Criminal Justice Act 2015</i></p>

		<p><i>contains extensive police powers. It is recommended that these be replicated in this bill for the purpose of coherence and consistency.</i></p> <p><i>The subject matter should also be arranged in sequence for ease of reference i.e. from investigation, arrest, search, to warrants.</i></p> <p><i>Refer to clause 68 below for recommendation on Powers to prosecute</i></p>
<p>Decision to file a case Where a crime is reported to the Police or a person is brought to a police station on the allegation of commission of a criminal offence, it shall be the duty of the Police to investigate such allegations according to its internal processes and procedures and report their findings to the Prosecutor who shall decide whether to file a charge or not.</p>	<p><i>Deleted</i></p>	<p><i>The procedure is well spelt out and more elaborate in the Administration of Criminal Justice Act, 2015.</i></p>
<p>30. Arrest generally.</p>	<p><i>Arrest generally.</i></p> <p>24. (1) A suspect or defendant alleged or charged with committing an offence established by an Act of the</p>	<p>From section 3 of the Administration of Criminal</p>

	<p>National Assembly or under any other law shall be arrested, investigated, tried or dealt with according to the provisions of this Bill, except otherwise provided under this Bill.</p> <p>(2) A person shall not be arrested merely on a civil wrong or breach of contract.</p> <p>(3) A suspect shall be brought before the court as prescribed by this Bill or any other written law or otherwise released conditionally or unconditionally.</p>	Justice Act, 2015.
31. Mode of arrest.	<p>25. Mode of arrest.</p> <p>In making an arrest, the police officer or other person making the arrest shall actually touch or confine the body of the suspect, unless there is a submission to the custody by word or action.</p>	From section 4 of the Administration of Criminal Justice Act, 2015.
32.No unnecessary restraint	<p>No unnecessary restraint</p> <p>26. A suspect or defendant may not be handcuffed, bound or subjected to restraint except:</p> <p>(a) there is reasonable apprehension of violence or an attempt to escape;</p> <p>(b) the restraint is considered necessary for the safety of the suspect or defendant; or</p> <p>(c) by order of a court.</p>	From section 5 of the Administration of Criminal Justice Act, 2015.

<p>33. Notification of cause of arrest and rights of suspect.</p>	<p>Notification of cause of arrest and rights of suspect.</p> <p>27. (1) Except when the suspect is in the actual course of the commission of an offence or is pursued immediately after the commission of an offence or has escaped from lawful custody, the police officer or other person making the arrest shall inform the suspect immediately of the reason for the arrest.</p> <p>(2) The police officer, the person making the arrest or the police officer in charge of a police station shall inform the suspect of his rights to:</p> <p>(a) remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice;</p> <p>(b) consult a legal practitioner of his choice before making, endorsing or writing any statement or answering any question put to him after arrest; and</p> <p>(c) free legal representation by the Legal Aid Council of Nigeria or other organisations, where applicable.</p> <p>(3) The authority having custody of the suspect shall notify the next of kin or relative of the suspect of the arrest at no cost to the suspect.</p>	<p>From section 6 of the Administration of Criminal Justice Act, 2015.</p>
<p>34. Arrest in lieu prohibited.</p>	<p>Arrest in lieu prohibited.</p> <p>28. A person shall not be arrested in place of a suspect.</p>	<p>From section 7 of the Administration of Criminal Justice Act, 2015.</p>

		Justice Act, 2015.
35. <i>Humane treatment of arrested suspect.</i>	<p><i>Humane treatment of arrested suspect.</i></p> <p>29. A suspect shall:</p> <p style="padding-left: 40px;">(a) be accorded humane treatment, having regard to his right to the dignity of his person; and</p> <p style="padding-left: 40px;">(b) not be subjected to any form of torture, cruel, inhuman or degrading treatment.</p>	From section 8 of the Administration of Criminal Justice Act 2015.
36. <i>Arrest by police officer without warrant.</i>	<p>30. <i>Arrest by police officer without warrant.</i></p> <p>(1) A police officer may, without an order of a court and without a warrant, arrest a suspect:</p> <p style="padding-left: 40px;">(a) whom he suspects on reasonable grounds of having committed an offence against a law in Nigeria or against the law of any other country, unless the law creating the offence provides that the suspect cannot be arrested without a warrant;</p> <p style="padding-left: 40px;">(b) who commits any offence in his presence;</p> <p style="padding-left: 40px;">(c) who obstructs a police officer while in the <i>discharge</i> of his duty, or who has escaped or attempts to escape from lawful custody;</p> <p style="padding-left: 40px;">(d) in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence</p>	Adapted from section 18 of the Administration of Criminal Justice Act, 2015.

	<p>with reference to the thing;</p> <p>(e) whom he suspects on reasonable grounds of being a deserter from any of the armed forces <i>and police in</i> Nigeria;</p> <p>(f) whom he suspects on reasonable grounds of having been involved in an act committed at a place outside Nigeria which, if committed in Nigeria, would have been punished as an offence, and for which he is, under a law in force in Nigeria, liable to be apprehended and detained in Nigeria;</p> <p>(g) having in his possession without lawful excuse, the burden of proving which excuse shall lie on the person, any implement of housebreaking, car theft, firearm or any offensive or dangerous weapon;</p> <p>(h) whom he has reasonable cause to believe a warrant of arrest has been issued by a court of competent jurisdiction in Nigeria;</p> <p>(i) found in Nigeria taking precautions to conceal his presence in circumstances, which afford reason to believe that he is taking such precautions with a view to committing an offence;</p> <p>(j) whom he is directed to arrest by a judge or magistrate.</p> <p>(k) whom he reasonably suspects to be planning to</p>	
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	<p>commit an offence for which the police officer may arrest without a warrant, if it appears to him that the commission of the offence cannot be otherwise prevented;</p> <p>(l) required to appear by a public summons issued under this Bill or any other Act.</p> <p>(m) to protect a child or other vulnerable person from the suspect in question; and,</p> <p>(n) to prevent the suspect in question from:</p> <ul style="list-style-type: none">(i) causing physical injury to himself or any other person;(ii) suffering physical injury;(iii) causing loss of or damage to property;(iv) committing an offence against public decency where members of the public going about their normal business cannot reasonably be expected to avoid the person in question, or(v) causing an unlawful obstruction of the highway. <p>(2) No person shall be arrested without a warrant except as provided in subsection (1)e.</p> <p>(3) The authority given to a police officer to arrest a suspect who commits an offence in his presence is exercisable in respect of offences committed in the officer's presence notwithstanding that the Act creating the offence provides that the suspect cannot be arrested without a warrant.</p>	
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<p>37. Arrest without warrant by Private person.</p>	<p>Arrest without warrant by Private person.</p> <p>31. A private person may arrest a suspect in Nigeria who in his presence commits an offence, or whom he reasonably suspects of having committed an offence for which the police is entitled to arrest without a warrant.</p>	<p>From section 20 of the Administration of Criminal Justice Act, 2015.</p>
<p>38. Handing over of an arrested suspect by private person.</p>	<p>Handing over of an arrested suspect by private person.</p> <p>32. (1) A private person who arrests a suspect shall immediately hand over the suspect so arrested to a police officer or, in the absence of a police officer, shall take the suspect to the nearest police station, and the police officer shall make a note of the name, address and other particulars of the private person making the arrest.</p> <p>(2) Where there is reason to believe that the arrested suspect comes under the provisions of section 40 (1), a police officer shall re-arrest him, but if there is no sufficient reason to believe that the suspect has committed an offence, he shall be released immediately.</p> <p>(3) Where there is reason to believe that the suspect has committed an offence, and he refuses, on the demand of a police officer, to give his name and address, or gives a name or address which the police officer reasonably believes to be false, the provisions of section 63 of this Bill shall apply.</p>	<p>From section 23 of the Administration of Criminal Justice Act, 2015.</p> <p>40 (1) – arrest without warrant</p> <p>Section 63- Refusal to give name and residence</p>

	<p>(4) Where a suspect so arrested by a private person is handed over to a police officer or an official of an agency authorised by law to make arrests, the police officer or official shall take note of the name, residential address and other particulars of the private person making the arrest, and the date, time and other circumstances of the arrest, and where the arrested suspect is taken to the police station or to the agency, the officer shall make the entries in the crime diary.</p> <p>(5) The police officer or official to whom the arrested suspect is handed over by the private person shall obtain from the private person who made the arrest a formal witness statement setting out the facts and circumstances of the arrest.</p> <p>(6) The provisions of section 46 do not apply to this section unless the suspect arrested and handed over has been re-arrested in accordance with subsection (2).</p>	Section 46-recording of arrest
<p>39. Arrest for offence committed in presence of Judge or Magistrate.</p>	<p>Arrest for offence committed in presence of Judge or Magistrate.</p> <p>33. A judge or magistrate may arrest or direct the arrest of a suspect committing an offence in his presence and shall thereupon hand him over to a police officer who shall proceed to take necessary action.</p>	From section 26 of the Administration of Criminal Justice Act, 2015.
<p>40. When public is bound to assist in arrest.</p>	<p>When public is bound to assist in arrest.</p>	From section 27 of the Administration of Criminal

	<p>34. A person is bound to assist a judge, magistrate or police officer or other person reasonably demanding his aid in arresting or preventing the escape of a suspect whom the judge, magistrate, police officer or other person is authorised to arrest.</p>	Justice Act, 2015.
<p>41. <i>Arrested suspect to be taken immediately to police station.</i></p>	<p><i>Arrested suspect to be taken immediately to police station.</i></p> <p>35. (1) A suspect who is arrested, whether with or without a warrant, shall be taken immediately to a police station, or other place for the reception of suspect, and shall be promptly informed of the allegation against him in the language he understands.</p> <p>(2) A person who has the custody of an arrested suspect shall give the suspect reasonable facilities for obtaining legal advice, access to communication for taking steps to furnish bail, and otherwise making arrangements for his defence or release.</p> <p>(3) Notwithstanding the provision of subsection (2), any communication or legal advice shall be done is given in the presence of an officer who has custody of the arrested suspect.</p>	From section 14 of the Administration of Criminal Justice Act, 2015.
<p>42. <i>Recording of arrests.</i></p>	<p><i>Recording of arrests.</i></p> <p>36. (1) Where a suspect is arrested, whether with or without a warrant, and taken to a police station or any other agency effecting the arrest, the police officer making</p>	From section 15 of the Administration of Criminal Justice Act, 2015.

	<p>the arrest or the officer in charge shall cause to be taken immediately, in the prescribed form, the following record of the suspect arrested:</p> <ul style="list-style-type: none">(a) the alleged offence;(b) the date and circumstances of his arrest;(c) his full name, occupation and residential address; and(d) for the purpose of identification:<ul style="list-style-type: none">(i) his height,(ii) his photograph,(iii) his full fingerprint impressions, or(iv) such other means of his identification. <p>(2) The process of recording in subsection (1) shall be concluded within a reasonable time of the arrest of the suspect, but not exceeding 48 hours.</p> <p>(3) Any further action in respect of the suspect arrested under subsection (1) shall be entered in the record of arrests.</p> <p>(4) Where a suspect who is arrested, with or without a warrant, volunteers to make a confessional statement, the police officer shall ensure that the making and taking of the statement shall be in writing and may be recorded electronically on a retrievable video or audio visual means.</p> <p>(5) Notwithstanding the provision of subsection (4), an oral confession of arrested suspect is admissible in evidence.</p>	
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<p>43. Power to break out of a house or place for the purpose of liberation.</p>	<p>Power to break out of a house or place for the purpose of liberation.</p> <p>37. A police officer or any other person authorised to make an arrest may break out of a house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained in the house or place.</p>	<p>From section 13 of the Administration of Criminal Justice Act, 2015.</p>
<p>44. Inventory of property of arrested suspect.</p>	<p>Inventory of property of arrested suspect.</p> <p>38. (1) A police officer making an arrest or to whom a private person hands over the suspect, shall immediately record information about the arrested suspect and an inventory of all items or property recovered from the suspect.</p> <p>(2) An inventory recorded under subsection (1) shall be duly signed by the police officer and the arrested suspect, but the failure of the arrested suspect to sign the inventory does not invalidate it.</p> <p>(3) The arrested suspect, his legal practitioner or such other person, as the arrested suspect may direct, shall be given a copy of the inventory.</p> <p>(4) Where any property has been taken under this section from an arrested suspect, a police officer may, upon request by either the owner of the property or parties having interest in the property, release such property on bond pending the arraignment of the arrested suspect</p>	<p>From section 29 of the Administration of Criminal Justice Act, 2015.</p> <p>Section 46 – Recording of arrest</p>

	<p>before a court.</p> <p>(5) Where a police officer refuses to release the property to the owner or any person having interest in the property under subsection (4), the police officer shall immediately make a report to the court of the fact of the property taken from the arrested suspect and the particulars of the property.</p> <p>(6) The court to which a report is made under subsection (5), may, if it is of the opinion that the property or any portion of it can be returned in the interest of justice to the safe custody of the owner or person having interest in the property, direct that the property or any portion of it be returned to the owner or to such person having interest in the property.</p> <p>(7) Where any property has been taken from a suspect under this section, and the suspect is not charged before a court but is released on the ground that there is no sufficient reason to believe that he has committed an offence, any property so taken from the suspect shall be returned to him, provided the property is neither connected to nor a proceed of an offence.</p>	
<p>45. <i>Quarterly report of arrests to the Attorney-General.</i></p>	<p><i>Quarterly report of arrests to the Attorney-General.</i></p> <p>39. (1) The Inspector-General and head of every agency authorised by law to make arrests shall remit quarterly to the Attorney-General of the Federation a record of all arrests made with or without warrant in relation to Federal</p>	

	<p>offences within Nigeria.</p> <p>(2) The Commissioner of Police of a State and the head of every agency authorised by law to make arrest within a State shall remit quarterly to the Attorney-General of that State a record of all arrests made with or without warrant in relation to State offences or arrests within the State.</p> <p>(3) The report shall contain the full particulars of arrested suspects as prescribed under section 46 of this Bill.</p> <p>(4) A register of arrests containing the particulars prescribed under section 46 of this Bill shall be kept in the prescribed form at every police station or agency authorised by law to make arrests, and every arrest, whether made with or without warrant, within the local limits of the police station or agency, or within the Federal Capital Territory, Abuja, shall be entered accordingly by the officer in charge of the police station or official in charge of the agency as soon as the arrested suspect is brought to the station or agency.</p> <p>(5) The Attorney-General of the Federation shall establish an electronic and manual database of all records of arrests at the Federal and State level.</p>	
<p>46. Power to search.</p>	<p>B. Search Power to search.</p> <p>40. (1) A police officer may seize and retain anything for which a search has been authorised.</p>	

	<p>(2) In every case in which property is seized under this section, the person on whose premises it was at the time of seizure or the person from whom it was taken, if other than the person on whose premises it was, may be summoned or arrested and brought before a court to account for his possession of the property, and the court shall make such order on the disposal of the property and may award costs as the justice of the case may require.</p> <p>(3) An authority under subsection (2) may only be given when the premises to be searched are, or within the preceding 12 months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty, and punishable by imprisonment.</p> <p>(4) While searching the premises, a police officer shall not violate the human rights of persons found in the premises that is being searched.</p>	
<p>47. Power to stop and search.</p>	<p><i>Power to stop and search.</i></p> <p>41. (1) A police officer may exercise the power to stop and search in any:</p> <p>(a) place the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; or</p>	<p>Adapted from UK Police and Criminal Evidence Act (PACE)</p>

	<p>(b) other place to which the public has ready access at the time when he proposes to exercise the power but which is not a private residence.</p> <p>(2) A Police officer may detain and search any person or vehicle where:</p> <ul style="list-style-type: none">(a) reasonable grounds for suspicion exist that the person being suspected is having in his possession; or conveying in any manner anything which he has reason to believe to have been stolen or otherwise unlawfully obtained;(b) reasonable grounds for suspicion exist that such person or vehicle is carrying an unlawful article;(c) reasonable grounds for suspicion that incidents involving serious violence may take place within a locality;(d) information has been received as to a description of an article being carried or of a suspected offender; and(e) a person is carrying a certain type of article at an unusual time or in a place where a number of burglaries or thefts are known to have taken place recently. <p>(3) If, in the course of a search, a police officer discovers</p>	
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	<p>an article which he has reasonable grounds for suspecting to be a stolen or prohibited article, he may seize it.</p> <p>(4) An article is prohibited for the purposes of this Part of this Bill if it is:</p> <ul style="list-style-type: none">(a) an offensive weapon; or(b) an article:<ul style="list-style-type: none">(i) made or adapted for use in the course of or in connection with an offence to which this section refers; or(ii) intended by the person having it with him for such use by him or by some other person. <p>(5) The offences to which subsection (4) (b) (i) applies are:</p> <ul style="list-style-type: none">(a) burglary;(b) theft; and(c) offences related to receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty. <p>(6) In this Part of this Bill "offensive weapon" means any article:</p> <ul style="list-style-type: none">(a) made or adapted for use for causing injury to persons; or	
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	<p>(b) intended by the person having it with him for such use by him or by some other person.</p>	
<p>48. <i>Action before a search takes place.</i></p>	<p><i>Action before a search takes place.</i></p> <p>42. (1) Where a police officer is exercising the powers under section 51 of this Bill, he shall, before carrying out the search, question the person about his behaviour or his presence in circumstances which gave rise to the suspicion.</p> <p>(2) If the person to be searched has a satisfactory explanation which makes a search unnecessary or other circumstances come to the attention of the police officer that make the search unnecessary, no search may take place.</p> <p>(3) Before any search of a detained person or vehicle may take place, the officer shall give the person to be searched or in charge of the vehicle:</p> <p>(a) his name and the name of the police station to which he is attached;</p> <p>(b) the object of the search; and</p> <p>(c) his grounds or authorisation for undertaking the search.</p>	<p>Section 51- Power to stop and search</p>

	<p>(4) For any police officer to exercise the power to stop and search, he shall be in uniform or wear visibly a valid Police Identity Card.</p>	
<p>49. <i>General Conduct of the search.</i></p>	<p><i>General Conduct of the search.</i></p> <p>43. (1) Reasonable effort shall be taken to minimise the embarrassment that a person or the person whose property is being searched may experience.</p> <p>(2) The co-operation of the person to be searched shall be sought in every case.</p> <p>(3) A forcible search may be used as a last resort only if it has been established that the person being searched is unwilling to co-operate or resists.</p> <p>(4) The length of time for which a person or vehicle may be detained for a search depends on the circumstances, but this shall be within a reasonable time.</p> <p>(5) Searches in public shall be restricted to superficial examination of outer clothing.</p> <p>(6) Where it is considered necessary to conduct a more thorough search that requires a person to take off his cloth or headgear, it:</p> <p>(a) shall be done out of public view and by an officer of the same sex with the person being searched; and</p>	

	<p>(b) may not be made in the presence of anyone of the opposite sex unless the person being searched requests it.</p>	
<p>50. Search of arrested suspect.</p>	<p><i>Search of arrested suspect.</i></p> <p>44. (1) Where a suspect is arrested by a police officer or a private person, the police officer making the arrest or to whom the private person hands over the suspect may search the suspect if the police officer has reasonable grounds for believing that the arrested person may present a danger to himself or others.</p> <p>(2) A police officer shall also have the power in any such case to search the arrested person for anything:</p> <p>(a) which he might use to assist him to escape from lawful custody; or</p> <p>(b) which might be evidence relating to an offence.</p> <p>(3) Where an arrested suspect is admitted to bail and bail is furnished, he shall not be searched unless there are reasonable grounds for believing that he has on his person any:</p> <p>(a) stolen article;</p> <p>(b) instrument of violence or poisonous substance;</p> <p>(c) tools connected with the kind of offence which he is</p>	<p>From section 9 of the Administration of Criminal Justice Act, 2015.</p>

