

## GENERAL OBJECTIVES



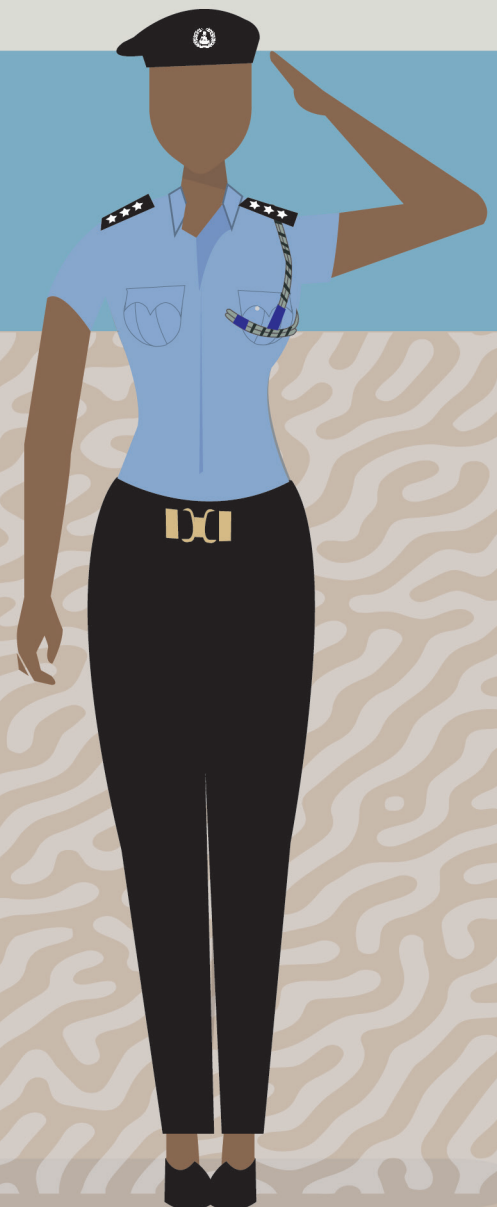
The Police Act, 2020 aims for an efficient and effective police service driven by principles of transparency and accountability, protection of human rights and partnership with other security agencies.

## GAPS IN THE FORMER POLICE ACT

- Insufficient articulation of the mission of the Police.
- No guiding principles.
- Lack of secured tenure for the IGP
- Generic Police duties.
- No provisions on specialisation/professionalisation
- Too much discretionary powers to the Police with inadequate safeguards
- Insufficient political democratic accountability
- Inadequate protection of civil rights and liberties
- No general funding framework as seen in other agency laws
- No timeline for review of accompanying Police Regulations
- Inadequate welfare provisions for police officers
- No provisions on community partnership

