



CONCISE SUMMARY OF POLICE ACT 2020



**In Partnership with the
Police Reform Project Consortium**

**With Support From
MacArthur Foundation**

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Produced and published by the Rule of Law and
Accountability Advocacy Centre (RULAAC)



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CONSCISE SUMMARY OF THE POLICE ACT, 2020

A. INTRODUCTION

The Nigerian Police Act, 2020 was signed into law by President Muhammadu Buhari on 15th of September 2020 to repeal the Police Act Cap P19 Laws of the Federation of Nigeria, 2004.

The Act is the first ever comprehensive revision of the Police Act since its original enactment in 1943. The repeal of the old Police Act, which was originally enacted in 1943 is considered a huge milestone in the quest for the reform of the legal framework for the Police Force.



The Act seeks to provide for an effective and efficient Nigerian Police Service that complies with the principles of accountability and transparency and protects the human rights and fundamental freedoms of Nigerians. Although the new Police Act contains many innovative Provisions, there is however, a debate as to whether the Nigerian Police Act (2020) is the answer to the problems of impunity within the Nigerian police force.

RULAAC and other civil society groups focused on police reform believe that the Police Act is not a perfect law but it is a starting point and provides the needed framework to drive genuine and far reaching police reforms. While pushing for the implementation of the Police Act as it is, there is room for its further review and amendments. What is needed is further advocacy for the effective implementation of the Act.

As part of the strategies to achieve effective implementation of the Police Act, RULAAC, with support from MacArthur Foundation, has produced this concise, simple and reader friendly version of the Act to make it accessible and promote awareness among both police officers and the general public. The ultimate goal is to promote public safety and security and advance democratic policing.

B. OBJECTIVES OF THE ACT

General objectives of the Act are to provide for a more effective police service, based on the principles of accountability and transparency, protection of human rights and fundamental freedoms and partnership.

Specific objectives of the Act include the delivery of a more responsive Nigerian Police Force embodying the following values:

- Responsiveness, Equity, Justice and Fairness;
- Respect for the dignity of persons;
- Safeguard of fundamental rights of Nigerians;
- Sensitivity to the needs and well-being of the general public;
- Effective prevention of crimes without threatening the liberty and privacy of persons;
- People consciousness and friendliness;
- Cooperation and partnership between the police and communities;
- Professionalism through trainings;
- Respect for victims of crime and an understanding of their needs.



C. ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE NIGERIAN POLICE

The Act establishes the Nigerian Police Force and sets out the composition, hierarchy, and functions of the Police Force.

The Hierarchy of the Police

- (i) The Inspector-General of Police;
- (ii) Deputy Inspectors- General of Police;
- iii) Assistant Inspectors-General of Police;
- (iv) Commissioners of Police;
- (v) Deputy Commissioners of Police;
- (vi) Assistant Commissioner of Police;
- (vii) Chief Superintendents of Police;
- (viii) Superintendents of Police;
- (ix) Deputy Superintendents of Police;
- (x) Assistant Superintendents of Police I;
- (xi) Assistant Superintendents of Police II;
- (xii) Cadet Assistant Superintendents of Police;
- (xiii) Chief Inspectors of Police;
- (xiv) Deputy Chief Inspectors of Police;
- (xv) Assistant Chief Inspectors of Police;
- (xvi) Principal Inspectors of Police;
- (xvii) Senior Inspectors of Police;
- (xviii) Inspectors of Police (Confirmed);
- (xix) Inspectors of Police (Unconfirmed);
- (xxi) Sergeant Majors;
- (xxii) Sergeants;
- (xxiii) Corporals;
- (xxiv) Constables I;
- (xxv) Constables II;
- (xxvi) Recruits; and
- (xxvii) such other Officers as the Nigeria Police Council may from time to time consider necessary for effective discharge of the functions of the Police.

Primary Functions of the Police

The functions of the Police are outlined in **Section 4** of the Act as follows:

- Prevention and detection of crimes and maintenance of public safety, law and order and protection of lives and properties of Nigerians.
- Protection of the rights and freedom of every person in Nigeria as provided in the Constitution, the African Charter on Human and Peoples Rights and other laws.
- Enforcement of laws and regulations and discharge of duties imposed under the Act and other laws.
- Discharge of policing duties within and outside Nigeria as may be required.
- Collaboration with other agencies to provide assistance to distressed persons.
- Facilitation of the free passage and movement on public highways, roads, and streets.
- Adoption of community partnership in the discharge police responsibilities.
- Review and approval of the registration of private detective schools and private investigative outfits.



D. APPOINTMENT, REMOVAL, FUNCTIONS AND POWERS OF THE INSPECTOR GENERAL OF POLICE

The Inspector General of Police (IGP) is the head of the Nigerian Police Force and is appointed by the President on the advice of the Police Council (Section 215 of the 1999 Constitution). He/she shall only be removed from office by the President on the advice of the Police Council (Section 216 of the 1999 Constitution).