	<p>alleged to have committed; or</p> <p>(d) other articles which may furnish evidence against him in regard to the offence, which he is alleged to have committed.</p> <p>(4) The power to search conferred under subsection (2) is only a power to search to the extent that is reasonably required for the purpose of discovering anything or evidence.</p> <p>(5) The powers conferred under this section to search a person are not to be construed as authorising a police officer to require a person to remove any of his clothing in public.</p> <p>(6) A <i>police officer</i> may not search premises in the exercise of the power conferred under subsection (2) (b) unless he has reasonable grounds for believing that there is evidence for which a search is permitted under that paragraph on the premises.</p> <p>(7) A police officer shall place in safe custody all articles other than necessary wearing apparel found on the suspect.</p>	
<p>51. Examination of arrested suspect.</p>	<p>Examination of arrested suspect.</p> <p>45. (1) Subject to the provision of this section, an intimate search of a suspect may be carried out, if a police officer of at least the rank of Assistant Superintendent of Police has reasonable grounds for believing that the suspect in</p>	<p>Adapted from UK Police and Criminal Evidence Act (PACE)</p>

	<p>lawful custody:</p> <ul style="list-style-type: none">(a) may have concealed on him anything which:<ul style="list-style-type: none">(i) could be used to cause physical injury to himself or others, and(ii) might so use while he is in police detention or in the custody of a court; or(b) that evidence of the offence alleged to have been committed can only be gotten from examination of the suspect. <p>(2) An authorisation under subsection (1) may be given orally or in writing, and where an oral authorisation has been given, it shall be confirmed in writing as soon as practicable specifying the grounds for the intimate search.</p> <p>(3) A police officer carrying out the intimate search shall inform the person who is to be subjected to the search of the:</p> <ul style="list-style-type: none">(a) purpose for the search; and(b) authorisation and grounds for the search. <p>(4) An intimate search shall be by way of examination by a suitably qualified person.</p> <p>(5) Where an officer of the rank of at least an Assistant Superintendent of Police considers it impracticable for an intimate search to be by way of examination by a suitably qualified person, the intimate search may be carried out by a police officer at the rank of Sergeant.</p> <p>(6) An intimate search shall be carried out by a suitably qualified person or Sergeant of the same sex as the suspect.</p>	
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	<p>(7) No intimate search may be carried out except:</p> <ul style="list-style-type: none">(a) at a police station;(b) at a hospital; or(c) at some other place used for medical purposes. <p>(8) If an intimate search of a person is carried out, the custody record relating to him shall state:</p> <ul style="list-style-type: none">(a) the authorisation by virtue of which the search was carried out;(b) the grounds for giving the authorisation;(c) the fact that the appropriate consent was given;(d) which parts of his body were searched; and(e) why they were searched. <p>(9) The information required to be recorded by subsection (8) of this section shall be recorded as soon as practicable after the completion of the search.</p> <p>(10) The custody officer at a police station may seize and retain anything which is found on an intimate search of a person, or cause any such thing to be seized and retained if he:</p> <ul style="list-style-type: none">(a) believes that the person from whom it is seized may use it to:<ul style="list-style-type: none">(i) cause physical injury to himself or any other person,(ii) damage property,	
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	<p>(iii) interfere with evidence, or</p> <p>(iv) assist him to escape;</p> <p>(b) if he has reasonable grounds for believing that it may be evidence relating to an offence.</p> <p>(11) Where anything is seized under this section, the suspect from whom it is seized shall be told the reason for the seizure unless he is:</p> <p>(a) violent or likely to become violent; or</p> <p>(b) incapable of understanding what is said to him.</p> <p>(12) Where the appropriate consent for an intimate search of any suspect was refused without good cause, in any proceeding against that suspect for the offence for which the search was required, the court, judge, magistrate or presiding judicial officer may draw such inferences from the refusal as it is considered proper.</p> <p>(13) Every quarterly report submitted to the Attorney-General pursuant to section 49 of this Bill shall contain information about searches under this section which have been carried out during the period to which it relates.</p> <p>(14) The report on the searches referred to under subsection 12 of this section shall include-</p> <p>(a) the total number of searches;</p> <p>(b) the number of searches conducted by way of examination by a suitably qualified person;</p> <p>(c) the number of searches not conducted by a suitably qualified person, but conducted in the presence of such a person; and</p>	
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	<p>(d) the result of the searches carried out.</p> <p>(15) In this section “suitably qualified person” means a registered:</p> <p>(a) medical practitioner; or</p> <p>(b) nurse.</p>	Section 49 – Quarterly report of arrests to the Attorney-General
52. Where reasonable suspicion never exist.	<p>46. Where reasonable suspicion never exist.</p> <p>The following shall not be grounds for reasonable suspicions;</p> <p>(a) personal attributes, including a person’s colour, age, hairstyle or manner of dress;</p> <p>(b) previous conviction for possession of an unlawful article; or</p> <p>(c) stereotyped images of certain persons or groups as more likely to be committing offences.</p>	
53. Search of place entered by suspect sought to be arrested.	<p>Search of place entered by suspect sought to be arrested.</p> <p>47. (1) Where a person or police officer acting under a warrant of arrest or otherwise having authority to arrest, has reason to believe that the suspect to be arrested has entered into or is within any house or place, the person residing in or being in charge of the house or place shall, on demand by the police officer or person acting for the</p>	From section 12 of the Administration of Criminal Justice Act, 2015.

	<p>police officer, allow him free access to the house or place and afford all reasonable facilities to search the house or place for the suspect sought to be arrested.</p> <p>(2) Where access to a house or place cannot be obtained under subsection (1) of this section, the person or police officer may enter the house or place and search it for the suspect to be arrested, and in order to effect an entrance into the house or place, may break open any outer or inner door or window of any house or place, whether that of the suspect to be arrested or of any other person or otherwise effect entry into such house or place, if after notification of his authority and purpose, and demand of admittance duly made, he cannot obtain admittance.</p> <p>(3) Where the suspect to be arrested enters a house or place in the actual occupancy of another person being a woman who by custom or religious practice does not appear in public, the person making the arrest shall:</p> <p>(a) before entering the house or place, give notice to the woman that she is at liberty to withdraw; and</p> <p>(b) afford her every reasonable opportunity and facility for withdrawing, and may then enter the house or place, but the notice shall not be necessary where the person making the arrest is a woman.</p>	
<p>54. Action after search is carried out.</p>	<p>Action after search is carried out.</p> <p>48. (1) An officer who has carried out a search shall make</p>	

	<p>a written record unless it is not practicable to do so, including situations where the number of persons to be searched is large or in situations involving public disorder.</p> <p>(2) The records shall be completed and signed by the officer and person being searched on the spot and a copy to be given to the person being searched or the vehicle driver if it is a vehicle.</p> <p>(3) Subject to subsection (2), in case the search record is not available on the spot, the officer that carried out the search shall advise the person searched or the driver of the vehicle searched, of the police station the person may pick up the search record.</p> <p>(4) A searched person may refuse to collect a search record that his signature is not appended on.</p> <p>(5) Where the person to be searched is unwilling to provide detailed information about himself, the officer may not detain him, he shall be allowed to go unless unlawful items are found in his possession or in the vehicle searched.</p>	
<p>55. Search record.</p>	<p>Search record.</p> <p>49. (1) A search record shall be prepared in the prescribed Form to be known as a National search Record Form.</p> <p>(2) The following information must always be included in the National Search Record:</p>	

	<ul style="list-style-type: none"> (a) the name of the person searched or if, he withholds it, description of the person; (b) the date of birth of the person searched; (c) a note of the person’s ethnic origin; (d) when a vehicle is searched, a description of the vehicle, including the registration number; (e) the object of the search; (f) the ground for making the search; (g) the date and time the search was made; (h) the place where the search was made; (i) the result of the search; (j) a note of any injury or damage to property resulting from the search; and (k) the identity of the officer making the search. 	
<p>56. Search warrant safeguards.</p>	<p>50. Search warrant safeguards.</p> <p>(1) A search warrant is unlawful unless it complies with this section.</p> <p>(2) Where a police officer applies for any search warrant, it shall be his duty to state:</p> <ul style="list-style-type: none"> (a) the ground on which he makes the application; (b) the law under which the warrant would be issued; (c) the premises to be searched; and 	

	<p>(d) possibly the article or person to be searched.</p> <p>(3) An application for a warrant shall be made in writing under oath and supported by necessary information.</p> <p>(4) A warrant shall authorise an entry on one occasion only.</p> <p>(5) A warrant shall:</p> <p>(a) specify:</p> <p>(i) the name of the person who applies for it,</p> <p>(ii) the date on which it is issued,</p> <p>(iii) the law under which it is issued, and</p> <p>(iv) the premises to be searched;</p> <p>(b) a warrant shall identify, as practicable as possible, the article or person to be searched.</p> <p>(6) Two copies of a warrant shall be made.</p> <p>(7) The two copies shall be clearly certified as copies.</p>	
<p>57. Execution of search warrant.</p>	<p>Execution of search warrant.</p> <p>51. (1) A warrant to enter and search premises may be executed by any police officer.</p> <p>(2) Such a warrant may authorise a person to accompany any police officer who is executing it.</p> <p>(3) A search warrant may be issued and executed at any time on any day, including a Sunday or public holiday.</p>	

	<p>(4) Where the occupier of premises which is to be searched is present at the time when a police officer seeks to execute a warrant to enter and search, the police officer shall:</p> <p>(a) identify himself to the occupier and, if not in uniform, shall produce to the occupier, his official identity card;</p> <p>(b) produce the warrant to the occupier; and</p> <p>(c) supply the occupier with a copy.</p> <p>(5) Where the occupier is not present, but some other person who appears to the police officer to be in charge of the premises is present, subsection (4) of this section shall take effect as if the occupier is present.</p> <p>(6) Upon the execution of a warrant, a police officer shall make an endorsement on it stating whether:</p> <p>(a) the articles or persons sought were found; and</p> <p>(b) any other articles were seized, other than articles which were sought.</p>	
<p>58. Recording of statement of suspect.</p>	<p><i>C. Statements</i></p> <p>Recording of statement of suspect.</p> <p>52. (1) Where a suspect is arrested on allegation of having committed an offence, his statement shall be taken, if he so wishes to make a statement.</p> <p>(2) The statement may be taken in the presence of a legal practitioner of his choice, or where he has no legal</p>	<p>From section 17 of the Administration of Criminal Justice Act, 2015.</p>

	<p>practitioner of his choice, in the presence of an officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace or any other person of his choice, provided that the legal practitioner or any other person mentioned in this subsection shall not interfere while the suspect is making his statement, except for the purpose of discharging his duty as a legal practitioner.</p> <p>(3) Where a suspect does not understand or speak or write in the English language, an interpreter shall record and read over the statement to the suspect to his understanding and the suspect shall then endorse the statement as having been made by him, and the interpreter shall attest to the making of the statement.</p> <p>(4) The interpreter shall endorse his name, address, occupation, designation or other particulars on the statement.</p> <p>(5) The suspect referred to in subsection (1) shall also endorse the statement with his full particulars.</p>	
<p>59. Refusal to give name and residence.</p>	<p>Refusal to give name and residence.</p> <p>53. (1) Where a suspect who, in the presence of a police officer, has committed or has been accused of committing an offence triable summarily, refuses, on demand of the police officer, to give his name and residential address, or gives a name or residential address which the officer has reason to believe to be false, he may be arrested by the</p>	<p>From section 19 of the Administration of Criminal Justice Act, 2015.</p>

	<p>officer in order that his name or residential address may be ascertained.</p> <p>(2) Where the true name and residential address of the suspect have been <i>ascertained, he shall be released on his entering a recognisance with or without</i> sureties to appear before a magistrate if so required, but if the person is not resident in Nigeria, a surety or sureties resident in Nigeria shall secure the recognizance.</p> <p>(3) Where the true name and address of the suspect cannot be ascertained within 48 hours from the time of arrest, or if he fails to execute a recognizance, or, where so required, to furnish sufficient sureties, he shall immediately be brought before the nearest magistrate having jurisdiction.</p> <p>(4) Where the suspect on being brought before the court still refuses, the court may deal with him as it will deal with an uncooperative witness under this Bill.</p>	
<p>60. Release on bail of a suspect arrested without warrant.</p>	<p>D. Release of arrested suspect</p> <p>Release on bail of a suspect arrested without warrant.</p> <p>54. (1) Where a suspect has been taken into police custody without a warrant for an offence other than an offence punishable with death, an officer in charge of a police station shall inquire into the case and release the suspect arrested on bail subject to subsection (2) of this section, and where it will not be practicable to bring the</p>	<p>From section 30 of the Administration of Criminal Justice Act, 2015.</p>

	<p>suspect before a court having jurisdiction with respect to the offence alleged, within 24 hours after the arrest.</p> <p>(2) The police officer in charge of a police station shall release the suspect on bail on his entering into a recognisance with or without sureties for a reasonable amount of money to appear before the court or at the police station at the time and place named in the recognizance.</p> <p>(3) Where a suspect is taken into custody and it appears to the police officer in charge of the station that the offence is of a capital nature, the arrested suspect shall be detained in custody, and the police officer may refer the matter to the Attorney-General of the Federation or of a State, as the case may, for legal advice and cause the suspect to be taken before a court having jurisdiction with respect to the offence within a reasonable time.</p>	
<p>61. <i>Power to release on bail before charge is accepted.</i></p>	<p><i>Power to release on bail before charge is accepted.</i></p> <p>55. (1) Where a suspect is taken into custody, and it appears to the police officer that the inquiry into the case cannot be completed immediately, he may discharge the suspect on his entering into a recognizance, with or without sureties for a reasonable amount, to appear at the police station and at such times as are named in the recognisance, unless he previously receives notice in writing from the police officer in charge of that police station that his attendance is not required.</p> <p>(2) A recognizance under subsection (1) of this section</p>	<p>From section 31 of the Administration of Criminal Justice Act, 2015.</p>

	may be enforced as if it were a recognizance conditional for the appearance of the said suspect before a magistrate's court or the place in which the police station named in the recognizance is situate.	
62. Remedy of suspect detained in custody.	<p>Remedy of suspect detained in custody.</p> <p>56. (1) Where a suspect taken into custody in respect of a non-capital offence is not released on bail after 24 hours, a court having jurisdiction with respect to the offence may be notified by application on behalf of the suspect.</p> <p>(2) The court shall order the production of the suspect detained and inquire into the circumstances constituting the grounds of the detention and where it deems fit, admit the suspect detained to bail.</p> <p>(3) An application for bail under this section may be made orally or in writing.</p>	From section 32 of the Administration of Criminal Justice Act, 2015.
63. Summons.	<p><i>E. Miscellaneous</i></p> <p>Summons.</p> <p>57. Any summons lawfully issued by a court may be served by any police officer at any time during the hours of daylight, which is between 6am to 6pm.</p>	
64. Powers to prosecute.	Powers to prosecute.	A police officer who is a legal practitioner can

	<p>58. (1) Subject to the provisions of section 174 and 211 of the Constitution and section 106 of the Administration of the Criminal Justice Act which relates to the powers of the Attorney-General of the Federation and of a State to institute, take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria, a police officer who is a legal practitioner, may prosecute in person before any court whether or not the information or complaint is laid in his name.</p> <p>(2) A police officer may, subject to the provisions of the relevant criminal procedure laws in force at the Federal or State level, prosecute before the courts those offences which non-qualified legal practitioners can prosecute.</p> <p>(3) There shall be assigned to every Police Division at least one police officer:</p> <p>(a) who is qualified to practise as legal practitioner in accordance with the Legal Practitioners Act; and</p> <p>(b) whose responsibility is to promote human rights compliance by officers of the Division.</p>	<p>prosecute in person before any court.</p> <p>(Cap. L11, LFN, 2004)</p>
<p>65. Central Criminal Records Registry.</p>	<p>Central Criminal Records Registry.</p> <p>59. (1) There shall be established at the Nigeria Police, a Central Criminal Records Registry.</p> <p>(2) For the purposes of subsection (1) of this section, there shall be established at every State Police Command a</p>	<p>From section 16 of the Administration of Criminal Justice Act, 2015.</p>

	<p>Criminal Records Registry which shall keep and transmit all records to the Central Criminal Records Registry.</p> <p>(3) The State or Federal Capital Territory Police Command, Abuja shall ensure that the decisions of the court in all criminal trials are transmitted to the Central Criminal Records Registry within 30 days of the judgement.</p>	
<p>66. <i>Power to take fingerprints.</i></p>	<p><i>Power to take fingerprints.</i></p> <p>60. (1) A police officer shall take and record for the purposes of identification the measurements, photographs and fingerprint impression of all persons who may be in lawful custody.</p> <p>(2) Where a person who has not previously been convicted of any criminal offence is discharged or acquitted by a court, all records relating to such measurements, photographs and fingerprint impressions including the document of acquittal or discharge shall be stored in a retrievable form and handed over to such person upon request.</p> <p>(3) A police officer shall apply to a court to compel any person in lawful custody, who refuses to submit to the taking and recording of his measurements, photographs or fingerprint impressions, to submit himself.</p> <p>(4) Subject to subsection (3) of this section, the court may authorise a police officer to take the measurements,</p>	

	<p>photographs and finger-print impressions of such person.</p>	
<p>67. Police to report to supervising Magistrates.</p>	<p>Police to report to supervising Magistrates.</p> <p>61. (1) An officer in charge of a police station or an official in charge of an agency authorised to make arrest shall, on the last working day of every month, report to the nearest magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.</p> <p>(2) The report shall contain the particulars of the suspects arrested as prescribed under section 46 of this Bill.</p> <p>(3) The magistrate shall, on receipt of the reports, forward them to the Criminal Justice Monitoring Committee which shall analyse the reports and advise the Attorney-General of the Federation as to the trends of arrests, bail and related matters.</p> <p>(4) The Attorney-General of the Federation shall, upon request by the National Human Rights Commission, the Legal Aid Council of Nigeria or a non-governmental organisation, make the report available to them.</p> <p>(5) Where no report is made in accordance with subsection (1) of this section, the magistrate shall forward a report to the Chief Judge of the State and the Attorney-General of the State for appropriate remedial action.</p>	<p>From section 33 of the Administration of Criminal Justice Act, 2015.</p> <p>Section 46 – Recording of arrest</p> <p>Criminal Justice Monitoring Committee refers to the Administration of Criminal Justice Monitoring Committee, which is set up under section 469 of ACJA to ensure effective and quick dispensation of criminal matters by relevant agencies such as the Police. The IGP is a</p>

	<p>(6) With respect to the Federal Capital Territory, Abuja, the report referred to in subsection (5) of this section shall be forwarded to the Chief Judge of the Federal Capital Territory, Abuja and the Attorney-General of the Federation for remedial action.</p>	<p>statutory member of this committee.</p>
<p>68. Chief Magistrate to visit police stations every month.</p>	<p>Chief Magistrate to visit police stations every month.</p> <p>62. (1) The Chief Magistrate, or where there is no Chief Magistrate within the police division, any magistrate designated by the Chief Judge for that purpose, shall, at least every month, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the prison.</p> <p>(2) During a visit, the magistrate may:</p> <ul style="list-style-type: none"> (a) call for, and inspect, the record of arrests; (b) direct the arraignment of a suspect; (c) where bail has been refused, grant bail to any suspect, where appropriate, if the offence for which the suspect is held is within the jurisdiction of the magistrate. <p>(3) An officer in charge of a police station or an official in charge of an agency authorised to make an arrest shall make available to the visiting Chief Magistrate or designated magistrate exercising his powers under subsection (1) of this section:</p>	<p>From section 34 of the Administration of Criminal Justice Act, 2015.</p>

	<p>(a) the full record of arrest and record of bail;</p> <p>(b) applications and decisions on bail made within the period; and</p> <p>(c) any other facility the magistrate requires to exercise his powers under that subsection.</p> <p>(4) With respect to other Federal Government agencies authorised to make arrests, the High Court having jurisdiction shall visit such detention facilities for the purpose provided in this section.</p> <p>(5) Where there is default by an officer in charge of a police station or an official in charge of an agency authorised to make arrest to comply with the provisions of subsection (3) of this section, the default shall be treated as a misconduct and shall be dealt with in accordance with the relevant police regulations under this Bill, or under any other disciplinary procedure prescribed by any provision regulating the conduct of the officer or official of the agency.</p>	
	PART VI – WARRANTS	Same as above – From ACJA
69. General authority to issue warrant.	<p>General authority to issue warrant.</p> <p>63. Where under a law, there is power to arrest a suspect without warrant, a warrant for his arrest may be issued by the court.</p>	From section 35 of the Administration of Criminal Justice Act, 2015.

