WHY REVIEW THE NIGERIAN POLICE ACT?

The Police is a fundamental component of the security structure of any country as they are responsible for the maintenance of law and order in any society. They are generally the front line in public security provision by the state, and thus the security provider that the public most frequently encounter in their daily lives.

The Nigerian Police Force is the institution charged with the responsibility of "preventing and detecting crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or outside Nigeria."¹

The law in Nigeria governing the Nigeria Police Force, the Police Act, predates independence and entered into force as law in 1943. It prescribes the organisation, discipline, powers and duties of the police, the special constabulary and the traffic wardens. Unfortunately, apart from a few consequential amendments, this law has not been reviewed despite several attempts by the Legislature.

WHY IS A REVIEW OF THE POLICE ACT NECESSARY?

The Nigerian Police Force is a critical component of the security infrastructure in Nigeria. There has however been long running criticism of their inability to deliver on their responsibility to secure lives and property. Not only is the law governing the Police obsolete, the Police through its guidelines, standing orders and regulations has not adapted to the societal changes in Nigeria and international best practices, which has resulted in its inability to keep up with the pressing internal security demands of the nation. Other identified issues that affect the Police include:

- Poor training of Police Officers;
- Inadequate financing;
- Recruitment and promotion;
- Unwieldy utilization of police powers;
- Over-centralisation of the Force and pressures on operational demands; and
- Politicisation of the role of the Inspector General of Police (Lack of tenure of the IGP).

One way of resolving these challenges is to undertake a comprehensive review of the Police Act in a bid to improve service delivery, and strengthen its oversight and accountability mechanisms.

WHY SHOULD NIGERIANS SUPPORT A REVIEW OF THE NIGERIAN POLICE ACT?

Supporting a review of the Nigerian Police Act will help improve the quality of policing, put in place an adequate structure to improve the efficiency and effectiveness of the Police Force, and improve the opinion of citizens about the Police.

A better regulated Police will enhance Nigeria’s national security by enabling it respond to internal security challenges that threaten the safety and security of citizens and property.

WHAT ARE THE PROBLEMS WITH THE CURRENT POLICE ACT?

According to a 2009 Legal Diagnostic of the Police Act by the CLEEN Foundation², the Act has a number of issues such as:

1. Insufficient articulation of the mission of the

“...the constitutional and statutory framework under which the NPF operates [is] a significant challenge to the effective performance of its functions.”

-CSO Panel on Police Reform, Nigeria (2012)

¹ Section 4 Police Act Cap P19 LFN 2004
WHO SUPPORTS A REVIEW?
The review of the Nigerian Police Act has support from different quarters, such as civil society organisations working on Police Reform. A number of organisations have committed to encouraging the legislature to undertake a review of the Police Act as a means of resolving existing challenges with the Nigerian Police Force. Civil Society in this context is made up of civil society organisations, Non-Governmental Organisations, professional bodies such as the Nigerian Bar Association and citizens alike.

Secondly, some legislators in the past and present Assemblies have called for a review and re-enactment of the Act and sponsored bills on the issue. This can be seen in the array of bills before the 8th National Assembly seeking to address the Police Act in its entirety or to resolve a particular issue concerning the Police. The most recent of these bills is one sponsored by the Deputy Senate Leader, Sen. Ibn Na’Allah, which seeks to overhaul the Nigerian Police as presently constituted. It is arguable that the clamour for review enjoys cross party support as the members of the two major parties in Nigeria have spoken in favour of police reform via legislative review.

The review process also attracts support from the international community. With the significant role Nigeria plays in policing and security enforcement in the West African region, the international community is keen to ensure that a focal point in its sustenance of international peace and security is operating optimally.

WHAT SHOULD A COMPREHENSIVE LEGAL REVIEW SEEK TO ACHIEVE?
A review of the Nigerian Police Act should look at ways to enhance the response of the Nigerian Police Force to internal security challenges by looking into administrative and operational issues that can be resolved by way of legislation and even constitution amendment where applicable.

A comprehensive legal review should look at the following issues:

- **Security of Tenure for the Inspector General of Police** - The lack of security of tenure of the IGP has often been raised as a fundamental criticism of the Police structure as significant operational changes are difficult to achieve for fear of removal from office, making the position of the IGP highly politicised and susceptible to nepotism.

