



# SENATE COMMITTEE ON POLICE AFFAIRS

REPORT OF THE SENATE COMMITTEE ON POLICE AFFAIRS ON A BILL FOR AN ACT TO REPEAL THE POLICE ACT CAP.P19 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NIGERIA POLICE ACT, 2020 TO PROVIDE FOR THE FRAMEWORK FOR THE POLICE SERVICE AND ENSURE COOPERATION AND PARTNERSHIP BETWEEN THE POLICE AND COMMUNITIES IN MAINTAINING PEACE AND COMBATING CRIME; AND FOR RELATED MATTERS.

22<sup>nd</sup> April, 2020

**1.0** The Police Act Cap. P19 Laws of the Federation of Nigeria 2004 (Repeal and Enact) Bill, 2020 (SB.181) was sponsored by Senator Halliru Dauda Jika – Bauchi Central.

The Senate on Thursday, the 13<sup>th</sup> day of February, 2020 debated on the general principles of the Bill and after it was read the second time, was referred to the Senate Committee on Police Affairs through an order of Reference Dated 18<sup>th</sup> day of February, 2020 to report back its recommendations

## **2.0 Methodology**

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

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

## **3.0 Objectives of the Bill**

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

The effort to review the Police Act has been a long-drawn effort which started in 2004 with slow progress made over the years. The current initiative which has culminated

in the production of this document is the closest in the effort to reform the Nigeria Police for efficiency and effectiveness.

#### **4.0 Committee's Action**

As part of the committee's action on the referral, the Committee relied on the legislative frame work adopted in paragraph 2.0 on Methodology in handling this legislative proposal. Accordingly, the Committee at one of its meetings resolved to conduct a Public Hearing on the 18<sup>th</sup> day of March, 2020 in order to elicit viewpoints/opinions of stakeholders and members of the public.

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

- \* The Hon. Attorney General of the Federation and Minister of Justice
- \* The Hon. Minister of Police Affairs
- \* The Hon. Minister of Finance, Budget and National Planning
- \* The Chairman, Police Service Commission
- \* The Inspector General of Police
- \* The Nigerian Law Reform Commission
- \* The President, Nigerian Bar Association & Executive Members
- \* The President, Association of Retired Police Officers of Nigeria
- \* Policy and Legal Advocacy Centre (PLAC)
- \* Comptroller General of Prison
- \* Comptroller General of Immigration
- \* Corps Marshal Federal Road Safety Commission
- \* Nigeria Security and Civil Defence Corps
- \* NGO's and CSOs

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

## **5.0 Public Hearing**

In line with the committee's decision at one of its meetings, the committee conducted a Public Hearing on the Bill on the 18<sup>th</sup> day of March, 2020 at the Senate Conference Hall, National Assembly Complex. The guest of Honour, His Excellency, Senator Ahmed Ibrahim Lawan, the president of the Senate, declared the Public Hearing open. In his keynote address, the president of the Senate, represented by Senator Emmanuel Bwacha welcomed stakeholders and invited guests to the Public Hearing. He stated that over the past few months, this piece of legislation has passed through its first and second stages and it is important to note that its contents have formed a vital part of the efforts of the senate, aimed at creating legislative interventions to address specific issues.

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

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

He is of the opinion that Law and its officers requires regular review and development for the good of self and the society, stating that is the reasons why National Assembly will continue to ask for stakeholder's inputs in the bid to bring this about.

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

Finally, he formally declared the Public Hearing open.

## 6.0 Highlights of Presentations by Stakeholders

Mr. President, Distinguished Senators, it is apposite to state here that the preponderance of opinion of all the stakeholders who made both written and oral presentations at the Public Hearing commended the intendment of the Bill and expressed their total support for its passage into law by the National Assembly.

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

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

- The first has to do with the name of the force "The Nigeria Police Force" which is proposed to be changed to the Nigeria Police. The name the Nigeria Police Force is the name given by the Nigerian constitution, therefore deleting the word "Force" is unconstitutional and cannot stand except and until that constitution provision is amended.
- Opinions were divided on the provision in the draft Bill in section 7 (3) (iii) regarding the appointment of Inspector-General of Police by the President of the Federal Republic of Nigeria subject to the confirmation of the Senate, ditto for the removal of Inspector-General of Police. However majority expressed their reservation as this may lead to politicization of the appointment, and conflicts with the provisions of the Constitution of Federal Republic of Nigeria.
- The stakeholders were unanimous, in support of the provision in section 7 (6) regarding the tenor of office of the Inspector-General of Police to hold office for a single term of 4 years subject to the statutory retirement requirement in the Public Service. This will be in tandem with what operates in some security agencies such as the EFCC, the ICPC and Police Service Commission which in turn will stabilize the office of the Inspector-General of Police and enable him set out his strategic operational plans for a given period.
- Another provision in the draft Bill that enjoyed unanimity during the Public Hearing is section 60 that deals with the Establishment of Community Police Forum. It was argued that it is difficult to police people without their consents. That the introduction of the forum is not only in line with the Federal Government policy on

policing but will make the job of policing very efficient, effective and of international best practice. It will give opportunity to the Police and the Public acting in partnership.

- The position of the draft Bill proposing the reduction of the existing seven (7) Deputy Inspector-General of Police (DIG) to just one (1) was opposed by the majority of the stakeholders. Noting that the present arrangement of having seven (7) Deputy Inspector-General of Police (DIG) reduces the work load of the Inspector-General of Police and that to reduce the number of the Deputy Inspector-General of Police to one (1) will be retrogressive.

## **7.0 Observations/Findings**

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

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

## **8.0 Recommendation**

The Senate Committee on Police Affairs, which was referred the Bill for an Act to Repeal the Police Act Cap.P19 Laws of the Federation of Nigeria, 2004 and Enact the Police Act, 2020, having considered same, hereby recommends as follows;

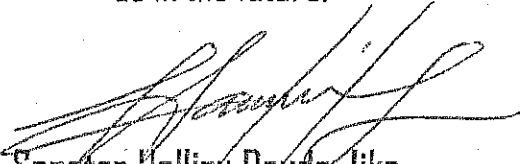
1. that it should be made binding on the Inspector-General of Police to adhere to policing plans. The national policing plan should be made with inputs from the Police Force Headquarters and all the various Police formations nationwide before the end of each financial year, setting out priorities, objectives, cost implications and expected outcomes of Policing for the next succeeding financial year- in order to change budgeting from a top-down approach to a bottom-up approach.
2. that the name "Nigeria Police" proposed in the draft Bill should be changed to 'Nigeria Police Force' as presently in use in view of the failed constitution alteration attempt to amend the name.
3. that the Police abide and enforce certain constitutional provisions, particularly fundamental rights of persons in Police custody under chapter 4 of the 1999 constitution (as amended) and other international instruments on Human rights to which Nigeria is a signatory (including of provisions that reiterate the importance of fundamental human rights and advocating for their observance).
4. that on the Appointment and Removal of the inspector-General of Police, the provisions of the constitution in line with section 215 of the 1999 constitution (as amended) should be retained, as any proposal contrary to this provision will require constitution alteration for it to be viable.
5. that the community policing be strengthened
6. That the tenure of office of the Inspector-General of Police should be a single 4-year term which will make for a secured tenure.

Attached is the detailed highlights of the Bill

We so move

## 9.0 Conclusion

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



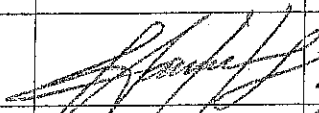
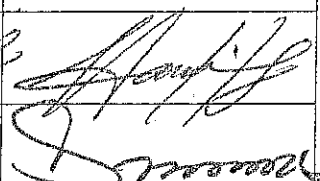
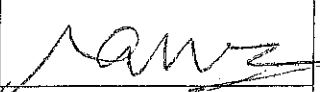
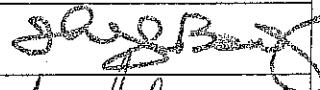
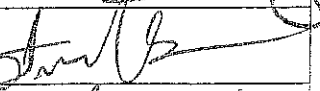


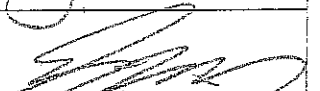
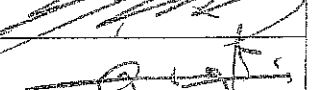
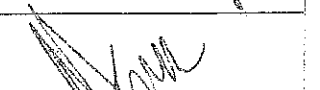
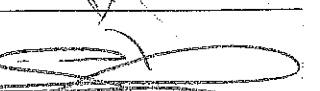
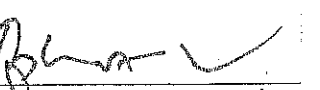
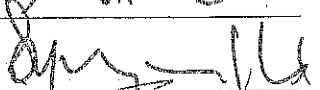

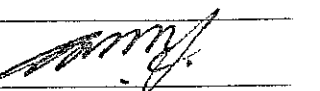
Senator Halliru Dauda Jika  
Committee Chairman



Barr. Falade A. Lawson  
Committee Clerk



## ENDORSEMENT

S/N	NAME	DESIGNATION	SIGNATURE
1	SEN. HALIRU D. JIKA - CHAIRMAN		
2	SEN. IBRAHIM ABDULLAH DANBABA - VICE -CHAIRMAN	VChairman	
3	SEN. IKE EKEREMADU	member	
4	SEN. HASSAN MUHAMMED GUSAU		
5	SEN. IBRAHIM MUHAMMAD BOMAI	member	
6	SEN. DIMKA HEZEKIAH	Member	
7	SEN. TANKO AL-MAKURA	MEMBER	
8	SEN. EMMANUEL BWACHA	Member	
9	SEN. AKINYELORE PATRICK AYO	Member	
10	SEN. DBINNA OGBA	member	
11	SEN. JIBRIL I BARAU	Member	
12	SEN. SMART ADEYEMI	Member	
13	SEN. BELLO MANDIYA	member	
14	SEN. SANDY OJANG ONOR	Member	
15	SEN. KABIRU ABDULLAH BARKIYA	Member	
16	SEN. DIRI DOUYE (LEFT)		
17	BARR. FALADE A LAWSON	CLERK	

## **REPORT OF THE SENATE COMMITTEE ON POLICE AFFAIRS**

### **Highlights on the Bill**

#### **PART I – PRELIMINARY**

##### **Section 1:**

##### **General Objective.**

To provide for a more efficient and effective Police Force based on accountability, transparency and protection of human rights and fundamental freedoms.

##### **Section 2**

##### **Specific objectives**

Specific objectives of this Bill generally describe the responsibilities of the Police Force and require it to be more responsive to the needs of the general public and entrench in its operations the values of fairness, justice and equity.

#### **PART II – ESTABLISHMENT, COMPOSITION AND DUTIES OF THE NIGERIA POLICE FORCE**

##### **Section 3**

**Establishment, composition and duties of the Nigeria Police Force.**

##### **Section 4**

##### **Primary functions of the Police Force**

- prevention and detection of crimes, and protection of the rights and freedom of every person
- maintenance of public safety, law and order
- protection of the lives and property of all persons in Nigeria, and
- enforcement of all laws and regulations
- adopt community partnership in the discharge of its responsibilities (Newly introduced)

## **Section 5**

Duty of the Police Force to enforce certain constitutional provisions is newly introduced in view of the concerns about the adherence to human rights norms by the Police

## **PART III- APPOINTMENT, REMOVAL, FUNCTIONS AND POWERS, ETC. OF INSPECTOR-GENERAL OF POLICE**

### **Section 6**

#### **Establishment and functions of the Nigeria Police Council.**

- This is the highest policy making body in matters relating to the Police Force, whose general function is the organisation, administration and supervision of the Police Force.
- New subsection (3) (d) and subsections (4)-(6) are inserted to provide for regular meetings of the Nigeria Police Council.

### **Deleted Section 7**

#### **Hierarchy of the police**

- This section is deleted because it is about the hierarchy of the police which was addressed in clause 3 (3) and listed more comprehensively in the Schedule to the Bill.
- Section 8 of the Bill now becomes section 7.

### **New Section 7**

#### **Appointment, tenure, removal, etc. Inspector-General of Police.**

- The appointment of IG by the President, among serving members of the Police Force, is now based on the advice of the Police Council.
- A single term of four years is introduced to give stability to the office of the Inspector-General of Police.
- The IG shall only be removed from office by the President on the advice of the Police Council.

## **Section 8**

### **Functions and powers of the Inspector-General of Police.**

- To address the lacuna in the existing law on the functions of the IGP, this section is introduced to clearly state the scope of the powers and functions of the IGP, and to improve accountability.
- Effective administrative organisation of the police force is necessary in line with best practices.
- Re-engagement of retired police officers for a period of two years or more is introduced in order to benefit from their knowledge and experience.

## **Section 9**

### **Delegation of powers**

The power of the IGP to delegate any of his powers to any police officer has been there under the Bill.

## **PART IV - APPOINTMENTS AND FUNCTIONS, ETC. OF DEPUTY INSPECTOR-GENERAL, ASSISTANT INSPECTORS-GENERAL, COMMISSIONERS OF POLICE AND OTHER PERSONS INTO THE NIGERIA POLICE FORCE**

## **Section 10**

### **Appointment and duties of the Deputy Inspectors-General and Assistant Inspectors-General**

- This section now requires that the appointment of DIGs and AIGs by the Police Service Commission shall be based on the recommendation of the Inspector-General of Police.
- This is necessary to ensure that there is a clear chain of command for the efficient running of the Police Force.
- In addition to retirement and removal, promotion is another additional ground that would make an officer cease to hold such an office.

- A new criterion is introduced in the process to appoint the most senior Deputy Inspector-General of Police as the next IGP.

## **Section 11**

### **Appointment of Commissioners of Police.**

- This provision recommends that the appointment and deployment of Commissioners of Police must reflect the Federal Character.
- It further creates conditions or instances for the removal of CPs.
- It also recommends the deletion of subsection (3) of the Bill which compels a State Commissioner to take directions from the State Governor.

## **Section 12**

### **Appointment of other persons**

This provision is new and it is inserted to give the Police Service Commission power to appoint other persons needed for the effective running of the Police Force.

## **Section 13**

### **Pensions and gratuities**

- This provision is new and it is inserted to address issues relating to officers' pensions as commonly provided in other establishment laws.
- Subsection (3) is deleted because the Police Service Commission and Minister are not responsible for the payment of Police Pension.

### **Deleted section 13**

Delegation of powers by the Inspector-General of Police is deleted because it is already captured in section 9.

## **Section 14**

### **Standing Orders**

Standing Orders relating to operational control of the Police Force and condition of service are the duty of the Inspector-General of Police.

## **Part V – GENERAL ADMINISTRATION**

### **Section 15**

#### **Oath to be taken by officers on appointment**

Retained with minor drafting amendment

### **Section 16**

#### **Recruitment, Appointment and Service**

- The provision on constables' recruitment in the Principal Act is retained but modified under this Bill to meet the standard and best practice.
- For the purpose of such recruitment, the Nigeria Police Recruitment Board is established and its membership clearly spelt out.

#### **Deleted sections 18, 19 and 20**

#### **Extension of term of enlistment and Re-engagement in special duties**

These sections are deleted because of section 17 of this Bill, which makes comprehensive provisions on the enlistment and re-engagement of recruit constables in special duties.

### **Section 18**

#### **Training Programmes**

- The police officers require extensive training and re-training for efficient and effective Police Force
- The absence of this training and re-training is a major challenge for officers, and that is why this section makes a detailed provision to address the issue.

### **Section 19**

#### **Appointment of supernumerary police officers to protect property**

The provisions of sections 19 - 24 are modified to comprehensively address the appointment and scope of duties of supernumerary police officers in the Police Force.

## **PART VI- FINANCIAL PROVISIONS**

### **Section 25**

#### **Funding of the Police Force.**

- A new provision is inserted to address the police funding which has been a critical issue and a major reason given for the inefficiency and ineffectiveness of the Police.
- This provision is similar to those found in other establishment laws and contains requirements for recording and accounting for State government donations.
- But the General Fund under this section is different from the Trust Fund established under section ??... of this Bill.

### **Section 26**

#### **Expenditures by the Police Force.**

This section provides for application of the money accruing into the General Fund to meet the general expenditures of the Police Force.

### **Sections 27, 28 and 29**

These three sections provide that the Police Force shall:

- Prepare estimates of income and expenditure
- Prepare and submit statement of account in respect of each financial year
- Keep proper records and accounts of the income and expenditures
- Submit its accounts for auditing by auditors appointed by the Police Force
- Submit an annual report on the activities of the Police Force

### **Deleted Section 30**

#### **Accountability**

This section is deleted because section 28 is adequate on this.

## **PART VII – POWERS OF POLICE OFFICERS**

### *A. Investigation and Arrest*

#### **Section 30 (33)**

##### **Investigation of an allegation by the Police.**

- The extensive powers usually exercised by the Police are not clearly spelt out or regulated in the Principal Act or proposed Bill.
- However, the Administration of Criminal Justice Act 2015 comprehensively contains the police powers, and is recommended for adoption in this Bill for the purpose of coherence and consistency, i.e. from investigation, arrest, search, and warrants
- The powers of **arrest** are replicated in sections **30 – 47** (33 – 49) of this Bill.
- The power to **search** replicated in sections **48 -58** (50 - 61)
- **Recording of statement of suspect section 62 -63**
- **Release of arrested suspect from section 64 -66**
- **Summons and power to prosecute from section 67 - 68**

#### **Section 69**

##### **Central Criminal Records Registry.**

Central Criminal Records Registry is established to serve as a database for keeping all criminal records in the Police Force.



## **Section 70**

Power to take fingerprints

## **Section 71**

Police to report to supervising Magistrates

## **Section 71**

Chief Magistrate to visit police stations every month

## **PART VIII – WARRANTS**

### **Sections 73 - 84**

Warrants Generally

### **Section 85**

Public safety and public order

## **PART IX - PREVENTION OF OFFENCES AND SECURITY FOR GOOD BEHAVIOUR**

### **Sections 86 - 89**

## **PART X- PROPERTY FOUND AND UNCLAIMED, ETC.**

### **Section 90**

Found and unclaimed property

### **Section 91**

Detailed particulars of victims or deceased persons must be recorded

## **Section 92**

Missing persons.

## **PART XI – ESTABLISHMENT OF THE POLICE REWARD FUND, ETC. AND OTHER PROVISIONS RELATING TO THE POLICE FORCE**

### **Sections 93 - 97**

## **Section 93**

Nigeria Police the Police Reward Fund

This section establishes the Nigeria Police the Police Reward Fund generally to address the welfare of members of the Police Force.