Section 7 of the Act includes additional provisions on the appointment and removal of the IGP. The person to be appointed as IGP:

- Shall be a Senior Police Officer not below the rank of an Assistant

Inspector-General of Police.

- Shall have not less than a first degree or its equivalent in addition to professional and management experience.
- Shall exercise full command and operational control over the Police and all its departments/units.

Tenure for the IGP

The IGP is to be appointed for 4-year tenure (innovative provision in the Act) and can only be removed from office by the President, but on grounds of gross misconduct, gross violation of the Constitution of the Federal Republic of Nigeria or demonstrated incapacity to effectively discharge the duties of the office. The 4-year tenure is however made subject to civil service rules on retirement of public officers [Section 18(8) of the Act].

Functions and Powers of the IGP

Section 9 of the Act introduces functions for the IGP which was not outlined in the old Act. They include the following:

- The development of an overall National Policing plan with inputs from all the police formations nationwide, as well as the Police Force headquarters to capture the priorities, objectives and cost implication of running the police force for each financial year.
- The organisation of the police into several components and units and distribution of its manpower according to the numerical strength of the police to ensure optimal performance and effectiveness of the Police Force.
- The creation and maintenance of training institutes and the regular training and re-training of police personnel.
- Ensuring the physical, mental and psychological wellbeing of

police personnel as well as their welfare and conditions of service.

- Drafting of Standing Orders for the operational control of the Police.

Other functions of the IGP include the following:

- The establishment and maintenance of a Central Criminal Records Registry.
- Delegation of powers to Zonal, State, Area and Divisional Commands of the Police Force for police effectiveness.
- Revision of the training, duration and the content of the training of police officers, at least once in every five years.
- Ensuring that training programmes are made available to every police officer/staff/personnel irrespective of gender.
- Maintenance of a Central Criminal Records Registry.
- Adoption of community policing strategies/partnerships and problem-solving techniques.
- Appointment of regular citizens as community policing officers to aid community policing.

Human Rights Compliance Duties of the IGP

- Facilitate access to legal support for suspects, accused persons or detainees in police custody.
- Ensure that police officers assigned to work under relevant legal services scheme provide necessary assistance as may be required by legal counsel.
- Provide for the establishment and proper working of the legal schemes or mechanisms.
- Submit to the Attorney-General of the Federation and National Assembly, an annual report on how human rights and legal schemes responsibilities were discharged.

- Submit quarterly reports to the Police Service Commission, itemising the number and identity of persons detained in all police formations across Nigeria, charged and prosecuted in the courts in Nigeria and the outcome of their cases, killed or wounded during police operations across Nigeria; and who died in police custody.
- Ensuring the set-up of a fair and effective complaints response process.
- Ensure that at least one Legal Practitioner is attached to every Police Division.



IGP to Delegate Powers

The Inspector-General of Police may delegate any of his/her powers to the Commissioner in a State or the Commandant of a Police College. Shall also devolve powers to Zonal, States, Area Commands, Divisions and Police Posts to ensure quick response to safety and security needs. **Section 10**

E. RECRUITMENT OF CONSTABLES AND CADETS

Recruitment of Police Officers is governed by the Constitution, which empowers the Police Service Commission to appoint persons to offices in the Nigerian Police, excluding the office of the Inspector General of Police. (*Paragraph 29, Part 1 of the 3rd Schedule to the 1999 Constitution*).

The Police Act now provides that professionals from the relevant fields such as engineering, medicine, pathology, aviation, law, psychology, accountancy

and forensic science, shall be appointed into the Nigeria Police Force as specialists; and they shall practice their professions and use their expertise in the advancement of the objectives of the Police. **Section 18 (9)**

In addition, candidates for the Police are now mandated to undergo psychological and other medical evaluations as part of the recruitment or appointment process to ascertain their character and suitability for the job. Within the period of recruitment or appointment, every police officer shall undergo specialized training in any professional field relevant to policing and law enforcement.

Police Training Programmes

All police officers to undergo periodic training and retraining on the following.

- a. Basic policing, ethics, code of conduct;
- b. Crime detection and law enforcement;
- c. Investigation and gathering of evidence;
- d. Effective nationwide citizens engagement;
- e. Human rights, Gender issues, public relations and emerging issues;
- f. Democratic policing and emotional intelligence; and
- g. Prosecution and defence.



SECTION 19

F. POLICE FUNDING

The Nigerian Police remains a federal police force, therefore funding for the Police is to be done via National Assembly appropriations. In preparing its annual budget for NASS, the IGP is now mandated to obtain inputs from the Force Headquarters, Zonal Headquarters, State Commands, Area Commands and Divisional Commands on their budgetary needs based on the IGP's annual policing plans for the various police formations.