- **Decentralisation of powers from the Centre** - In recent times there has been clamour for establishment of State Police to enable the benefits of effective policing to be felt in every State of the Federation and down to local communities. The underlying argument behind the advocacy for State Police is the need to decentralise the Police. Others have argued that this can be achieved without necessarily creating a State Police

- **Clarity as to police powers** - With the issues surrounding abuse of powers and impunity by the Special Anti Robbery Squad (SARS), the opaque nature of the police power to stop and search and the expansion of such powers under the Administration of Criminal Justice Act, 2015, there ought to be clarity as to what powers the Police can or cannot exercise.

- **Effective oversight** - Internal and external oversight of every public institution is important for accountability, which is an area requiring improvement by the Nigerian Police Force (NPF).

- **Adherence to Human Rights** - In order to bring the legislation governing the NPF in line with best practices, it is necessary to codify the importance of strict adherence to human rights principles by police officers in the implementation of their duties.

- **Regular training of officers** - Capacity building is central to efficient service delivery. A significant criticism of the Police is that they lack consistent training. Entrenching this requirement in the law will make it mandatory and may result in an improved police force.

- **Financing** - Lack of funds is usually the reason cited for the inability of the Police to purchase necessary equipment or develop infrastructure. Clear rules on funding are
necessary for the enhancement of the work of the Police and to curb avenues for corruption and mismanagement.

**HOW WILL CHANGES TO THE NIGERIAN POLICE ACT BE ENFORCED?**

Legislative oversight is critical to success of the enforcement of any changes to the Nigerian Police Act. This will be carried out primarily through committees in the respective chambers of the National Assembly charged with the oversight of the institution.

Furthermore, the Police Service Commission and Nigeria Police Council if empowered to work optimally should oversee policy matters as well as the administration and operations of the Nigerian Police Force.

Finally, civil society has a critical role to play in terms of independent oversight of the Nigerian Police Force to ensure that the Police are held accountable for actions falling outside democratic tenets.

**WHAT SHOULD THE NIGERIAN GOVERNMENT (THE EXECUTIVE) BE DOING?**

To ensure that government lives up to the ideals of “defending the Nation’s territorial integrity from threats, actual and imagined, as well as acts of aggression from other potential enemies”3 - internal or external, the executive will need to:

- Make internal security and the primary institution charged with this responsibility a priority. Furthermore, the Nigerian government will need to make critical policy decisions on how to reform the Police; one of such ways to do this is by supporting a review of the Nigerian Police Act.
- Strengthen key institutions such as the Nigerian Police Council, Police Service Commission and the Nigerian Police itself to implement changes that could improve the efficiency and effectiveness of the Nigerian Police Force.
- Lend their support, make inputs and give assent to legislation brought forth from the review of the Nigerian Police Act.

**WHAT SHOULD LEGISLATORS BE DOING?**

Legislation is a key tool for bringing about reform in any sector. The current 8th Assembly adopted a Legislative Agenda where commitments were made to support bills aimed at strengthening the legal framework of law enforcement agencies. In order to ensure a review of the Police Act is carried out, it is expected that Legislators would:

- Consult with the concerned institution, civil society and citizens for recommendations on ways to improve policing and how this can be included in legislation.
- Consult with the Executive to ensure buy in and support.
- Exercise strong political will to revise the Police Act and leave an enduring legacy.

**WHAT SHOULD CIVIL SOCIETY BE DOING?**

Civil Society being an important catalyst for reform can carry out the following actions:

- Engage policy makers on police reform.
- Build and sustain advocacy efforts.
- Be a conduit for citizens to pass on their suggestions.
- Participate in legislative hearings on the issue.
- Implement public awareness campaigns.
- Facilitate multi-stakeholder activities and events.

"... For many Nigerians the police force has utterly failed to fulfill its mandate of providing public security... members of the force are viewed more as predators than protectors, and the Nigeria Police Force has become a symbol in Nigeria of unfettered corruption, mismanagement, and abuse."