## **PART XII-OFFENCES**

### **Sections 98 – 106**

## **PART XIII - SPECIAL CONSTABLES**

### **Section 107 – 114**

Comprehensive provisions are made to address the special constabulary Sections (107 – 114)

## **PART XIV – COMMUNITY POLICING COMMITTEE**

### **Section 115 – 120**

For the effective and efficient policing of communities in a State and Federal Capital Territory, detailed provision are made to promote partnership and cooperation the communities and Police Force.

## **PART XV- TRAFFIC WARDEN SERVICE**

### **Section 121 – 132**

Provisions are made to address the employment of traffic wardens to perform functions normally performed by the police officers in connection with the control, regulation and enforcement of the law relating to road traffic.

## **PART XVI - POLICE PUBLIC COMPLAINTS AND DISCIPLINE**

### **133 - 136**

### **Establishment of a Police Complaints Response Unit.**

#### **Section 133**

- This new section establishes the Police Complaints Response Unit and is placed under the Public Relations Section because it is the link between the Police and public.
- The Unit shall receive information:
  - (a) on police officers' misconduct from the public and other police officers or authority; and
  - (b) on whether the alleged conduct complained of has resulted in the death, serious injury or other gross human rights violation.

## **PART XVII – MISCELLANEOUS PROVISIONS**

### **Section 137 – 142**

#### **Prohibition against gender discrimination**

##### **Section 137**

This new section addresses the prevailing issues of gender discrimination by the Police and prohibits discrimination on the basis of gender.

#### **Disobeying unlawful orders**

##### **Section 138**

This new section is inserted to protect arbitrary use of power by senior officers, or whose orders to junior officers are deemed unlawful.

#### **Power to make regulations**

##### **Section 139**

- Under this section, the power to make regulations is conferred on the Minister, not President as in the extant Police Act.
- The Minister is also required to regularly review the regulations to ensure it is up-to-date with prevailing circumstances.

#### **Repeal**

##### **Section 140**

This section repeals the Police Act Cap. P19, Laws of the Federation of Nigeria, 2004.

#### **Savings and transitional provisions.**

##### **Section 141**

Under this new section, the repeal of the Police Act by this Bill does not affect anything done or purported to have been done under the extant Police Act.

### **Interpretation**

#### **Section 142**

#### **Citation**

#### **Section 143**

## REPORT OF THE SENATE COMMITTEE ON POLICE AFFAIRS

ON

A Bill

For

**An Act to repeal the Police Act Cap P19 Laws of the Federation of Nigeria, 2004 and enact 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**

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
Commencement	ENACTED by the National Assembly of the Federal Republic of Nigeria:	ENACTED by the National Assembly of the Federal Republic of Nigeria:	
	<b>PART I - PRELIMINARY</b>	<b>PART I – PRELIMINARY</b>	
Long title	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 <b>HOST COMMUNITIES</b> IN MAINTAINING PEACE AND COMBATING CRIME; AND FOR RELATED MATTERS	<p style="text-align: center;"><b>A Bill</b></p> <p style="text-align: center;"><b>For</b></p> <p><b>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 <del>host</del> communities in maintaining peace, protecting liberties, life and property; and for related matters</b></p>	<p>Redrafted in lower case and for elegance</p> <p>The word “Host” is deleted because it is too restrictive.</p> <p>The word, “combating” was too aggressive</p>
1. <i>General Objective.</i>	<p><b><i>Guiding Principles.</i></b></p> <p>1. This Bill is based on the principles of:</p>	<p><b><i>General Objective.</i></b></p> <p>1. The <b><i>Objective</i></b> of this <b><i>Bill</i></b> is to provide for a more efficient and effective police force that is based on the</p>	<p>The word “objective” is</p>



CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
	their needs.	<p>(f) <i>ensure that the <b>police performs</b> 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></p> <p>(g) develop professionalism in the Police Force by <b>providing</b> relevant training in all <b>police</b> formations in Nigeria for enhanced performance; and</p> <p><b>(h) respect for rights of victims of crime and an understanding of their needs.</b></p>	<p>Redrafted for elegance</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>
	<b>PART II- ESTABLISHMENT AND DUTIES OF THE POLICE</b>	<b>PART II – ESTABLISHMENT, COMPOSITION AND DUTIES OF THE NIGERIA POLICE FORCE</b>	
3. <b><i>Establishment, Composition and duties of the Nigerian Police Force.</i></b>	<p><b>Establishment and Composition of the Nigerian Police Service.</b></p> <p>3. (1) There is hereby established for Nigeria a police organization to be known as the Nigerian Police which shall replace the former Nigeria Police Force and assume its rights, powers, privileges liabilities structures and organs.</p>	<p><b><i>Establishment, composition and duties of the Nigeria Police Force.</i></b></p> <p><b><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></b></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>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>



CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
	<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;</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 1990; and</p> <p>(b) such other persons that may be appointed under this Bill.</p>	<p>(2) The Police Force <b><i>shall consist of:</i></b></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; and</p> <p>(d) <b><i>Special Constables</i></b> appointed under this Bill.</p> <p>(3) The hierarchy of the Police Force is as specified in the Schedule to this Bill.</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>
4. <b><i>Primary functions of the Police Force.</i></b>	<p><b><i>General duties of the Police.</i></b></p> <p>4. 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' Right, and any other law;</p> <p>(b) protect the lives and property of citizens;</p> <p>(c) preserve 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</p>	<p><b><i>Primary functions of the Police Force.</i></b></p> <p>4. The <b><i>Police Force shall:</i></b></p> <p>(a) <b><i>prevent and detect crimes, and</i></b> 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 <b><i>without prejudice to the enabling Acts of other security agencies;</i></b></p> <p>(e) <b><i>discharge</i></b> such duties within and outside Nigeria as may be required of it under this Bill or any other law;</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>

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
	<p>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 public without subjecting citizenry to inhuman treatments or any form of extortion;</p> <p>(h) adopt community partnership in the performance of the duties provided under this section; and</p> <p>(j) prevent and detect crimes without unreasonably threatening the liberty and privacy of the citizens.</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; and</p> <p>(h) adopt community partnership in the <b>discharge</b> of its responsibilities under this Bill or under any other law.</p>	<p>Redrafted for elegance</p> <p>Use of correct verb in legislative sentence.</p>
5. <i>Duty of Police Force to enforce certain constitutional provisions, etc.</i>		<p><b><i>Duty of Police Force to enforce certain constitutional provisions, etc.</i></b></p> <p><b><i>5. (1) The Police Force is responsible for promoting and protecting the fundamental rights of persons in police custody as guaranteed by the Constitution.</i></b></p> <p><b><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</i></b></p>	<p><b><i>New Insertion</i></b></p> <p>In view of the concerns about the adherence to human rights norms by the Police, this was inserted to ensure</p>

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>Chapter IV of the Constitution.</i></p> <p><i>(3) In addition to the provisions of subsections (1) and (2) of this section, the Police Force is also charged with the responsibility for promoting and protecting the fundamental rights of all persons as guaranteed under the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act and other international legal instruments on Human Rights to which Nigeria is a signatory.</i></p>	<p>compliance.</p> <p>(Cap. A9 LFN 2004)</p>
<p>6. <i>Establishment and functions of the Nigeria Police Council.</i></p>	<p><b>Establishment of the Nigerian Police Council.</b></p> <p>5. (1) There is established a body to be known as the Nigerian Police Council (in this Bill referred to as "the Council") which shall consist of:</p> <p>(a) the President, who shall be the Chairperson;</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>(2) The functions of the Council shall include:</p> <p>(a) the organisation and administration of the Police and all other matters relating thereto (not being matters relating to the use and operational control of the Police, or the appointment, disciplinary control and dismissal of members of the Police);</p> <p>(b) the general supervision of the Police;</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,</p>	<p><i>Establishment and functions of the Nigeria Police Council.</i></p> <p>6. (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 include:</p> <p>(a) the organisation and administration of the Police Force and all other matters relating to the Police Force (not being matters relating to the use and operational control of the Police, or the appointment, disciplinary control and dismissal of members of the Police Force);</p> <p>(b) the general supervision of the Police Force;</p>	<p>Redrafted to reflect the establishment.</p>

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
	in the Presidency, shall be the Secretary to the Council and the Secretariat of the Council shall be in the Police Affairs Office, the Presidency.	<p>(c) advising the President on the appointment of the Inspector-General of Police; and</p> <p><i>(d) receiving and deliberating on reports and advising the President or Inspector-General of Police on actions to be taken:</i></p> <p><i>(i) pertaining to policing matters from the States of the Federation and the Federal Capital Territory, Abuja on any crucial decision of their Security Committee meetings held during the three months preceding a quarterly meeting of the Police Council, and</i></p> <p><i>(ii) on security concerns relating to policing from the States and the Federal Capital Territory, Abuja, and taking such action as it may consider appropriate.</i></p> <p><i>(4) The Police Council shall meet at least once every three months and may hold emergency meetings when necessary.</i></p> <p><i>(5) The Secretary to the Government of the Federation 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>	new subsection (3) (d) and subsections (4)-(6) are inserted to provide for regular meetings of the Nigeria Police Council.
	<b>PART III-</b>	<b>PART III- APPOINTMENT, REMOVAL, FUNCTIONS AND POWERS, ETC. OF INSPECTOR-GENERAL OF POLICE</b>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
	<p>6. Pursuant to Section 215 (1) of the Constitution, the hierarchy of the Police shall consist of the following:</p> <p>(i) The Inspector-General of Police;</p> <p>(ii) Deputy Inspector- General of Police;</p> <p>(iii) Assistant Inspectors-General of Police;</p> <p>(iv) Commissioners of Police;</p> <p>(v) Deputy Commissioner of Police;</p> <p>(vi) Assistant Commissioner of Police;</p> <p>(vii) Chief Superintendent of Police;</p> <p>(viii) Superintendent of Police;</p> <p>(ix) Deputy Superintendent of Police;</p> <p>(x) Assistant Superintendent of Police;</p> <p>(xi) Inspector Police;</p> <p>(xii) Sergeant Major;</p> <p>(xiii) Sergeant;</p> <p>(xiv) Corporal;</p> <p>(xv) Constable; and</p> <p>(xv) 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>	7. Deleted	The hierarchy of the police was addressed in clause 3 (3). It is also listed in the Schedule to the Bill
7.	<b>Appointment of Inspector General of Police.</b>	<i>Appointment, tenure, removal, etc. Inspector-General of</i>	This is amended

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
<i>Appointment, removal, etc. Inspector-General of Police.</i>	<p>7. (1) The Inspector General of Police shall be the head of the Police and exercise all operational control over the Police and all its departments/units.</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 person for the office of the Inspector General of Police shall be appointed as follows:</p> <p>(i) interested persons shall make an open and formal application to the Police Council;</p> <p>(ii) the Nigerian Police Council shall nominate three applicants from among the pool of applicants using the stipulated criteria for competences and qualification; and</p> <p>(iii) the President shall appoint the Inspector General of Police from the recommended applicants subject to the confirmation of the senate.</p> <p>(4) The Inspector-General of Police shall not be removed from office except for gross misconduct, gross violation of the constitution or demonstrated incapacity to effectively discharge the duties of the office.</p>	<p><i>Police.</i></p> <p><b><i>7. (1) There shall be, as provided for under section 215 of the Constitution, an Inspector-General of Police (in this Bill referred to as “the Inspector-General”) who shall be appointed by the President on the advice of the Police Council from among serving members of the Police Force.</i></b></p> <p><b><i>(2) The Inspector General of Police shall hold office for a single term of four years.</i></b></p> <p><b><i>(3) The Inspector-General shall only be removed from office by the President on the advice of the Police Council.</i></b></p>	<p>to bring it in conformity with the Constitution.</p> <p>The Constitution is silent on the tenure. The tenure gives stability to the office of the Inspector-General of Police</p> <p>Subsections (3)-</p>

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
	<p>(5) The Inspector General of Police shall not be removed from office except:</p> <p>(i) a report or complaint of gross misconduct or incapacity to perform his duties has been made against him by any person, including the President;</p> <p>(ii) the Nigerian Police Council considers the allegations against him serious and sets up a committee of the Council to investigate the matter.</p> <p>(iii) the Committee investigates the allegation, and after fair hearing, recommends that the person be removed from office; and</p> <p>(iv) the Senate by resolution confirms the removal of the person.</p> <p>(6) the person appointed to the office of the Inspector General of Police shall hold office for a single term of 5 years subject to the statutory retirement requirement in the public service.</p>		(6) are Constitutional issues
<b>8. Functions and powers of the Inspector-General of Police.</b>		<p><b><i>Functions and powers of the Inspector-General of Police.</i></b></p> <p><b><i>8. (1) The powers and functions of the Inspector-General shall include:</i></b></p> <p><b><i>(a) the development of an overall national policing plan</i></b></p>	<p><b><i>New Insertion</i></b></p> <p>To address the lacuna in the existing law on the functions</p>

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>with inputs from the Police Force Headquarters and all the various police formations nationwide before the end of each financial year, setting out the priorities, objectives, cost implications and expected outcomes of policing for the next succeeding financial year;</i></p> <p><i>(b) taking into cognisance the security situation across the country and its population, determine the manpower distribution of the Police based on its numerical strength after due consultation with the Police Service Commission;</i></p> <p><i>(c) administer and organise the Police Force into various components, units or groups for overall optimal performance and effectiveness;</i></p> <p><i>(d) ensuring regular training and re-training of police officers and other staff and personnel of the Police Force and, for this purpose, establish and maintain training institutions or centres for the training of members of the Police Force; and</i></p> <p><i>(e) ensuring the physical, mental and psychological wellbeing of all police personnel;</i></p> <p><i>(f) seeing to the welfare and conditions of service of Police personnel;</i></p> <p><i>(g) making Standing Orders relating to operational control of the Police Force which shall be:</i></p>	<p>and powers of the IGP, this clause is inserted to clearly state the scope of the powers and functions of the IGP, and to improve accountability.</p> <p>Effective administrative organisation of the police force is necessary in line with best practices</p>



CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>(i) binding on all police officers, and</i></p> <p><i>(ii) published in the Federal Government Gazette; and</i></p> <p><i>(h) performing such other functions or exercising such powers as may be conferred on him under this Bill or any other law.</i></p> <p><i>(2) The Inspector-General shall, in addition to his functions under this section, ensure the discharge by the Police Force of the responsibilities referred to under section 5 of this Bill, and for this purpose, the Inspector-General shall:</i></p> <p><i>(a) facilitate access to legal support for suspects, accused persons or detainees in police custody;</i></p> <p><i>(b) ensure that police officers assigned to work under the relevant scheme provide necessary assistance as may be required by legal counsel; and</i></p> <p><i>(c) for the purposes of performing the functions under this section, submit to the Attorney-General of the Federation and National Assembly an annual report on how those responsibilities referred to under section 5(2) of this Bill are discharged.</i></p> <p><i>(3) The Attorney-General of the Federation shall, after a review of the annual report received, send his findings and recommendations to the President and publish same</i></p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>in his official website</i></p> <p><i>(4) The Inspector-General shall, by order published in the Federal Government Gazette, make detailed provisions and specifications for the establishment and proper working of the schemes or mechanisms under section 5 of this Bill</i></p> <p><i>(5) The Inspector-General shall, in performing his functions under this Bill, obtain inputs, from the Deputy Inspectors-General and Assistant Inspectors-General of the Zonal Commands, on the priority areas of policing for the Zones and incorporate submissions from Commissioners of Police of the States to be included in the overall national strategic plan for the next succeeding financial year.</i></p> <p><i>(6) The Inspector-General may:</i></p> <p style="padding-left: 40px;"><i>(a) re-engage a retired police officer for a period of two years; and</i></p> <p style="padding-left: 40px;"><i>(b) upon application by the retired police officer, re-engage him for another period of two years.</i></p>	<p>Redrafted for clarity. The official name of the gazette is reflected</p> <p>To benefit from their knowledge and experience</p>
<b>9. Delegation of powers.</b>		<p><b><i>Delegation of powers.</i></b></p> <p><b>9. (1)</b> The Inspector-General may delegate any of his powers under this Bill to any police officer, <b><i>as may be appropriate</i></b> and such powers may be exercised with respect to the matters or class of matters specified or</p>	<p>Inserted for elegance</p>

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		defined in the instrument of delegation.  (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>	
		<b>PART IV - APPOINTMENTS AND FUNCTIONS, ETC. OF DEPUTY INSPECTOR-GENERAL, ASSISTANT INSPECTORS-GENERAL, COMMISSIONERS OF POLICE AND OTHER PERSONS INTO THE NIGERIA POLICE FORCE</b>	
10. <i>Appointment and duties of the Deputy Inspector-General and Assistant Inspector-General.</i>	<b>Appointment of Deputy Inspector General of Police etc.</b>  8. (1) the Deputy Inspector General and Assistant Inspectors General shall be appointed by the Police Service Commission  (2) A Person appointed under subsection (1) of this section shall hold office until retirement or removal following due process by the Police Service Commission on account of gross misconduct or incapacity to perform his/her duties based on recommendation by the Inspector General of Police.	<i>Appointment and duties of the Deputy Inspectors-General and Assistant Inspectors-General</i>  <b>10. (1) The Police Service Commission <i>on the recommendation of the Inspector General of Police</i>, shall appoint for the Police Force <b>such numbers of Deputy Inspectors-General and Assistant Inspectors-General</b> as are required for the efficient performance of the functions of the Police Force.</b>  (2) A person appointed under subsection (1) shall:  (a) hold office until <i>promotion</i> , retirement or removal by the Police Service Commission on account of gross misconduct or incapacity to perform the functions of his office after following due process; and	This expands the provision to ensure that there is a clear chain of command for the efficient running of the Police Force.  Additional ground for exiting an office

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p>(b) <b><i>perform</i></b> such functions and responsibilities and exercise such powers as are assigned to him by the Inspector-General.</p> <p>(3) The <b><i>most senior</i></b> Deputy Inspector-General of Police shall, in the absence from office of the Inspector-General, act on behalf of the Inspector-General in <b><i>performing</i></b> 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.</p> <p>(4) On resumption of duty by the Inspector-General, the <b><i>said</i></b> 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-General in the absence of the Inspector-General from office.</p>	Respect for seniority
11. <b><i>Appointment of Commissioners of Police.</i></b>	<p><b>Appointment of Commissioner of Police.</b></p> <p>9. 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><b><i>Appointment of Commissioners of Police.</i></b></p> <p><b>11.</b> (1) The Police Service Commission shall appoint such numbers of Commissioners of Police as are required for the efficient <b><i>performance</i></b> 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 subsection (2) of this section may be deployed by the Inspector-General of the Police to head Departments and</p>	It recommends that appointment and deployment of Commissioners of Police should

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p>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><b>promotion, redeployment</b></i>, retirement or removal by the Police Service Commission on account of gross misconduct or incapacity to perform the functions of his office, <i><b>as the case may be.</b></i></p>	reflect Federal Character and further creates conditions or instances for removal of CPs.
	<p><b>Powers, Duties and Functions of the Inspector General of Police</b></p> <p>10. (1) The Inspector General of Police may exercise the powers and shall perform the duties and functions necessary to give effect to section 7(1) of this Bill.</p> <p>(2) Subject to subsection (1) of this section, the Inspector General'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 after due consultation with the Police Service Commission;</p> <p>(c) organize or reorganize the Nigeria Police at national level into various components, units or groups;</p> <p>(d) establish and maintain training institutions or centers</p>	Deleted	Already captured in section 8

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
	for the training of officials and other members; and  (e) perform any legal act or act in any legal capacity on behalf of the Police.		
	<b><i>Duties of the Deputy Inspector- General of Police.</i></b> 11. (1) The Deputy Inspector-General shall act in the absence of the Inspector-General of Police.  (2) When acting for the Inspector-General, the Deputy Inspector-General shall be guided by the following:  (a) all matters involving any change in Police policy shall be held in abeyance until the 'Inspector-General returns or, if the matter is urgent, referred directly to the Inspector-General for his instructions, provided such matters do not contradict the general policy directive of the Police Council; and  (b) all matters of importance dealt with by the Deputy inspector-General during the absence of the Inspector-General shall be referred to the Inspector-General on his return.	<i>Deleted</i>	Duties are also already captured in clause 10
12 Functions of Commissioners of Police for States	<b><i>Power, Duties and the Functions of Commissioner of Police.</i></b> 12. (1) Subject to this Bill, a State Commissioner of Police shall have command and control over the police in the state he/she is assigned to and may exercise the powers and shall perform the duties and functions necessary to give effect to sections 2 and 4 of this Bill.  (2) A State Commissioner of police shall discharge any duties delegated to him by the Inspector General subject to sections 2 and 4 of this Bill.  (3) A State Commissioner shall subject to the directions of the State Governor, be responsible for establishing community police fora in the State under his command.	<b>Functions of Commissioners of Police for States.</b>  <b>12. Subject to the provisions of this Bill, the Commissioner of Police of a State or the Federal Capital Territory shall:</b> (a) have command and control over the Police in the State he is assigned to; and (b) exercise powers and perform the functions necessary to give effect to sections 4 of this Bill; and (c) perform any duty delegated to him by the Inspector-General.	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.