Other funding sources are to include aid from international bilateral and multilateral organisations, sums generated by the Police, and contributions from States. For the latter however, States contributing to the Police must keep record of contributions made and specify the purpose of their contributions. **See sections 26 to 30.**

Police Welfare

Salary

Police officers shall not be paid salary below what is payable to officers in other security agencies. **Section 20**

Pension and Gratuities

Now explicitly guaranteed under the new law. Police officers entitled to pensions, gratuities, and other retirement benefits as are prescribed under the Pension Reform Act. **Section 15**

Recognition and Awards

Provision on recognition and commendation for gallant and exemplary service recommends awards and certificates to exemplary officers, national honours and a Police Day or Week to remember fallen heroes. **Section 92**



Police Reward Fund

This has always existed in the Police Act and is supposed to be used to cover funeral expenses of officers who dies in service and to pay compassionate gratuities to their widows and children. The new Act expands the purpose of the fund to include:

- reward members of the police for exemplary services; and
- such other purpose as may be determined, from time to time, by the Nigerian Police Council.

The Police service Commission is to set the criteria for its application, while the IGP is responsible for its disbursement.

Note that the use of the funds is subject to the rules for the time being in force under **section 23 of the Finance Control and Management Act**. By this provision, the Minister of Finance would have to authorise disbursements from the Reward Fund as approved by the National Assembly. This aims to introduce checks and balances and accountability towards proper utilisation of the funds.

- Section 91



G. POWERS OF POLICE OFFICERS

Investigations and Arrests

The relevant provisions in the Act here include the following:

Investigations

The police are saddled with the power to conduct investigations when an alleged offence is reported, or a person is brought for allegedly committing an offence. This must be done in line with due process. A report of the findings of such investigation is to be made to the Attorney General of the Federation or State. **Section 31**

Arrests

A police officer can make arrests when an offence has been committed in his/her presence or in contravention of any law. The Act however prohibits the arrest of a person for a civil wrong (such as Landlord/Tenant matters, Contract, Divorce etc.) or breach of contract. **Section 31 & 32**



It is also worthy to note that a suspect is not to be handcuffed, bound or subjected to any form of restraint during an arrest except under certain circumstances such as where there is apprehension of violence by the suspect, an attempt to escape, for the safety of the suspect or where there is a Court order to that effect. **(Section 34)**

The police must inform the suspect of the reason for the arrest and inform them of his/her rights under such circumstances, such as their right to remain silent until consultations have been made with a legal practitioner of their choosing, right to free legal representation by the Legal Aid Council of Nigeria or any other organisation. **(Section 35)**

It is important to emphasise that the Police is required to notify the next of kin of a suspect in custody of the suspect's arrest at no cost to the suspect. Also, it is unlawful for another person such as the mother, father, siblings, or friends of a suspect to be arrested in place of the suspect. A suspect is also not to be subjected to any form of torture, degrading or inhuman treatment. **(Sections 35 to 37)**



When a suspect is arrested by the police, the law requires that the suspect be taken immediately to the police station and is to be informed promptly of the allegation before him in the language he understands. (**Section 43**)

Information pertaining to the arrested suspect such as personal details and fingerprints are to be recorded and this must be completed within 48 hours. (**Section 43**)

An inventory of all items in the suspect's possession must be taken and returned to the person provided the property is not connected to nor a proceed of an offence (**Section 46**)

Police officers can execute a warrant of arrest and it is to remain in force until it is either executed or cancelled by a judge or magistrate. **Section 75**

Arrest Without Warrant

According to **Section 38**, the police have the power to effect an arrest without a warrant on certain grounds, such as when a person commits an offence in the presence of the officer, where there are reasonable grounds to suspect the person committed an offence, or obstructs an officer's ability to execute his duty etc. However, there are *conditions attached to arrests without warrant*.

- The arrested person must be released within 24 hours with or without bail except it involves a capital offence i.e., an offence punishable with death – **Section 62**
- Reasonable grounds for arresting a person without warrant must be based on objective and verifiable facts. It is not what the officer considered reasonable.