<p>70. <i>Form and requisites of warrant of arrest.</i></p>	<p><i>Form and requisites of warrant of arrest.</i></p> <p>64. (1) A warrant of arrest issued under this Bill, unless the contrary is provided under any other law, shall:</p> <ul style="list-style-type: none"> (a) bear the date of issue; (b) contain all necessary particulars; and (c) be signed by the issuing judge or magistrate. <p>(2) A warrant shall:</p> <ul style="list-style-type: none"> (a) state the offence or matter for which it is issued; (b) name and describe the suspect to be arrested; and (c) order the person to whom it is directed to arrest the suspect and bring him before the court. 	<p>From section 36 of the Administration of Criminal Justice Act, 2015.</p>
<p>71. <i>Warrant to be issued on complaint only if on oath.</i></p>	<p><i>Warrant to be issued on complaint only if on oath.</i></p> <p>65. A warrant of arrest shall not be issued in the first instance in respect of any complaint or statement unless the complaint or statement is on oath either by the complainant himself or by a material witness.</p>	<p>From section 37 of the Administration of Criminal Justice Act, 2015.</p>
<p>72. <i>Warrant may be issued on any day.</i></p>	<p><i>Warrant may be issued on any day.</i></p> <p>66. A warrant of arrest may be issued on any day, including a Sunday or public holiday.</p>	<p>From section 38 of the Administration of Criminal Justice Act, 2015.</p>
<p>73. <i>Warrant, to whom directed and duration.</i></p>	<p><i>Warrant, to whom directed and duration.</i></p>	<p>From section 39 of the</p>

	<p>67. (1) A warrant of arrest may be directed to a police officer by name or to all police officers.</p> <p>(2) It is not necessary to make a warrant of arrest returnable at any particular time and a warrant shall remain in force until it is executed or until a Judge or a Magistrate cancels it.</p> <p>(3) Where a warrant of arrest has been executed and the suspect arrested has been released, the warrant shall no longer be valid authority for re-arresting the suspect.</p>	Administration of Criminal Justice Act, 2015.
<p>74. <i>Warrant of arrest may in exceptional cases be directed to other persons.</i></p>	<p><i>Warrant of arrest may in exceptional cases be directed to other persons.</i></p> <p>68. (1) A court issuing a warrant of arrest may, where its immediate execution is necessary and no police officer is immediately available, direct it to some other person or persons and the person or persons shall execute the warrant.</p> <p>(2) A person, when executing a warrant of arrest directed to him, shall have all the powers, rights, privileges and protection given to or afforded by law to a police officer executing a warrant of arrest and shall conform with the requirement imposed by law on a police officer.</p>	From section 40 of the Administration of Criminal Justice Act, 2015.
<p>75. <i>Execution of warrant and procedure.</i></p>	<p><i>Execution of warrant and procedure.</i></p>	From section 43 of the

	practicable after his arrest.	
<i>Summons</i>	Deleted	Captured in clause 63
<i>Bail of person arrested without warrant.</i>	Deleted	Captured in clause 60
<i>Application for extension of detention or remand. Power to search.</i>	Retained	
<i>Power to search</i>	Deleted	Captured in clause 46
<i>Search warrant safeguard.</i>	Deleted	Captured in clause 56
<i>Execution warrant</i>	Deleted	Captured in clause 57
<i>Power to detain and search suspected person or vehicle.</i>	Deleted	Captured in clause 47
<i>Where reasonable suspicion never exist.</i>	Deleted	Captured in clause 52
<i>Action before a search takes places</i>	Deleted	Captured in clause 48
<i>Conduct of the search.</i>	Deleted	Captured in clause 49
<i>Action after a search is carried out.</i>	Deleted	Captured in clause 54
<i>Power to take fingerprints.</i>	Deleted	Captured in clause 66
77. <i>Court may direct particulars of security to be taken on execution of</i>	71. <i>Court may direct particulars of security to be taken on execution of warrant.</i>	

warrant.

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

(2) The endorsement shall specify:

(a) the number of sureties, if any;

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

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

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

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

	<p>(4) Where security is taken under this section, the officer who takes the recognizance shall cause it to be forwarded to the court before which the suspect named in the recognizance is bound to appear.</p>	
<p>78. Warrant issued by the Federal High Court.</p>	<p><i>Warrant issued by the Federal High Court.</i></p> <p>72. (1) A warrant of arrest issued by a Federal High Court sitting anywhere in Nigeria may be executed in any part of Nigeria.</p> <p>(2) A warrant issued under this section may be executed in accordance with section 79 of this Bill.</p>	
<p>79. Re-arrest of suspect escaping .</p>	<p><i>Re-arrest of suspect escaping.</i></p> <p>73. Where a suspect in lawful custody escapes or is rescued, the person from whose custody he escaped or is rescued or any other person may pursue and re-arrest him in any place in Nigeria.</p>	
<p>80. Provisions of sections 43 and 52 to apply to arrests under section 78.</p>	<p><i>Provisions of sections 47 and 57 to apply to arrests under sections 78 and 83.</i></p> <p>74. The provisions of sections 47 and 57 of this Bill shall apply to arrests under sections 78 and 83 of this Bill, although the person making such arrest is not acting under a warrant and is not a police officer having authority to arrest.</p>	

<p>81. Public safety and public order.</p>	<p>Public safety and public order.</p> <p>75. (1) The Police Force is responsible for maintaining and securing public safety and public order.</p> <p>(2) The Police Force shall, in carrying out its responsibilities under subsection (1) of this section:</p> <p>(a) uphold the provisions of the Constitution and other laws;</p> <p>(b) uphold and protect the fundamental rights of all persons in Nigeria; and</p> <p>(c) be fair to all persons in Nigeria notwithstanding their economic status or religious, ethnic or political beliefs and affiliations.</p> <p>(3) Subject to the provisions of subsection (1) of this section, the Commissioner of Police of a State is responsible for maintaining security, public safety and public order within the State.</p> <p>(4) Where a person or organisation notifies the police of his or its intention to hold a public meeting, rally or procession on a public highway, or such meetings in a place where the public has access to, the police officer responsible for the area where the meeting, rally or procession will take place, shall mobilise personnel to</p>	

	provide security cover for the meeting, rally or procession.	
	PART VII - PREVENTION OF OFFENCES AND SECURITY FOR GOOD BEHAVIOUR	
82. Police to prevent offences and injury to public property.	<p>Police to prevent offences and injury to public property</p> <p>76. (1) A police officer may intervene for the purpose of preventing, and shall, to the best of his ability, prevent the commission of an offence.</p> <p>(2) A police officer may of his authority intervene to prevent an injury attempted to be committed in his presence to any public property, whether movable or immovable, or the removal of or injury to any public landmark or buoy or other mark used for navigation.</p>	
83. Information of plan to commit offence	<p>Information of plan to commit offence</p> <p>77. A police officer receiving information of a plan to commit any offence shall communicate the information to the police officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of the offence.</p>	
84. Arrest by police to prevent offences.	<p>Arrest by police to prevent offences.</p> <p>78. Notwithstanding the provisions of this Bill or any</p>	

	<p>other law relating to arrest, a police officer on a reasonable suspicion of a plan to commit an offence, may arrest, without orders from a magistrate and without warrant, the suspect where it appears to the officer that the commission of the offence cannot otherwise be prevented.</p>	
<p>85. Prevention by other public officers of offences and injury to public property</p>	<p><i>Prevention by other public officers of offences and injury to public property.</i></p> <p>79. (1) A judge, magistrate, or any other public officer charged with responsibility for maintaining law and order may intervene to prevent the commission of an offence or any damage to any public property, movable or immovable.</p> <p>(2) A person is bound to assist a Judge or Magistrate or police officer or any other public officer reasonably demanding his aid:</p> <p>(a) in preventing the commission of an offence or any damage to any public property, movable or immovable;</p> <p>(b) in the suppression of a breach of the peace or in the prevention of any damage to any property, movable or immovable or to any railway, canal, water supply, telecommunication system, oil pipeline or oil installation, or electrical installation; or</p> <p>(c) in the prevention of the removal of any public landmark, buoy or other mark used for navigation.</p>	

	<p>PART VIII- PROPERTY FOUND AND UNCLAIMED, ETC.</p>	
<p>86. Found and unclaimed property .</p>	<p><i>Found and unclaimed property</i></p> <p>80. (1) Where a police officer or any other person finds a lost property, the police officer or person who finds the property shall take it to the nearest police station within 24 hours <i>after it is found.</i></p> <p>(2) A police officer on duty shall collect the property which was found and make a record of it.</p> <p>(3) A register shall be kept at a police station for the purpose of making entries of the property found and brought to the station which shall contain:</p> <p><i>(a) the type of property found;</i></p> <p>(b) the description of the property stating the general particulars and state and condition of the property when it was brought to the police station and any other relevant information relating to the property;</p> <p>(c) the date and time it was found and brought;</p> <p>(d) the name, address and telephone number, if any, of the person who found and brought the property to the station;</p> <p>(e) the name and rank of the police officer who collected the property; and</p> <p><i>(f) the signatures of the police officer</i> and the person who</p>	

	<p>found and brought the property to the station.</p> <p>(4) A police officer who collects the lost and found property shall enter the details in the register referred to in subsection (3) of this section and prepare two forms acknowledging the receipt of the lost and found property and give a duly signed copy to the person who found and brought the property to the police station.</p> <p>(5) The police officer in charge of the police station in possession of the property found shall make a public announcement at least on three consecutive times in the print and electronic media about the property in the custody of the police station for the rightful owner to claim the property with authentic proof of ownership within a period of six months.</p> <p>(6) The police officer in charge of the station in possession of the property shall release the property upon satisfactory proof of ownership.</p> <p>(7) Where the property remains unclaimed after the expiration of six months, the police officer in charge of that police station shall bring the property before a magistrate court for auction and the proceeds shall be paid into the Police Reward Fund established under section 93 of this Bill.</p> <p>(8) Where a property in Police custody is a perishable article or its custody involves unreasonable expense or inconvenience, it may be sold at any time, and the</p>	
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	<p>proceeds of sale shall be paid into the Police Reward Fund established under section 93 of this Bill.</p> <p>(9) There shall be deducted from the proceeds of a sale under subsections (7) and (8) of this section, before being paid into the Police Reward Fund the cost, if any, of the sale and of any sum which the court may direct to be paid as a reward to any person by whom the property was delivered into the possession of the police.</p>	
<p>87. Documentation of arrest, witnesses and death in police station.</p>	<p>Documentation of arrest, witnesses and death in police station.</p> <p>81. (1) Where a person appears in a police station in respect of an offence or an allegation of the commission of an offence either as an accused person or a witness, or as a relation or friend of an accused person or a witness, the duty officer or such other officer as may be authorized by the officer-in-charge of the police station shall enter in the official record book:</p> <ul style="list-style-type: none"> (a) the name of the person and his national identity number, if any; (b) the date of birth of the person; (c) the reason for the person's visits; (d) the name and address of the person's next-of-kin; (e) the exact time the person comes to the station and 	

	<p>leaves, for everyday he visits; and</p> <p>(f) any ailment or medical condition which the person has.</p> <p>(2) The particulars mentioned in subsection (1) of this section shall be updated each day the person remains in custody in the police station.</p> <p><i>(3) Where, in the discharge of the police duty, a person is shot, wounded or killed, the officer commanding the operation shall record:</i></p> <p><i>(a) the number of those wounded or killed, the names of the victims or their description as much as possible; and</i></p> <p><i>(b) efforts made to ensure hospitalisation of the wounded or proper preservation of the dead.</i></p> <p>(4) A police officer who fails to keep appropriate records referred to in subsections (1), (2) and (3) of this section commits a serious misconduct, which shall attract a disciplinary measure.</p> <p><i>(5) The Inspector-General shall give a quarterly report to the Police Service Commission itemising the number and identity of persons who:</i></p> <p><i>(a) were detained in all police formations across</i></p>	
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	<p><i>Nigeria;</i></p> <p><i>(b) were charged and prosecuted in the courts in Nigeria and the outcome of their cases;</i></p> <p><i>(c) were killed or wounded during police operations across Nigeria; and</i></p> <p><i>(d) died in police custody.</i></p>	
<p>88. Missing persons.</p>	<p>Missing persons.</p> <p>82. (1) A person who is aware that a person under his employment or control is missing shall, within 24 hours, report to the police:</p> <p style="padding-left: 40px;">(a) the identity of the missing person; and</p> <p style="padding-left: 40px;">(b) circumstances in which that person got missing.</p> <p>(2) When a report is made to the police under subsection (1) of this section, the duty officer or such other designated staff shall immediately record the name and address of the missing person and the person who made the report.</p>	
<p>PART V-POWERS OF THE POLICE OFFICER</p> <p>22. CONDUCT OF PROSECUTION.</p> <p>(a) Subject to the provisions of Sections 174 and 211 of the</p>		

<p>1999 Constitution of the Federal Republic of Nigeria (as amended) and section 106 of Administration of Criminal Justice Act, 2015 which relates to the powers of the Attorney-General of the Federation and of a State to institute and undertake, take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria, a Police Officer shall conduct in person prosecutions before any court whether or not the information or complaint is laid in his/her name;</p> <p>(b) a Police Officer referred to in 22(a) above shall conduct such prosecutions before the courts subject to the provisions of the relevant criminal procedure laws in force at the Federal and State levels;</p> <p>(c) there shall be assigned to every Police Division at least one (1) Police Officer that is qualified to practice as legal practitioner in accordance with the Legal Practitioners Act in force.</p>		
<p>23. DECISION TO FILE CASE</p> <p>Where a crime is reported to the Police or a person is brought to a Police Station on the allegation(s) of commission of a criminal offence, it shall be the duty of the Police to investigate such allegation(s) according to its internal processes and procedures and report their findings to the Police Legal Officer for vetting and Prosecution where necessary.</p>	Deleted	<i>The procedure is well spelt out and more elaborate in the Administration of Criminal Justice Act, 2015.</i>
<p>24. POWER TO ARREST WITHOUT WARRANT</p> <p>(1) In addition to the powers of arrest without warrant conferred upon a Police Officer by relevant laws, it shall be</p>	Z	Adapted from section 18 of the Administration of Criminal Justice Act, 2015.

<p>lawful for any Police Officer and any person whom he may call to his assistance, to arrest without warrant:</p> <p>(a) any person whom he finds committing a felony, misdemeanour or simple offence, or whom he reasonably suspects of having committed or is about to commit a felony, misdemeanour or breach of the peace:</p> <p>(b) any person whom any other person:</p> <p>i. charges with having committed a felony or misdemeanour;</p> <p>ii. suspects of having committed a felony or misdemeanour</p> <p>iii. charges with having committed a simple offence, if such other is willing to accompany the Police Officer to the Police Station and to enter into a recognizance to prosecute such charge.</p> <p>(2) The provisions of this section shall not apply to any offence with respect to which it is provided that any offender may not be arrested without warrant.</p> <p>(3) For the purpose of this section the expressions felony, misdemeanour and simple offence shall have the same meaning as they have in the Criminal Code, Penal Code and other relevant legislations.</p>		
<p>25. POWER TO ARREST WITHOUT HAVING WARRANT IN POSSESSION</p> <p>Any warrant lawfully issued by a court for apprehending a person charged with any offence may be executed by a Police Officer at any time notwithstanding that the warrant is not in his possession at that time, but the warrant shall be shown to the person apprehended not later than 24 hours after his arrest.</p>	<p><i>Power to arrest on warrant but without the warrant.</i></p> <p>80. A warrant of arrest may be executed notwithstanding that it is not in the possession of the person at the time of executing the warrant, but the warrant shall, on the demand by the suspect, be shown to him as soon as practicable after his arrest.</p>	<p>From section 44 of the Administration of Criminal Justice Act, 2015.</p>
<p>26. SUMMONS</p>		

<p>Any summons lawfully issued by a court may be served by any Police Officer at any time during the hours of daylight, which is between 6am to 6pm.</p>		
<p>27. BAIL OF PERSON(S) ARRESTED WITHOUT WARRANT</p> <p>When a person is arrested without a warrant, he shall be taken before a court which has jurisdiction with respect to the offence with which he is charged as soon as practicable after he is taken into custody, provided that any Police Officer for the time being in charge of a Police Station may inquire into the case:</p> <p>(a) except where the case appears to such Officer to be of a serious nature, he may release such person upon his entering into a recognizance with or without surety or sureties, for a reasonable amount to appear in court at the day, time and place mentioned in the recognizance; or</p> <p>(b) if it appears to a Police officer that an inquiry cannot be completed forthwith, he may release such person on his entering into a recognizance with or without surety or sureties for a reasonable amount, to appear at such Police Station and at such time named in the recognizance, unless he previously received notice in writing from the Superior Police Officer in charge of that Police Station that his attendance is not required, and any such bond may be enforced as if it were a recognizance, conditional for the appearance of the person before a Court.</p>		
<p>28. AUTHORIZED DETENTION EXTENSION.</p>	<p><i>Application for extension of detention or remand.</i> 26. (1) Where a Senior Police Officer of the rank of</p>	