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
13. <i>Appointment of other persons.</i>		<p><i>Appointment of other persons.</i></p> <p><b>13. The Police Service Commission shall appoint such other persons to offices in the Police Force as are required for the effective and efficient performance of the functions of the Police Force on such terms and conditions as may be prescribed by the Police Service Commission.</b></p>	<p>New insertion</p> <p>This provision gives the Police Service Commission power to appoint other persons needed for the effective running of the Police Force.</p>
14. <i>Pensions.</i>		<p><i>Pensions and gratuities.</i></p> <p><b>14. (1) Persons appointed to offices under this Part, are entitled to such pensions, gratuities and other retirement benefits as are prescribed under the Pension Reform Act.</b></p> <p><b>(2) Nothing in this Bill prevents the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.</b></p> <p><b>(3) Deleted</b></p>	<p>New insertion</p> <p>Considering issues relating to officers' pensions, it is recommended that a mandatory provision on pension as commonly seen in other establishment laws be included.</p> <p>Act No.4, 2014 The Police</p>

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
			Service Commission and Minister are not responsible for the payment of Police Pension
15. <i>Standing Orders.</i>		<p><i>Standing Orders.</i></p> <p><b>15. (1) The Police Service Commission may, subject to the provisions of this Bill, make Standing Orders relating to:</b></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><b>(2) 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.</b></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><b><i>Delegation by Inspector-General of Police.</i></b></p> <p>13. (1) The Inspector-General may delegate any of his powers under this Bill to any police officer so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined in the instrument of delegation.</p> <p>(2) Guided by the principle of efficiency and effectiveness, and for ease of delegation of powers, the Inspector-General</p>	<i>deleted</i>	Already captured in clause 9.



CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
	shall devolve powers to Zonal, State, Area and Divisional Commands to ensure quick response to priority safety and security needs.		
	<b>PART IV - GENERAL ADMINISTRATION</b>	<b>Part V – GENERAL ADMINISTRATION</b>	
<b>16.</b> <b><i>Oath to be taken by officers on appointment.</i></b>	<b>Oath to be taken by officers on appointment</b>  <b>14.</b> On appointment of any person as a member of the Nigerian Police, such person shall forthwith take and subscribe to the official oath, the police oath and the oath of allegiance.	<b><i>Oath to be taken by officers on appointment.</i></b>  <b>16.</b> <i>A person appointed as a member of the Police Force shall, prior to the commencement of duties, subscribe to the official oath, the police oath and the oath of allegiance under the Oaths Act</i>	Retained with minor drafting amendment  <b>(Cap O1 LFN 2004)</b>
<b>17.</b> <b><i>Enlistment and service.</i></b>	<b>Enlistment of constables</b>  <b>15.</b> (1) A Constable shall on appointment be enlisted to serve in the Police for five years or for such other period as may be fixed by the Police Service Commission, which shall take effect from the day he has been approved for service.  (2) Professionals from the relevant fields of criminology psychology, sociology, Law, medicine, pathology, etc, shall be enlisted into the service and such professionals shall practice their professions and use their expertise in the advancement of the duties of the service.  (3) All candidates intending to be enlisted/ recruited into the service shall undergo psychological and other evaluations as may be required as part of the enlistment or recruitment process to ascertain their character and suitability for the job.  (4) Within the period of enlistment, every police officer shall undergo specialized training in any professional field relevant to policing and law enforcement.	<b><i>17. Recruitment, Appointment and Service.</i></b>  <b><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></b>  <b><i>(2) For the purpose of subsection (1), there shall be the Nigeria Police Recruitment Board (in this Bill referred to as “the Police Recruitment Board”).</i></b>  <b><i>(3) The Police Recruitment Board is responsible for the recruitment of recruit constables into the Nigeria Police Force.</i></b>  <b><i>(4) The Police Recruitment Board shall consist of:</i></b>	The provision on constables' recruitment is in the Principal Act and now modified to meet standard and best practice

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		<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 Board 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 Board is final on any matter concerning the recruitment of recruit constables into the Nigeria Police Force.</i></p> <p><i>(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.</i></p>	

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		<p><i>(9) Professionals from the relevant fields, including engineering, medicine, pathology, aviation, law, psychology, accountancy and forensic science, shall:</i></p> <p><i>(a) be appointed into the Nigeria Police Force as specialists; and</i></p> <p><i>(b) practise their professions and use their expertise in the advancement of the objectives of the Police Force.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p>	
18. <i>Extension of term of enlistment in special duties.</i>	<p>16. (1) Subject to section 18 of this Bill, the Police Service Commission may extend the service of constables whose service is needed beyond general duties for a period of six years</p> <p>(2) Subject to subsection (i) of this section, a Constable that serves an extension may be considered for a re-engagement into the Police Force provided he applies for it.</p>	18. Deleted	

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19. <b>Declaration.</b>	<b>Delegation</b> 17. A Non-Commissioned Officer; Constable or Recruit Constable on fresh enlistment, or re-engaged for a further period of service, shall make and subscribe to the Police declaration prescribed by the Oaths Act.	19. Deleted	
20. <b>Re-engagement.</b>	<b>Re-engagement.</b> 18. (1) Upon approval by the appropriate authority, a Non-Commissioned Officer or Constable of good character may be re-engaged to serve for second period of six years as well as third period of six years or until the officer reaches 35 years of service or age of 60 years, whichever is earlier  (2) Upon completion of such third period of six years, or if the officer has re-engaged until reaching the age of 60 years, the Non-Commissioned Officer or Constable may be discharged or may claim a discharge provided a six months' notice is given to or by him.  (3) The prescribed approval referred to in subsections (1) and (2) of this section shall be that of the Chairman of the Police Service Commission or as delegated to the Inspector General of Police by the Commission.  (4) Where a Non-Commissioned Officer or Constable Offers to re-engage within six months after having received his discharge, he shall on re-engagement be entitled to the rank which he was holding at the time of his discharge provided there is a vacancy in the establishment of that rank at the time he re-engages.  (5) The service of a Non-Commissioned Officer or Constable who has re-engaged under this section shall be deemed to be continuous for the purposes of the pension or annual allowance or gratuities, as the case may be, and the Non-Commissioned Officer or Constable regarded as being on leave without pay during the period between discharge and re-engagement.	20. Deleted	

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	<p>(6) A Non-Commissioned Officer or Constable may not be re-engaged after a period of six months has elapsed since his discharge, except his offer of service is accepted.</p> <p>(7) The question of reinstatement of a re-enlisted Non-Commissioned Officer or Constable to the rank he held prior to his discharge shall be decided by a superior Police Officer.</p> <p>(8) A Non-Commissioned Officer or Constable whose period of service expires during a state of war, insurrection or hostilities, may be compulsorily retained and his service prolonged for such period, not exceeding twelve months, as the Police Service Commission may direct.</p> <p>(9) Subject to the provision of section 7 (1) of the Pension Act and to the provisions of subsection (2) of this section, no Police Officer other than a superior police officer shall be at liberty to resign or withdraw himself from his duties without the approval of the Police Service Commission or any Police Officer authorized in writing by the Police Service Commission.</p>		
21. Training Programmes	<p><b><i>Training and Retraining of Police Personnel.</i></b></p> <p>19. (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, in consultation with the Police Service Commission, shall be responsible for the revision of the training, duration as well as content of police training at least once in every five years.</p>	<p><b><i>Training Programmes.</i></b></p> <p><b><i>21. (1) The Inspector- General shall ensure that all police officers undergo regular training and re-training in:</i></b></p> <p><b><i>(a) basic policing, ethics, code of conduct and standard operating procedures;</i></b></p> <p><b><i>(b) crime detection and law enforcement;</i></b></p> <p><b><i>(c) investigation and gathering of evidence;</i></b></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</p>

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		<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><i>(2) The Inspector-General, in consultation with the Ministry and the Police Service Commission, is responsible for the revision of the training, duration and 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>	provision is recommended to address this.
22. <i>Supernumerary police officers</i>	<p>20. APPOINTMENT OF SUPERNUMERARY POLICE OFFICERS TO PROTECT PROPERTY</p> <p>(1) Any person (including any government department or 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><i>Appointment of supernumerary police officers to protect property</i></p> <p><i>22. (1) Any private organisation or government department who desires to avail itself of the services of supernumerary police for the protection of property owned or controlled by it may make application to the Inspector-General:</i></p> <p><i>(a) stating the nature and situation of the property in question; and</i></p> <p><i>(b) giving such other particulars as the Inspector-General may require.</i></p>	The provisions of sections 22 - 26 are modified to broaden the scope of supernumerary police officers in performing different duties.

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	<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</p>	<p><i>(2) On an application under subsection (1), the Inspector-General may, with the approval of the Police Service Commission, direct the appropriate authority to appoint, as supernumerary police officers in the Police Force, such number of persons as the Inspector-General thinks appropriate for the protection of the property to which the application relates.</i></p> <p><i>(3) Every supernumerary police officer appointed under this section-</i></p> <p><i>(a) is appointed in respect of the area of the Police Zonal, State or Area Commands in which the personnel and property which he is to protect are located;</i></p> <p><i>(b) is employed exclusively on duties connected with the protection of that property;</i></p> <p><i>(c) shall, in the police area in respect of which he is appointed and in any police area adjacent thereto, have the powers, privileges and immunities of a police officer; and</i></p> <p><i>(d) shall be:</i></p> <p><i>(i) a member of the Police Force for all purposes, and</i></p> <p><i>(ii) subject to the provisions of this Bill, particularly the provisions relating to discipline.</i></p> <p><i>(4) Where any supernumerary police officer is</i></p>	

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	<p>under this section, the person availing himself of the services 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 Accountant-General of the Federation, the</p>	<p><i>appointed under this section, the private or government department availing itself of the services of that officer shall pay:</i></p> <p><i>(a) all entitlements, including salary and allowances to the officer monthly;</i></p> <p><i>(b) on the enlistment of the officer, the full cost of the officer's uniform and accoutrements, including ceremonial dresses, which:</i></p> <p><i>(i) is the same as the Police general duty, and</i></p> <p><i>(ii) shall be paid to the Police in a designated account approved by the Inspector-General</i></p> <p><i>(5) Where the private or government department availing itself of the services of any supernumerary police officer desires the services of that officer to be discontinued, the private or government department shall give at least two months' notice in writing to that effect to the Inspector-General who shall give approval to such request for implementation, and all benefits of the officer shall be paid within one month of his release.</i></p> <p><i>(6) All uniforms shall be supplied by the Police Force quarter master.</i></p>	



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	<p>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><i>(7) The supernumerary police shall be a unit of the Police Force.</i></p>	
	<p><b>APPOINTMENT OF SUPERNUMERARY POLICE OFFICERS FOR EMPLOYMENT ON ADMINISTRATIVE DUTIES ON POLICE PREMISES</b></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 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><i>Appointment of supernumerary police officers for employment on administrative duties on police premises</i></p> <p><b>23. (1) The appropriate authority may, at the request of any senior police officer, appoint any person as a supernumerary police officer at an appropriate level in the Police Force for the administration or maintenance of premises occupied or used for the purposes of the Police Force, but shall not do so in any particular case unless he is satisfied that it is necessary in the interest of security or discipline that the persons discharging the duties in question are subject to the provisions of this Bill relating to discipline.</b></p> <p><b>(2) Every supernumerary police officer:</b></p> <p><b>(a) is appointed in respect of the area of the police area command or, where there is no police area</b></p>	<p>The word, "superior" in this section and anywhere in the Bill is replaced with the word, "senior" to avoid what appears to be discriminatory.</p>

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	<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><i>command, the police division in which the premises, in connection with whose administration or maintenance he is to be employed, are situated;</i></p> <p><i>(b) is employed exclusively on duties connected with the administration or maintenance of those premises;</i></p> <p><i>(c) shall, in the police area in respect of which he is appointed, have the powers, privileges and immunities of a police officer;</i></p> <p><i>(d) shall be a member of the Police Force for all purposes; and</i></p> <p><i>(e) is subject to the provisions of this Bill, particularly the provisions relating to discipline.</i></p>	
	<p>APPOINTMENT OF SUPERNUMERARY POLICE OFFICERS WHERE NECESSARY IN THE PUBLIC INTEREST</p> <p>21. (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 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</p>	<p><i>Appointment of supernumerary police officers where necessary in the public interest</i></p> <p><i>24. (1) If, at any time, the Inspector-General with the consent of the Police Service Commission, 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 Police Force in accordance with the authorisation.</i></p> <p><i>(2) Every authorisation under this section shall be in writing and shall specify the police area to which it relates and the maximum number of supernumerary police officers who may be appointed under that</i></p>	<p>Redrafted to avoid ambiguity and the President is deleted since he has delegated his powers to the Police Service Commission</p>

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	<p>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><i>authorisation.</i></p> <p><i>(3) Every supernumerary police officer appointed under an authorisation given under this section shall:</i></p> <p><i>(a) be appointed in respect of the police area to which the authorisation relates;</i></p> <p><i>(b) in the police area in respect of which he is appointed and in any police area adjacent thereto, have the powers, privileges and immunities of a police officer;</i></p> <p><i>(c) be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Bill, particularly to the provisions relating to discipline;</i></p> <p><i>(d) not bear arms; and</i></p> <p><i>(e) not be covered by the provision relating to pensions as stipulated in section 13 under this Bill.</i></p>	

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	<p><b>APPOINTMENT OF SUPERNUMERARY POLICE OFFICERS FOR ATTACHMENT AS ORDERLIES</b></p> <p>25. (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 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><i>Appointment of supernumerary police officers for attachment as orderlies</i></p> <p><b><i>25. (1) The appropriate authority may, at the request of the Inspector-General, appoint any person as a supernumerary police officer in the Police Force for attachment as an orderly to:</i></b></p> <p><b><i>(a) a Minister;</i></b></p> <p><b><i>(b) a Commissioner of the Government of a State; or</i></b></p> <p><b><i>(c) a police officer of or above the rank of Assistant Commissioner.</i></b></p> <p><b><i>(2) Every supernumerary police officer appointed under this section:</i></b></p> <p><b><i>(a) is employed exclusively on duties connected with the activities of the person to whom he is attached;</i></b></p> <p><b><i>(b) shall, while so employed, have, throughout Nigeria, the powers, privileges and immunities of a police officer;</i></b></p> <p><b><i>(c) may be trained to bear fire arms with the approval of the Inspector-General;</i></b></p> <p><b><i>(d) shall be a member of the Police Force for all purposes; and</i></b></p> <p><b><i>(e) shall be subject to the provisions of this Bill, particularly the provisions relating to discipline.</i></b></p>	<p>The Inspector-General of Police is to appoint directly to avoid unnecessary bureaucracy.</p> <p>Redrafted for elegance.</p>
	<p>Provisions supplementary to sections 22 to 25</p> <p>26. (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</p>	<p><b><i>Provisions supplementary to sections 22 to 25</i></b></p> <p><b><i>26. (1) Every supernumerary police officer shall, on appointment, be enlisted to serve in the Police Force from month to month, and a supernumerary police officer may, at any time, resign his appointment by giving one month's notice in that behalf to his employer and senior</i></b></p>	

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	<p>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 under this Bill or the Pensions Act.</p>	<p><i>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.</i></p> <p><i>(2) The ranks to which supernumerary police officers may be appointed shall be prescribed by Inspector-General with the consent of the Police Service Commission, but shall not exceed the rank of Commissioner of Police throughout his life time.</i></p> <p><i>(3) There shall only be one supernumerary Commissioner of Police at a time in the Federation.</i></p> <p><i>(4) The badges of ranks of the supernumerary police shall be the same as that worn by general duty or regular police.</i></p>	<p>The supernumerary Commissioner of Police cannot convert to general duty because he is not a police officer by regimental training</p>
		<b>PART VI- FINANCIAL PROVISIONS</b>	
<b>23. Funding of the Police Force.</b>		<p><b><i>Funding of the Police Force.</i></b></p> <p><b>27.</b> (1) There is established and maintained for the Police Force a fund (in this Bill referred to as "the General Fund") into which shall be paid-</p> <p><b><i>(a) budgetary allocations for capital and recurrent</i></b></p>	<p>Police Funding has been a critical issue and a major reason given for the inefficiency and the</p>