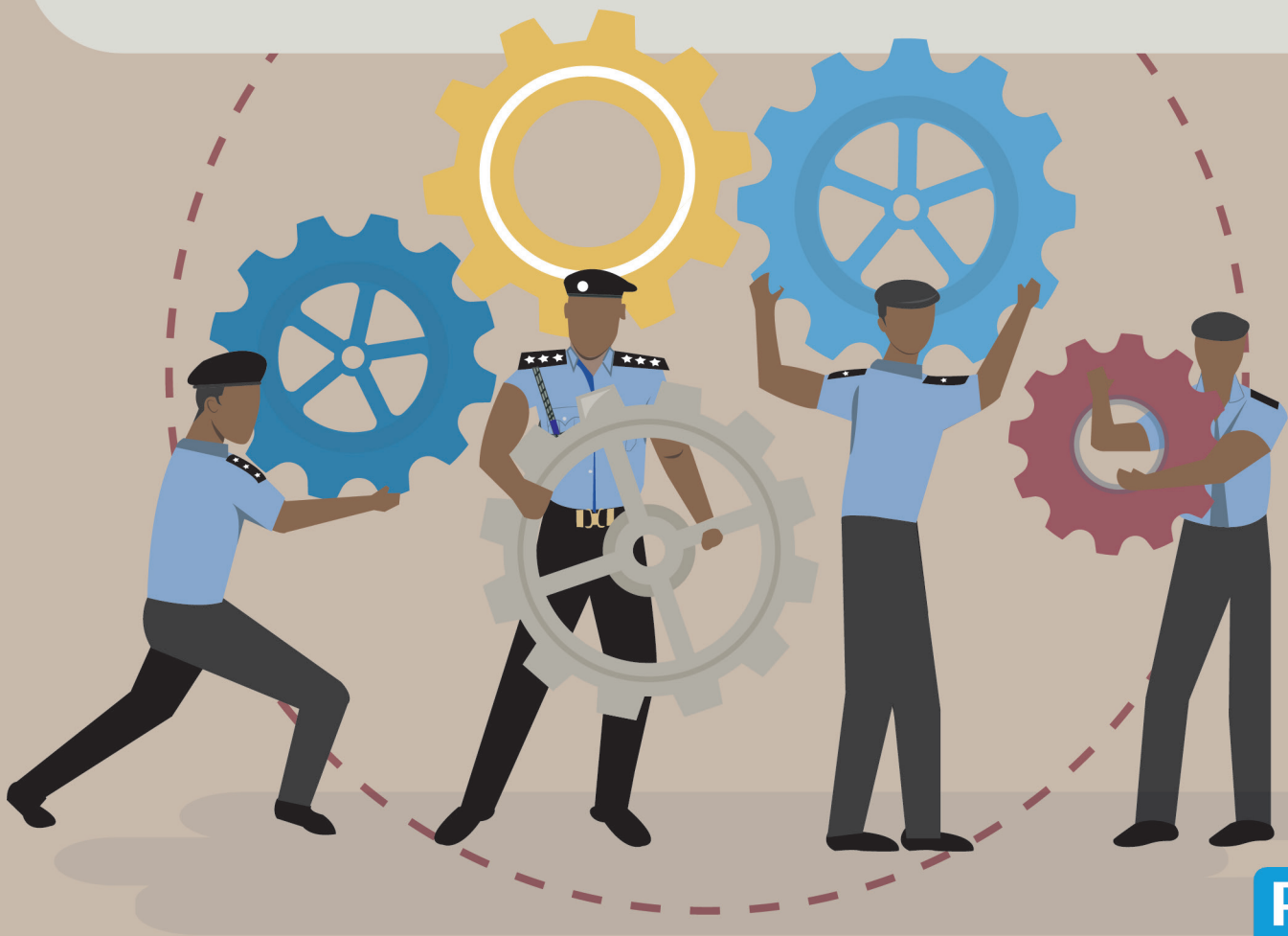
## SPECIFIC OBJECTIVES

- Ensuring a people friendly and responsive Nigerian Police with values of accountability, fairness, justice and equity
- Ensuring Police respects the dignity of persons and safeguards human rights  
Developing professionalism in the Police
- Fostering of cooperation and partnership between the Police and communities
- Respect for victims of crime and an understanding of their needs



# Functions of the **Police**

- Prevention and detection of crime
- Maintenance of public safety, law and order
- Protection of lives and property
- Provision of assistance in emergencies
- Community partnership
- Protecting the human rights and freedom of Nigerians in accordance with the Constitution and other human rights laws
- Vetting and approving the registration of private detective schools and private investigative outfits.



# Inspector General of Police (IGP)



The Act now gives command and operational control to IGP over the Police and all its departments and units.