<p>(1) In addition to the provisions of Section 293 of the Administration of Criminal Justice Act, 2015 and other existing relevant laws, where a Senior Police Officer of the rank of Superintendent or above in charge of a Police Station in which a person is detained has a reasonable ground to believe that:</p> <p>(a) it is imperative to secure the person arrested without charge in detention in order to preserve evidence pertaining to an offence for which he is arrested; or to obtain such evidence by interviewing him;</p> <p>(b) offence for which the person is arrested is of a serious nature; and</p> <p>(c) for the investigation to be speedily completed the extension is necessary,</p> <p>an application may be made to a Court pursuant to Section 293 of the ACJA or pursuant to other relevant laws to remand the person in correctional custody or extend the detention in the Police Station and the Court may grant the application for remand or extension of detention period provided that:</p> <p>(i) there are reasonable grounds to justify further detention;</p> <p>(ii) the application for extension is filed before the expiration of 48 hours after the arrest;</p>	<p>superintendent or above in charge of a police station in which a person is detained has a reasonable ground to believe that it is imperative to secure the person arrested without charge in detention in order to preserve evidence pertaining to an offence for which he is arrested; or obtain such evidence by interrogating him;</p> <p>(2) An application may be made to a Court pursuant to Section 293 of the ACJA to remand the person in prison custody or extend the detention in the police station and the court may grant the application for remand or extension of detention provided that:</p> <p>(a) there are reasonable grounds to justify further detention;</p> <p>(b) the application for extension is filed before the expiration of 48 hours after the arrest;</p> <p>(c) the arrested person has been served with a copy of the information brought before the court for hearing and is given opportunity to be heard;</p> <p>(d) the offence for which the person is to be charged carries a sentence of not less than 3 years imprisonment upon conviction;</p> <p>(e) there is a verifiable evidence on oath that the person sought to be detained will materially interfere with investigation or escape from criminal trial if released; and</p> <p>(f) there is no other way of ensuring attendance of the person to trial and non-interference with investigation except by remand in police or prison custody.</p> <p>(3) The application referred to under this section, shall be determined by the court within 48 hours.</p>	
<p>29. WARRANT FOR FURTHER DETENTION.</p>	<p><i>Humane treatment of arrested suspect.</i></p>	<p>From section 8 of the</p>

<p>(1) Upon an application on Oath made by a Police Officer and supported by relevant information, a Court may extend a warrant for further detention provided that:</p> <p>(a) the Court in question found reasonable grounds to justify further detention</p> <p>(b) the application for extension is filed before the expiration of the former order of remand;</p> <p>(c) the arrested person has been served with a copy of the information brought before the Court for hearing and is given opportunity to be heard;</p> <p>(d) the offence for which the person is to be charged carries a sentence of not less than 3 years imprisonment upon conviction;</p> <p>(e) there is a verifiable evidence on oath that the person sought to be detained will materially interfere with investigation or escape from criminal trial if released; and</p> <p>(f) there is no other way of ensuring attendance of the person to trial and non-interference with investigation except by remand in Police or Correctional Service Centre.</p> <p>(2) The application referred to under this section, shall be determined by the court within 48 hours.</p> <p>(3) in addition to the provision of Section 296 of the Administration of Criminal Justice Act, 2015 or other relevant laws, where the conditions stated in Sub-Section 1(a)-(e) of this Section are not met the Court may dismiss the application.</p>	<p>39. (1) A suspect shall:</p> <p>(a) be accorded humane treatment, having regard to his right to the dignity of his person; and</p> <p>(b) not be subjected to any form of torture, cruel, inhuman or degrading treatment.</p>	<p>Administration of Criminal Justice Act 2015.</p>
<p>30. SPECIAL PROVISION FOR PRE-TRIAL DETENTION.</p> <p>(1) In addition to the provisions of section 294 of the administration of Criminal Justice Act, 2015 or other relevant</p>	<p>40. <i>Arrest by police officer without warrant.</i></p> <p>(1) A police officer may, without an order of a court and without a warrant, arrest a suspect:</p>	<p>Adapted from section 18 of the Administration of Criminal Justice Act, 2015.</p>

<p>laws, where a person is detained in Police custody and the prosecuting counsel decides that he has a case to answer but has not concluded preparation to arraign him/her in the appropriate Court, the prosecuting counsel may apply to a Court for a warrant of detention pending conclusion of preparation for trial.</p> <p>(2) the Court shall not grant such detention warrant except:</p> <p>(a) the offence for which the person is to be charged carries a sentence of three (3) years imprisonment after conviction;</p> <p>(b) there is a verifiable evidence on oath that the person sought to be detained will materially interfere with investigation or escape from criminal trial if granted bail; and</p> <p>(c) there is no other way of ensuring attendance of the person to trial and non-interference with investigation except by remand in Police custody.</p>	<p>(a) whom he suspects on reasonable grounds of having committed an offence against a law in Nigeria or against the law of any other country, unless the law creating the offence provides that the suspect cannot be arrested without a warrant;</p> <p>(b) who commits any offence in his presence;</p> <p>(c) who obstructs a police officer while in the <i>discharge</i> of his duty, or who has escaped or attempts to escape from lawful custody;</p> <p>(d) in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to the thing;</p> <p>(e) whom he suspects on reasonable grounds of being a deserter from any of the armed forces <i>and police in</i> Nigeria;</p> <p>(f) whom he suspects on reasonable grounds of having been involved in an act committed at a place outside Nigeria which, if committed in Nigeria, would have been punished as an offence, and for which he is, under a law in force in Nigeria, liable to be apprehended and detained in Nigeria;</p> <p>(g) having in his possession without lawful excuse, the burden of proving which excuse shall lie on the person, any implement of housebreaking, car theft,</p>	
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	<p>firearm or any offensive or dangerous weapon;</p> <p>(h) whom he has reasonable cause to believe a warrant of arrest has been issued by a court of competent jurisdiction in Nigeria;</p> <p>(i) found in Nigeria taking precautions to conceal his presence in circumstances, which afford reason to believe that he is taking such precautions with a view to committing an offence;</p> <p>(j) whom he is directed to arrest by a judge or magistrate.</p> <p>(k) whom he reasonably suspects to be planning to commit an offence for which the police officer may arrest without a warrant, if it appears to him that the commission of the offence cannot be otherwise prevented;</p> <p>(l) required to appear by a public summons issued under this Bill or any other Act.</p> <p>(m) to protect a child or other vulnerable person from the suspect in question; and,</p> <p>(n) to prevent the suspect in question from:</p> <ul style="list-style-type: none">(i) causing physical injury to himself or any other person;(ii) suffering physical injury;	
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	<p>(iii) causing loss of or damage to property;</p> <p>(iv) committing an offence against public decency where members of the public going about their normal business cannot reasonably be expected to avoid the person in question, or</p> <p>(v) causing an unlawful obstruction of the highway.</p> <p>(2) No person shall be arrested without a warrant except as provided in subsection (1)e.</p> <p>(3) The authority given to a police officer to arrest a suspect who commits an offence in his presence is exercisable in respect of offences committed in the officer's presence notwithstanding that the Act creating the offence provides that the suspect cannot be arrested without a warrant.</p>	
<p>31. POWER TO SEARCH</p> <p>(1) In addition to the provision of section 12 of the Administration of Criminal Justice Act, 2015 or other relevant laws, a Police Officer may seize and retain anything for which a search has been authorized.</p> <p>(2) In every case in which any property is seized pursuant to this section, the person on whose premises it was at the time of seizure or the person from whom it was taken if other than the person on whose premises it was, may be summoned or arrested and brought before a court to account for his possession of such property, and the court shall make such</p>	<p><i>Arrest for offence committed in presence of Judge or Magistrate.</i></p> <p>43. A judge or magistrate may arrest or direct the arrest of a suspect committing an offence in his presence and shall thereupon hand him over to a police officer who shall proceed to take necessary action.</p>	<p>From section 26 of the Administration of Criminal Justice Act, 2015.</p>

<p>order on the disposal of such property and may award costs as the justice of the case may require.</p> <p>(3) Such authority under subsection 2 of this section may only be given when the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty, armed robbery, unlawfull possession of fire arms, terrorism and other offences.</p> <p>(4) While conducting search on person(s), vehicles and/or premises, a Police Officer shall observe the human rights of person(s) concerned.</p>		
<p>32. SEARCH WARRANT SAFEGUARDS</p> <p>(1) A search warrant is unlawful unless it complies with the provisions of this Bill.</p> <p>(2) Where a Police Officer applies for any search warrant, it shall be his duty to state:</p> <ul style="list-style-type: none"> (i) the grounds on which he makes the application; (ii) the law under which the offence is/about to be committed; <p>(b) to specify the premises which it is desired to enter and search, and</p> <p>(c) to identify as practical as possible the article(s) or person(s) to be searched for.</p> <p>(3) An application for a warrant shall be made formally in writing under oath and supported by necessary information.</p> <p>(4) to be granted a warrant, a Police Officer in question shall answer on oath any question the Court asks him.</p> <p>(5) A warrant shall authorize an entry on one occasion only.</p> <p>(6) (a) a warrant shall specify:</p> <ul style="list-style-type: none"> (i) the name of the person who applies for it; 		

<ul style="list-style-type: none"> (ii) the date on which it is issued; (iii) the law under which it is issued; and (iv) the premises to be searched. (b) a warrant shall identify, as practicable as possible, the article(s) or person(s) to be searched. (7) Two copies of a warrant shall be made. (8) The two copies shall be clearly certified as copies. 		
<p>33. EXECUTION OF WARRANTS</p> <ul style="list-style-type: none"> (1) A warrant to enter and search premises may be executed by any Police Officer (2) Such a warrant may authorize a person to accompany any Police Officer who is executing it. (3) A search warrant may be issued and executed at any time on any day, including a Sunday or public holiday. (4) Where the occupier of premises which are to be searched is present at the time when a Police Officer seeks to execute a warrant to enter and search, the officer shall: <ul style="list-style-type: none"> (a) identify himself to the occupier and, if not in uniform, shall produce to the occupier documentary evidence that he is a Police Officer; (b) produce the warrant to the occupier; and (c) serve the occupier with a copy. (5) Where the occupier is not present, but some other person who appears to the Police Officer to be in-charge of the premises is present, subsection 4 of this section shall take effect as if the occupier is present. (6) Upon the execution of a warrant, a Police Officer shall make an endorsement on it stating: <ul style="list-style-type: none"> (a) Whether the articles or persons searched for were found; and 		

<p>(b) whether any other articles were seized, other than articles which were searched for.</p> <p>(7) A search warrant may be endorsed by a Superior Police Officer not below the rank of an Assistant Superintendent of Police or a Magistrate or Justice of the Peace.</p>		
<p>34. POWER TO DETAIN AND SEARCH SUSPECTED PERSON OR VEHICLE</p> <p>A Police Officer may detain and search any person or vehicle where;</p> <p>(a) reasonable grounds for suspicion exist that the person being suspected is having in his possession; or conveying in any manner anything which he has reason to believe to have been stolen or otherwise unlawfully obtained;</p> <p>(b) reasonable grounds for suspicion exists that unlawful articles obtained or possessed are being carried;</p> <p>(c) reasonable grounds for suspicion that incidents involving serious violence may take place within a locality;</p> <p>(d) information has been received as to a description of an article being carried or of a suspected offender; and</p> <p>(e) a person is carrying a certain type of article at an unusual time or in a place where a number of burglaries or thefts are known to have taken place recently.</p>		
<p>35. WHERE REASONABLE SUSPICION NEVER EXIST</p> <p>The following shall not be grounds for reasonable suspicions:</p> <p>(a) Personal attributes including a person's colour, age, hairstyle or manner of dress;</p> <p>(b) Previous conviction for possession of an unlawful article;</p>		

<p>or (c) Stereotyped images of certain persons or groups as more likely to be committing offences.</p>		
<p>36. ACTION BEFORE A SEARCH TAKES PLACE</p> <p>(1) Where an Officer is exercising the powers under section 31 of this Bill, he shall before carrying out the search, question the person(s) about his/her behaviour or presence in circumstances which gave rise to the suspicion.</p> <p>(2) If the person to be searched has a satisfactory explanation which will make a search unnecessary or other circumstances has come to the attention of the Officer that makes the search unnecessary, no search may take place.</p> <p>(3) Before any search of a detained person or vehicle may take place, the Officer must give the person to be searched or in-charge of the vehicle the following information:</p> <p>(a) his name and the name of the Police Station to which he is attached.</p> <p>(b) the object of the search; and</p> <p>(c) his grounds or authorization for undertaking the search.</p> <p>(4) For any Police Officer to exercise the power to stop and search, he must be in a Police uniform or in possession of valid Police Identity Card.</p>		
<p>37. CONDUCT OF SEARCH</p> <p>(1) Reasonable effort must be taken to minimize the embarrassment that a person being searched may experience.</p> <p>(2) The co-operation of the person to be searched shall be</p>		

<p>sought in every case even if he initially objects to the search.</p> <p>(3) A forcible search may be used as a last resort only if it has been established that the person being searched is unwilling to co-operate or resists.</p> <p>(4) The length of time for which a person or vehicle may be detained for a search will depend on the circumstances, but this must be within a reasonable time.</p> <p>(5) Searches in public must be restricted to superficial examination of outer clothing.</p> <p>(6) Where it is considered necessary to conduct a more thorough search that requires a person to take off his cloth or headgear, it;</p> <p>(a) Shall be done out of public view and by an Officer of the same sex with the person being searched and</p> <p>(b) may not be made in the presence of anyone of the opposite sex unless the person being searched requests it.</p>		
<p>38. ACTION AFTER A SEARCH IS CARRIED OUT</p> <p>(1) An Officer who has carried out a search must make a written record unless it is not practicable to do so, on account of the numbers to be searched or for some other operational reason, e.g in situations involving public disorder.</p> <p>(2) The records must be completed on the spot unless circumstances make this impracticable (e.g other immediate duties or very bad weather).</p> <p>(3) Where the person to be searched is unwilling to provide detailed information about himself, the Officer may take him to the nearest Police Station if there is a reasonable suspicion that he may be in possession of an incriminating item(s) and be searched, he should be allowed to go unless such incriminating item(s) are found in his possession or in the</p>		

<p>vehicle searched.</p> <p>(4) A search record shall be prepared in the prescribed Form to be known as a Police Search Record Form</p> <p>(5) The following information should be included in the Police Search Record;</p> <p>(i) the name of the person searched or if he withholds it, description of the person;</p> <p>(ii) the date of birth of the person searched;</p> <p>(iii) a note of the person's nationality</p> <p>(iv) where a vehicle is searched, a description of the vehicle, including the registration number;</p> <p>(v) the object of the search and grounds for making the search;</p> <p>(vi) the place, date and time the search was conducted;</p> <p>(vii) a note of the outcome of the search including any injury or damage to property resulting from the search; and the identity of the officer making the search.</p>		
<p>39. POWER TO PROFILE ARRESTED PERSON(S)</p> <p>(1) A Police Officer shall, subject to Section 15 of the Administration of Criminal Justice Act, 2015 and other relevant Laws in force, take record for the purposes of identification the measurements, photographs and fingerprint impressions of all persons who may from time to time be in lawful custody.</p> <p>(2) where a person who has not previously been convicted of any criminal offence is discharged or acquitted by a court, all records relating to such measurements, photographs and fingerprint impressions including the document of acquittal or discharge shall be stored in a retrievable form and handed over to such person upon request or where no such request is</p>		

<p>made be destroyed within three (3) months of the said discharge and acquittal.</p> <p>(3) A Police Officer shall apply to a Magistrate to compel any person in lawful custody who refuses to submit to the taking and recording of his measurements, photographs, or fingerprint impressions.</p> <p>(4) Subject to subsection (3) of this section, the Magistrate shall compel the person(s) to allow a Police officer to take the measurements, photographs and finger-print impressions or be charged for the alleged offence.</p>		
<p>40. PUBLIC SAFETY AND PUBLIC ORDER</p> <p>The Inspector-General of Police shall be responsible for maintaining and securing public safety and public order. In discharging these responsibilities, the Inspector-General of Police shall:</p> <p>(a) uphold the provisions of the Constitution and Laws made there under;</p> <p>(b) uphold and protect the fundamental rights of citizens; and</p> <p>(c) be fair to all citizens notwithstanding their economic status or religious, ethnic or political beliefs and affiliations</p> <p>(2) Subject to the provisions of subsection (1) of this section, the Commissioner of Police of a State shall be responsible for maintaining and securing public safety and public order within the State.</p> <p>(3) Subject to the provisions of any law for the time being in force, the Inspector- General of Police or the Commissioner of Police or their lawful delegates may allow members of the public, the right to hold peaceful rallies, processions and assemblies in public highways, buildings or spaces after due notification in writing.</p>		

<p>(4) (a) Subject to Section 3 above, where a person or organization notifies the Police of their intention to hold a public meeting, rally or procession on a public highway, or such meetings in a place where the public has access to, the appropriate Police Officer responsible for the area where the meeting, rally or procession will take place, shall mobilize personnel to provide security cover for the meeting, rally or procession within the available manpower where such a gathering is lawful.</p> <p>(b) Where the appropriate Police Officer has reason to believe that the rally, procession or assembly will lead to riots or other violence, he shall convey this in writing giving reasons for his refusal to provide cover for the public meeting, rally, procession or such assembly; and may advise for its postponement.</p> <p>(5) Where the organization decides to proceed with the meeting, rally, assembly or procession, notwithstanding the advice; the Police may apply to a High Court in the state where the meeting, rally, procession or assembly is to take place, for an order restraining the organizers from proceeding with it and take such necessary steps to preserve public order.</p>		
<p>PART VI - PROPERTY UNCLAIMED, FOUND OR OTHERWISE</p> <p>41. (1) Where a Police Officer or any other person finds a property, the property shall be taken to the nearest Police station within 24 hours.</p> <p>(2) A Police Officer on duty shall collect the property found and make a record of it.</p> <p>(3) A register shall be designed and kept for lost but found property which must contain the following information:</p>		