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		<p><i>expenditure, for members of the Police Force and the Traffic Warden Service established under this Bill and the other staff of the Police Force; as may be appropriated by an Act of the National Assembly for the Police Force;</i></p> <p>(b) such contributions as may be made available to the Police Force for the purposes of this Bill by the State Governments and the Federal Capital Territory, Abuja;</p> <p>(c) aid and assistance from international bilateral and multilateral organisations if the purpose for the aid or assistance does not conflict with the objectives of this Bill;</p> <p>(d) all sums of money accruing to the Police Force by way of grants-in-aid, gifts, testamentary dispositions, endowments and contributions from any other source;</p> <p>(e) all money generated by the Police Force in the course of its operations, including:</p> <p style="padding-left: 40px;">(i) two-thirds of fees paid by members of the public in respect of extracts from police reports,</p> <p style="padding-left: 40px;">(ii) two-thirds of fees paid in accordance with Standing Orders for services of police officers who would otherwise be off duty, and</p> <p style="padding-left: 40px;">(iii) tuition fees from the Police Force training institutions; and</p>	<p>ineffectiveness of the Police.</p> <p>These provisions are recommended to address this challenge.</p> <p>These provisions are similar to those found in other establishment laws and contains requirements for recording and accounting of State government donations. It is however different from a Trust Fund</p>

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		<p>(f) any other financial resource that may be vested in or accrue to the Police Force in the course of performing its functions under this Bill or any other law.</p> <p>(2) A State Government or the Federal Capital Territory, Abuja, as the case may be, shall:</p> <p style="padding-left: 40px;">(a) keep records of all contributions made; and</p> <p style="padding-left: 40px;">(b) specify the purpose for which a contribution is made, under subsection (1) (b) of this section.</p>	
<b>24.</b> <i>Expenditures by the Police Force.</i>		<p><b><i>Expenditures by the Police Force.</i></b></p> <p><b>28. (1)</b> The Police Force shall, from time to time, apply the money accruing in the General Fund to:</p> <p>(a) the cost of administration and operations of the Police Force;</p> <p><b><i>(b) for the payment of salaries, allowances, expenses and other benefits of the members of the Police Force and the Warden Service established under this Bill and the other staff of the Police Force;</i></b></p> <p>(c) the payment of pensions and other retirement benefits under any law;</p> <p>(d) costs of acquisition and upkeep of premises belonging to the Police Force and any other capital expenditure of the Police Force;</p>	

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		<p>(e) all costs connected with or incidental to the operations of the Community Police Forums and Boards established under Part XIII of this Bill;</p> <p>(e) the investments, maintenance of utilities, training, research and similar activities; and</p> <p>(f) any other payment for anything incidental to the provisions of this section or any other function of the Police Force under this Bill.</p> <p>(2) Any contribution made by a State Government or the Federal Capital Territory under section 27 (1) (b) of this Bill or any other contribution in respect of which a purpose was specified shall be used by the Police Force for the purpose specified.</p>	27 (1) (b) refers to contributions to the fund by the State Governments and the Federal Capital Territory, Abuja.
25. <i>Estimates.</i>		<p><b><i>Estimates.</i></b></p> <p><b>29.</b> (1) The Police Force shall, not later than 30<sup>th</sup> September of each year, submit to the National Assembly through the Minister estimates of its income and expenditure for the next succeeding financial year.</p> <p>(2) Notwithstanding the provisions of subsection (1) of this section, the Police Force may, where necessary due to</p>	



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		<p>unforeseen circumstances, submit supplementary or adjusted statements of estimated income and expenditure to the Minister for submission to the National Assembly.</p> <p>(3) The Police Force shall, in preparing its estimates under this section, obtain inputs from the Force Headquarters, Zonal Headquarters, State Commands, Area Commands and Divisional Commands on their budgetary needs based on the annual policing plans for the various policing formations to be included in the overall estimates for the Police Force for the next succeeding financial year.</p>	
<b>26. Accounts and audit.</b>		<p><b><i>Accounts, records and audit.</i></b></p> <p><b>30.</b> (1) The Police Force shall:</p> <p>(a) keep proper records and accounts of the income and expenditures of the Police Force; and</p> <p>(b) prepare a statement of account in respect of each financial year.</p> <p>(2) The Police Force shall, within the first four months of each financial year, submit for auditing, the accounts of the Police Force to auditors appointed by the Police Force from the list and in accordance with guidelines approved by the Auditor-General of the Federation.</p> <p>(3) The audited accounts of the Police Force and the Auditor-General's report on the accounts shall be forwarded to the National Assembly by the Auditor-General annually.</p>	The marginal note is modified to accommodate records to agree with the content.
<b>27. Annual report.</b>		<p><b><i>Annual report.</i></b></p> <p><b>31.</b> (1) The Police Force shall, not later than 30<sup>th</sup> June of each financial year, submit to the Minister, in respect of the</p>	

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		<p>preceding financial year, an annual report on the activities of the Police Force in such form as the Minister may direct.</p> <p>(2) The report under subsection (1) of this section shall include:</p> <p>(a) detailed information with regards to the activities and expenditures of the Police Force utilized in the carrying out of its policing plan;</p> <p>(b) a copy of the audited accounts of the Police Force for that year together with the Auditor-General's report on the accounts;</p> <p>(c) information and description of all contributions made to the Police Force under section 27 (1)(b) of this Bill, including contributions other than cash; and</p> <p>(d) such other information as the Minister may request.</p> <p>(3) The Police Force shall, from time to time, provide the Police Council, Police Service Commission and Minister with such information relating to the affairs of the Police Force as they may request.</p>	
28. <i>Accountability.</i>		32. Deleted	It is deleted because section 30 is more adequate on this.
	<b>PART VII – POWERS OF THE POLICE OFFICER</b>	<b>PART VII – POWERS OF POLICE OFFICERS</b>	
29. <i>Investigation of an</i>	<p><b><i>Conduct of Prosecutions.</i></b></p> <p><b>20.</b> (a) Subject to the provisions of section 174 and 211 of the Constitution of the Federal Republic of Nigeria and section 106 of the Administration of the Criminal Justice Act which relates to the powers of the Attorney-General of</p>	<p><i>A. Investigation and Arrest</i></p> <p><b><i>Investigation of an allegation by the Police.</i></b></p>	Considering the extensive powers usually exercised by the

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<i>allegation by the Police.</i>	<p>the Federation and of a State to institute and undertake, take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria, a Police Officer may conduct in person prosecutions before any court whether or not the information or complaint is laid in his name;</p> <p>(b) a police officer referred to in 20(a) above may conduct such prosecutions before the courts subject to the provisions of the relevant criminal procedure laws in force at the federal level and in state regarding prosecution by non-qualified legal practitioners</p> <p>(c) There shall be assigned to every Police Division at least 1 Police Officer that is qualified to practice as legal practitioner in accordance with the Legal Practitioners Act Cap L11 LFN 2004.</p>	<p><b>33.</b> 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.</p>	<p>Police, this is not clearly laid out or regulated in the Police Act or proposed bill.</p> <p>Furthermore, the Administration of Criminal Justice Act 2015 contains extensive police powers. It is recommended that these be replicated in this bill for the purpose of coherence and consistency.</p> <p>The subject matter should also be arranged in sequence for ease of reference i.e. from investigation, arrest, search, to</p>

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			warrants.  <i>Refer to clause 68 below for recommendation on Powers to prosecute</i>
	<p><b><i>Decision to file Case.</i></b></p> <p><b>21.</b> 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>	Deleted	<i>The procedure is well spelt out and more elaborate in the Administration of Criminal Justice Act, 2015.</i>
<b>30. Arrest generally.</b>		<p><b><i>Arrest generally.</i></b></p> <p><b>34.</b> (1) A suspect or defendant alleged or charged with committing an offence established by an Act of the 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>	From section 3 of the Administration of Criminal Justice Act, 2015.
<b>31. Mode of</b>		<b><i>35. Mode of arrest.</i></b>	From section 4

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<i>arrest.</i>		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.	of the Administration of Criminal Justice Act, 2015.
<b>32. No unnecessary restraint</b>		<p><b><i>No unnecessary restraint</i></b></p> <p><b>36.</b> 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.
<b>33. Notification of cause of arrest and rights of suspect.</b>		<p><b><i>Notification of cause of arrest and rights of suspect.</i></b></p> <p><b>37.</b> (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>	From section 6 of the Administration of Criminal Justice Act, 2015.

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		<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>	
<b>34. Arrest in lieu prohibited.</b>		<p><b><i>Arrest in lieu prohibited.</i></b></p> <p><b>38.</b> A person shall not be arrested in place of a suspect.</p>	From section 7 of the Administration of Criminal Justice Act, 2015.
<b>35. Humane treatment of arrested suspect.</b>		<p><b><i>Humane treatment of arrested suspect.</i></b></p> <p><b>39.</b> (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>	From section 8 of the Administration of Criminal Justice Act 2015.

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36. <i>Arrest by police officer without warrant.</i>	<p><b>Power to arrest without warrant.</b></p> <p>22. (1) In addition to the powers of arrest without warrant conferred upon a Police Officer by section 18 of the Administration of Criminal Justice Act, it shall be lawful for any Police Officer and any person whom he may call to his assistance, to arrest without warrant:</p> <p>(a) any person whom he finds committing a felony, misdemeanor or simple offence, or whom he reasonably suspects of having committed or is about to commit a felony, misdemeanor or breach of the peace;</p> <p>(b) any person whom any other person charges with having committed a felony or misdemeanor.</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 meanings as they have in the Criminal Code and Penal Code.</p>	<p><b>40. Arrest by police officer without warrant.</b></p> <p>(1) A police officer may, without an order of a court and without a warrant, arrest a suspect:</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 <b>discharge</b> 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 <b>and police in</b> 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>	Adapted from section 18 of the Administration of Criminal Justice Act, 2015.

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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"> <li>(i) causing physical injury to himself or any other person;</li> <li>(ii) suffering physical injury;</li> <li>(iii) causing loss of or damage to property;</li> <li>(iv) committing an offence against public decency where members of the public going about their normal business cannot</li> </ul>	



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		<p>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>	
<b>37. Arrest without warrant by Private person.</b>		<p><b><i>Arrest without warrant by Private person.</i></b></p> <p><b>41.</b> 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>	From section 20 of the Administration of Criminal Justice Act, 2015.
<b>38. Handing over of an arrested suspect by private person.</b>		<p><b><i>Handing over of an arrested suspect by private person.</i></b></p> <p><b>42.</b> (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</p>	<p>From section 23 of the Administration of Criminal Justice Act, 2015.</p> <p>40 (1) – arrest</p>

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		<p>suspect comes under the provisions of <b>section 40 (1)</b>, 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 <b>section 63</b> of this Bill shall apply.</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 <b>section 46</b> do not apply to this section unless the suspect arrested and handed over has been re-arrested in accordance with subsection (2).</p>	<p>without warrant</p> <p>Section 63- Refusal to give name and residence</p> <p>Section 46- recording of arrest</p>

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<b>39. Arrest for offence committed in presence of Judge or Magistrate.</b>		<p><b><i>Arrest for offence committed in presence of Judge or Magistrate.</i></b></p> <p><b>43.</b> 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.
<b>40. When public is bound to assist in arrest.</b>		<p><b><i>When public is bound to assist in arrest.</i></b></p> <p><b>44.</b> 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>	From section 27 of the Administration of Criminal Justice Act, 2015.
<b>41. Arrested suspect to be taken immediately to police station.</b>		<p><b><i>Arrested suspect to be taken immediately to police station.</i></b></p> <p><b>45. (1)</b> 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><b>(2)</b> 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>	From section 14 of the Administration of Criminal Justice Act, 2015.

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		(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.	
42. <i>Recording of arrests.</i>		<p><b><i>Recording of arrests.</i></b></p> <p><b>46.</b> (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 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"> <li>(a) the alleged offence;</li> <li>(b) the date and circumstances of his arrest;</li> <li>(c) his full name, occupation and residential address; and</li> <li>(d) for the purpose of identification: <ul style="list-style-type: none"> <li>(i) his height,</li> <li>(ii) his photograph,</li> <li>(iii) his full fingerprint impressions, or</li> <li>(iv) such other means of his identification.</li> </ul> </li> </ul> <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>	From section 15 of the Administration of Criminal Justice Act, 2015.

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		<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>	
<b>43. Power to break out of a house or place for the purpose of liberation.</b>		<p><b><i>Power to break out of a house or place for the purpose of liberation.</i></b></p> <p><b>47.</b> 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>	From section 13 of the Administration of Criminal Justice Act, 2015.
<b>44. Inventory of property of arrested suspect.</b>		<p><b>Inventory of property of arrested suspect.</b></p> <p><b>48.</b> (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</p>	

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		<p>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 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>	

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45. <i>Quarterly report of arrests to the Attorney-General.</i>		<p><b><i>Quarterly report of arrests to the Attorney-General.</i></b></p> <p><b>49.</b> (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 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 <b>section 46</b> of this Bill.</p> <p>(4) A register of arrests containing the particulars prescribed under <b>section 46</b> 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>From section 29 of the Administration of Criminal Justice Act, 2015.</p> <p>Section 46 – Recording of arrest</p>

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<b>46. <i>Power to search.</i></b>		<p><b><i>B. Search</i></b></p> <p><b><i>Power to search.</i></b></p> <p><b>50.</b> (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>	
<b>47. <i>Power to stop and search.</i></b>		<p><b><i>Power to stop and search.</i></b></p> <p><b>51.</b> (1) A police officer may exercise the power to stop and search in any:</p>	Adapted from UK Police and Criminal Evidence Act



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		<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>(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> <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 exist that such person or vehicle is carrying an unlawful article;</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</p>	(PACE)

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		<p>burglaries or thefts are known to have taken place recently.</p> <p>(3) If, in the course of a search, a police officer discovers 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> <p>(a) an offensive weapon; or</p> <p>(b) an article:</p> <p>(i) made or adapted for use in the course of or in connection with an offence to which this section refers; or</p> <p>(ii) intended by the person having it with him for such use by him or by some other person.</p> <p>(5) The offences to which subsection (4) (b) (i) applies are:</p> <p>(a) burglary;</p> <p>(b) theft; and</p> <p>(c) offences related to receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty.</p> <p>(6) In this Part of this Bill "offensive weapon" means any article:</p>	

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		<p>(a) made or adapted for use for causing injury to persons; or</p> <p>(b) intended by the person having it with him for such use by him or by some other person.</p>	
<b>48. Action before a search takes place.</b>		<p><b><i>Action before a search takes place.</i></b></p> <p><b>52.</b> (1) Where a police officer is exercising the powers under <b>section 51</b> 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>	Section 51- Power to stop and search

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		(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.	
<b>49. General Conduct of the search.</b>		<p><b><i>General Conduct of the search.</i></b></p> <p><b>53.</b> (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>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		(b) may not be made in the presence of anyone of the opposite sex unless the person being searched requests it.	
<b>50. Search of arrested suspect.</b>		<p><b><i>Search of arrested suspect.</i></b></p> <p><b>54.</b> (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>	From section 9 of the Administration of Criminal Justice Act, 2015.

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<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>	
<b>51.</b> <i>Examination of arrested suspect.</i>		<p><b><i>Examination of arrested suspect.</i></b></p> <p><b>55.</b> (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 lawful custody:</p>	Adapted from UK Police and Criminal Evidence Act (PACE)

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p>(a) may have concealed on him anything which:</p> <p>(i) could be used to cause physical injury to himself or others, and</p> <p>(ii) might so use while he is in police detention or in the custody of a court; or</p> <p>(b) that evidence of the offence alleged to have been committed can only be gotten from examination of the suspect.</p> <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> <p>(a) purpose for the search; and</p> <p>(b) authorisation and grounds for the search.</p> <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> <p>(7) No intimate search may be carried out except:</p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p>(a) at a police station;</p> <p>(b) at a hospital; or</p> <p>(c) at some other place used for medical purposes.</p> <p>(8) If an intimate search of a person is carried out, the custody record relating to him shall state:</p> <p>(a) the authorisation by virtue of which the search was carried out;</p> <p>(b) the grounds for giving the authorisation;</p> <p>(c) the fact that the appropriate consent was given;</p> <p>(d) which parts of his body were searched; and</p> <p>(e) why they were searched.</p> <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> <p>(a) believes that the person from whom it is seized may use it to:</p> <p>(i) cause physical injury to himself or any other person,</p> <p>(ii) damage property,</p> <p>(iii) interfere with evidence, or</p> <p>(iv) assist him to escape;</p>	



CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<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 <b>section 49</b> 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> <p>(d) the result of the searches carried out.</p> <p>(15) In this section "suitably qualified person" means a</p>	<p>Section 49 – Quarterly report of arrests to the Attorney-General</p>

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p>registered:</p> <p>(a) medical practitioner; or</p> <p>(b) nurse.</p>	
<b>52. Where reasonable suspicion never exist.</b>		<p><b>56. Where reasonable suspicion never exist.</b></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>	
<b>53. Search of place entered by suspect sought to be arrested.</b>		<p><b>Search of place entered by suspect sought to be arrested.</b></p> <p><b>57.</b> (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 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>	From section 12 of the Administration of Criminal Justice Act, 2015.

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<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><b>54. Action after search is carried out.</b></p>		<p><b><i>Action after search is carried out.</i></b></p> <p><b>58.</b> (1) An officer who has carried out a search shall make 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>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<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>	
<b>55. Search record.</b>		<p><b><i>Search record.</i></b></p> <p><b>59.</b> (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"> <li>(a) the name of the person searched or if, he withholds it, description of the person;</li> <li>(b) the date of birth of the person searched;</li> <li>(c) a note of the person's ethnic origin;</li> </ul>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p>(d) when a vehicle is searched, a description of the vehicle, including the registration number;</p> <p>(e) the object of the search;</p> <p>(f) the ground for making the search;</p> <p>(g) the date and time the search was made;</p> <p>(h) the place where the search was made;</p> <p>(i) the result of the search;</p> <p>(j) a note of any injury or damage to property resulting from the search; and</p> <p>(k) the identity of the officer making the search.</p>	
<p><b>56. Search warrant safeguards.</b></p>		<p><b>60. Search warrant safeguards.</b></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> <p>(a) the ground on which he makes the application;</p> <p>(b) the law under which the warrant would be issued;</p> <p>(c) the premises to be searched; and</p> <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>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<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>	
<b>57.</b> <i>Execution of search warrant.</i>		<p><b><i>Execution of search warrant.</i></b></p> <p><b>61.</b> (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>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<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>	
<b>58.</b> <i>Recording of statement of suspect.</i>		<p><i>C. Statements</i></p> <p><b><i>Recording of statement of suspect.</i></b></p> <p><b>62.</b> (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 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>	From section 17 of the Administration of Criminal Justice Act, 2015.