- Human Rights Watch, “Everyone’s in on the Game: Corruption and Human Rights Abuses by the Nigeria Police Force” August 2010

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<td>• Constitutional amendment to transform the present Nigeria Police Force into a Nigeria Police Service; and  &lt;br&gt; • Strengthen the NPF by providing adequate funding.</td>
<td>• Retention of centralised police;  &lt;br&gt; • Reduce the number of ranks to 12;  &lt;br&gt; • New administrative structure (1 IGP, 1 DIG and 6 AIGs) with 12 DIGs for 12 Police Zones;  &lt;br&gt; • To address finance, establish Zonal Tenders Board, all commands and zones should forward separate budgets to Force Headquarters;  &lt;br&gt; • Regular meetings of the Nigeria Police Council;  &lt;br&gt; • Appointment of IGP to be confirmed by two-thirds of Senate and for a single term of 4 years;  &lt;br&gt; • Establish independent Police Public Complaints Commission;  &lt;br&gt; • Adequate allocation of funds for the maintenance of internal security;  &lt;br&gt; • Federal Character should be reflected in recruitment and promotion;  &lt;br&gt; • Merge FRSC and NSCDC with the Nigerian Police; and  &lt;br&gt; • Establish community policing framework</td>
<td>• Change nomenclature from Nigeria Police Force and Nigeria Police Service to institutionalise the police as a service delivery organisation;  &lt;br&gt; • Enact Police Act Amendment Bill to provide a legislative framework for a fundamental change in the mission and operations of the NPF;  &lt;br&gt; • Adopt new ranking structure to achieve professionalism and enhance career progression;  &lt;br&gt; • Promote intelligence based Policing; and  &lt;br&gt; • Community Policing and Police-public partnership.</td>
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<td>• Funding of the Police by three tiers of government;  &lt;br&gt; • Adopts ranking structure in Mandami Report;  &lt;br&gt; • One IGP, 6 DIGs and 12 AIGs;  &lt;br&gt; • Appointment of IGP should be subject to confirmation of two-thirds majority of Senate;  &lt;br&gt; • IGP should have single term of 5 years;  &lt;br&gt; • Removal of IGP before expiration of tenure should be on basis of incapacity or gross misconduct;  &lt;br&gt; • Regular meetings of the Nigeria Police Council;  &lt;br&gt; • Ministry of Police Affairs should be re-inated;  &lt;br&gt; • Adapt community policing to fit into Nigeria's peculiarities;  &lt;br&gt; • NPF should submit quarterly reports on budget performance to NPC; and  &lt;br&gt; • Pursue Police Trust Fund Bill for additional funding</td>
<td>• Adopt a more decentralised and localised model of policing and command accountability;  &lt;br&gt; • Funding of the Police by three tiers of government;  &lt;br&gt; • Activate Police Reward Fund;  &lt;br&gt; • Adopt Security Trust Fund Model with the Federal Government, the States, FCT and Local Government establishing Security Trust Funds;  &lt;br&gt; • Strengthen Human Rights section of the Police;  &lt;br&gt; • Actualising the Nigeria Police Council’s constitutional role of administering, organising and supervising the Nigeria Police;  &lt;br&gt; • Ministry of Police Affairs should be abolished;  &lt;br&gt; • Improving financial stewardship and devolution of financial responsibilities within the Police;  &lt;br&gt; • Improve complaints mechanism against Police Officers;  &lt;br&gt; • Establish a Crime Statistics Bureau for the Nigeria Police;  &lt;br&gt; • Deployment of Police Officers to their geopolitical zone; and  &lt;br&gt; • ICPC, FRSC, NSCDC should be merged with the Nigeria Police.</td>
<td>• Mission of the new police should include partnership with communities;  &lt;br&gt; • Law should be amended to make the NPF a service institution;  &lt;br&gt; • Restrict the role of the President or Minister in charge to policy directives and not operational control;  &lt;br&gt; • Competitive appointment of IGP with single 5 year tenure;  &lt;br&gt; • Qualifications for appointment of IGP should be set;  &lt;br&gt; • Devolved powers and resources of NPF to the Zonal, State, Area and Divisional Commands for more effective response;  &lt;br&gt; • Seven DIG structure should be abolished and replaced with 1 DIG and AIGs heading departments and zonal commands;  &lt;br&gt; • Oversight agencies should be strengthened (PSC and Ministry of Police Affairs); and  &lt;br&gt; • Establish a transparent system and guidelines for making financial and other forms of support to the NPF</td>
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