<p>(a) the name of the property found, date, time and place it was found;</p> <p>(b) the description of the state or general particular of the property found, when it was brought to the Police Station; and any other relevant information relating to the property;</p> <p>(c) the name, address and telephone number, of any of the person who found and brought it to the Station;</p> <p>(d) the name and rank of the Police Officer who collected the property, and</p> <p>(e) the signature of both the Police Officer and the person who found and brought the property to the station.</p> <p>(4) A Police Officer who collects the lost but found property shall prepare two copies of the lost but found property in the prescribed Form and a copy shall be given to the person who found and brought the property to the Police Station.</p> <p>(5) (a) The Police Officer in-charge of the Police Station that is in possession of lost but found property shall make public announcements about the property and for the rightful owner to claim it within 6 months with evidence and proof of ownership.</p> <p>(b) The Police Officer in charge of the station in possession of the property shall release the property to the owner upon satisfactory proof of ownership.</p> <p>(6) Where the property remains unclaimed after the expiration of six (6) months, the Police Officer in charge of the station shall apply to the Court for the property to be disposed through public auction.</p> <p>(7) Where a property in Police custody is a perishable article or its custody involves unreasonable expense or inconvenience, it may be sold at any time, but the proceeds of sale shall not be paid into the Police Reward Fund until they</p>		
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<p>have remained in the possession of the Police for six months, and in any other case, the property shall not be sold until it has remained in the possession of the Police for six months.</p>		
<p>42. DOCUMENTATION OF ARRESTED PERSON(S)</p> <p>(1) Where a person appears in a Police station in respect of a crime or an allegation of commission of a crime, the Duty Officer or such other Officer as may be authorized by the Officer in Charge of the Station shall enter in the official record book as follows:</p> <p>(a) the name and address of the person and his national identity number (if any);</p> <p>(b) the date of birth of the person;</p> <p>(c) the reason for the person's arrest;</p> <p>(d) the name and address of the person's next of kin;</p> <p>(e) the exact time the person came to the station and leaves; and</p> <p>(f) any ailment or medical condition which the person has.</p> <p>(2) The particulars mentioned in sub-section (1) of this section shall be updated each day the person remains in Police custody.</p> <p>(3) Where in the performance of Police duty, a person is shot, wounded or killed, the Officer commanding the operation shall record the number of those wounded or killed, the names of such victims or their description as much as possible and efforts taken to ensure hospitalization of the wounded or proper preservation of the dead.</p> <p>(4) Any Police Officer who fails to keep appropriate records mentioned in subsections (1), (2) and (3) of this section shall be guilty of a serious misconduct, which shall attract disciplinary measure.</p> <p>(5) The Inspector-General of Police shall keep record of number(s) and identity (ies) of persons who were killed or</p>		

wounded during Police operations across the country.		
<p>43. MISSING PERSON</p> <p>(1) Any person who is aware that somebody under his employment or control is missing shall within 24 hours report to the Police, the identity of the missing person and the circumstances in which that person got missing.</p> <p>(2) When such report is lodged with the Police, the Duty Officer or such other designated Officer shall immediately record the names and addresses of the missing person and the person who made the report.</p>		
<p>PART VII-OTHER PROVISIONS</p> <p>44. THE POLICE REWARD FUND</p> <p>(1) There shall be established a fund to be called "the Police Reward Fund"(in this section referred to as "the Fund") into which shall be paid the following:</p> <p>all monies forfeited by order of a Superior Officer on members of the Police for offences against discipline;</p> <p>all fines levied for assaults on members of the Police;</p> <p>one third of any fees paid by members of the public in respect of extracts from reports of accident made by the Police;</p> <p>one third of any fees paid in accordance with Standing Orders for the services of Police Officers who would otherwise be off duty; and</p> <p>all sums ordered to be paid into the fund under section 39(7) of this Bill</p>	<p>PART IX-OTHER PROVISIONS</p> <p><i>Establishment, etc. of the Police Reward Fund.</i></p> <p>83. (1) There is established for the Nigeria Police the Police Reward Fund (in this Bill referred to as “the Reward Fund” into which shall be paid:</p> <p>(a) all money levied by order of a <i>senior</i> officer on members of the police for offences against discipline;</p> <p>(b) all fines levied for assaults on members of the police;</p> <p>(c) one-third of fees paid by members of the public</p>	<p>Retained with only cross referencing amendments</p> <p>This section establishes the Nigeria Police the Police Reward Fund generally to address the welfare of</p>

<p>(2) Subject to the rules of the time being in force under section 23 of the Finance Control and Management Act and other relevant laws, the fund shall be applied and disbursed at the direction of the Inspector-General of Police, based on criteria laid by the Nigeria Police Council, for any of the following purposes:</p> <p>(a) to reward members of the Police Force for extra or special or exemplary services;</p> <p>(b) for procuring comfort, conveniences or advantages for members of the Police Force which are not authorized to be paid for out of the monies provided by the Federal Government;</p> <p>(c) for payment of <i>ex gratia</i> compassionate gratuities to widows or children of deceased members of the Force; and</p> <p>(d) for making <i>ex gratia</i> payments towards the funeral expenses of any member of the Police Force who dies in the service of the Force.</p>	<p>in respect of extracts from reports made by the police;</p> <p>(d) one-third of fees paid in accordance with Standing Orders for the services of police officers who would otherwise be off duty; and</p> <p>(e) all sums ordered to be paid into the Fund under section 90 (7) of this Bill.</p> <p>(2) Subject to the rules for the time being in force under section 23 of the Finance Control and Management Act, the Reward Fund shall be applied and disbursed at the direction of the Inspector-General, based on criteria laid by the Police Service Commission:</p> <p>(a) to reward members of the police for exemplary services</p> <p>(b) for payment of <i>ex gratia</i> compassionate gratuities to widows or children of deceased members of the force;</p> <p>(c) for making <i>ex gratia</i> payments towards the funeral expenses of any member of the police who dies in the service of the police: and</p>	<p>members of the Police Force.</p>
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	(d) for such other purpose as may be determined, by the <i>Nigeria</i> Police Council.	
<p>45. RECOGNITION AND COMMENDATION FOR GALLANTRY AND EXEMPLARY SERVICE.</p> <p>Police Officers who have distinguished themselves with outstanding performance in the discharge of their duties shall be duly honoured and recognized for gallantry and exemplary service in any of the following ways:</p> <p>(a) by recommendation for National Honours, with particular attention being paid to deserving Officers of lower rank;</p> <p>(b) through public presentation of awards and certificates of exemplary service from communities and civil society; and</p> <p>(c) the Nigeria Police Force shall set aside a day or week in every year to celebrate outstanding performance by its Officers as well as to remember their fallen heroes.</p>	<p><i>Recognition and commendation for gallantry, and exemplary service.</i></p> <p>84. <i>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:</i></p> <p>(a) by recommendation for national honours, attention being paid to deserving officers inclusive;</p> <p>(b) through public presentation of awards and certificates of exemplary service from communities and civil society; or</p> <p>(c) by the police setting aside a day or week in every year to celebrate outstanding performance by its officers and to remember their fallen heroes.</p>	Retained with minor amendments
<p>46. POLICE OFFICER AND INDEBTEDNESS</p> <p>(1) A Police Officer shall not get himself trapped in indebtedness of any kind while still in service, and where he does, he shall be disciplined and the debt shall be recovered from his salary or remuneration provided the creditor has evidence(s) to prove the indebtedness.</p>	85. Retained	

<p>(2) Subject to subsection (1) of this section, for such debt or liability to be settled the Officer's remuneration may be withheld to an extent not exceeding one-half of his monthly payment thereof.</p> <p>(3)When an order for payment of such debt or satisfaction of such liability is made, the Court making the order shall give due notice to the Senior Police Officer in charge of the Command to which the indebted Officer belongs, and the amount ordered shall be withheld or deducted from the indebted Officer's remuneration until the amount of the debt is made good.</p>		
<p>47. DEBT RECOVERY: EXCEPTION</p> <p>The remuneration of a Police Officer shall not be withheld upon any debt or liability which he may have incurred within three years before being enlisted into the Force.</p>	<p>Debt recovery: exception.</p> <p>86. The remuneration of a police officer shall not be withheld on account of any debt or liability, which he may have incurred before being appointed to the police.</p>	
<p>48. PRIVATE BUSINESS AND CONFLICT OF INTEREST</p> <p>(1) While still in service, a Police Officer shall not directly be involved in managing and running any private business or trade except farming.</p> <p>(2) Every Police Officer shall undertake a trade or skill of his choice at the Police Pre-retirement Training and Resettlement Centre within two (2) years to his retirement.</p>	<p>87. Retained</p>	
<p>PART VIII-</p> <p>49. OFFENCES</p>	<p>PART X-OFFENCES</p> <p><i>Offences by police officer.</i></p>	<p>Retained with minor</p>

<p>(1) A Police Officer who:</p> <p>(a) begins, raises, abets, countenances, or excites mutiny;</p> <p>(b) causes or joins in any sedition or disturbances whatsoever;</p> <p>(c) being at any assemblage tending to riot, does not use his utmost endeavour to suppress such assemblage;</p> <p>(d) coming to the knowledge of any mutiny, or intended mutiny does not without delay give information thereof to his Superior Officer;</p> <p>(e) strikes or offers any violence to his Superior Officer, such Officer being in the execution of his duty;</p> <p>(f) deserts or aids or abets the desertion of any Officer from the Service;</p> <p>(g) fails to come to the aid or to assist any person in need of assistance at the time of distress; or</p> <p>(h) on enlistment falsely states that he has not been convicted or imprisoned for a criminal offence or that he was never employed by the government of the federation or government of any state.</p> <p>(2) Any Officer found indulging in any manner prescribed in S.49(1)(a-h) shall be subject to appropriate disciplinary measure.</p> <p>(3) In discharging his duty, a Police Officer shall not discriminate against any Nigerian, based on the person's place of origin, gender, socio-economic status, ethnic, political or religious affiliation; or any form of disability; and shall not use racial or chauvinist language, or act in such a way that suggests a bias towards a particular group.</p> <p>(4) A Police Officer may be proceeded against for desertion without reference to the time during which he may have been absent, and thereupon may be found guilty, either of desertion or of absence without leave:</p>	<p>88. (1) A police officer who:</p> <p>(a) begins, raises, abets, countenances, or excites mutiny;</p> <p>(b) causes or joins in any sedition or disturbance of any nature whatsoever;</p> <p>(c) being at an assembly tending to riot, does not use his utmost endeavour to suppress the assembly;</p> <p>(d) coming to the knowledge of any mutiny, or intended mutiny, does not <i>immediately</i> give information of the mutiny to his superior officer;</p> <p>(e) strikes or offers any violence to his <i>senior</i> officer while in the <i>discharge</i> of his duty;</p> <p>(f) deserts or aids or abets the desertion of an officer from the Nigeria Police;</p> <p>(g) on enlistment, falsely states that he:</p> <p>(i) has not been convicted or imprisoned for a criminal offence, or</p> <p>(ii) was never employed by the Government of the Federation or of a State;</p> <p>(h) fails to come to the aid or assist any person in need of assistance at the time of distress;</p>	<p>amendment</p>
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<p>Provided that a Police Officer shall not be convicted as a deserter or of attempting to desert unless the Court is satisfied that there was an intention on the part of such Officer either not to return to the Force, or to escape some particular important service.</p>	<p>shall be:</p> <ul style="list-style-type: none"> (i) subject to appropriate disciplinary proceedings in accordance with the police disciplinary mechanisms, and (ii) if found liable, recommended for dismissal and charged to court for prosecution in accordance with the relevant laws in force. <p>(2) A police officer shall not, in discharging his duty:</p> <ul style="list-style-type: none"> (a) discriminate against any person in Nigeria, based on the person's: <ul style="list-style-type: none"> (i) place of origin, (ii) gender, (iii) socio-economic status, (iv) ethnic, political or religious affiliation, or (v) any form of disability, and (b) use a language or act in such a way that suggests a bias towards a particular group. <p>(3) A police officer may be proceeded against for desertion without reference to the time during which he may have been absent, and may be guilty, either of desertion or of absence without leave.</p>	
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	(4) A police officer shall not be convicted as a deserter or of attempting to desert unless the court is satisfied that there was an intention on the part of the officer either not to return to the Police Force or to escape some particular important service.	
<p>50. APPREHENSION OF DESERTERS</p> <p>Upon reasonable suspicion that any person is a deserter, a Police Officer or any other person may apprehend him and forthwith bring him before a Court having jurisdiction in the place wherein he was found, which may deal with the suspected deserter or refer him to a Court having jurisdiction in the place in which he has deserted.</p>	89. Retained	
<p>51. ASSAULT ON POLICE OFFICER</p> <p>Any person who assaults, obstructs or resists any Police Officer in the execution of his duty, or aids or incites any other person to assault, obstruct or resist any Police Officer or any person aiding or assisting such Police Officer in the execution of his duty, shall be guilty of an offence and, on summary conviction before a Magistrate, shall be liable to a penalty of Fifty Thousand Naira (N50,000.00) only or to imprisonment for a term of six months.</p>	<p>90. ASSAULT ON POLICE OFFICER</p> <p>Any person who assaults, obstructs or resists any Police Officer in the execution of his duty, or aids or incites any other person to assault, obstruct or resist any Police Officer or any person aiding or assisting such Police Officer in the execution of his duty, shall be guilty of an offence and, on summary conviction before a Magistrate, shall be liable to a penalty of One Hundred Thousand Naira (N100,000.00) only or to imprisonment for a term of three months.</p>	
<p>52. REFUSING TO AID POLICE OFFICER ASSAULTED</p> <p>Where any person is called upon to aid or assist a Police Officer who is, while in the execution of his duty, assaulted or resisted or in danger of being assaulted or resisted and such</p>	<p><i>Refusing to aid police officer assaulted.</i></p> <p>91. Where a person is called upon to aid and assist a police officer who is, while in the discharge of his duty, assaulted or resisted or in danger of being assaulted or resisted, and the</p>	Retained with amendment to the penalty

<p>person refuses or neglects to aid and assist accordingly; shall be guilty of an offence and, on summary conviction thereof before a Magistrate, shall be liable to a penalty of Fifty Thousand Naira (N50,000.00) only or to imprisonment for a term of six months.</p>	<p>person refuses or neglects to aid and assist, <i>the person commits an offence and is liable on conviction to a fine of ₦100,000 or imprisonment for three months or both.</i></p>	
<p>53. DRINKING OF ALCOHOL OR USE OF PSYCHOTROPIC SUBSTANCES AND STIMULANTS WHILE ON DUTY</p> <p>(1) While on duty, a Police Officer shall not take any intoxicating liquor, psychotropic substances or stimulants, where he does, he shall be punished in accordance with the Police disciplinary procedures.</p> <p>(2) A person who:</p> <p>(a) Knowingly harbours or entertains, or either directly or indirectly, sells or gives any intoxicating liquor, psychotropic substances or stimulants to any Police Officer while on duty, or permits any such Police Officer to abide or remain in his house unlawfully; except in cases of extreme urgency,</p> <p>(b) by threats or by offer of money, gift, spirits, liquors, psychotropic substances or stimulants induces or attempts to induce any Police Officer to commit a breach of his duty as a Police Officer or to omit any part of such duty; shall be guilty of an offence and liable on conviction to one month in prison with or without an option of fine of not less than Fifty Thousand Naira (N50,000.00) only.</p>	<p>92. DRINKING OF ALCOHOL OR USE OF PSYCHOTROPIC SUBSTANCES AND STIMULANTS WHILE ON DUTY</p> <p>(1) While on duty, a Police Officer shall not take any intoxicating liquor, psychotropic substances or stimulants, where he does, he shall be punished in accordance with the Police disciplinary procedures.</p> <p>(2) A person who:</p> <p>(a) knowingly harbours or entertains, or either directly or indirectly, gives any intoxicating liquor, psychotropic substance or stimulant to any Police Officer while on duty, or permits any such Police Officer to abide or remain in his house unlawfully; except in cases of extreme urgency,</p> <p>(b) by threats or by offer of money, gift, spirits, liquors, psychotropic substances or stimulants induces or attempts to induce any Police Officer to commit a breach of his duty as a Police Officer or to omit any part of such duty,</p> <p>commits an offence and is liable on conviction to a fine of at least N50,000.00 only.</p>	<p>The seller is exonerated because the aim is to punish only the police officer</p>
<p>54. IMPERSONATION OF POLICE OFFICER</p>	<p>IMPERSONATION OF POLICE OFFICER</p>	

<p>Any person not being a Police officer who:</p> <p>(a) puts on or assumes either in whole or in part, the apparel, name, designation, or description of any Police Officer or resembling and intended to resemble the apparel, name or designation of any Police Officer; or</p> <p>(b) in any way pretends to be a Police Officer for the purpose of obtaining admission into any house or other place, or of doing any act which such person would not by law be entitled to do of his own authority; shall be guilty of an offence and on summary conviction before a Court, shall be liable to a penalty of not less than Fifty Thousand Naira (N50,000.00) only or to imprisonment for a term not less than three years or both.</p>	<p>93. A person not being a police officer who:</p> <p>(a) puts on or assumes either in whole or in part, the apparel, name, designation, or description of any police officer or resembling and intended to resemble the apparel, name or designation of any police officer, or</p> <p>(b) In any way pretends to be a police officer for the purpose of obtaining admission into any house or other place, or of doing any act which such person would not by law be entitled to do of his own authority,</p> <p>commits an offence and is liable and, on summary conviction to a fine of at least <i>N100,000</i> or imprisonment for at least one year or both.</p>	<p>Redrafted for elegance and to review the penalty upwards</p>
<p>55. OBTAINING ADMISSION INTO THE NIGERIA POLICE FORCE BY FRAUD.</p> <p>(1) A person who:</p> <p>(a) knowingly uses or attempts to pass off any forged or false certificate, character, letter, or any other document for the purpose of obtaining admission into the Nigeria Police Force; or</p> <p>(b) on applying for enlistment, makes any false answer to any question put to him by any appropriate authority; shall be guilty of an offence and, on summary conviction before a Court be liable to imprisonment for a term of six months.</p> <p>(2) A Police Officer may arrest without a warrant any person</p>	<p>OBTAINING ADMISSION INTO THE NIGERIA POLICE FORCE BY FRAUD.</p> <p>94. (1) A person who:</p> <p>(a) knowingly uses or attempts to pass off any forged or false certificate, character, letter, or any other document for the purpose of obtaining admission into the Nigeria Police Force, or</p> <p>(b) on applying for enlistment, makes any false answer to any <i>statement</i> put to him by any appropriate authority,</p>	<p>Redrafted for elegance and to review the penalty by creating an option</p>

<p>whom he reasonably believes or suspects of having committed an offence under this section.</p>	<p>commits an offence and, on summary conviction to <i>a fine of N50,000 or</i> imprisonment for three months <i>or both</i>.</p> <p>(2) A police officer may arrest without a warrant any person whom he reasonably believes or suspects of having committed an offence under this section.</p>	
<p>56. ORDINARY COURSE OF LAW NOT TO BE INTERFERED WITH</p> <p>Nothing in this Bill shall be construed to exempt a Police Officer from being proceeded against by the ordinary course of law when accused of any offence punishable under any other Act or law.</p>	<p>95. Retained</p>	
<p>57. PERSON(S) ACQUITTED BY THE COURT SHALL NOT BE PUNISHED ON THE SAME CHARGE UNDER THIS BILL, NOT IF CONVICTED, EXCEPT BY REDUCTION</p> <p>(1) Person(s) acquitted by a court of any crime or offence shall not be tried on the same charge or suffer any punishment on the same offence under this Bill.</p> <p>(2) where a member of the Nigeria Police Force has been convicted by a court of any crime or offence, he shall not be liable to be punished for the same offence under this Bill, otherwise than by administrative punishment of reduction in rank or grade or by dismissal from the Nigeria Police Force.</p>	<p>96. Retained</p>	
<p>PART IX - REGULATIONS AND STANDING ORDERS</p> <p>58. STANDING ORDERS</p>	<p>PART XI - REGULATIONS AND STANDING ORDERS</p>	