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<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>	
<b>59. Refusal to give name and residence.</b>		<p><b><i>Refusal to give name and residence.</i></b></p> <p><b>63.</b> (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 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 <b><i>ascertained, he shall be released on his entering a recognisance with or without</i></b> 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>	From section 19 of the Administration of Criminal Justice Act, 2015.



CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<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>	
<b>60. Release on bail of a suspect arrested without warrant.</b>		<p><b><i>D. Release of arrested suspect</i></b></p> <p><b><i>Release on bail of a suspect arrested without warrant.</i></b></p> <p><b>64.</b> (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 suspect before a court having jurisdiction with respect to the offence alleged, within <b>24</b> 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</p>	From section 30 of the Administration of Criminal Justice Act, 2015.

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		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.	
<b>61. Power to release on bail before charge is accepted.</b>		<p><b><i>Power to release on bail before charge is accepted.</i></b></p> <p><b>65.</b> (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 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.</p>	From section 31 of the Administration of Criminal Justice Act, 2015.
<b>62. Remedy of suspect detained in custody.</b>		<p><b><i>Remedy of suspect detained in custody.</i></b></p> <p><b>66.</b> (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>	From section 32 of the Administration of Criminal Justice Act, 2015.

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<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>	
<b>63.</b> <b><i>Summons.</i></b>		<p><i>E. Miscellaneous</i></p> <p><b><i>Summons.</i></b></p> <p><b>67.</b> 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>	
<b>64. Powers to prosecute.</b>		<p><b><i>Powers to prosecute.</i></b></p> <p><b>68.</b> (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</p>	A police officer who is a legal practitioner can prosecute in person before any court.

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p>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>	(Cap. L11, LFN, 2004)
<b>65. Central Criminal Records Registry.</b>		<p><b><i>Central Criminal Records Registry.</i></b></p> <p><b>69.</b> (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 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>	From section 16 of the Administration of Criminal Justice Act, 2015.
<b>66. Power to take fingerprints.</b>		<p><b><i>Power to take fingerprints.</i></b></p> <p><b>70.</b> (1) A police officer shall take and record for the</p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p>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, photographs and finger-print impressions of such person.</p>	
<b>67. Police to report to supervising Magistrates.</b>		<p><b><i>Police to report to supervising Magistrates.</i></b></p> <p><b>71.</b> (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>From section 33 of the Administration of Criminal Justice Act, 2015.</p>

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p>(2) The report shall contain the particulars of the suspects arrested as prescribed under <b>section 46</b> of this Bill.</p> <p>(3) The magistrate shall, on receipt of the reports, forward them to the <b>Criminal Justice Monitoring Committee</b> 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>(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>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 statutory member of this committee.</p>
68. <i>Chief</i>		<i>Chief Magistrate to visit police stations every month.</i>	From section 34

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
<i>Magistrate to visit police stations every month.</i>		<p><b>72.</b> (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"> <li>(a) call for, and inspect, the record of arrests;</li> <li>(b) direct the arraignment of a suspect;</li> <li>(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.</li> </ul> <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> <ul style="list-style-type: none"> <li>(a) the full record of arrest and record of bail;</li> <li>(b) applications and decisions on bail made within the period; and</li> <li>(c) any other facility the magistrate requires to exercise his powers under that subsection.</li> </ul>	of the Administration of Criminal Justice Act, 2015.

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<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>	
		<b>PART VIII – WARRANTS</b>	Same as above – From ACJA
<b>69. General authority to issue warrant.</b>		<p><b><i>General authority to issue warrant.</i></b></p> <p><b>73.</b> 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.
<b>70. Form and requisites of warrant of arrest.</b>		<p><b><i>Form and requisites of warrant of arrest.</i></b></p> <p><b>74.</b> (1) A warrant of arrest issued under this Bill, unless the contrary is provided under any other law, shall:</p> <p style="padding-left: 40px;">(a) bear the date of issue;</p> <p style="padding-left: 40px;">(b) contain all necessary particulars; and</p>	From section 36 of the Administration of Criminal Justice Act, 2015.



CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p>(c) be signed by the issuing judge or magistrate.</p> <p>(2) A warrant shall:</p> <p>(a) state the offence or matter for which it is issued;</p> <p>(b) name and describe the suspect to be arrested; and</p> <p>(c) order the person to whom it is directed to arrest the suspect and bring him before the court.</p>	
<b>71. Warrant to be issued on complaint only if on oath.</b>		<p><b><i>Warrant to be issued on complaint only if on oath.</i></b></p> <p><b>75.</b> 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>	From section 37 of the Administration of Criminal Justice Act, 2015.
<b>72. Warrant may be issued on any day.</b>		<p><b><i>Warrant may be issued on any day.</i></b></p> <p><b>76.</b> A warrant of arrest may be issued on any day, including a Sunday or public holiday.</p>	From section 38 of the Administration of Criminal Justice Act, 2015.
<b>73. Warrant, to whom directed and duration.</b>		<p><b><i>Warrant, to whom directed and duration.</i></b></p> <p><b>77.</b> (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>	From section 39 of the Administration of Criminal Justice Act, 2015.

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		(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.	
<b>74. Warrant of arrest may in exceptional cases be directed to other persons.</b>		<p><b><i>Warrant of arrest may in exceptional cases be directed to other persons.</i></b></p> <p><b>78.</b> (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.
<b>75. Execution of warrant and procedure.</b>		<p><b><i>Execution of warrant and procedure.</i></b></p> <p><b>79.</b> (1) A warrant of arrest may be executed on any day, including a Sunday or public holiday.</p> <p>(2) A warrant of arrest may be executed by any police officer at any time and in any place in any State other than within the actual court room in which a court is sitting.</p> <p>(3) The Police officer executing a warrant of arrest shall, before making the arrest, inform the suspect to be</p>	From section 43 of the Administration of Criminal Justice Act, 2015.

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		<p>arrested that there is a warrant for his arrest unless there is reasonable cause for abstaining from giving the information on the ground that it is likely to occasion escape, resistance or rescue.</p> <p>(4) A suspect arrested on a warrant of arrest shall, subject to the provisions of the Constitution, <b>sections 80 and 81 of this Bill</b>, be brought before the court that issued the warrant of arrest.</p>	<p>Section 80- Power to arrest on warrant but without the warrant.</p> <p>Section 81- Court may direct particulars of security to be taken on execution of warrant.</p>
<b>76. Power to arrest on warrant but without the warrant</b>	<p><b><i>Power to arrest without having warrant possession.</i></b></p> <p>23. Any warrant lawfully issued by a court for apprehending a person charged with any offence may be executed by a Police Officer at any time notwithstanding that the warrant is not in his possession at that time, but the warrant shall, be shown to the person apprehended not later than 24 hours after his arrest.</p>	<p><b><i>Power to arrest on warrant but without the warrant.</i></b></p> <p><b>80.</b> 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>	From section 44 of the Administration of Criminal Justice Act, 2015.
	<p><b><i>Summonses.</i></b></p> <p>24. Any summons lawfully issued by a court may be served by any police officer at any time during the hours of daylight, which is between 6.am to 6pm.</p>	Deleted	Captured in clause 63

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	<p><b><i>Bail of person arrested without warrant.</i></b>  25. When a person is arrested without a warrant, he shall be taken before a court which has jurisdiction with respect to the offence with which he is charged as soon as practicable after he is taken into custody:</p> <p>Provided that any Police officer for the time being in charge of a Police station may inquire into the case and:</p> <p>(a) except when the case appears to such officer to be of a serious nature, he may release such person upon his entering into a recognizance with or without sureties, for a reasonable amount to appear in court at the day, time, and place mentioned in the recognizance; or</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 sureties for a reasonable amount, to appear at such Police Station and at such times as are named in the recognizance, unless he previously receives notice in writing from the superior Police officer in charge of that Police station that his attendance is not required, and any such bond maybe enforced as if it were a recognizance, conditional for the appearance of the person before a court.</p>	Deleted	Captured in clause 60
	<p><b><i>Application for extension of detention or remand.</i></b>  26. (1) Where a Senior Police Officer of the rank of superintendent or above in charge of a police station in which a person is detained has a reasonable ground to believe that it is imperative to secure the person arrested without charge in detention in order to preserve evidence pertaining to an offence for which he is arrested; or obtain such evidence by interrogating him;</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</p>	Retained	

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	<p>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><b><i>Power to search.</i></b></p> <p>27. (1) In addition to the provision of section 12 of the Administration of Criminal Justice Act, a Police Officer may seize and retain anything for which a search has been authorized.</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 in justice of the case may require.</p>	Deleted	Captured in clause 46

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	<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 harboring 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 person found in the premises that is being searched.</p>		
	<p><b><i>Search warrant safeguard.</i></b>  28. (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> <p>(a) the ground on which he makes the application;</p> <p>(b) the law under which the warrant would be issued;</p> <p>(c) the premises to be searched, and</p> <p>(d) possible the article(s) or person (s) 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 authorize an entry on one occasion only.</p> <p>(5) (a) a warrant shall 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>	Deleted	Captured in clause 56

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	<p>(iv) the premises to be searched.</p> <p>(b) a warrant shall identify, as practicable as possible, the article(s) or person(s) 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>29. (1) A warrant to enter and search premises may be executed by any Police Officer.</p> <p>(2) Such a warrant may authorize 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 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:</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;</p>	Deleted	Captured in clause 57

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	<p>(a) whether the articles or persons sought were found; and</p> <p>(b) whether any other articles were seized, other than articles which were sought.</p> <p>(7) A search warrant may be endorsed by a superior Police Officer in the absence of a Magistrate or Justice of the Peace.</p>		
	<p><b><i>Power to detain and search suspected person or vehicle.</i></b></p> <p>30. A police officer may detain and search any person or attended 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 such person or vehicle is carrying an unlawful article;</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>	Deleted	Captured in clause 47
	<p><b><i>Where reasonable suspicion never exist.</i></b></p> <p>31. The following shall not be grounds for reasonable suspicions;</p>	Deleted	Captured in clause 52



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	<p>(a) personal attributes including a person's color, 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>		
	<p><b><i>Action before a search takes places</i></b>  32. (1) Where an officer is exercising the powers under section 32, he shall before carrying out the search, question the person about his behaviour or his presence in circumstances which gave rise to the suspicion.</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 attention of the 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 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 uniform or wear visibly a valid Police Identity Card.</p>	Deleted	Captured in clause 48
	<p><b><i>Conduct of the search.</i></b>  33. (1) Reasonable effort must be taken to minimize the embarrassment that a person being searched may experience.</p>	Deleted	Captured in clause 49

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	<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 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><b><i>Action after a search is carried out.</i></b></p> <p>34. (1) An officer who has carried out a search must make 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 must 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) of this section, in case the search record is not available on the spot, the officer that carried out the search shall advice the person searched or</p>	Deleted	Captured in clause 54

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	<p>the driver of the vehicle searched, 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 should be allowed to go unless unlawful items are found in his possession or in the vehicle searched.</p>		
	<p>35. (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> <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 ethnic origins</p> <p>(iv) when a vehicle is searched, a description of the vehicle, including the registration number;</p> <p>(v) the object of the search;</p> <p>(vi) the ground for making the search;</p> <p>(vii) the date and time the search was made;</p> <p>(viii) the place where the search was made;</p> <p>(ix) the result of the search</p> <p>(x) a note of any injury or damage to property resulting</p>	Deleted	Captured in clause 55

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	from the search; and  (x) the identity of the officer making the search.		
	<p><b><i>Power to take fingerprints.</i></b>  36. (1) A police officer shall take and record for the purposes of identification the measurements, photographs and fingerprint impression of all persons who may from time to time be in lawful custody.</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 authorize a Police Officer to take the measurements, photographs and finger-print impressions of such person.</p>	Deleted	Captured in clause 66
77. <i>Court may direct particulars of security to be taken on execution of warrant.</i>		<p><b><i>81. Court may direct particulars of security to be taken on execution of warrant.</i></b></p> <p>(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.</p>	From section 45 of the Administration of Criminal Justice Act, 2015.

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		<p>(2) The endorsement shall specify:</p> <p>(a) the number of sureties, if any;</p> <p>(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;</p> <p>(c) the court before which the arrested suspect is to attend; and</p> <p>(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.</p> <p>(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> <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>	
<b>78. Warrant issued by the Federal High Court.</b>		<p><b><i>Warrant issued by the Federal High Court.</i></b></p> <p><b>82.</b> (1) A warrant of arrest issued by a Federal High Court sitting anywhere in Nigeria may be executed in any part of</p>	From section 47 of the Administration of Criminal

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		<p>Nigeria.</p> <p>(2) A warrant issued under this section may be executed in accordance with <b>section 79 of this Bill.</b></p>	<p>Justice Act, 2015.</p> <p>Section 79- Execution of warrant and procedure.</p>
<b>79. Re-arrest of suspect escaping .</b>		<p><b><i>Re-arrest of suspect escaping.</i></b></p> <p><b>83.</b> 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>From section 48 of the Administration of Criminal Justice Act, 2015.</p>
<b>80. Provisions of sections 43 and 52 to apply to arrests under section 78.</b>		<p><b><i>Provisions of sections 47 and 57 to apply to arrests under sections 78 and 83.</i></b></p> <p><b>84.</b> The provisions of sections <b>47</b> and <b>57</b> of this Bill shall apply to arrests under sections <b>78 and 83</b> 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>Section 47 - Power to break out of a house or place for the purpose of liberation</p> <p>Section 57 - Search of place entered by suspect sought to be arrested</p> <p>Section 83- Re-arrest of suspect escaping</p>

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<b>81.</b> <i>Public safety and public order.</i>	<p><b><i>Public safety and public order.</i></b></p> <p><b>37.</b> (1) The Inspector-General shall be responsible for maintaining and securing public safety and public order. In discharging these responsibilities, the Inspector-General shall:</p> <p>(a) uphold the provisions of the Constitution and laws made thereunder;</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 security public safety and public order within the State.</p> <p>(3) Notwithstanding the provisions of any law for the time being in force, neither the Inspector General of Police nor the Commissioner of Police or their lawful delegates shall unreasonably disallow members of the public, the right to hold peaceful rallies, processions and assemblies in public highways, buildings or spaces</p> <p>(4) (a) Where a person or organization notifies the police of their intention to hold a public meeting, rally or procession on a public highway, or such meetings in a place where the public has access to, the appropriate Police officer responsible for the area where the meeting, rally or procession will take place, shall mobilize personnel to provide security cover for the meeting, rally or procession;</p> <p>(b) Where the appropriate police officer has reason to believe that the rally, procession or assembly will lead to</p>	<p><b><i>Public safety and public order.</i></b></p> <p><b>85.</b> (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 provide security cover for the meeting, rally or procession.</p>	Retained with minor drafting amends to reflect this responsibility of the Police as contained in the Constitution.

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	<p>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 organisation decides to proceed with the meeting, rally assembly or procession, notwithstanding the advice; the police may apply to a High Court in the state where the meeting, rally, procession or assembly is to take place, for an order restraining the organisers from proceeding with it.</p>		
		<b>PART IX - PREVENTION OF OFFENCES AND SECURITY FOR GOOD BEHAVIOUR</b>	
<b>82. Police to prevent offences and injury to public property.</b>		<p><b>Police to prevent offences and injury to public property</b></p> <p><b>86.</b> (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>	From section 50 of the Administration of Criminal Justice Act, 2015.
<b>83. Information of plan to commit offence</b>		<p><b><i>Information of plan to commit offence</i></b></p> <p><b>87.</b> 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>	From section 51 of the Administration of Criminal Justice Act, 2015.



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84. <i>Arrest by police to prevent offences.</i>		<p><i>Arrest by police to prevent offences.</i></p> <p><b>88.</b> Notwithstanding the provisions of this Bill or any 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>	From section 52 of the Administration of Criminal Justice Act, 2015.
85. <i>Prevention by other public officers of offences and injury to public property.</i>		<p><i>Prevention by other public officers of offences and injury to public property.</i></p> <p><b>89.</b> (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>	From section 53 of the Administration of Criminal Justice Act, 2015.

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		(c) in the prevention of the removal of any public landmark, buoy or other mark used for navigation.	
	PART VI-PROPERTY UNCLAIMED, FOUND OR OTHERWISE	<b>PART X- PROPERTY FOUND AND UNCLAIMED, ETC.</b>	
<b>86. Found and unclaimed property .</b>	<p>38. (1) Where a police officer or any other person finds a property, the property shall be taken to the nearest police station within 24 hours</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;</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 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 it to the station;</p> <p>(e) the name and rank of the police officer who collected the property; and</p> <p>(f) 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><b><i>Found and unclaimed property</i></b></p> <p><b>90.</b> (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 <b><i>after it is found.</i></b></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><b><i>(a) the type of property found;</i></b></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</p>	Retained with minor drafting amendments.