*NB: Under old Act, IGP only had command control (i.e. authority over police rank and file/personnel) while President had operational control (i.e. authority to decide response to law-and-order situations and deploy resources). Operational independence is key to insulate police from political influence. Constitution amendment required to fully actualize this.*

## FUNCTIONS & POWERS OF THE IGP



- Develop an overall yearly national policing plan (containing priorities, objectives and expected outcomes of policing)  
*Police annual budget must be based on the national policing plan*
- Distribute Police officers
- Organise the Police Force into various components
- Ensure regular training and re-training of police staff and personnel
- Revise content of training every five years
- Ensure welfare of police personnel
- Facilitate access to legal support for persons in police custody
- Provide annual report to the Attorney-General of the Federation and National Assembly on legal access provided to detainees
- Make Standing Orders relating to operational control of the Police.
- Establish a Central Criminal Records Registry at every State Command
- Appoint Community Policing Officers as part of police-community partnerships

## IGP TENURE



4 years (No tenure in the old Act)

## CRITERIA FOR APPOINTMENT



- Senior Police Officer not below the rank of an Assistant Inspector-General of Police
- First degree or its equivalent
- Professional and management experience

## GROUNDS FOR REMOVAL



- Gross misconduct
- Gross violation of the Constitution
- Demonstrated incapacity to discharge his duties



# The Nigeria **Police** Council

The highest policy making body for the Police



## COMPOSITION

- The President (the Chairman);
- The Governor of each State of the Federation;
- The Chairman of the Police Service Commission; and
- The Inspector-General of Police.

## FUNCTIONS

- Organisation and administration of the Police Force
- General supervision
- Advising the President on appointment of IGP

*(see S.153 and 3rd Schedule, Part 1, Paragraph 27 of the Constitution)*

## \* NEW PROVISIONS

- Meetings—at least twice a year to provide further opportunity for States to make input on policing
- Receiving and deliberating on reports on policing matters and security concerns across the country



# Financial Provisions

## BOTTOM-UP BUDGETING

IGP must budget with input from the Force Headquarters, Zonal Headquarters, State Commands, Area Commands and Divisional Commands on their budgetary needs

## GENERAL POLICE FUNDS

Annual budgetary allocations, contributions from States, aid from international bilateral and multilateral organisations as well as sums generated by the Police. (Not a Police Trust Fund)

## \* POLICE TRUST FUND ACT 2019 PROVISIONS

- Special Intervention Fund to operate for six years from 2019 unless NASS re-enacts it
- Funds to be used for :
  - Training and re-training of Police personnel
  - Purchase of equipment
  - Procurement of knowledge materials (books and instructional materials)
  - Enhancement of skills of personnel in the use of operational equipment and machineries

**Use of Funds:** salaries, allowances, pensions and other retirement benefits, investments and trainings

Police to submit Annual Reports and Audited Accounts to the Minister in charge of Police Affairs.

States contributing to the Police are to keep record of contributions made and specify the purpose of their contributions.



# Training, Professionalisation, Welfare

- Police to include professionals from various fields such as engineering, medicine, pathology, aviation, law, psychology, accountancy and forensic science etc.
- Police recruits to undergo psychological and other medical evaluations
- Officers to undergo specialised training in any professional field relevant to policing and law enforcement.
- Police Officers not to receive salary lower than officers in other security agencies.
- Police Pension, Gratuities, Retirement Benefits guaranteed by law
- Commendation and awards to be given to exemplary officers
- Establishment of a Police day or week to celebrate officers or fallen heroes
- Police Reward Fund to reward exemplary officers, donate to funeral expense of deceased officers, their widows or children
  - Police Council can create additional uses of Reward Fund
  - Police Service Commission to set criteria for recipients. IGP to disburse.
  - Reward Fund is subject to rules on use of public funds in the Finance (Control and Management) Act, 1958



# Powers of **Police** Officers



- Power to conduct investigations
- Power to arrest with or without warrant  
*NB: Ordinary citizens have powers to arrest a person without warrant and hand the person over to the police*
- Power to stop and search
- Power to take statements
- Power to release suspect on bail
- Power to serve court issued summons
- Power to prosecute (*a police officer who is a legal practitioner, can prosecute in person before any court*)
- Power to execute warrants
- Power to maintain public safety and order
- Power to intervene to prevent injury to public property