<p>(1) The Inspector-General of Police may make Standing Orders relating to operational control of the Police.</p> <p>(2) Such Standing Orders shall be binding upon all Police Officers and shall be published in the Federal Gazette and in one national daily.</p>	<p><i>Standing Orders.</i></p> <p>97. (1) The Inspector-General of Police may make Standing Orders relating to operational control of the Police.</p> <p>(2) Such Standing Orders shall be binding upon all Police Officers and shall be published in the Federal Gazette and in one national daily.</p> <p><i>(3) The Police Service Commission may, subject to the provisions of this Bill, make Standing Orders relating to:</i></p> <p><i>(a) the appointment, promotion and disciplinary control, including dismissal of persons appointed by it into the Police Force; and</i></p> <p><i>(b) appeals by persons appointed by it into the Police Force against dismissal or other disciplinary measures.</i></p> <p>(4) The Standing Orders made under subsection (1) is binding on all persons appointed by the Police Service Commission and shall be published in the Federal Government Gazette.</p>	<p>The condition of service is the duty of the Inspector-General of Police.</p> <p>Official name of the Gazette is reflected.</p> <p>The two Standing Orders by the Police Service Commission and Inspector-General of Police are captured in this section</p>
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<p>PART X- APPLICATION</p> <p>59. APPLICATION OF THE ACT TO PERSONS ALREADY SERVING</p> <p>All the provisions of this Bill shall extend to all persons who, at the commencement of this Bill are serving in the Nigeria Police Force established by the Constitution of the Federal Republic of Nigeria as if such persons had been appointed under this Bill.</p>	<p>98. Retained</p>	
<p>PART XI - COMMUNITY POLICING COMMITTEE</p> <p>60. ESTABLISHMENT OF COMMUNITY POLICING COMMITTEE</p> <p>(1) There shall be established under this Bill, Community Policing Committee, for effective and efficient Policing.</p> <p>(2) the Commissioner of Police in each state of the federation shall establish Community Policing Committee that shall consist broadly, representatives of local communities in his state of jurisdiction.</p> <p>(3) A community Policing sub-committee shall be established at all Divisional Police Headquarters and Police Posts.</p> <p>(4) Subject to subsection (2) of this Section, the Commissioner of Police and the members designated by him from time to time for the purpose, shall be members of the community policing committee and sub-committees established at various Police Formations.</p>	<p>PART XI - COMMUNITY POLICING COMMITTEE</p> <p><i>Establishment of Community Policing Committee</i></p> <p>99. (1) For the effective and efficient policing of communities in a State <i>or Federal Capital Territory</i>, the <i>Commissioner of Police of a State</i> shall establish Community Police <i>Committee (in this Bill referred to as “the Committee”)</i> that shall consist of representatives of the Police Force and the local community in the State.</p> <p>(2) <i>A Commissioner of Police of a State</i> shall establish Community <i>Sub-Committee (in this Bill referred to as “the Sub-Committee”)</i> at all Divisional Police Headquarters in the State <i>or Federal Capital Territory</i>.</p> <p>(3) Subject to section <i>116 (1) and (2)</i> of this Bill, the Commissioner of Police and members designated by him from time to time for that purpose, shall be members of the <i>Committee</i> and <i>Sub-Committee</i> established at various police formations.</p>	<p>Retained with drafting /cross referencing amendment</p> <p>Change the word, “Board” to the word, “Committee” in line with existing arrangement</p> <p>116 (1) and (2) – deals with Procedural matters on number of members to be assigned by the State Commissioner or Divisional Police Officer to</p>

		serve as members of the community <i>Committee</i>
<p>61. DUTIES OF COMMUNITY POLICING OFFICERS</p> <p>(1) The duties of Community Policing Officers shall include assisting the Police in:</p> <ul style="list-style-type: none"> Crime detection and prevention Conflict resolution <ul style="list-style-type: none"> Criminal intelligence gathering and dissemination to the local Police Commanders Maintenance of Law and Order <ul style="list-style-type: none"> Deployment to complement the conventional Police in the patrol of the public space within their local communities Reassuring and advising the public on public safety, crime prevention and security tips Dealing with minor offences and social vices Working with the community, schools, and young people, business communities, religious bodies, cultural groups, community-based Associations, recreational centres and hospitality businesses toward crime control. They could also assist in traffic management and school safety duties. <p>(2) The Inspector-General of Police in implementing Community Policing shall promote organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address conditions that cause crime, social disorder and fear of crime.</p> <p>(3) The Inspector-General of Police in implementing Community Policing may vary strategies according to the needs of the communities involved and the cultural context. Local models will vary and evolve according to the differing</p>	<p>100. Retained</p>	

<p>needs of differing communities, whilst retaining and sharing the same set of goals and basic principles.</p>		
<p>62. ESTABLISHMENT OF STATE COMMUNITY POLICING COMMITTEE</p> <p>(1) A State Police Commissioner of Police shall in collaboration with the State Executive Council, establish a State Community Policing Committee.</p> <p>(2) A State Community Policing Committee shall subject to subsection (3) of this section, consist of representatives of Divisional Community Policing Committee designated for that purpose by the Divisional Community Policing Committee in the state concerned.</p> <p>(3) Subject to section 58(1) of this Bill, the State Commissioner of Police and the members designated by him from time to time for the purpose, shall be members of the State Community Policing Committee concerned.</p>	<p><i>Establishment of State Community Police Committee</i></p> <p>101. (1) <i>A Commissioner of Police of a State</i> shall, in collaboration with the <i>stakeholders</i>, establish a State Community Police <i>Committee</i>.</p> <p>(2) A State Community Police <i>Committee</i> shall, subject to subsection (3) of this section, consist of representatives of Divisional Community Police <i>Committee</i> designated for that purpose by the Divisional Community Police <i>Committee</i> of a State concerned.</p> <p>(3) Subject to <i>section 116 (1) and (2) of this Bill</i>, Commissioner of Police in a State and the members designated by him, from time to time for that purpose, shall be members of the State Community Police <i>Committee</i> concerned.</p>	<p>Retained with drafting /cross referencing amendment</p> <p>116 (1) and (2) – deals with Procedural matters of the community Committee</p>
<p>63. ESTABLISHMENT OF DIVISIONAL COMMUNITY POLICING SUB-COMMITTEE</p> <p>(1) A State Commissioner of Police shall in collaboration with the relevant stakeholders in the community, establish Divisional Community Policing sub-committees in all Police Divisions within the State.</p> <p>(2) A Divisional Community Policing sub-committee shall subject to sub-section (3) of this Section consist of representatives of the various Community groups in the</p>	<p>102. Retained</p>	

<p>Division concerned, designated for the purpose of such Community Policing Sub-Committee. (3) Subject to section 60(1) of this Bill, the Divisional Police Officers and the members designated by him from time to time for that purpose, shall be members of the Divisional Community Policing Sub-committee.</p>		
<p>64. OBJECT OF COMMUNITY POLICING COMMITTEES</p> <p>(1) The Community Police Committee shall in each state be established with a view to:</p> <ul style="list-style-type: none"> (a) maintaining a partnership between the Community and the Police; (b) promoting communication between the Nigeria Police Force and the Community; (c) promoting co-operation between the Police and the community in fulfilling the needs of the community regarding policing; (d) improving the rendering of Police services to the community; (e) improving transparency in the Police and accountability of Police services to the community; and <p>(2) This section shall not prevent Police liaison with the community by means other than Community Policing Committee.</p>	<p>103. Retained</p>	
<p>65. FUNCTIONS OF COMMUNITY POLICING COMMITTEE</p> <p>A State Community Policing Committee or Divisional Community Policing Sub-committee shall perform the</p>	<p>104. Retained</p>	

<p>functions it deems necessary and appropriate to achieve the objects stated in section 64 of this Bill.PART XII - SPECIAL CONSTABLES</p>		
<p>66. PROCEDURAL MATTERS</p> <p>(1) Every State Community Policing Committee or Divisional Community Policing Sub-committee shall:</p> <p>(a) elect from amongst its members a Chairperson, Vice-Chairperson and a Secretary;</p> <p>(b) determine the number of members to be assigned by the State Commissioner or Divisional Police Officer to serve as members of the committee or Sub-committee concerned;</p> <p>(c) determine its own procedure and cause minutes to be kept of its proceedings; and</p> <p>(d) whenever it deems it necessary, co-opt other members or experts or community leaders to the committee or Sub-committee in an advisory capacity.</p> <p>(2) Members of the Community Policing committee or Sub-committee shall render their services on a voluntary basis and shall have no claim to compensation solely for services rendered to such committee or Sub-committee.</p> <p>(3) The majority of members of the Committee or Sub-committee concerned shall constitute a quorum at a meeting thereof.</p> <p>(4) In the absence of the Chairperson of the Committee or Sub-committee at a meeting, the vice-chairperson shall act as Chairperson, and if both the Chairperson and the Vice-Chairperson are absent, the members present shall elect one of their members present at the meeting to preside.</p>	<p><i>Procedural matters.</i></p> <p>105. (1) <i>A Committee, Sub-Committee and Divisional Committee shall:</i></p> <p>(a) elect, from amongst their members, a Chairman, Vice- Chairman and Secretary who shall be police officers;</p> <p>(b) determine the number of members to be assigned by the State Commissioner or Divisional Police Officer to serve as members of the <i>Committee</i> or <i>Sub-Committee</i> concerned;</p> <p>(c) each determine its own procedure and cause minutes to be kept of its proceedings; and</p> <p>(d) whenever each considers necessary, co-opt other members, experts or community leaders to the <i>Committee</i>, <i>Sub- Committee</i> and <i>Divisional Committee</i> in an advisory capacity.</p> <p>(2) <i>Members of the Committee, Sub-Committee and Divisional Committee</i> shall render their services on a voluntary basis and shall have no claim to any remuneration solely for services rendered to the <i>Committee</i>, <i>Sub-Committee</i> or <i>Divisional Committee</i>.</p>	<p>Retained with minor drafting amendment</p>

	<p>(3) The majority of the members of the <i>Committee</i>, <i>Sub-Committee</i> or Divisional <i>Committee</i> shall constitute a quorum at any of its meetings.</p> <p>(4) In the absence of <i>the Chairman</i> of a <i>Committee</i>, <i>Sub-Committee</i> or Divisional <i>Committee</i> at a meeting, the <i>Vice-Chairman</i> shall preside over the meeting, and if both the <i>Chairman</i> and <i>Vice-Chairman</i> are absent, the members present shall elect one of them present to preside over the meeting.</p>	
<p>PART XII - SPECIAL CONSTABLES</p> <p>67. THE SPECIAL CONSTABULARY</p> <p>(1) It is hereby established under this Bill the Special Constabulary.</p> <p>(2) The special constabulary shall be deemed as Part of the Nigeria Police Force, and accordingly references in this Bill to the Police Force established under this Act shall, subject to the provisions of this Bill, include, and be deemed always to have included, references to the special constabulary.</p> <p>(3) The special constabulary shall consist of-</p> <p>(a) special constables appointed in normal circumstances under Section 68 of this Bill; and</p> <p>(b) such emergency special constables as may be appointed from time to time under Section 70 of this Bill.</p> <p>(4) In so far as any enactment (whether passed or made before or after the commencement of this Act) requires Police Officers to perform military duties or confers power (whether expressly or in general terms) to require police officers to perform such duties, that enactment shall not, in the absence</p>	<p><i>PART XII - SPECIAL CONSTABLES</i></p> <p><i>THE SPECIAL CONSTABULARY</i></p> <p><i>106. (1) The Special Constabulary is hereby established under this Bill.</i></p> <p><i>(2) The special constabulary is deemed Part of the Nigeria Police Force, and accordingly references in this Bill to the Police Force shall, subject to the provisions of this Bill, include, and be deemed always to have included, references to the special constabulary.</i></p> <p><i>(3) The special constabulary shall consist of-</i></p> <p><i>(a) special constables appointed in normal circumstances under section 68 of this Bill; and</i></p> <p><i>(b) such emergency special constables as may be appointed from time to time under section 70 of this Bill.</i></p>	<p>Comprehensive provisions are made to address the special constabulary</p>

<p>of express provision to the contrary, extend to members of the special constabulary.</p>	<p><i>(4) If any enactment requires police officers to perform military duties or confers power (whether expressly or in general terms) to require police officers to perform such duties, that enactment shall not, in the absence of express provision to the contrary, extend to members of the special constabulary.</i></p>	
<p>68. APPOINTMENT OF SPECIAL CONSTABLES.</p> <p>(1) Subject to the provisions of this section, the competent authority may appoint as a special constable any person (whether male or female) who:</p> <p>(a) has attained the age of 21 years but has not attained the age of fifty (50) years;</p> <p>(b) is of good character and physically fit; and</p> <p>(c) has signified willingness to serve as a special constable.</p> <p>(2) The Inspector-General of Police shall, from time to time, by notice published in the Force Administrative Instructions fix the maximum number of persons who may at any time hold appointments under this section; and a person shall not be appointed as a special constable under this section if his appointment would cause the number for the time being so fixed to be exceeded.</p> <p>(3) Subject to subsection (2) of this section, the Inspector-General of Police may from time to time:</p> <p>(a) review the maximum number of persons who may at any time hold appointments under this section in any territory; and</p>	<p>107. Retained</p>	

<p>(b) at his own discretion fix the maximum number of persons appointed under this section who may at any time hold any Particular rank in the special constabulary in any territory, and may, in either case, fix different numbers with respect to different territories; and it shall be the duty of every competent authority to ensure that the numbers fixed under this subsection are not exceeded.</p> <p>(4) Every special constable appointed under this section-</p> <p>(a) shall be appointed to serve as a special constable for one year or such longer period as may be agreed between him and the authority by whom he is appointed, and shall on appointment sign an engagement in the prescribed form to serve as a special constable for that period;</p> <p>(b) shall be appointed in respect of the Police Area Command or, where there is no Police Area Command, the Police division in which he resides or is employed;</p> <p>(c) shall within the territory in which the Police area in respect of which he is appointed is situated, but not elsewhere, have the powers, privileges and immunities of a special constable; and</p> <p>(d) subject to the provisions of this Act, shall be a member of the Special Constable for all purposes: provided that a Special Constable appointed in respect of a Police area within the Federal Capital Territory, Abuja shall have the powers, privileges and immunities of a Special Constable not only within the Federal Capital Territory, Abuja but also within any Police area adjacent to the Federal Capital Territory, Abuja.</p> <p>(5) A Special Constable appointed under this section shall have such rank as may be assigned to him by the competent authority; the assigning authority shall cause notice thereof to</p>		
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<p>be published in Force Administrative Instructions.</p> <p>(6) A special constable appointed under this section may within three months before the end of his first or any subsequent period of engagement, and with the permission of the competent authority, re-engage to serve for a further period of one year or such longer period as may be agreed between him and the authority and, if he does so, his appointment under this section shall be deemed to have been extended accordingly; and without prejudice to the right of the competent authority to refuse permission in any case, a person shall not be permitted to re-engage under this subsection unless he would, if not already a Special Constable, be qualified for appointment as such under this subsection.</p> <p>(7) Every Special Constable appointed under this section shall, on appointment, be issued with a certificate of appointment in the prescribed form, and on the determination of his appointment (whether by the passage of time or under section 68 of this Bill, shall be issued with a certificate of discharge in the prescribed form.</p>		
<p>69. RESIGNATION, SUSPENSION AND DISMISSAL OF SPECIAL CONSTABLES APPOINTED UNDER SECTION 68</p> <p>(1) A special constable appointed under section 68 of this Bill may at any time give to the Superior Police Officer in charge of the Police Area in respect of which he is appointed notice in writing to the effect that he desires to resign his appointment on a date (not being less than Thirty (30) days later than the date on which the notice is given) mentioned in the notice.</p>	<p>108. Retained</p>	

<p>(2) On receipt of a notice under the foregoing subsection the Superior Police Officer in question shall refer it to the competent authority; and if, but only if, the competent authority consents to the notice having effect, the appointment of the special constable by whom the notice was given shall determine on the date mentioned in the notice or the date on which he is notified that the competent authority has given his consent under this subsection, whichever is the later.</p> <p>(3) The competent authority may at any time, for reasons appearing to him to be sufficient, by notice in writing forthwith suspend or determine the appointment of any special constable appointed under section 68 of this Bill and may, if he thinks fit, do so without informing the Special Constable of the reasons for his action, but shall in every case immediately report his action and the reasons thereof to the Inspector-General of Police.</p> <p>(4) A Special Constable whose appointment is suspended or determined under subsection (3) of this section otherwise than by the Inspector-General of Police, may appeal against the suspension or determination to the competent authority; and any such appeal shall be heard and determined by the competent authority to whom it is made.</p> <p>(5) Any delegation of the powers of the Inspector-General of Police under subsections (3) and (4) of this section shall be such as to secure that in every case the competent authority having power to hear and determine an appeal under subsection (4) of this section is a Police Officer of higher rank than the Police Officer against whose action the appeal is brought.</p>		
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70. APPOINTMENT OF EMERGENCY SPECIAL CONSTABLES.

- (1) If at any time the Commissioner of Police for a State is satisfied, as regards any Police Area in that State, that an unlawful assembly or riot or breach of the peace has taken place or may reasonably be expected to take place in that area, or that by reason of other special circumstances it is necessary in the public interest for Emergency Special Constables to be appointed in respect of that area, he may authorise the Superior Police Officer in charge of that area or any Chief Superintendent of Police to appoint persons resident or employed in that area (whether male or female) as Emergency Special Constables.
- (2) An authorization under this section need not be in writing, but must specify the maximum number of Emergency Special Constables who may be appointed under that authorisation.
- (3) Where a Superior Police Officer proposes to appoint any person as an emergency special constable under an authorisation given under this section, he shall cause to be served on that person a notice in the prescribed form requiring him to present himself at a time and place specified in the notice for appointment as an Emergency Special Constable.
- (4) Every person on whom a notice is served under subsection (3) of this section shall present himself at the time and place specified in the notice and shall there, on being required to do so by the Superior Police Officer proposing to appoint him, make and sign a promise in the prescribed form to serve as an Emergency Special Constable until such time as his appointment is determined under this section; and

109. Retained

<p>immediately after he has made and signed that promise, the Superior Police Officer shall hand to him a document in the prescribed form appointing him as an Emergency Special Constable in respect of the Police Area to which the authorisation under which he is being appointed relates.</p> <p>(5) Every emergency special constable appointed under this section-</p> <p>(a) shall, in the police area in respect of which he is appointed, but not elsewhere, have the powers, privileges and immunities of a special constable; and</p> <p>(b) subject to the provisions of this Bill, shall be a member of the Special Constabulary for all purposes and shall accordingly be subject to the provisions of this Bill.</p> <p>(6) The Superior Police Officer in charge of the Police Area in respect of which an Emergency Special Constable is appointed may at any time, and shall if so directed by the Commissioner of Police for the State in which that police area is situated, by notice in writing forthwith, or with effect from a future date specified in the notice, determine the Emergency Special Constable's appointment; and on the determination of his appointment under this section an emergency special constable shall be issued with a certificate of discharge in the prescribed form.</p> <p>(7) Any person who without reasonable excuse (proof of which shall lie on him)-</p> <p>(a) refuses or fails to comply with the requirements of a notice served on him under subsection (3) of this section; or</p> <p>(b) refuses to make and sign a promise to serve on being required to do so under subsection (4) of this section; shall be liable on summary conviction to a fine not exceeding Ten Thousand Naira (N10,000.00).</p>		
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<p>(8) The foregoing provisions of this section shall apply in relation to the Federal Capital Territory, Abuja as they apply in relation to a State, subject to the modification that, in relation to the Federal Capital Territory, Abuja any reference to the Commissioner of Police shall be construed as a reference to the Inspector-General of Police.</p> <p>(9) The foregoing provisions of this section shall have effect subject to section 68 (2) and (3) of this Bill.</p>		
<p>71. PROVISIONS SUPPLEMENTARY TO SECTION 68</p> <p>(1) The Commissioner of Police for a State or the Inspector-General of Police;</p> <p>(a) on giving an authorisation under section 70 of this Bill, shall forthwith inform the President of his action and of the circumstances which led him to take it, and shall as soon as possible cause notice of the giving of the authorisation to be published in the Force Administrative Instructions; and</p> <p>(b) as soon as possible after all Emergency Special Constables appointed under that authorisation have been discharged, shall cause notice of that fact to be published in the Force Administrative Instructions.</p> <p>(2) The Inspector-General of Police may by order published in the Force Administrative Instructions declare persons of any class or description specified in the order to be exempted from appointment as Emergency Special Constables under section 70 of this Bill, and the power to appoint persons as Emergency Special Constables under that section shall not extend to persons of any class or description for the time being so specified.</p> <p>(3) Any power to make or determine appointments under or by virtue of section 70 of this Bill shall be exercisable only</p>	<p>110. Retained</p>	