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	<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 bring the property before a court for 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 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>the property; and</p> <p><i>(f) the signatures of the police officer</i> and the person who 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 <b>section 93 of this Bill</b>.</p>	

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		<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 proceeds of sale shall be paid into the Police Reward Fund established under <b>section 93 of this Bill.</b></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>	
<b>87.</b> <i><b>Documentation of arrest, witnesses and death in police station.</b></i>	<p><i><b>Documentation of arrest witnesses and death in police station.</b></i></p> <p>39. (1) Where a person appears in a police station in respect of a crime or an allegation of commission of a crime either as an accused person or a witness, or as a relation or friend of an accused person or a witness, the Duty officer or such other officer as may be authorized by the officer in Charge of the station shall enter in the official record book:</p> <p>(a) the name 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 visits;</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, for everyday he visits; and</p>	<p><i><b>Documentation of arrest, witnesses and death in police station.</b></i></p> <p><b>91.</b> (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> <p>(a) the name 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 visits;</p>	Retained with drafting amendments

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	<p>(f) any ailment or medical condition which the person has.</p> <p>(2) The particulars mentioned in sub-section (1) of the section shall be updated each day the person remains in custody in the police station.</p> <p>(3) Where in exercise of the police duty a person is shot, wounded or killed, the officer commanding the operation shall record the number of those wounded or killed, the names of such victims or their description as much as possible and efforts taken to ensure hospitalization of the wounded or proper 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 shall give a quarterly report to the Police Service Commission itemizing the number and identity of persons who were killed or wounded during police operations across the country; or died in police</p>	<p>(d) the name and address of the person's next-of-kin;</p> <p>(e) the exact time the person comes to the station and 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><b><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></b></p> <p><b><i>(a) the number of those wounded or killed, the names of the victims or their description as much as possible; and</i></b></p> <p><b><i>(b) efforts made to ensure hospitalisation of the wounded or proper preservation of the dead.</i></b></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><b><i>(5) The Inspector-General shall give a quarterly report to the Police Service Commission itemising the number and identity of persons who:</i></b></p>	<p>Detailed particulars of victims or deceased persons must be recorded</p>

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	custody.	<p><i>(a) were detained in all police formations across 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>	
<b>88. Missing persons.</b>	<p><b><i>Missing person.</i></b></p> <p>40. (1) Any person who is aware that somebody under his employment or control is missing shall within 24 hours report to the police the identity of the missing person and the circumstances in which that person got missing.</p> <p>(2) When such report is lodged with the police, the duty officer or such other designated staff shall immediately record the names and addresses of the missing person and the person who made the report.</p>	<p><b><i>Missing persons.</i></b></p> <p><b>92.</b> (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) <b><i>When a report is made to the police under subsection (1) of this section,</i></b> 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>	Retained with minor amendments
	PART VII-OTHER PROVISIONS	<b>PART XI – ESTABLISHMENT OF THE POLICE REWARD FUND, ETC. AND OTHER PROVISIONS RELATING TO THE POLICE FORCE</b>	
<b>89. Establishmen</b>	<p><b><i>The Police Reward Fund.</i></b></p> <p>41. (1) There shall be established a fund to be called “the Police Reward Fund” (in this section referred to as “the</p>	<b><i>Establishment, etc. of the Police Reward Fund.</i></b>	Retained with

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<i>t, etc. of the Police Reward Fund.</i>	<p>Fund”) into which shall be paid the following:</p> <p>(a) all monies forfeited by order of a superior 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 any fees paid by members of the public in respect of extracts from reports made by the police;</p> <p>(d) one third of any fees paid in accordance with Standing Orders for the services of police officers who would otherwise be off duty; and</p> <p>(e) all sums ordered to be paid into the fund under section 43(7)(b) 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 fund shall be applied and disbursed at the direction of the Inspector General, based on criteria laid by the Nigeria Police Council, for any of the following purposes:</p> <p>(a) to reward members of the police for exemplary services;</p> <p>(b) for payment of ex gratia compassionate gratuities to widows or children of deceased members of the force;</p> <p>(c) for making ex gratia payments towards the funeral expenses of any member of the police who dies in the service of the police and;</p> <p>(d) such other purpose as may be determined from time to time by the Nigerian Police Council.</p>	<p><b>93. (1) <i>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:</i></b></p> <p>(a) all money levied by order of a <b>senior</b> 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 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</p>	<p>only cross referencing amendments</p> <p>This section establishes the Nigeria Police the Police Reward Fund generally to address the welfare of members of the Police Force.</p>

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		<p>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>(d) for such other purpose as may be determined, by the <i>Nigeria</i> Police Council.</p>	
<b>90.</b> <b>Recognition and commendation for gallant and exemplary service</b>	<p><b><i>Recognition and commendation for gallant and exemplary service.</i></b></p> <p>42. Police officers who have distinguished themselves with their outstanding performance in the discharge of their duties shall be duly honoured and recognized for their gallant and exemplary service in any of the following ways:</p> <p>(a) by recommendation for national honors, in 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 police shall set aside a day or week in every year to celebrate outstanding performance by its officers as well as to remember their fallen heroes.</p>	<p><b><i>Recognition and commendation for gallantry, and exemplary service.</i></b></p> <p><b>94.</b> <i>Police officers who have distinguished themselves with their outstanding performance in the discharge of their duties shall be duly honoured and <b>recognised</b> 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 <b><i>inclusive</i></b>;</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
<b>91. Police</b>	<b><i>Police Officer and indebtedness.</i></b>	<b><i>Police officer and indebtedness.</i></b>	Insertion of a



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<i>officer and indebtedness.</i>	<p>43. (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 have evidence(s) to prove the indebtedness.</p> <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 officers remuneration until the amount of the debt is made good.</p>	<p><b>95.</b> (1) A police officer shall not get himself <i>involved</i> in indebtedness of any kind while still in service, and where 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 <i>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>(2) 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.</p>	penalty clause
<b>92. Debt recovery: exception.</b>	<p><b><i>Debt Recovery: Exception.</i></b></p> <p>44. The remuneration of a police officer shall not be withheld upon any debt or liability, which he may have incurred within three years before being appointed to the police.</p>	<p><b>Debt recovery: exception.</b></p> <p><b>96.</b> 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>	
<b>93. Private business and conflict of interest.</b>	<p><b><i>Private business and conflict of interest .</i></b></p> <p>45. 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><b><i>Private business and conflict of interest.</i></b></p> <p><b>97. A police officer shall not,</b> while in service, be directly involved in managing and running any private business or trade except farming.</p>	Retained with minor drafting amendment
	PART VIII-OFFENCES	PART XII-OFFENCES	
<b>94. Offences by police</b>	<p><b><i>Offences by Police Officer.</i></b></p> <p>46. (1) A police officer who:</p>	<b><i>Offences by police officer.</i></b>	Retained with minor

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<i>officer.</i>	<p>(a) begins, raises, abets, countenances, or excites mutiny;</p> <p>(b) causes or joins in any sedition or disturbance 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><b>98.</b> (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 <b><i>immediately</i></b> give information of the mutiny to his superior officer;</p> <p>(e) strikes or offers any violence to his <b><i>senior</i></b> officer while in the <b><i>discharge</i></b> 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 style="padding-left: 40px;">(i) has not been convicted or imprisoned for a criminal offence, or</p> <p style="padding-left: 40px;">(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>	amendment

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	<p>(2) Any officer found indulging in any manner prescribed in S.48(1)(a-h) shall be subject to appropriate disciplinary proceedings in accordance with the police disciplinary mechanisms and if found guilty, shall be recommended for dismissal and charged to court for prosecution in accordance with the relevant laws in force.</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 such language, or act in such a way that suggests a bias towards a particular group.</p>	<p>shall be:</p> <ul style="list-style-type: none"> <li>(i) subject to appropriate disciplinary proceedings in accordance with the police disciplinary mechanisms, and</li> <li>(ii) if found liable, recommended for dismissal and charged to court for prosecution in accordance with the relevant laws in force.</li> </ul> <p>(2) A police officer shall not, in discharging his duty:</p> <ul style="list-style-type: none"> <li>(a) discriminate against any person in Nigeria, based on the person's: <ul style="list-style-type: none"> <li>(i) place of origin,</li> <li>(ii) gender,</li> <li>(iii) socio-economic status,</li> <li>(iv) ethnic, political or religious affiliation, or</li> <li>(v) any form of disability, and</li> </ul> </li> <li>(b) use a language or act in such a way that suggests a bias towards a particular group.</li> </ul> <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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	<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>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>(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>	
<p><b>95.</b></p> <p><i>Apprehension of deserters.</i></p>	<p><b>47.</b> Upon reasonable suspicion that any person is a deserter, a police officer or any other person may apprehend him and forthwith bring him before a court having jurisdiction in the place where he was found, which may deal with the suspected deserter or refer him to a court having jurisdiction in the place in which he has deserted.</p>	<p><b>99.</b> On reasonable suspicion that a person is a deserter, a police officer or any other person may apprehend him and bring him immediately before a court having jurisdiction in the place where he was found, which may deal with the suspected deserter or refer him to a court having jurisdiction in the place in which he has deserted.</p>	
<p><b>96.</b> <i>Assault on police officer.</i></p>	<p><b>Assault on Police Officer.</b></p> <p>48. Any person who assaults, obstructs or resists any police officer in the execution of his duty, or aids or incites any other person to assault, obstruct or resist any police officer or any person aiding or assisting such police officer in the execution of his duty, shall be guilty of an offence and, on summary conviction by a court, shall be liable to a penalty of fifty thousand naira or to imprisonment for a term of six months.</p>	<p><b>Assault on police officer.</b></p> <p><b>100.</b> A person who assaults, obstructs or resists a police officer in the <i>discharge</i> of his duty, or aids or incites any other person to assault, obstruct or resist a police officer or other person aiding or assisting the police officer in the <i>discharge</i> of his duty, <b>commits an offence and is liable on conviction to a fine of ₦500,000 or imprisonment for six months or both.</b></p>	Retained with amendment to the penalty
<p><b>97.</b> <i>Refusing to aid police officer assaulted.</i></p>	<p><b>Refusing to aid Police Officer assaulted.</b></p> <p>49. Where any person is called upon to aid and assist a police officer who is, while in the execution of his duty, assaulted or resisted or in danger of being assaulted or resisted, and such person refuses or neglects to aid and assist accordingly, he shall be guilty of an offence and, on summary conviction by a court, shall be liable to a penalty</p>	<p><b>Refusing to aid police officer assaulted.</b></p> <p><b>101.</b> Where a person is called upon to aid and assist a police officer who is, while in the <i>discharge</i> of his duty, assaulted or resisted or in danger of being assaulted or resisted, and the person refuses or neglects to aid and</p>	Retained with amendment to the penalty

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	of fifty thousand naira or to imprisonment for a term of six months.	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>	
<b>98. Taking of intoxicating liquor or use of psychotropic substances and stimulants while on duty.</b>	<p><b><i>Drinking of alcohol or use of psychotropic substances and stimulants while on duty.</i></b></p> <p>50. (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 harbors or entertains, or either directly or indirectly, sells or gives any intoxicating liquor, psychotropic substances or stimulants to any police officer while on duty, or permits any such police officer to abide or remain in his house unlawfully; except in cases of extreme urgency;</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>shall be guilty of an offence and liable on conviction to one month in prison with or without an option of fine not less than ten thousand naira.</p>	<p><b><i>Taking of intoxicating liquor or use of psychotropic substances and stimulants while on duty.</i></b></p> <p><b>102.</b> (1) A police officer shall not, while on duty, take any intoxicating liquor, psychotropic substances or stimulants and if he <i>contravenes</i>, he shall be punished in accordance with the police disciplinary procedures.</p> <p>(2) A person who:</p> <p>(a) knowingly:</p> <p>(i) harbours or entertains, or either directly or indirectly, sells or gives any intoxicating liquor, psychotropic substances or stimulants to a police officer while on duty, or</p> <p>(ii) permits a police officer to stay or remain in his house unlawfully, except in cases of extreme urgency, <i>or</i></p> <p>(b) by threats or 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 omit any part of the duty,</p> <p><i>commits an offence and is liable on conviction to a fine of ₦20,000 or imprisonment for three months or both.</i></p>	Retained with amendment to the penalty

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<b>99.</b> <b><i>Impersonation of police officer.</i></b>	<b><i>Impersonation of Police Officer.</i></b>  51. Any person not being a police officer who:  (a) puts on or assumes either in whole or in part, the apparel, name, designation, or description of any police officer or resembling and intended to resemble the apparel, name or designation of any police officer; or  (b) in any way pretend to be a police officer for the purpose of obtaining admission into any house or other place, or of doing any act which such person would not by law be entitled to do of his own authority:  shall be guilty of an offence and on summary conviction liable to a penalty of not less than N50,000, or to imprisonment for a term of three years or to both.	<b><i>Impersonation of police officer.</i></b>  <b>103.</b> A person, not being a police officer who:  (a) puts on or assumes, either in whole or in part, the apparel, name, designation, or description of a police officer or resembling and intended to resemble the apparel, name or designation of a police officer, or  (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,  <b><i>commits an offence and is liable on conviction to a fine of N300,000 or imprisonment for three years or both.</i></b>	Retained with amendment to the penalty
<b>100.</b> <b><i>Obtaining admission into Police Force with forged or false certificate.</i></b>	<b><i>Obtaining admission into the Police by fraud.</i></b>  52. (1) A person who:  (a) knowingly uses or attempts to pass off any forged or false certificate character, letter, or any other document for the purpose of obtaining admission into the Police; or  (b) on applying for enlistment, makes a false statement:  shall be guilty of an offence and, on summary conviction before a court liable to imprisonment for a term of six months.	<b><i>Obtaining admission into Police Force with forged or false certificate.</i></b>  <b>104.</b> (1) A person who:  (a) knowingly uses or attempts to pass off any forged or false character certificate, letter or any other document for the purpose of obtaining admission into the Police Force; or  (b) on applying for enlistment, makes a false statement,  <b><i>commits an offence and is liable on conviction to a fine of N100,000 or imprisonment for six months or both.</i></b>	Retained with amendment to the penalty

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	(2) A police officer may arrest without a warrant any person whom he reasonably believes to be guilty of an offence under this section.	(2) A police officer may arrest, without a warrant, a person whom he reasonably believes has committed an offence under this section.	
<b>101. Ordinary course of law not to be interfered with.</b>	<b>Ordinary course of law not to be interfered with.</b>  53. Nothing in this Bill shall be construed to exempt a police officer from being proceeded against by the ordinary course of law when accused of any offence punishable under any other Act or law.	<b>Ordinary course of law not to be interfered with.</b>  <b>105.</b> Nothing in this Bill <i>is</i> 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.	Retained
<b>102. Persons acquitted by the court not to be tried for the same offence under this Bill</b>	<b><i>Persons acquitted by the court not to be tried for the same offence under this Bill, nor convicted, except reduction</i></b>  54. (1) A person who has been acquitted by a court of any crime or offence shall not be tried on the same charge or suffer any punishment under this Bill.  (2) Where a member of the police has been convicted by a court of any crime or offence, he shall not be liable to be punished for the same offence under this Bill, otherwise than by reduction in rank or grade or by dismissal from the police.	<b><i>106. Persons acquitted by the court not to be tried for the same offence under this Bill</i></b>  (1) A person who has been acquitted by a court of any offence shall not be tried on the same charge or suffer any punishment under this Bill.  (2) Where a police officer has been convicted by a court for an offence, he <i>is</i> not liable to be punished for the same offence under this Bill, but may have his rank or grade reduced or be dismissed from the Police Force.	
	PART IX-REGULATIONS AND STANDING ORDERS		
	<b><i>Power to make Regulations.</i></b> 55. (1) The minister supervising the police may make regulations on the recommendation of:  (a) the Nigeria Police Council with respect to the policy, organization and administration of the police, including establishments and financial matters, other than pensions within the meaning of the Pensions Act (Cap. P4).  (b) the Police Service Commission with respect to appointments, promotions and disciplinary control of police officers as stated in the Constitution.	Deleted	Already Captured in clause <b>131</b>

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
	<b><i>Standing Order</i></b> 56. (1) The Police Service Commission may make Standing Orders for the appointment, promotion, and discipline of members of the Police.  (2) The Inspector General of Police may make Standing Orders relating to operational control of the police.  (3) Such Standing Orders shall be binding upon all Police Officers and shall be published in the Federal Gazette and in one national daily.	Deleted	Already Captured in clause <b>15</b>
	PART X- APPLICATION		
	<b>Application of Act to persons already serving</b>  <b>57.</b> 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.	Deleted	Captured in savings provision in clauses <b>133</b>
		<b><i>PART XIII - SPECIAL CONSTABLES</i></b>  <b><i>THE SPECIAL CONSTABULARY</i></b>  <b><i>107. (1) The Special Constabulary is hereby established under this Bill.</i></b>  <b><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></b>	Comprehensive provisions are made to address the special constabulary



CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>(3) The special constabulary shall consist of-</i>  <i>(a) special constables appointed in normal circumstances under section 68 of this Bill; and</i>  <i>(b) such emergency special constables as may be appointed from time to time under section 70 of this Bill.</i></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><b>APPOINTMENT OF SPECIAL CONSTABLES.</b>  <i>108. (1) Subject to the provisions of this section, the competent authority may appoint as a special constable any person who:</i></p> <p><i>(a) has attained the age of 21 years but has not attained the age of 50 years;</i></p> <p><i>(b) is of good character and physically fit; and</i></p> <p><i>(c) has signified willingness to serve as a special constable.</i></p> <p><i>(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</i></p>	Sections (107 – 114)

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>may 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.</i></p> <p><i>(3) Subject to subsection (2), the Inspector-General of Police may:</i></p> <p><i>(a) review the maximum number of persons who may hold appointments under this section in any territory; and</i></p> <p><i>(b) fix the maximum number of persons appointed under this section who may hold any particular rank in the special constabulary in any territory;</i></p> <p><i>(c) in either case, fix different numbers with respect to different territories, and every competent authority shall ensure that the numbers fixed under this subsection are not exceeded.</i></p> <p><i>(4) Every special constable appointed under this section-</i></p> <p><i>(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</i></p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>engagement in the prescribed form to serve as a special constable for that period;</i></p> <p><i>(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;</i></p> <p><i>(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</i></p> <p><i>(d) subject to the provisions of this Bill, shall be a member of the Special Constable for all purposes:</i></p> <p><i>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.</i></p> <p><i>(5) A special constable shall have such rank as may be assigned to him by the competent authority, and the assigning authority shall cause notice thereof to be published in the Force Administrative Instructions.</i></p> <p><i>(6) A special constable may be, within three months before the end of his first or any subsequent period of engagement, and with the permission of the competent authority, re-engaged to serve for a further period of one</i></p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>year or such longer period as may be agreed between him and the authority and, if he does so, his appointment under this section is deemed to have been extended accordingly.</i></p> <p><i>(7) Without prejudice to the right of the competent authority to refuse permission in any case, a person is not permitted to re-engage under this subsection (6) unless he would, if not already a special constable, be qualified for appointment as such under this section.</i></p> <p><i>(8) Every special constable 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.</i></p> <p><i>Resignation, Suspension and Dismissal of Special Constables Appointed under Section 68</i></p> <p><i>109. (1) A special constable appointed under section 68 of this Bill may, at any time, give to the senior 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 30 days later than the date on which the notice is given) mentioned in the notice.</i></p> <p><i>(2) On receipt of a notice under subsection (1), the senior police officer in question shall refer it to the</i></p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>competent authority, and if the competent authority consents to the notice, 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 its consent under this subsection, whichever is the later.</i></p> <p><i>(3) The competent authority may, at any time for reasons appearing to it to be sufficient by notice in writing, immediately suspend or determine the appointment of any special constable appointed under section 68 of this Bill and may, if it deems fit, do so without informing the special constable of the reasons for his action, but shall in every case immediately report its action and the reasons thereof to the Inspector-General of Police.</i></p> <p><i>(4) A special constable whose appointment is suspended or determined under subsection (3) 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.</i></p> <p><i>(5) Any delegation of the powers of the Inspector-General of Police under subsections (3) and (4) shall be such as to secure that in every case the competent authority having power to hear and determine an appeal under subsection (4) is a police officer of higher rank than the police officer against whose action the appeal is brought.</i></p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><b><i>APPOINTMENT OF EMERGENCY SPECIAL CONSTABLES.</i></b></p> <p><i>110. (1) If at any time the Commissioner of Police for a State or Federal Capital Territory 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 Senior 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.</i></p> <p><i>(2) An authorization under this section need not be in writing, but shall specify the maximum number of emergency special constables who may be appointed under that authorisation.</i></p> <p><i>(3) Where a Senior 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.</i></p> <p><i>(4) Every person on whom a notice is served under subsection (3) shall present himself at the time and place</i></p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>specified in the notice and shall, on being required to do so by the Senior 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 immediately after he has made and signed that promise, the Senior 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.</i></p> <p><i>(5) Every emergency special constable-</i></p> <p><i>(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</i></p> <p><i>(b) subject to the provisions of this Bill, shall be a member of the special constabulary for all purposes.</i></p> <p><i>(6) The Senior 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</i></p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>the prescribed form.</i></p> <p><i>(7) Any person who, without reasonable excuse (proof of which shall lie on him)-</i></p> <p><i>(a) refuses or fails to comply with the requirements of a notice served on him under subsection (3); or</i></p> <p><i>(b) refuses to make and sign a promise to serve on being required to do so under subsection (4), is liable on summary conviction to a fine not exceeding ₦10,000.00.</i></p> <p><i>(8) The 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.</i></p> <p><i>(9) The provisions of this section shall have effect subject to section 68 (2) and (3) of this Bill.</i></p> <p><b>PROVISIONS SUPPLEMENTARY TO SECTION 68</b></p> <p><b>111. (1) The Commissioner of Police for a State or Federal Capital Territory or the Inspector-General of Police;</b></p> <p><b>(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</b></p>	



CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>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</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>(3) Any power to make or determine appointments under or by virtue of section 70 of this Bill shall be exercisable only while there is in force the necessary delegation of that power by the Inspector-General of Police.</i></p> <p><b>EQUIPMENT</b></p> <p><i>112. (1) The Inspector-General of Police may provide for use by special constables such as batons, clothing and other equipment as he considers necessary for the proper discharge of their duties.</i></p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>(2) Any expenses incurred by the Inspector-General of Police under this section shall be defrayed out of money provided by the Federal Government.</i></p> <p><b>INSTRUCTIONS OF SPECIAL CONSTABLES</b></p> <p><i>113. (1) Regulations made under section <b>139 (1) (a)</b> of this Bill with respect to the organisation and administration of the Force shall not require special constables to attend for instruction on more than four days in any one month or for periods amounting in the aggregate to more than 24 hours in any one month.</i></p> <p><i>(2) Any person responsible for giving instruction to special constables under the regulations shall have regard as far as possible to the convenience of special constables who are to attend for instruction and also, where applicable, to that of the employers of such special constables.</i></p> <p><b>ALLOWANCES, PENSIONS, ETC.</b></p> <p><i>114. (1) Except as expressly provided by this section or by regulations made by virtue of subsection (3), 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.</i></p> <p><i>(2) A special constable shall:</i></p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>(a) have no claim on the Police Reward Fund; and</i></p> <p><i>(b) not as such be entitled to occupy living accommodation provided at the public expense.</i></p> <p><i>(3) Regulations made under section 139 (1) (a) of this Bill may provide for stipends to be paid to special constables-</i></p> <p><i>(a) in respect of expenses incurred by them in connection with their attendance at periods of instruction;</i></p> <p><i>(b) as compensation for loss of earnings during periods of full-time duty; and</i></p> <p><i>(c) in respect of the use by special constables 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.</i></p> <p><i>(4) Without prejudice to the generality of section 58 of this Bill, the regulations may make provision for enabling any such stipend as is mentioned in subsection (3) of this</i></p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>section to be withheld by a senior police officer if, in his opinion, there are good reasons for withholding it.</i></p> <p><i>(5) Subject to subsection (7), section 6 of the Pensions Reform 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 police officers.</i></p> <p><i>(6) Subject to subsection (7), Regulation 24 (1) and (2) 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.</i></p> <p><i>(7) For the purposes of subsection (6), references to a retirement shall be construed as references to a retirement from employment other than employment as a special constable.</i></p> <p><i>(8) 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 is, for the purpose of the Pensions Reform Act, 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.</i></p> <p><i>(9) Any pension granted under subsection (5) or (6)</i></p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
		<p><i>shall be subject to the provisions of the Act under which it is granted and shall cease or be dealt with accordingly.</i></p> <p><i>(10) In this section, "regular police officer" means a police officer who is neither a special constable nor a supernumerary police officer.</i></p>	
	PART XI – COMMUNITY POLICE FORUMS AND BOARDS	PART XIV – COMMUNITY POLICING COMMITTEE	
103. <i>Establishment of Community Police Forums.</i>	<p><b>Establishment of Community Police Forums</b></p> <p>58. (1) For effective and efficient community policing, the Commissioner of Police in each state of the federation shall establish Community Police Forums and Boards that shall consist broadly of representatives of the local community in his state of jurisdiction.</p> <p>(2) A community police sub forum shall be established at all Divisional Police Headquarters.</p> <p>(3) Subject to section 65 (1) (b) of this Bill, the Commissioner of Police and the members designated by him from time to time for the purpose, shall be members of the community police forum and sub-forums established at various police formations.</p>	<p><b>Establishment of Community Policing Committee</b></p> <p><b>115.</b> (1) For the effective and efficient policing of communities in a State <i>or Federal Capital Territory</i>, the <b>Commissioner of Police of a State</b> shall establish Community Police <b>Committee (in this Bill referred to as “the Committee”)</b> that shall consist of representatives of the Police Force and the local community in the State.</p> <p>(2) <b>A Commissioner of Police of a State</b> shall establish Community <b>Sub-Committee (in this Bill referred to as “the Sub-Committee”)</b> at all Divisional Police Headquarters in the State <i>or Federal Capital Territory</i>.</p> <p>(3) Subject to section <b>116 (1) and (2)</b> of this Bill, the Commissioner of Police and members designated by him from time to time for that purpose, shall be members of the <b>Committee</b> and <b>Sub-Committee</b> 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</p>

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
			Commissioner or Divisional Police Officer to serve as members of the community <i>Committee</i>
<b>104. Establishment of Divisional Community Police Boards.</b>	<p><b><i>Establishment of Divisional Community Police Boards.</i></b></p> <p>59. (1) A State Commissioner of Police shall in collaboration with the relevant stake holders in the community, establish Divisional Community Police Boards in all Police Divisions within the State.</p> <p>(2) A Divisional Community Police board shall in collaboration with the relevant stake holders in the community, establish Divisional Community Police Boards in all Police forums.</p> <p>(3) Subject to section 65 (1) (b) of this Bill, the Divisional Police Officers and the members designated by him from time to time for that purpose, shall be members of the Divisional Community Police Board concerned.</p>	<p><b><i>Establishment of Divisional Community Police Committee.</i></b></p> <p><b>116. (1) A Commissioner of Police of a State or Federal Capital Territory</b> shall, in collaboration with the relevant stakeholders in the community, establish Divisional Community Police Committee (<b>in this Bill referred to as “Divisional Committee”</b>) in all Police Divisions within the State.</p> <p>(2) A Divisional <b><i>Committee</i></b> shall, in collaboration with the relevant stakeholders in the community, establish Divisional Community Police <b><i>Committee</i></b> in all police formations in the Division.</p> <p>(3) Subject to <b>section 116 (1) and (2) of this Bill</b>, the Divisional Police Officer and the members designated by him, from time to time for that purpose, shall be members of the Divisional <b><i>Committee</i></b> concerned.</p>	<p>116 (1) and (2) – deals with Procedural matters on number of members to be assigned by the State Commissioner</p>

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
			or Divisional Police Officer to serve as members of the community Committee
<b>105. Establishment of State Community Police Boards.</b>	<p><b><i>Establishment of State Community Police Boards.</i></b></p> <p>60. (1) A State Police Commissioner shall in collaboration with the State Executive Council, establish a State Community Police Board.</p> <p>(2) A State Community Police Board shall subject to subsection (3) of this section, `consist of representatives of Divisional Community Police Boards designated for that purpose by the Divisional Community Police Boards in the state concerned.</p> <p>(3) Subject to section 65 (1) (b) of this Bill, the State Commissioner of Police and the members designated by him from time to time for the purpose, shall be members of the State Community Police Board concerned.</p>	<p><b><i>Establishment of State Community Police Committee</i></b></p> <p><b>117.</b> (1) <i>A Commissioner of Police of a State</i> shall, in collaboration with the State Executive Council, establish a State Community Police <b><i>Committee</i></b>.</p> <p>(2) A State Community Police <b><i>Committee</i></b> shall, subject to subsection (3) of this section, consist of representatives of Divisional Community Police <b><i>Committee</i></b> designated for that purpose by the Divisional Community Police <b><i>Committee</i></b> of a State concerned.</p> <p>(3) Subject to <b><i>section 116 (1) and (2) of this Bill</i></b>, 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 <b><i>Committee</i></b> concerned.</p>	<p>Retained with drafting /cross referencing amendment</p> <p>116 (1) and (2) – deals with Procedural matters of the community Committee</p>
<b>106. Objectives of Community Police Forums</b>	<p><b><i>Objects of Community Police Forums and Boards.</i></b></p> <p>61. (1) The Community Police Forums and Boards shall in each state be established with a view to:</p> <p>(a) maintaining a partnership between the Community and the Police;</p>	<p><b><i>Objectives of Community Police Committee</i></b></p> <p><b>118.</b> (1) <b><i>The objectives of the Committee are to:</i></b></p> <p>(a) <b><i>maintain</i></b> a partnership between the community and</p>	

CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
<b>Boards.</b>	<p>(b) promoting communication between Nigerian Police and the Community;</p> <p>(c) promoting co-operation between the police and the community in fulfilling the needs of the community regarding policing;</p> <p>(d) improving the rendering of Police services to the community;</p> <p>(e) improving transparency in the Police and accountability of police service to the community; and</p> <p>(2) This section shall not prevent Police liaison with the community by means other than Community Police Forums and Boards.</p>	<p>the Police Force;</p> <p>(b) <b><i>promote</i></b> communication between the Police Force and the community;</p> <p>(c) <b><i>promote</i></b> co-operation between the Police and the community in fulfilling the needs of the community regarding policing;</p> <p>(d) <b><i>improve</i></b> the police service to the community; and</p> <p>(e) <b><i>improve</i></b> transparency and accountability <b><i>in the provision of police services</i></b> to the community.</p> <p>(2) This section <b><i>does</i></b> not prevent police liaison with the community by means other than <b><i>Committee, Sub-Committee and Divisional Committees.</i></b></p>	
<b>107. Functions of Community Police Forums and Boards.</b>	<p><b><i>Functions of Community Police Forums and Boards.</i></b></p> <p>62. A State or Divisional Community Police Board or Community Police Forum or Sub-Forum shall perform the functions it deems necessary and appropriate to achieve the objects stated in section 63 of this Bill.</p>	<p><b><i>Functions of Community Police Committee</i></b></p> <p><b>119.</b> A <b><i>Committee</i></b>, <b><i>Sub-Committee</i></b> and Divisional <b><i>Committee</i></b> shall perform the functions they <b><i>considers</i></b> necessary and appropriate to achieve the objectives stated in <b><i>section 118 of this Bill.</i></b></p>	Retained with cross referencing amendment
<b>108. Procedural matters.</b>	<p><b><i>Procedural matters.</i></b></p> <p>63. (1) Every State or Divisional Community Police Board and Community Police Forum or Sub-Forum shall:</p> <p>(a) shall elect from amongst its members, a Chairperson, Vice-Chairperson and a the Secretary who shall be a Police Officer;</p> <p>(b) determine the number of members to be assigned by the</p>	<p><b><i>Procedural matters.</i></b></p> <p><b>120.</b> (1) A <b><i>Committee, Sub-Committee and Divisional Committee shall:</i></b></p> <p>(a) elect, from amongst their members, a Chairman, Vice- Chairman and Secretary who shall be police</p>	Retained with minor drafting amendment



CLAUSE	PROVISIONS OF THE BILL (SB. 181)	COMMITTEE'S RECOMMENDATION	REMARKS
	<p>State Commissioner or Division Police Officer to serve as members of the Board, forum or Sub-Forum 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 Board or Forum in an advisory capacity.</p> <p>(2) Members of the Community Police Forums or Boards shall render their services on a voluntary basis and shall have no claim to compensation solely for services rendered to such Forums and Boards.</p> <p>(3) The majority of the members of the Board, Forum or Sub-Forum concerned shall constitute a quorum at a meeting thereof.</p> <p>(4) In the absence of the Chairperson of the board or forum or sub-forum at a meeting, the vice-chairperson shall act as Chairperson, and if both the Chairperson and the Vice-Chairperson are so absent, the members present shall elect one of their members present at the meeting to preside.</p>	<p>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 <b><i>Committee</i></b> or Sub-<b><i>Committee</i></b> 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 <b><i>Committee</i></b>, Sub- <b><i>Committee</i></b> and Divisional <b><i>Committee</i></b> in an advisory capacity.</p> <p>(2) <b><i>Members of the Committee, Sub-Committee and Divisional Committee</i></b> shall render their services on a voluntary basis and shall have no claim to any remuneration solely for services rendered to the <b><i>Committee</i></b>, Sub-<b><i>Committee</i></b> or Divisional <b><i>Committee</i></b>.</p> <p>(3) The majority of the members of the <b><i>Committee</i></b>, Sub-<b><i>Committee</i></b> or Divisional <b><i>Committee</i></b> shall constitute a quorum at any of its meetings.</p> <p>(4) In the absence of <b><i>the Chairman</i></b> of a <b><i>Committee</i></b>, Sub-<b><i>Committee</i></b> or Divisional <b><i>Committee</i></b> at a meeting, the <b><i>Vice-Chairman</i></b> shall preside over the meeting, and if both the <b><i>Chairman</i></b> and <b><i>Vice-Chairman</i></b> are absent, the members present shall elect one of them present to preside over the meeting.</p>	

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	PART XII – TRAFFIC WARDEN SERVICE		
<b>109.</b> <i>Establishment of Traffic Warden Service.</i>	<p><b><i>Establishment of the Traffic Warden Service.</i></b></p> <p>64. (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 appointed from time to time under this Bill.</p> <p>(3) The Warden Service shall be a part of the Nigerian Police 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 highway;</p> <p>(b) assisting pedestrians to cross the road; and</p> <p>(c) controlling vehicles stopping or parking in unauthorized</p>	<p><b><i>PART XV- TRAFFIC WARDEN SERVICE</i></b></p> <p><b><i>Establishment of Traffic Warden Service.</i></b></p> <p><b>121.</b> (1) There is established a Traffic Warden Service (in this <b>Bill</b> referred to as “the Warden Service”).</p> <p>(2) The Warden Service shall consist of traffic wardens appointed from time to time under this <b>Bill</b>.</p> <p>(3) The Warden Service shall be a part of the Police Force and accordingly, references to the Police Force shall, subject to the provisions of this <b>Bill</b>, include references to the Warden Service.</p> <p>(4) Notwithstanding subsection (3) of this section where any Act requires police officers to <b><i>discharge</i></b> military duties, or confers any power on any person, whether expressly or in general terms, to require police officers to discharge those duties, that Act shall not, in the absence of express provision to the contrary, extend to traffic wardens.</p> <p>(5) Traffic wardens shall be employed to perform functions normally undertaken by police officers 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 <b><i>Force</i></b>.</p> <p>(6) Without prejudice to the provisions of subsections (1)-(5) of this section, a traffic warden shall deal primarily</p>	<p>Provisions are made to address the employment of traffic wardens to perform functions normally undertaken by the police officers in connection with the control, regulation and enforcement of the law relating to road traffic.</p>

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	places.	with:  (a) the general control and direction of motor traffic on the highway;  (b) assisting pedestrians to cross the road; and  (c) controlling vehicles stopping or parking in unauthorised places.	
<b>110.</b> <i>Appointment of traffic wardens.</i>	<b><i>Appointment of Traffic Wardens.</i></b> 65. (1) Notwithstanding anything to the contrary in any enactment, the Inspector -General is vested with the power to appoint, confirm such appointment, promote, transfer, dismiss or exercise any disciplinary control over any Traffic Warden.  (2) Subject to the provisions of this Bill, a person may be appointed a Traffic warden if he:  (a) is not less than nineteen nor more than 21 years of age;  (b) is in possession of a minimum educational qualification of Senior Secondary School Certificate (SSCE);  (c) is not less than 167.64 centimetres and 162.56 centimetres tall respectively for the men and the women;  (d) in the case of men , has not less than 86.36 centimetres chest measurement when fully expanded;  (e) is of good character and is physically fit; and  (f) has signified his willingness to serve as a traffic warden.  (3)The supervising ministry on the recommendation of the	<b><i>Recruitment of traffic wardens.</i></b>  <b>122.</b> (1) Notwithstanding anything to the contrary in any law, the Inspector-General has power to <b><i>recruit</i></b> , promote, transfer, dismiss or exercise disciplinary control over <b><i>traffic wardens</i></b> .  (2) Subject to the provisions of this Bill, a person may be <b><i>recruited</i></b> a traffic warden if he:  (a) is at least <b>19</b> and not more than <b>21 years</b> of age;  (b) is in possession of a minimum educational qualification of Senior Secondary School Certificate;  (c) at least 167.64 centimeters and 162.56 centimeters tall respectively for the men and women;  (d) in the case of men, has at least 86.36 centimeters chest measurement when fully expanded;	

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	<p>Nigeria Police Council shall from time to time by notice published in the Federal gazette, fix the maximum number of persons who may at any given time hold appointments under this section and a person shall not be appointed as a traffic warden if his appointment would cause the number or the time being so fixed to be exceeded.</p> <p>(4) The Inspector-General may:</p> <p>(a) from time to time with the approval of the Police Service Commission, fix the maximum number of Traffic Wardens who may at any given time hold appointments in any State;</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 appointed under this Bill:</p> <p>(a) section 18 of this Bill shall have effect as if for the reference to enlistment or re-engagement, there were substituted respectively a reference to appointment or re-appointment; and</p> <p>(b) 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>(e) is of good character and physically fit; and</p> <p>(f) has signified his willingness to serve as a traffic warden.</p> <p>(3) <b><i>The Police Service Commission</i></b> shall, from time to time by notice published in the Federal <b><i>Government Gazette</i></b>, 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 traffic warden if his appointment would cause the number fixed for that period of time to be exceeded.</p> <p>(4) The Inspector-General may-</p> <p>(a) from time to time with the approval of the Police Service Commission, fix the maximum number of traffic wardens who may, at any time' hold appointments in any State;</p> <p>(b) at his own discretion, fix the maximum number of traffic wardens who may, at any 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>	
111.		<b><i>Declarations by traffic wardens</i></b>	It is