# Safeguards & Checks on **Police Powers (I)**



- No unnecessary restraint of a suspect during arrest except there's risk of escape, suspect is violent or court orders it
- Suspects must be treated humanely and with dignity. No torture, cruel, inhuman or degrading treatment
- No arrest of a person in place of a suspect
- No arrest of a person for civil matters or breach of contract
- Police must notify an arrested suspect of the cause of arrest and his rights in line with the Constitution e.g. right to bail, legal counsel
- Police must notify arrested suspect's next of kin or relative of their arrest
- Suspect to decide whether to make statement or not. May decide to make such statement in presence of a lawyer or representative.
- Recording of confessional statements may be done electronically or on video
- A police officer is to record property taken from an arrested suspect and must return same if it is not connected to an offence or crime



# Safeguards & Checks On **Police Powers (II)**



- Procedure for **stop and search** (e.g. of a vehicle) and actions to take before, during and after search:
  - **Before:** Officer to indicate name, police station, object of search, purpose of search. Officer must be in uniform or wear a visible and valid Police Identity Card.
  - **During:** Officer to seek cooperation of person being searched Personal searches to be done by an officer of the same sex and out of public view
  - **After:** Recording and documentation of the search & countersign by person searched
- Mandatory use of a National Search Record Form for recording details of persons or vehicles searched – section 57
- A quarterly report of searches, including intimate body searched must be sent to the Attorney General of the Federation