<p>regulations made by virtue of subsection (3) of this section, a person's service as a Special Constable shall render him for a stipend as may be determined by the Inspector-General of Police as approved by Police Council.</p> <p>(2) A Special Constable shall have no claim on the Police Reward Fund established under section 44 of this Bill and shall not as such be entitled to occupy living accommodation provided at the public expense.</p> <p>(3) Regulations made by virtue of section 58(a) of this Bill may provide for stipends to be paid to Special Constables-</p> <p>(a) in respect of expenses incurred by them in connection with their attendance at periods of instruction;</p> <p>(b) as compensation for loss of earnings during periods of full-time duty; and</p> <p>(c) in respect of the use by Special Constables of or of this subsection the rank of Inspector of their own vehicles while on full-time duty, but shall not provide for the payment of any other stipends to Special Constables; and the amount of any such stipends as is mentioned in paragraph (a) or (b) of this subsection shall be fixed by the regulations, and shall not be calculated by reference to the actual expenses or loss of earnings of the person to whom it is payable.</p> <p>(4) Without prejudice to the generality of the said section 58 of this Bill, regulations thereunder may make provision for enabling any such stipend as is mentioned in subsection (3) of this section to be withheld by a Superior Police Officer if, in his opinion, there are good reasons for withholding it.</p> <p>(5) Subject to subsection (7) of this section, section 6 of the Pensions Act (which contains corresponding provisions applicable to Police Officers above the rank of Constable) shall not apply to Special Constables as they apply to regular</p>		
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<p>Police Officers.</p> <p>(6) Subject to subsection (7) of this section, paragraphs (1) and (2) of regulation 24 of the repealed Pensions Regulations (which make provision for the payment of pensions to officers in respect of permanent injuries received while on duty) may apply to Special Constables as they apply to regular Police Officers, so however that, for the purposes of the application of those paragraphs to Special Constables, references to retirement shall be construed as references to retirement from employment other than employment as a Special Constable.</p> <p>(7) If a Special Constable is killed or sustains injuries at a time when he holds some other office in the public service of the Federation or of a State, his duty as a Special Constable shall, for the purpose of the Pensions Act, be deemed to form Part of his duty as the holder of that other office, and subsections (5) and (6) of this section shall not apply in this case.</p> <p>(8) Any pension granted by virtue of subsection (5) or (6) of this section shall be subject to the provisions of the Act under which it is granted and shall be liable to cease or be otherwise dealt with accordingly.</p> <p>(9) In this section, "regular police officer" means a Police Officer who is neither a Special Constable nor a Supernumerary Police Officer.</p>		
<p>PART XIII - SUPERNUMERARY POLICE OFFICERS</p> <p>75. APPOINTMENT OF SUPERNUMERARY POLICE OFFICERS TO PROTECT PROPERTY</p> <p>(1) Any person (including any government department or</p>	<p>114. Retained</p>	

<p>private company) who desires to avail himself of the services of one or more Police Officers for the protection of property owned or controlled by him may make application therefore to the Inspector-General of Police, stating the nature and situation of the property in question and giving such other Particulars as the Inspector-General of Police may require.</p> <p>(2) On an application under the foregoing subsection the Inspector-General of Police may, with the approval of the President, direct the appropriate authority to appoint as Supernumerary Police Officers in the Force such number of persons as the Inspector-General of Police thinks requisite for the protection of the property to which the application relates.</p> <p>(3) Every Supernumerary Police Officer appointed under this section-</p> <p>(a) shall be appointed in respect of the area of the Police Command or, where there is no Police Command, the Police Area Command or Police division in which the property which he is to protect is situated;</p> <p>(b) shall be employed exclusively on duties connected with the protection of that property;</p> <p>(c) shall, in the Police Area in respect of which he is appointed and in any Police Area adjacent thereto, but not elsewhere, have the powers, privileges and immunities of a Police Officer; and</p> <p>(d) subject to the restrictions imposed by paragraphs (b) and (c) of this subsection and to the provisions of section 79 of this Bill, shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Bill and in Particular the provisions thereof relating to discipline.</p> <p>(4) Where any Supernumerary Police Officer is appointed under this section, the person availing himself of the services</p>		
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<p>of that officer shall pay to the Accountant-General of the Federation:</p> <p>(a) on the enlistment of the Officer, the full cost of the Officer's uniform; and</p> <p>(b) quarterly in advance, a sum equal to the aggregate of the amount of the Officer's pay for the quarter in question and such additional amounts as the Inspector-General of Police may direct to be paid in respect of the maintenance of the Officer during that quarter, and any sum payable to the Accountant-General of the Federation under this subsection which is not duly paid may be recovered in a summary manner before a Magistrate on the complaint of any Superior Police Officer:</p> <p>Provided that this subsection shall not apply in the case of an appointment made on the application of a department of the Government of the Federation.</p> <p>(5) Where the person availing himself of the services of any Supernumerary Police Officer appointed under this section desires the services of that officer to be discontinued, he must give not less than two months' notice in writing to that effect, in the case of an Officer appointed in respect of a Police Area within that Part known as the Federal Capital Territory, to the Inspector-General of Police or, in the case of an officer appointed in respect of a Police area within a State, to the Commissioner of Police of that State; and on the expiration of such notice the services of the Supernumerary Police Officer in question shall be withdrawn.</p> <p>(6) Where the services of a Supernumerary Police Officer are withdrawn in pursuance of subsection (5) of this section in the course of a quarter for which the sum mentioned in subsection (4) (b) of this section has been paid to the</p>		
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<p>Accountant-General of the Federation, the Accountant-General of the Federation shall pay to the person by whom that sum was paid a sum which bears to that sum the same proportion as the unexpired portion of that quarter bears to the whole of that quarter.</p> <p>(7) In this section, "the Accountant-General" means the Accountant-General of the Federation; "government department" means any department of the Government of the Federation or of the Government of a State; and "quarter" means any period of three months; and any reference in this section to the person availing himself of the service of a Supernumerary Police Officer appointed under this section is a reference to the person on whose application the Officer was appointed or, if that person has been succeeded by some other person as the person owning or controlling the property for the protection of which the Officer in question was appointed, that other person.</p>		
<p>76. APPOINTMENT OF SUPERNUMERARY POLICE OFFICERS FOR EMPLOYMENT ON ADMINISTRATIVE DUTIES ON POLICE PREMISES</p> <p>(1) The appropriate authority may, at the request of any Superior Police Officer, appoint any person as a Supernumerary Police Officer in the Force with a view to that person's employment on duties connected with the administration or maintenance of premises occupied or used for the purposes of the Force, but shall not do so in any Particular case unless satisfied that it is necessary in the interests of security or discipline that persons performing the duties in question should be subject to the provisions of this</p>	<p>115. Retained</p>	

<p>Bill relating to discipline.</p> <p>(2) Every Supernumerary Police Officer appointed under this section-</p> <p>(a) shall be appointed in respect of the Police Area Command or where there is no Police Area Command, the Police Division in which the premises in connection with whose administration or maintenance he is to be employed are situated;</p> <p>(b) shall be employed exclusively on duties connected with the administration or maintenance of those premises;</p> <p>(c) shall, in the Police Area in respect of which he is appointed, but not elsewhere, have the powers, privileges and immunities of a Police Officer; and</p> <p>(d) subject to the restrictions imposed by paragraphs (b) and (c) of this subsection and to the provisions of section 79 of this Bill, shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Act and in Particular the provisions thereof relating to discipline.</p>		
<p>77. APPOINTMENT OF SUPERNUMERARY POLICE OFFICERS WHERE NECESSARY IN THE PUBLIC INTEREST</p> <p>(1) If at any time the President is satisfied, as regards any police area, that it is necessary in the public interest for supernumerary police officers to be employed in that area, he may authorise the appropriate authority to appoint persons as supernumerary police officers in the Force under and in accordance with the authorisation.</p> <p>(2) Every authorisation under this section shall be in writing</p>	<p>116. Retained</p>	

<p>and shall specify the police area to which it relates and the maximum number of supernumerary police officers who may be appointed under that authorisation.</p> <p>(3) Every Supernumerary Police Officer appointed under an authorisation given under this section-</p> <p>(a) shall be appointed in respect of the police area to which the authorisation relates;</p> <p>(b) shall, in the police area in respect of which he is appointed and in any police area adjacent thereto, but not elsewhere, have the powers, privileges and immunities of a police officer; and</p> <p>(c) subject to the restriction imposed by paragraph (b) of this subsection and to the provisions of section 79 of this Bill, shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Act and in Particular to the provisions thereof relating to discipline.</p>		
<p>78. APPOINTMENT OF SUPERNUMERARY POLICE OFFICERS FOR ATTACHMENT AS ORDERLIES</p> <p>(1) The appropriate authority may at the request of the Inspector-General of Police or of the Commissioner of Police of a State appoint any person as a Supernumerary Police Officer in the Force with a view to that person's attachment as an orderly to-</p> <p>(a) a Minister; or</p> <p>(b) a Commissioner of the Government of a State; or</p> <p>(c) a Police Officer of or above the rank of Assistant Commissioner.</p> <p>(2) Every Supernumerary Police Officer appointed under this section-</p> <p>(a) shall be employed exclusively on duties connected</p>	<p>117. Retained</p>	

<p>with the activities of the person to whom he is attached;</p> <p>(b) shall, while so employed, have throughout Nigeria the powers, privileges and immunities of a Police Officer; and</p> <p>(c) subject to the restriction imposed by paragraph (a) of this subsection and to the provisions of section 79 of this Bill, shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Bill and in Particular the provisions thereof relating to discipline.</p>		
<p>79. PROVISIONS SUPPLEMENTARY TO SECTIONS 75 TO 78</p> <p>(1) Every Supernumerary Police Officer shall, on appointment, be enlisted to serve in the Nigeria Police Force from month to month, and accordingly a Supernumerary Police Officer may at any time resign his appointment by giving one month's notice in that behalf to the Superior Police officer in charge of the Police Area in respect of which he is appointed, and his appointment may be determined by the appropriate authority on one month's notice in that behalf or on payment of one month's pay instead of such notice.</p> <p>(2) The ranks to which Supernumerary Police Officers may be appointed shall be prescribed by regulations made by the President under section 58 of this Bill on the recommendation of the Inspector-General of Police.</p> <p>(3) A Supernumerary Police Officer shall have no claim on the Police Reward Fund; and, without prejudice to any liability under the Workmen's Compensation Act, to pay compensation to or in respect of any person by virtue of his employment as a Supernumerary Police Officer, a person's service as such as Officer shall not render him or any other person eligible for any pension, gratuity or annual allowance</p>	<p>118. Retained</p>	

<p>under this Bill or the Pensions Act.</p>		
<p>PART XIV - TRAFFIC WARDEN SERVICE</p> <p>80. ESTABLISHMENT OF THE TRAFFIC WARDEN SERVICE.</p> <p>(1) There is hereby established a Traffic Warden Service (in this Bill referred to as "the warden Service")</p> <p>(2) The Warden Service shall consist of traffic wardens enlisted from time to time under this Bill.</p> <p>(3) The Warden Service shall be a part of the Nigerian Police Force and accordingly, references to the Police established under this Bill shall subject to the provisions of this Bill include references to the Warden Service.</p> <p>(4) Notwithstanding subsection (3) of this section, in so far as any enactment whether passed or made before or after the commencement of this Bill requires Police Officers to perform military duties, or confers any power on any person whether expressly or in general terms to require Police Officers to perform such duties, that enactment, shall not in the absence of express provision to the contrary extend to Traffic Wardens.</p> <p>(5) Traffic Wardens shall be employed to discharge functions normally undertaken by the Police in connection with the control and regulation of, or the enforcement of the law relating to road traffic and shall in that connection, act under the direction of the Police.</p> <p>(6) Without prejudice to the generality of the foregoing subsection, a Traffic Warden shall be required to deal majorly with:</p> <p>(a) the general control and direction of motor traffic on the</p>	<p>119. Retained</p>	

<p>highway: (b) assisting pedestrians to cross the road; and (c) controlling vehicles stopping or parking in unauthorized places.</p>		
<p>81. APPOINTMENT OF TRAFFIC WARDENS.</p> <p>(1) Notwithstanding anything to the contrary in any enactment, the Inspector –General of Police is vested with the power to enlist, confirm such enlistment, promote, transfer, dismiss or exercise any disciplinary control over any Traffic Warden.</p> <p>(2) Subject to the provisions of this Bill, a person may be enlisted as a Traffic warden if he/she:</p> <p>(a) is not less than eighteen (18) years and not more than twenty-five 25 years of age;</p> <p>(b) possesses a minimum educational qualification of Senior Secondary School Certificate (SSCE);</p> <p>(c) is not less than 167.64 centimetres and 162.56 centimetres tall respectively for the male and female;</p> <p>(d) in the case of male, has not less than 86.36 centimetres chest measurement when fully expanded;</p> <p>(e) is of good character and is physically fit; and</p> <p>(f) has signified his/her willingness to serve as a Traffic Warden;</p> <p>(3) The supervising Police ministry on the recommendation of the Inspector-General of Police shall from time to time by notice published in the Federal gazette, fix the maximum number of persons who may at any given time hold Office under this section; and a person shall not be enlisted as a Traffic Warden if his enlistment would cause the number for the time being so fixed to be exceeded.</p>	<p>APPOINTMENT OF TRAFFIC WARDENS.</p> <p>120. (1) Notwithstanding anything to the contrary in any enactment, the Inspector –General of Police is vested with the power to enlist, confirm such enlistment, promote, transfer, dismiss or exercise any disciplinary control over any Traffic Warden.</p> <p>(2) Subject to the provisions of this Bill, a person may be enlisted as a traffic warden if he:</p> <p>(a) is not less than 18 years and not more than 25 years of age;</p> <p>(b) possesses a minimum educational qualification of Senior Secondary School Certificate;</p> <p>(c) is not less than 167.64 centimetres and 162.56 centimetres tall respectively for the male and female;</p> <p>(d) in the case of male, has not less than 86.36 centimetres chest measurement when fully expanded;</p> <p>(e) is of good character and is physically fit; and</p> <p>(f) has signified his/her willingness to serve as a Traffic Warden;</p> <p>(3) The <i>Police Service Commission</i> on the recommendation of the Inspector-General of Police shall</p>	

<p>(4) The Inspector-General of Police may:</p> <p>(a) from time to time fix the maximum number of Traffic Wardens who may at any given time hold Office in any State;</p> <p>(b) at his own discretion fix the maximum number of Traffic Wardens who may at any given time hold any particular rank in the Warden Service in any State; and</p> <p>(c) in either case fix different numbers with respect to different States.</p> <p>(5) In relation to Traffic Wardens enlisted under this Bill, the form of the Police Declaration prescribed by the Oaths Act shall be adapted by the substitution:</p> <p>(i) for the words "Police Officer" where they occur in the fifth line, of the words "a Traffic Warden" and</p> <p>(ii) for the words from "for the preservation of peace" to the end of the declaration, of the words "to discharge all duties of my Office according to law"</p>	<p>from time to time by notice published in the Federal gazette, fix the maximum number of persons who may at any given time hold office under this section; and a person shall not be enlisted as a traffic warden if his enlistment would cause the number for the time being so fixed to be exceeded.</p> <p>(4) The Inspector-General of Police may:</p> <p>(a) from time to time fix the maximum number of traffic wardens who may at any given time hold office in any State;</p> <p>(b) at his own discretion fix the maximum number of traffic wardens who may at any given time hold any particular rank in the Warden Service in any State; and</p> <p>(c) in either case fix different numbers with respect to different States.</p> <p>(5) In relation to traffic wardens enlisted under this Bill, the form of the police declaration prescribed by the Oaths Act shall be adapted by the substitution:</p> <p>(i) for the words, "Police Officer" where they occur in the fifth line, of the words, "a Traffic Warden" and</p> <p>(ii) for the words from "for the preservation of peace" to the end of the declaration, of the words "to discharge all duties of my office according to law"</p>	
<p>82. PERIOD OF SERVICE</p> <p>Every Traffic Warden enlisted under this Bill shall be enlisted</p>	<p>121. Retained</p>	

<p>to serve as a Traffic Warden for a period of 35 years or until he/she attains 60 years of age, whichever comes first, and only in the Police Command in which he resides.</p>		
<p>83. POWERS OF A TRAFFIC WARDEN.</p> <p>A Traffic Warden enlisted under this Bill shall, when on duty be in uniform and within the Police Command in which he is enlisted to serve, but not elsewhere, and shall have the powers, privileges and immunities of a Police Officer under any law relating to the regulation of Road Traffic.</p>	<p>122. Retained</p>	
<p>84. CERTIFICATE OF ENLISTMENT AND OF DISCHARGE.</p> <p>Every Traffic Warden shall on first enlistment, be issued with a certificate of enlistment in a form approved by the Inspector-General of Police and on the determination of that or any subsequent enlistment whether by effluxion of time or under section 82 of this Bill, shall in like manner be issued with a certificate of discharge.</p>	<p>123. Retained</p>	
<p>85. RANKS OF TRAFFIC WARDENS.</p> <p>(1) A Traffic Warden shall have such rank as may be assigned to him by the Inspector-General of Police beyond the following grades:</p> <ul style="list-style-type: none"> (a) Traffic Warden Grade III; (b) Traffic Warden Grade II; (c) Traffic Warden Grade I; (d) Senior Traffic Warden II; (e) Senior Traffic Warden I; 	<p>124. Retained</p>	

<p>(f) Assistant Superintendent of Traffic II; (g) Assistant Superintendent of Traffic I; and (h) Deputy Superintendent of Traffic.</p>		
<p>86. RESIGNATION.</p> <p>(1) A Traffic Warden enlisted under this Bill may at any time give to any Superior Police Officer under whom he is serving, notice in writing of his intention to resign his appointment on a date mentioned in the notice (not being less than 28 days later than the date on which the notice is given).</p> <p>(2) On receipt by the Superior Police Officer of the notice referred to in subsection (1) of this section, the Superior Police Officer shall immediately refer such notice to the Commissioner of Police having control over him and the Traffic Warden and if the Commissioner of Police consents to the notice having effect, the appointment of the traffic warden shall be terminated accordingly.</p>	<p>125. Retained</p>	
<p>87. DISCIPLINE.</p> <p>(1) In so far as the context so admits, but subject to the provisions of this Bill, a Traffic Warden shall be subject to the provisions of the Police Regulations subsidiary to this Bill, for purposes of discipline.</p> <p>(2) In the application to Traffic Wardens of the Second Schedule to the Police Regulations, references to Constables, Corporals, Sergeants, Inspectors and Senior Police Officers shall include respectively references to Traffic Wardens Grade III-I and Senior Traffic Wardens Grade II-I and Superintendents of Traffic respectively.</p>	<p>126. Retained</p>	