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<i>Declarations by traffic wardens</i>		<p>123. (1) A traffic warden on appointment, or if re-appointed for a further term, shall make and subscribe to the police declaration prescribed by the Oaths Act as modified under subsection (2) of this section.</p> <p>(2) The police declaration prescribed by the Oaths Act is modified by substituting for the words:</p> <p style="color: red;">(a) “police officer”, wherever it occurs, the words “traffic warden”; and</p> <p style="color: red;">(b) “for the preservation of peace” to the end of the declaration, the words, “to discharge all duties of my office according to law”.</p>	<p>recommended that since traffic wardens are considered police officers, the declaration required by Police officers should also apply to them</p> <p>Cap. 01, LFN, 2004</p>
<b>112. Tenure of office of traffic wardens.</b>	<p>66. (1) Every Traffic Warden appointed under this Bill shall be appointed to serve as a traffic warden for a period of one year, and only in the Police Province, District or Division in which he resides.</p> <p>(2) Such a Traffic Warden may subject to satisfactory conduct and service, be re-appointed for further periods of three years until the expiration of the tenth year of his appointment in the warden service, when he may elect to determine his appointment or elect that his service be allowed to continue until he is 55 years of age.</p>	<p><b><i>Tenure of office of traffic wardens.</i></b></p> <p><b>124.</b> (1) A traffic warden appointed under this <i>Bill</i> shall be:</p> <p style="padding-left: 40px;">(a) appointed to serve as a traffic warden for <b><i>35 years or 60 years of age, whichever comes first; and</i></b></p> <p style="padding-left: 40px;">(b) <b><i>pensionable</i></b> and only in the <b><i>Police State Command</i></b> in which he resides.</p> <p>(2) A traffic warden may, subject to satisfactory conduct and service, be re-appointed for <b><i>another</i></b> three years until the expiration of the 10th year of his appointment in the Warden Service, when he may elect to determine his appointment or elect that his service be allowed to continue</p>	

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		until he is <b>55</b> years of age.	
<b>113. Powers, etc. of traffic wardens.</b>	<p><b><i>Powers of a Traffic Warden.</i></b></p> <p>67. A Traffic Warden appointed under this Bill shall, when on duty, be in uniform and within the Police Division in which he is appointed to serve, but not elsewhere, and shall have the powers, privileges and immunities of a Police Officer under any law relating to the regulation of road traffic.</p>	<p><b><i>Powers, etc. of traffic wardens</i></b></p> <p><b>125.</b> A traffic warden shall, when on duty:</p> <p><i>(a) have the powers, privileges and immunities of a police officer under any law relating to the regulation of road traffic; and</i></p> <p><i>(b) be in uniform and within the State Command in which he is appointed to serve, but not elsewhere.</i></p>	Redrafted for elegance
<b>114. Certificate of appointment and discharge.</b>	<p><b><i>Certificate of Appointment and Discharge.</i></b></p> <p>68. Every Traffic Warden shall on first appointment, be issued with a certificate of appointment in a form approved by the Inspector –General and on the determination of that or any subsequent appointment whether by effluxion of time or under section 12 of this Bill, shall in like manner be issued with a certificate of discharge.</p>	<p><b><i>Certificate of appointment and discharge</i></b></p> <p><b>126.</b> A traffic warden:</p> <p>(a) on first appointment, shall be issued with a Certificate of Appointment in a form approved by the Inspector–General; and</p> <p>(b) on the determination of first or any subsequent appointment, whether by effluxion of time or under <b>section 105</b> of this <b>Bill</b>, shall, in like manner, be issued with a <b>Certificate of Discharge</b>.</p>	S.105 - deals with ordinary course of law not to be interfered with (a police officer can be proceeded against by the ordinary course of law when accused of any offence punishable under any other Act or law.)
<b>115. Ranks of Traffic Wardens.</b>	<p><b><i>Ranks of Traffic Wardens.</i></b></p> <p>69. A traffic warden shall have such rank as may be assigned to him by the Inspector-General within the following grades:</p>	<p><b><i>Ranks of traffic wardens</i></b></p> <p>127. (1) A traffic warden shall have such rank as may be assigned to him by the Inspector-General beyond the</p>	

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	<p>(a) Traffic Warden Grade III;</p> <p>(b) Traffic Warden Grade II;</p> <p>(c) Traffic Warden Grade I; and</p> <p>(d) Senior Traffic Warden.</p>	<p>following grades:</p> <p>(a) Traffic Warden Grade III;</p> <p>(b) Traffic Warden Grade II;</p> <p>(c) Traffic Warden Grade I;</p> <p>(d) Senior Traffic Warden II;</p> <p>(e) Senior Traffic Warden I;</p> <p>(f) Assistant Superintendent of Traffic II;</p> <p>(g) Assistant Superintendent of Traffic I; and</p> <p>(h) Deputy Superintendent of Traffic.</p>	
<b>116.</b> <b>Resignation.</b>	<p><b>Resignation.</b></p> <p>70. (1) A Traffic Warden appointed under this Bill may at any time give to any superior Police Officer under whom he is serving, notice in writing of his intention to resign his appointment on a date mentioned in the notice (not being less than 28 days later than the date on which the notice is given).</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 having control over him and the traffic warden and if the Commissioner consents to the notice having effect, the appointment of the traffic warden shall be terminated accordingly.</p>	<p><b>Resignation.</b></p> <p>128. (1) A traffic warden may, at any time, give, to any <b>senior</b> 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 <b>senior</b> police officer of the notice referred to in subsection (1), the <b>senior</b> police officer shall immediately refer <b>the</b> notice to the <b>Commissioner and traffic warden</b> having control over him, and if the Commissioner consents to the notice, the appointment of the traffic warden <b>is</b> terminated.</p>	
<b>117.</b> <b>Discipline.</b>	<p><b>Discipline.</b></p> <p>71. (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 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 and Inspectors shall</p>	<p><b>Discipline.</b></p> <p><b>129.</b> (1) Subject to the provisions of this Bill, a traffic warden shall be subject to the provisions of the Police Regulations for purposes of discipline.</p> <p><b>(2) In the application to traffic wardens of the provisions of Police Regulations relating to the power to award punishments and to whom they may be awarded,</b></p>	

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	include respectively references to Traffic Wardens Grade I and Senior Traffic Wardens.	references to Constables, Corporals, Sergeants and Inspectors shall include, respectively, references to Traffic Wardens Grade I and Senior Traffic Wardens.	
<b>118.</b> <b><i>Provision of Equipment.</i></b>	<p><b><i>Provision of Equipment.</i></b></p> <p>72.(1) The Inspector-General 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 under this section shall be defrayed out of monies provided by the Federal Government.</p>	<p><b><i>Provision of equipment.</i></b></p> <p>130. (1) The Inspector-General of Police may provide, for use by the traffic wardens, such equipment as he considers necessary for the proper <b><i>discharge</i></b> of their duties under this <b><i>Bill</i></b>.</p> <p>(2) Any expenses incurred by the Inspector-General under this section shall be defrayed out of the <b><i>General Fund of the Police Force.</i></b></p>	Retained with minor drafting amendment
<b>119.</b> <b><i>Delegation of power by Inspector-General.</i></b>	<p><b><i>Delegation of power by Inspector-General.</i></b></p> <p>73. The Inspector-General may delegate any of his powers under this Bill to the Commissioner of a state or the Commandant of a Police College (except his power of delegation), so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined by the instrument of delegation.</p>	<p><b><i>Delegation of power by Inspector-General.</i></b></p> <p>131. The Inspector-General may delegate any of his powers under this <b>Part</b> to the Commissioner of a <b>State</b> or the Commandant of a Police College (except his power of delegation), so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined by the instrument of delegation.</p>	
<b>120.</b> <b><i>Instruction of Traffic Warden, etc.</i></b>	<p>74.(1) Every person appointed into the warden service shall be required to undergo a course of training at the traffic training school of Police College for a period of twelve weeks or such other or further period as the Inspector-General may determine.</p> <p>(2) A Traffic Warden appointed under this Bill shall be</p>	<p><b><i>Instruction of Traffic Warden, etc.</i></b></p> <p><b>132.</b> (1) A traffic warden <b><i>is</i></b> required to undergo a course of training at the Traffic Training School of a Police College for <b><i>12 weeks</i></b> or such other or further period as the Inspector-General may determine.</p> <p>(2) A traffic warden shall, on appointment, be allocated a service number with the letters, ‘TW’ and the service</p>	Retained



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	<p>allocated a service number with the letters "TW" and the service numbers of all traffic wardens employed in the Federation shall appear on the register kept for that purpose by the inspector General.</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>numbers of all traffic wardens shall appear on the register kept for that purpose by the Inspector-General.</p> <p>(3) A traffic warden to whom a service number has been allocated under subsection (2) shall wear his service number on the shoulder flaps of his uniform whenever he is on duty.</p>	
	PART XIII- POLICE PUBLIC COMPLAINTS AND DISCIPLINE	PART XVI - POLICE PUBLIC COMPLAINTS AND DISCIPLINE	
<b>121.</b> <i>Establishment of Police Complaints Response Unit.</i>	75. The Inspector-General of Police shall establish a Police Complaints Response Unit in this Act referred to as "The Unit" in each of the Police Commands in all the State of Federation.	<p><b><i>Establishment of a Police Complaints Response Unit.</i></b></p> <p><b>133. (1)</b> The Inspector-General of Police shall establish a Police Complaints Response Unit (in this <i>Bill</i> referred to as "the Unit") <b><i>in the Force Headquarters, and</i></b> each of the Police Commands in all the States of the <b><i>Federation and Federal Capital Territory.</i></b></p> <p><b><i>(2) The Unit established under subsection (1) shall be under the Public Relations Section.</i></b></p>	The Complaints Response Unit is placed under the Public Relations Section because the section is the link between the Police and the public
<b>122.</b> <i>Composition of Unit.</i>	<p>76. (1) The Unit shall consist of representatives of the Federal or State Intelligence Bureau, Police Provost Marshal and any other unit as the Inspector General of Police may deem fit.</p> <p>(2) The Unit shall be headed by an officer not below the rank of a Chief Superintendent of Police.</p>	<p><b><i>Composition of the Unit.</i></b></p> <p><b>134. (1)</b> The Unit shall consist of representatives of the Federal or State Intelligence Bureau, Police Provost Marshal and any other unit of the Police Force as the Inspector- General considers fit.</p> <p>(2) The Unit shall be headed by an officer not below the rank of a Chief Superintendent of Police.</p>	
123.		<b>Functions of the Unit.</b>	

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The functions of The Unit	<p>77. (1) The Unit shall receive:</p> <p>(a) complaint or information of Police officers misconduct from the public; or</p> <p>(b) complaint of police officer misconduct from other police members or authority.</p> <p>(2) The Unit may receive:</p> <p>(a) any complaint alleging that the conduct complained of resulted in the death or serious injury or other gross human rights violation;</p> <p>(b) any complaint showing 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 shall afford the person against whom the</p>	<p><b>135.(1)</b> The Unit shall receive complaints:</p> <p>(a) or information of police officers' misconduct from the public;</p> <p>(b) of police officers' misconduct from other police officers or authority.</p> <p>(c) alleging that the conduct complained of resulted in the death or serious injury or other gross human rights violation; and</p> <p>(d) showing that a police officer is involved in an act constituting professional misconduct.</p> <p>(2) The Unit shall monitor the investigations initiated by the Unit.</p> <p>(3) While conducting investigation into any complaint by a member of the public against a police officer, the Unit shall afford the person against whom the complaint has been made opportunity to defend himself.</p> <p>(4) On the conclusion of an investigation, the appropriate investigative unit of the Unit shall make available a copy of its findings or investigation report to the Unit within <b>21</b></p>	

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	complaint has been made opportunity to defend himself.	<i>days</i> from the day the complaint was made.	
<b>124. Steps to be taken after Investigation .</b>	<p><b><i>Steps to be taken after Investigation.</i></b></p> <p>78. After investigation, the head of the Unit with approval from the Inspector General of Police shall:</p> <p>(a) send a copy of the investigation report and recommendations to the Director of Public Prosecutions for prosecution if the investigation reveals that a criminal offence has been committed.</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 according to relevant laws for the time being in force.</p>	<p><b><i>Steps to be taken after investigation.</i></b></p> <p><b>136.</b> After investigation, the head of the Unit <b><i>through the Force Public Relations Officer or Public Relations Officer of a State or Federal Capital Territory</i></b> shall <b><i>forward the report and its recommendations to the Inspector-General or Commissioner of Police of the State or Federal Capital Territory who shall:</i></b></p> <p>(a) 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 <b><i>as specified in this Bill and in the Police Regulations made under this Bill; and</i></b></p> <p>(b) where it is discovered after investigations that the complainant knowingly gave false information against the police officer or should have reasonably known that the information is false, the complainant shall be tried according to relevant laws for the time being in force.</p>	Most of these complains borders on procedural breach by the police personnel as against purely criminal offences
		<b>PART XVII – MISCELLANEOUS PROVISIONS</b>	
<b>125. Prohibition</b>		<b><i>Prohibition against gender discrimination.</i></b>	In order to address the

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<i>against gender discrimination.</i>		<b>137.</b> 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.	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.
<b>126.</b> <i>Disobeying of unlawful orders.</i>		<p><b><i>Disobeying unlawful orders.</i></b></p> <p><b>138.</b> (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 style="padding-left: 40px;">(a) lawful, take appropriate disciplinary action against the police officer for disobeying a lawful</p>	This is recommended to protect arbitrary use of power by senior officers, or whose orders to junior officers are deemed unlawful.

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		<p>order; and</p> <p>(b) unlawful, take appropriate disciplinary action against the <i>senior</i> police officer for giving an unlawful order.</p>	
<b>127. Power to make regulations.</b>	79. The Police Act Cap P19, Laws of the Federation of Nigeria, 2004 is repealed.	<p><b><i>Power to make regulations.</i></b></p> <p>139. (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>	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).
<b>128. Repeal.</b>	80. Anything done or purported to have been done under the Police Act, Cap P19, Laws of the Federation of Nigeria, 2004 remains valid, subject to the Provisions of this Bill.	<p><b><i>Repeal.</i></b></p> <p><b>140.</b> (1) The Police Act Cap P19 Laws of the Federation 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</p>	

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		to under subsection (1) of this section does not affect anything done or purported to have been done under it.	
<b>129. <i>Savings and transitional provisions.</i></b>		<p><b><i>Savings and transitional provisions.</i></b></p> <p><b>141.</b> (1) There are vested in the Police Force established under this Bill, all assets, funds, resources and other moveable or immoveable 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 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</p>	

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		<p>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 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</p>	

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		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.	
<b>130.</b> <b><i>Interpretation.</i></b>	<p><b><i>Interpretation</i></b> 81. 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>“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>“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>“Non-Commissioned Officer” means a Police Sergeant-Major, a Police Sergeant or a Police Corporal as the case may be;</p> <p>“Police Officer” means any member of the Nigerian Police;</p> <p>“Prosecuting Officer” means any person appointed by the Attorney General of the Federation or of the States to prosecute crimes on their behalf and for the Nigeria Police;</p> <p>“Senior Police Officer” means any Police Officer above</p>	<p><b><i>Interpretation.</i></b> 142. 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><b>“Constitution” means the Constitution of the Federal Republic of Nigeria, 1999 (as altered);</b></p> <p>“court” means any court established by any law in force in Nigeria,</p> <p><b>“Criminal justice monitoring committee”</b> 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><b>“functions” includes duties;</b></p> <p>“Inspector” includes a Chief Inspector and an Inspector of</p>	



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	<p>the rank of a Cadet Assistant Superintendent of Police;</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>“The Police” means the Nigeria Police Service established under this Bill.</p>	<p>Police;</p> <p><b>“Minister” means the Minister charged with responsibility police affairs and “Ministry” shall be construed accordingly;</b></p> <p>“Non-Commissioned Officer” means a Police Sergeant-Major, a Police Sergeant or a Police Corporal as the case may be;</p> <p><b>“Police” means the Police Force;</b></p> <p><b>“Police Force” means the Police Force established under section 3 of this Bill;</b></p> <p>“police officer” means a member of the Nigerian Police;</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><b>“senior police officer” means any police officer above the rank of a Cadet Assistant Superintendent of Police; and</b></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><b>131. Short title.</b></p>	<p>82. This Bill may be cited as the Nigerian Police Act (Repeal and Re-enactment) Bill, 2020.</p>	<p><b>Citation.</b></p> <p><b>143.</b> This Bill may be cited as the Nigeria Police Bill,</p>	

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		<p><b>SCHEDULE</b> (Section 3 (3))</p> <p><b>HIERARCHY OF THE POLICE</b></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> <ul style="list-style-type: none"> <li>(i) The Inspector-General of Police;</li> <li>(ii) Deputy Inspectors- General of Police;</li> <li>(iii) Assistant Inspectors-General of Police;</li> <li>(iv) Commissioners of Police;</li> <li>(v) Deputy Commissioners of Police;</li> <li>(vi) Assistant Commissioners of Police;</li> <li>(vii) Chief Superintendents of Police;</li> <li>(viii) Superintendents of Police;</li> <li>(ix) Deputy Superintendents of Police;</li> <li>(x) Assistant Superintendents of Police I</li> <li>(xi) Assistant Superintendents of Police II;</li> <li>(xii) Cadet Assistant Superintendents of Police;</li> <li>(xiii) Chief Inspectors of Police;</li> <li>(xiv) Deputy Chief Inspectors of Police;</li> <li>(xv) Assistant Chief Inspectors of Police;</li> <li>(xvi) Principal Inspectors of Police;</li> <li>(xvii) Senior Inspectors of Police;</li> <li>(xviii) Inspectors of Police I (Confirmed);</li> <li>(xix) Inspectors of Police II (Unconfirmed);</li> <li>(xx) Cadet Inspectors of Police;</li> <li>(xxi) Sergeant Majors;</li> <li>(xxii) Sergeants;</li> <li>(xxiii) Corporals</li> <li>(xxiv) Constables I</li> </ul>	

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		(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.	
	<b>EXPLANATORY MEMORANDUM</b> 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.	<b>EXPLANATORY MEMORANDUM</b> This Bill seeks to repeal the Police Act Cap. P19 Laws of the Federation of Nigeria, 2004 and enact the Nigeria Police Bill, 2020 to provide for a more effective and well-organised Police Force driven by the principles of transparency and accountability in its operations and management of its resources.  This Bill also seeks to establish an appropriate funding framework for the Police Force in line with what is obtainable in other Federal Government key institutions in the bid to ensure that all police formations nationwide are appropriately funded for effective policing.  This Bill further seeks to:  (a) enhance professionalism in the Police Force through the provision of increased training opportunities for police officers and other persons employed by the Police Force; and  (b) create an enduring cooperation and partnership between the Police Force and communities in maintaining peace and fighting crimes nationwide.	