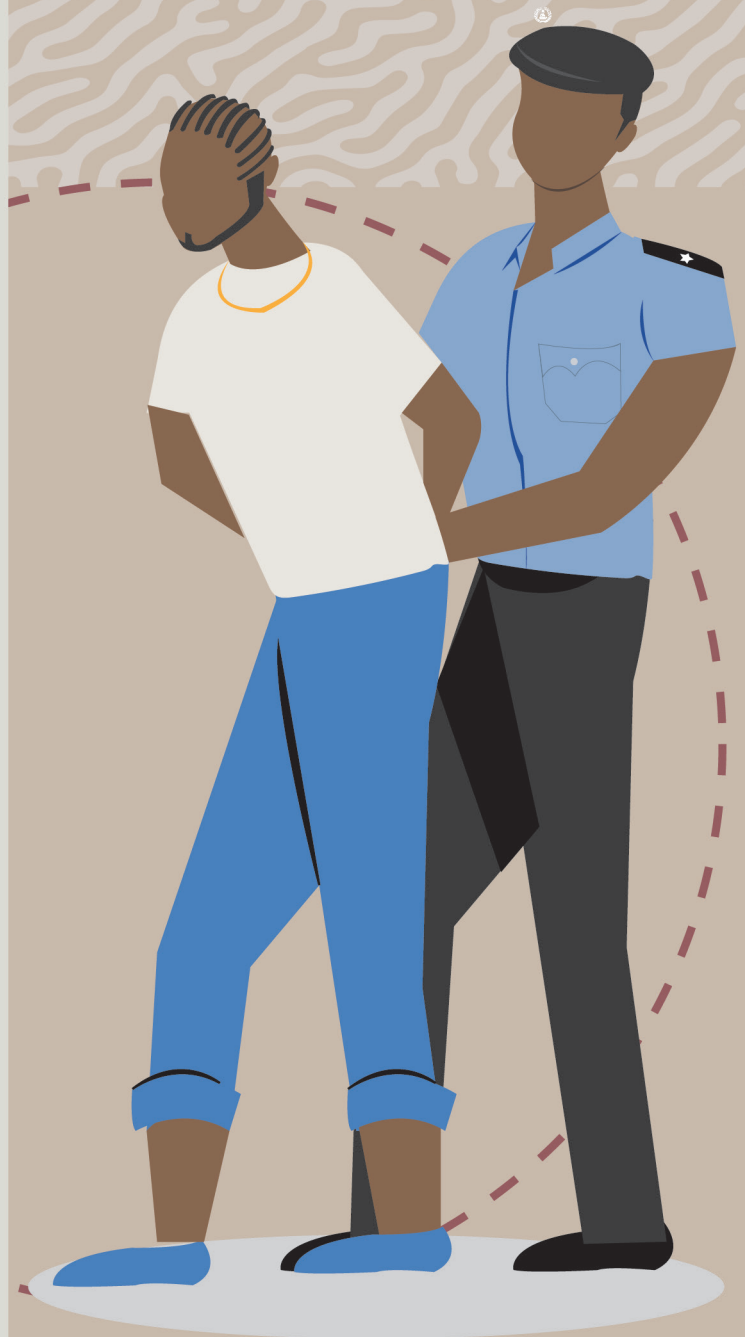


# Conditions for Arrest of Person Without **Warrant**

● The Police is given the discretion to arrest a person without a warrant, but cannot do so if none of the following conditions is present:

- Suspects the commission of a crime under Nigerian law
- Offence is committed in the presence of the officer
- Obstruction of a police officer in the process of carrying out his duties
- Suspects the person of being a deserter from the Nigerian Armed Forces
- Possession of a tool used for housebreaking or theft without lawful excuse
- Outstanding warrant of arrest in Nigeria
- Order by a Judge or Magistrate
- Public summons under a law
- Protection of a child or vulnerable person
- Prevention of injury to suspect or others, suffering physical injury, causing loss or damage to property,
- Unlawful obstruction of the highway.

● A person arrested without a warrant for any of the reasons above must be released with/without bail within 24 hours. (Except it involves a capital offence i.e. offence carrying death penalty like Murder - Section 35 (5) of the Constitution)



*All scenarios above are subject to the Reasonable Grounds/Suspicion Test*



# What **is** Reasonable **Grounds/Suspicion**?

"It must be that of a reasonable person acting without passion and prejudice. The matter must be looked at objectively, and in the light of the facts known to the (officer) at the time, not on subsequent facts that may come to light ..."

**Supreme Court in Oteri v. Okorodudu (1970) 1 All Nigerian Law Report, page 199**

"To give power to arrest on reasonable suspicion does not mean that it is always or even ordinarily to be exercised. It means that there is an executive discretion...The discretion is subject indirectly to judicial control"

**Lewis JSC in Oteri v Okorodudu (1970)**



"It is not what the (officer) considered reasonable but whether the facts within their knowledge at the time of the arrest disclosed circumstances from which it could be easily inferred that the (suspect) committed the offence"

Court of Appeal in **C.O.P of Ondo State v. Obolo (1989) 5 NWLR Pt. 120, P. 130**

"A frivolous and unfounded allegation contained in a petition does not amount to reasonable suspicion warranting an arrest"

Court of Appeal in **IGP & Anor v. Billy Agbinone & Others (2019) LPELR-46431**

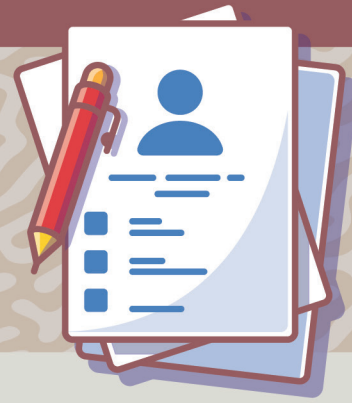
# What is **not** Reasonable **Grounds/Suspicion?**

(Section 54, Police Act, 2020)



- Personal attributes such as:
  - Skin tone/Colour
  - Age
  - Hairstyle e.g. dreadlocks
  - Manner of dress e.g. jeans, miniskirts
- Previous conviction for possession of an unlawful item
- Stereotyped images of persons likely to commit offences e.g. young persons with laptops, expensive phones or cars