<p>88. PROVISION OF EQUIPMENT</p> <p>(1) The Inspector-General of Police may provide for use by the Traffic Wardens such equipment as he considers necessary for the proper carrying out of the duties of Traffic Wardens under this Bill.</p> <p>(2) Any expenses incurred by the Inspector-General of Police under this section shall be defrayed out of monies provided by the Federal Government.</p>	<p>PROVISION OF EQUIPMENT</p> <p>127. (1) The Inspector-General of Police may provide for use by the traffic wardens such equipment as he considers necessary for the proper carrying out of the duties of traffic wardens under this Bill.</p> <p>(2) Any expenses incurred by the Inspector-General of Police under this section shall be defrayed out of the funds of the Police Force.</p>	<p>The new words inserted make it more specific than money provided by the Federal Government</p>
<p>89. DELEGATION OF POWER BY THE INSPECTOR-GENERAL OF POLICE</p> <p>The Inspector-General of Police may delegate any of his powers under this Bill to the Commissioner of Police in a state or the Commandant of a Police College (except his power of delegation), so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined in the instrument of delegation.</p>	<p>128. Retained</p>	
<p>90. INSTRUCTION OF TRAFFIC WARDENS, Etc</p> <p>(1) Every person enlisted into the Traffic Warden Service shall be required to undergo a course of training at the Traffic Training School of Police Colleges for a period of twelve weeks or such other or further period as the Inspector-General of Police may determine.</p> <p>(2) A Traffic Warden enlisted under this Bill shall be allocated a service number with the letters "TW" and the</p>	<p>129. Retained</p>	

<p>service numbers of all traffic wardens employed in the Federation shall appear on the register kept for that purpose by the Inspector-General of Police.</p> <p>(3) A Traffic Warden to whom a service number has been allocated under subsection 2 of this section shall wear his service number on the shoulder flaps of the uniform whenever he is on duty.</p>		
<p>91. REPEAL AND TRANSITIONAL PROVISIONS</p> <p>(1) The police Act CAP P19 Laws of the Federation of Nigeria 2004 is repealed.</p> <p>(2) Subject to subsections (1) and (4) of this section, anything done under or by virtue of the Police Act shall be deemed to have been done under or by virtue of the corresponding provision of this Act; and anything begun under or by virtue of the said Act of 2004 may be continued under or by virtue of this Bill as if begun under or by virtue of this Bill.</p> <p>(3) Without prejudice to the generality of subsection (2) of this section, any person who immediately before the commencement of this Bill held an appointment as a member of the Nigeria Police Force under the Police Act, LFN, 2004 shall be deemed to have been appointed under and in accordance with the corresponding provisions of this Bill on the date and for the period on or for which he was actually appointed; and service under that Bill shall, for the purposes of any pension for which a Police Officer is eligible by virtue of this Bill, be deemed to be service under this Bill.</p> <p>(4) Nothing in this Bill shall affect any pension which was before the commencement of this Bill granted under the Police Act, LFN, 2004; and the provisions of that Bill shall continue to apply to any pension so granted as if this Bill had</p>	<p>130. Retained</p>	

not been made.		
<p>92. SAVING AS TO OTHER LAWS AND SUBSIDIARY LEGISLATION</p> <p>(1) Where there is no specific provision under this Bill or in any State where the Administration of Criminal Justice Act, 2015 is not domesticated, the extant law of that State applies.</p> <p>(2) Provisions of Police Regulations, 1968 made pursuant to Section 46 of the repealed Police Act, CAP P19, LFN 2004 is still in force.</p>	<p>131. Retained</p>	
<p>PART XV- POLICE PUBLIC COMPLAINTS AND DISCIPLINE</p> <p>93. ESTABLISHMENT OF POLICE COMPLAINT RESPONSE UNIT.</p> <p>The Inspector-General of Police shall establish a Police Complaints Response Unit in this Bill referred to as "the Unit" in each of the Police Command in all the States of the Federation.</p>	<p>PART XV- POLICE PUBLIC COMPLAINTS AND DISCIPLINE</p> <p><i>Establishment of a Police Complaints Response Unit.</i></p> <p>132. (1) The Inspector-General of Police shall establish a Police Complaints Response Unit (in this <i>Bill</i> referred to as "the Unit") <i>in the Force Headquarters, and</i> each of the Police Commands in all the States of the <i>Federation and Federal Capital Territory.</i></p> <p><i>(2) The Unit established under subsection (1) shall be under the Public Relations Section.</i></p>	<p>The Complaints Response Unit is placed under the Public Relations Section because the section is the link between the Police and the public</p>
<p>94. UNIT COMPOSITION.</p> <p>(1) The Unit shall consist of representatives of the Federal or State Intelligence Bureau, Police Provost Marshal and any other unit as the Inspector-General of Police may deem fit.</p> <p>(2) The Unit shall be headed by an Officer not below the rank</p>	<p>133. Retained</p>	

<p>of a Chief Superintendent of Police.</p>		
<p>95. FUNCTIONS OF THE UNIT.</p> <p>(1) The Unit shall receive: (a) complaint or information of Police Officers misconduct from the public; or (b) complaint of Police Officers misconduct from other Police members or authority.</p> <p>(2) The Unit may receive: (a) any complaint alleging that the conduct complained of resulted in the death of or serious injury or other gross human rights violations; or (b) any complaint showing that a Police officer may have committed a criminal offence; (c) any complaint which shows that a Police Officer is involved in an act constituting professional misconduct.</p> <p>(3) The Unit shall monitor the investigations initiated by the Unit.</p> <p>(4) While conducting investigation into any complaint by any member of the public against a Police Officer, the Nigeria Police Force shall afford the person against whom the complaint has been made opportunity to defend himself.</p> <p>(5) Upon the conclusion of an investigation, the appropriate investigative unit shall make available a copy of its findings or investigation report to the Unit within 21 days from the day the complaint was made.</p>	<p>134. Retained</p>	
<p>96. STEPS TO BE TAKEN AFTER INVESTIGATION</p> <p>After investigation, the head of the Unit with the approval of</p>	<p>135. Retained</p>	

<p>the Inspector General of Police shall:</p> <p>(a) send a copy of the investigation report and recommendations to the Commissioner of Police, Legal for advice and possible prosecution if the investigation reveals that a criminal offence has been committed.</p> <p>(b) send a copy of the investigation report and recommendations to the appropriate Police or oversight authority for proper disciplinary action if the investigations reveal that the offence committed is against discipline as stated in the First Schedule Regulations 370 of the Police Act and Regulations; and</p> <p>(c) where it is discovered after investigations that the complainant knowingly gave false information against any Police Officer or should have reasonably known that the information is false, such a person shall be tried in accordance with relevant laws for the time being in force.</p>		
<p>PART XVI</p> <p>97. LEGAL PROCEEDINGS</p> <p>(1) subject to the provisions of this bill, the provisions of Public Officers Protection Act shall apply in relation to any suit instituted against any member of the Nigeria Police Force.</p> <p>(2) Notwithstanding anything contained in any other law or enactment, no suit against the Nigeria Police, the Inspector-General of Police, Commissioner of Police or any other member of the Police Force for any act done in pursuant or execution of this Act or any other law or enactment or any public duties or authority or in respect of any alleged neglect, or default in the execution of this Act or any other law or</p>	<p>136. Retained</p>	

<p>enactment, duties or authority shall lie or be instituted in any court unless it is commenced:-</p> <p>(a) within three months next after the act, neglect or default or complained of;</p> <p>(b) in the case of a continuation of damage or injury within six months next after the ceasing thereof;</p> <p>(c) after exhausting the remedies provided in sections 77 to 80 of this Act.</p> <p>(3) No suit shall be commenced against the Nigeria Police Force, the Inspector-General Of Police, the Commissioner Of Police or any member of the Police Force before the expiration of a period of one month after notice of intention to commence the suit have been served on the Inspector-General of Police or the Commissioner of Police where the alleged cause of action arose by the intending plaintiff or his agent or legal practitioner.</p> <p>(4) the notice referred to in subsection 3 of this section shall clearly and explicitly state:-</p> <p>(a) the cause of action;</p> <p>(b) the particulars of claim;</p> <p>(c) the name and address of the intending plaintiff;</p> <p>(d) the relief(s) which he claims;</p> <p>(e) and be accompanied by the petition written to the police complaint unit established by this Act</p> <p>(5) A notice, summons or other documents required or authorized to be served on the Nigeria police force, the Inspector-General of Police, Commissioner of Police or any member of the Nigeria Police Force under this Act or any other law or enactment may be served by delivery to the Legal Department of the force headquarters or Zonal, State command headquarters or formation or by sending it by</p>		
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<p>registered post addressed to the Commissioner Of Police, Legal Department force headquarters or Officer in charge Legal section of the state, Zonal or Formation concerned.</p> <p>(6) In any action or suit against the Nigeria Police Force, the Inspector-General of Police, Commissioner of Police or any member of the Nigeria Police Force, no execution or attachment of process in the nature thereof shall be issued against the Nigeria Police Force, the Inspector-General of Police, Commissioner of Police, unless not less than three months notice of the intention to the execution or attachment has been given to the Inspector-General of Police or Commissioner of Police or any member of the Nigeria Police Force.</p> <p>(7) Any sum of money which by the judgment of any court has been awarded against the Nigeria Police Force, the Inspector-General of Police or Commissioner of Police shall subject to any direction by the court where no appeal against the judgment has been filed, be paid by the member of the Police whose action led to the institution of the suit and the judgment.</p>		
<p>PART XVII- APPLICATION</p> <p>98. All the provisions of this Bill shall extend to all persons who, at the commencement of this Bill are serving in the Nigeria Police Force established by the Constitution of the Federal of Nigeria as if such persons had been appointed under this Bill.</p>	<p>137. Retained.</p>	
<p>99. The Police Act Cap P19, Laws of the Federation of Nigeria, 2004 is repealed.</p>		
<p>100. Anything done or purported to have been done under</p>		

<p>the Police Act, Cap P19, Laws of the Federation of Nigeria, 2004 remains valid, subject to the Provisions of this Bill.</p>		
	<p>PART XVII – MISCELLANEOUS PROVISIONS</p>	
	<p><i>Prohibition against gender discrimination.</i></p> <p>138. The Police Force or other persons shall not, in the performance of <i>their</i> functions under this Bill, Regulations or Standing Orders made under this Bill, discriminate against any person on the basis of gender as provided under section 42 of the Constitution.</p>	<p>In order to address the prevailing issues of gender discrimination in and by the Police, it is recommended that there should be a clause prohibiting discrimination on the basis of gender.</p>
	<p>PART XV- POLICE PUBLIC COMPLAINTS AND DISCIPLINE</p> <p><i>Disobeying unlawful orders.</i></p> <p>139. (1) A police officer who, on reasonable grounds, believes that an order given to him by a <i>senior</i> officer is unlawful, he:</p> <p style="padding-left: 40px;">(a) is not bound to comply with the order; and</p> <p style="padding-left: 40px;">(b) shall immediately make a report in such form as it is provided by the Police Service Commission for that purpose.</p> <p>(2) On the receipt of the report referred to in subsection (1), the Police Service Commission shall immediately inquire into the matter and may, where the inquiry reveals that the order was:</p>	<p>This is recommended to protect arbitrary use of power by senior officers, or whose orders to junior officers are deemed unlawful.</p>

	<p>(a) lawful, take appropriate disciplinary action against the police officer for disobeying a lawful order; and</p> <p>(b) unlawful, take appropriate disciplinary action against the <i>senior</i> police officer for giving an unlawful order.</p>	
	<p><i>Power to make regulations.</i></p> <p>140. (1) The Minister may make regulations on the recommendation of:</p> <p>(a) the Inspector-General of Police, with respect to the policy, organisation and administration of the Police Force, including establishments and financial matters, other than pensions within the meaning of the Pensions Reform Act; and</p> <p>(b) the Police Service Commission, with respect to appointments, promotions and disciplinary control of police officers as specified in the Constitution.</p> <p>(2) The Minister shall regularly review the police regulations.</p>	<p>Power to make regulations is conferred on the Minister not President as in extant Police Act. The Minister is also required to regularly review the regulations to ensure it is up to date with prevailing circumstances (Act No. 4, 2014).</p>
	<p><i>Repeal.</i></p> <p>141. (1) The Police Act Cap P19 Laws of the Federation</p>	

	<p>of Nigeria, 2004 is repealed</p> <p>(2) Subject to section 6 of the Interpretation Act (relating to the repeal of enactments), the repeal of the Act referred to under subsection (1) of this section does not affect anything done or purported to have been done under it.</p>	
	<p><i>Savings and transitional provisions.</i></p> <p>142. (1) There are vested in the Police Force established under this Bill, all assets, funds, resources and other moveable or immovable property which immediately before the commencement of this Bill were vested in the Police Force existing immediately before the commencement of this Bill.</p> <p>(2) All rights, interests, obligations and liabilities of the Police Force existing immediately before the commencement of this Bill under any contract or instrument, or in law or in equity, are, by virtue of this Bill, assigned to, and vested in, the Police Force established under this Bill.</p> <p>(3) Any contract or instrument referred to in subsection (2) has the same effect against or in favour of the Police Force established under this Bill and shall be enforced as fully and effectively as if, instead of the Police Force existing immediately before the commencement of this Bill, the Police Force established under this Bill had been</p>	

	<p>named in it or had been a party to it.</p> <p>(4) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill in respect of any right, interest, obligation or liability of the Police Force existing immediately before the commencement of this Bill may be continued, or as the case may require, be commenced, and the determination of a court or tribunal or other authority or person may be enforced by or against the Police Force established under this Bill to the same extent that the cause of action or determination might have been continued or commenced or enforced by or against the Police Force existing immediately before the commencement of this Bill as if this Bill had not been enacted.</p> <p>(5) Subject to the provisions of this Bill and to such directions as may be issued by the Police Service Commission, a person who immediately before the commencement of this Bill held office in the Police Force existing before the commencement of this Bill is deemed to have been transferred to the Police Force established under this Bill on terms and conditions not less favourable than those obtaining immediately before the commencement of this Bill, and employment in the Police Force existing immediately before the commencement of this Bill is deemed to be service in the Police Force</p>	
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	<p>established under this Bill for the purpose of pension.</p> <p>(6) Any regulation, order, notice made or issued by or for the purpose of the Police Force existing immediately before the commencement of this Bill are deemed, if not inconsistent with this Bill, to have been made or issued by or for the purposes of the Police Force established under this Bill, and shall continue in force until revoked or amended, subject to such modifications as may be applicable to the Police Force established under this Bill.</p> <p>(7) The Minister may, if he thinks fit, within 12 months after the commencement of this Bill, by notice published in the Federal Government Gazette, make additional transitional provisions for the better <i>realisation</i> of the objectives of this section.</p>	
<p>PART XVIII - INTERPRETATION</p> <p>101. In this Bill, except where the context otherwise requires:</p> <p>"Commissioner" means a Commissioner of Police, a Deputy Commissioner of Police or an Assistant Commissioner of Police,</p> <p>"competent authority", in relation to any power to appoint Special Constables, or to approve their re-engagements, or to suspend or determine their appointments, or to assign ranks to or exercise disciplinary control over Special Constables, or to</p>	<p><i>Interpretation.</i></p> <p>143. In this Bill:</p> <p>"Commissioner" means a Commissioner of Police, a Deputy Commissioner of Police or an Assistant Commissioner of Police;</p> <p>"Constable" means any police officer below the rank of Corporal;</p> <p>"Constitution" means the Constitution of the Federal</p>	

<p>hear their appeals against suspension or dismissal, means the Inspector-General of Police or any Superior Police Officer or Inspector to whom the power in question has by notice published in the Force Administrative Instructions been delegated in accordance with this Bill, and any such notice may, as regards any such power, make different provision with respect to different ranks in the special constabulary;</p> <p>"Constable" means any Police Officer below the rank of Corporal;</p> <p>“Court” means any court established by any law in force in Nigeria,</p> <p>"emergency special constable" means an emergency special constable appointed under section 70 of this Bill;</p> <p>"force administrative instructions", in relation to the Commissioner of Police for a State means the official publication, and in relation to the Inspector-General means the Force Administrative Instructions.</p> <p>“Inspector General” means, Inspector General of Police, Deputy Inspector General and Assistant Inspector General of Police,</p> <p>"Inspector" includes a Chief Inspector and an Inspector of Police;</p> <p>"Minister" means the minister charged with responsibility over Police matters and “Ministry" shall have a corresponding meaning;</p>	<p>Republic of Nigeria, 1999 (as altered);</p> <p>“court” means any court established by any law in force in Nigeria,</p> <p>“Criminal justice monitoring committee” refers to the Administration of Criminal Justice Monitoring Committee set up under section 469 of the Administration of Criminal Justice Act to ensure effective and efficient application of the Act, speedy dispensation of criminal matters and for related matters;</p> <p>“functions” includes duties;</p> <p>“Inspector” includes a Chief Inspector and an Inspector of Police;</p> <p>“Minister” means the Minister charged with responsibility police affairs and “Ministry” shall be construed accordingly;</p> <p>“Non-Commissioned Officer” means a Police Sergeant-Major, a Police Sergeant or a Police Corporal as the case may be;</p> <p>“Police” means the Police Force;</p> <p>“Police Force” means the Police Force established under section 3 of this Bill;</p> <p>“police officer” means a member of the Nigerian Police;</p>	
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<p>"Non-Commissioned Officer" means a Police Sergeant-Major, a Police Sergeant or a Police Corporal as the case may be;</p> <p>"police area" means any Police Formation, Command, Area Command;</p> <p>"police division" means a Police division established under the provisions of standing orders made under section 58 of this Bill;</p> <p>Police Officer" means any member of the Nigerian Police Force;</p> <p>"prescribed" means prescribed by regulations made under section 58 of this Bill;</p> <p>"Prosecuting Officer" means any police officer qualified to prosecute under this bill or any person appointed by the Attorney General of the Federation or of the States or Police to prosecute crimes on their behalf and for the Nigeria Police Force</p> <p>"Senior Police Officer" means any Police Officer above the rank of a Cadet Assistant Superintendent of Police;</p> <p>"special constable" includes an emergency special constable;</p> <p>"Superintendent of Police", includes a Chief Superintendent of Police, Superintendent of Police, a Deputy Superintendent of Police, and an Assistant Superintendent of Police; and</p> <p>"territory" means a State or the Federal Capital Territory, Abuja.</p> <p>"The Police" means the Nigeria Police Force established under this Bill.</p>	<p>"prosecuting officer" means any person appointed by the Attorney-General of the Federation or of the State to prosecute crimes on their behalf and for the Nigeria Police;</p> <p>"senior police officer" means any police officer above the rank of a Cadet Assistant Superintendent of Police; and</p> <p>"Superintendent of Police includes a Chief Superintendent of Police, Superintendent of Police, a Deputy Superintendent of Police, and an Assistant Superintendent of Police.</p>	
<p>101. This Bill may be cited as the Nigerian Police Act (Repeal and Re-enactment) Bill, 2020.</p>	<p>144. Retained.</p>	
<p>EXPLANATORY MEMORANDUM</p>	<p>EXPLANATORY MEMORANDUM</p>	

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.

This Bill repeals the Police Act Cap P19 Laws of the Federation of Nigeria, 2004 and enact Nigeria Police Act, 2020 to provide for the framework for the police force and ensure cooperation and partnership between the police and host communities in maintaining peace, protecting liberties, life and property.