# Mandated Documentation & Records



- When a person is arrested, the police must record the following:
  - Offence
  - Date and circumstances of arrest
  - Full name, occupation residential address  
Identification:
    - Height
    - Photograph
    - Full fingerprint impression
- Documentation must be done before 48 hours of arrest lapses
- Deaths and injuries from police operations, efforts made to ensure hospitalisation of the wounded and proper preservation of the dead must be recorded. Failure to do so amounts to serious police misconduct.
- Quarterly reports from IGP to the Police Service Commission on number and identity of persons detained in all police formations, charged and prosecuted in court, killed or wounded during police operations across Nigeria, and those who died in police custody

- Monthly reports by Police stations to the nearest Magistrate of the cases of all suspects arrested without warrant within the limits of their police stations
- Quarterly reports of arrests by IGP to the Attorney General of the Federation (AGF) on Federal offences.
- Quarterly reports of arrests by State Commissioners of Police to Attorney General of States on State offences
- AGF to establish electronic and manual database of Federal and State arrest records
- The National Human Rights Commission, the Legal Aid Council of Nigeria or a Non-Governmental Organisation can ask the AGF to share report on trends of arrests and bails.
- IGP to produce annual report of Police efforts to promote access to legal services for suspects. AGF to share same with President & publish on his website



# Inspection of Police Detention Facilities

Chief Magistrate/other Magistrates to visit police stations every month. May inspect the record of arrests; direct a suspect to be brought before a court; or grant bail.

Magistrate to share report of visit with the Administration of Criminal Justice Monitoring Committee (set up under the Administration of Criminal Justice Act to fast-track criminal matters and facilitate access to justice)

If police fails to share info, the magistrate shall forward a report to the Chief Judge of the State/FCT and the Attorney-General of the State/Federation for appropriate remedial action

Committee to Share report with AGF

**NB: Failure of Police Officers in the station to give magistrate requested information is a serious misconduct subject to disciplinary measures**





- Community Policing Committees & Sub-Committees to be set up in the FCT and States to promote effective partnership and communication for efficient policing of communities
- Community Policing Officers made up of community members to be appointed to assist the Police in crime detection and prevention, conflict resolution, criminal intelligence gathering, local patrol, crime control, etc.
- Community policing strategies to vary depending on community needs and cultural context
- **NB: Act provides for a Special Constabulary** – special constables between 21 and 50 years to assist regular officers in some police duties e.g. riot control, cases of breach of peace. They are auxiliary or part-time personnel with day jobs who can volunteer to help police their neighborhoods for one year or more.

# Gender and **Police Reform**



## Gender related Provisions in the New Police Act

- Mandatory specialised training on gender issues for all police officers
- Mandatory training of all officers irrespective of gender
- Prohibition of gender discrimination as provided under section 42 of the Constitution (this covers the Police Act, Regulations and Standing Orders)
- Prohibition of discrimination on the basis of gender in discharge of police duties
- Mandatory regular review of Police Regulations (this contains outdated provisions affecting women)

## Benefits of empowering more women officers

- More effective diffusion of potentially violent situations
- Reduction in inappropriate behaviour by police officers
- Women officers less inclined to use deadly force
- Less opposition or resistance to arrest from suspects
- More role models in the community
- Improved Police- Citizens communications

*(Source: DCAF, Police Reform and Gender, 2008)*

## Outdated Gender-related provision in the Police Regulations 1968 for Urgent Review

- A woman seeking to enlist in the Police Force must be unmarried to qualify (Reg. 42(3) and 118(g))
- A woman police officer must seek permission to marry (Reg. 124)
- Unmarried pregnant officer to be discharged from Force, to be re-enlisted only with IGP approval (Reg. 127)
- Women police officer restricted to duties such as recording women and children statements, searching and escorting women prisoners, sexual offences investigation, etc. (Reg 121-123)





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## About PLAC

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

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