Statements

The police are authorised to take a statement of a suspect arrested for allegedly committing an offence where the suspect wishes to make a statement. The law requires the statement to be taken in the presence of either a legal practitioner chosen by the suspect, an officer of the Legal Aid Council of Nigeria, an official of a civil society organisation or a Justice of the Peace. 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/her understanding. (**Section 60**)

Confessional statements must be written and may be recorded electronically on a retrievable video or audio-visual means. However, this will not stop oral confessions from being admitted as evidence in court. (**Section 44**)



Bail and Release of Arrested Suspect

The right to bail is guaranteed by **Section 35** of the 1999 Constitution of the Federal Republic of Nigeria. A suspect that has allegedly committed a bailable offence (offences that are not considered capital offences) is to be released on bail. An officer is required to release a suspect arrested for an offence other than one punishable with death on bail if it would not be practicable to bring the suspect before a Court of competent jurisdiction within 24 hours after the arrest. (**Section 62**)

The Police can issue bail with or without sureties for a reasonable amount - (**Section 63**). It should be noted however that bail is a type of bond or commitment to appear at the police station on stated dates and times, failing which the amount will be forfeited. It is not a requirement to pay money or

drop physical cash with the Police.

Search

Police Officers have the power to search premises. They may seize and retain anything for which a search has been authorised and arrest or summon a person on whose premises or possession such item was found, to render account of their possession of the property. **(Section 48)**

There are certain conditions attached to this power however, which includes that the police officer should not violate the human rights of a person found in a premises being searched.

Furthermore, a Police Officer can only conduct a stop and search in a public place, but not on a private residence.



A police officer can stop and search a person or vehicle when they have “reasonable grounds” to suspect that the person being searched is in possession of an offensive weapon, unlawful article or stolen property or where information pertaining to the description of a suspected offender has been received. (**Section 49**).

Note that 'offensive weapon' here means any article made or adapted for use for causing injury to persons.

What is not Reasonable Suspicion

Personal attributes such as a person's colour, age, hairstyle or manner of dress, previous conviction for possession of an unlawful article or stereotyped images of certain persons or groups as more likely to be committing offences shall not be grounds for reasonable suspicion
- **Section 54 of the Police Act**

Procedure Before a Search

The new Act, in **sections 50 and 51**, now outlines a detailed procedure for conducting a stop and search that must be followed by police officers.

Step 1: The police officer must be in uniform or wear visibly, a valid Police Identity Card.

Step 2: The police officer is to question the person to be searched about

his behaviour or his presence in circumstances which trigger the suspicion of the suspect. (If a satisfactory response is given by the suspect, the search should be aborted)

Step 3: The police officer is to give the following information to the person to be searched:

- his name and the name of the police station he is attached to,
- the purpose of the search, and
- grounds/authorisation for undertaking the search..



Rules for Conducting a Search

1. The co-operation of the person to be searched shall be sought in every case.
2. The police officer is to seek the cooperation of the suspect and make reasonable effort to minimise the embarrassment of the person being searched/or whose property is being searched
3. Searches conducted in public is to be limited to the superficial examination of outer clothing, and where a more thorough search is to be conducted, it should be conducted away from public eye by an officer of the same sex as the suspect and the search is not to be carried out in the presence of a person of the opposite sex except on the request of the suspect.

4. Forcible search may only be used as a last resort where the suspect is unwilling to cooperate or resists search.

5. Intimate body searches of suspects in lawful custody can only be done in a hospital or medical facility by a registered medical practitioner or nurse, and where impracticable, in a police station by a Sergeant authorised by an officer of at least, the rank of Assistant Superintendent of Police.

However, before this is done,

- Consent for the search may be given by the suspect orally or in writing.
- The purpose and authorisation for the intimate body search must be given.

Procedure After a Search

Section 56 provides for the actions to take after a search is carried out. These provisions now require the Nigerian Police to produce and issue search record forms on the spot. The procedure is outlined below.

Step 1: A police officer must make a written record of a search except where it is not practicable to do so, such as where the number of persons searched is large or in situations involving public disorder.

Step 2: The search record shall be completed and signed by the officer and person searched on the spot. A copy of the search record must also be given to the person searched or the vehicle driver if it is a vehicle. The law however allows the police to ask the person to pick it up from the police station. The person searched may refuse to collect a search record that does not contain his signature.

For intimate body searches, a record of the search must be completed within a practicable time and the custody record relating to the suspect must state the following:

- the authorisation by virtue of which the search was carried out;
 - the grounds for giving the authorisation;
 - the fact that the appropriate consent was given by the suspect;
 - which parts of his body were searched; and
- why they were searched.

Search Record Forms

Section 57 of the Act now mandates the Police to prepare and issue Search Record Forms to document their searches nationwide. The form must contain the following information:

- (a) the name of the person searched or if, he withholds it, description of the person;
- (b) the date of birth of the person searched;
- (c) a note of the person's ethnic origin;
- (d) when a vehicle is searched, a description of the vehicle, including the registration number;
- (e) the object of the search;
- (f) the ground for making the search;
- (g) the date and time the search was made;
- (h) the place where the search was made;
- (i) the result of the search;
- (j) a note of any injury or damage to property resulting from the search;
and
- (k) the identity of the officer making the search.

This information is to contribute to the quarterly report on Searches conducted by the Police nationwide to be submitted to the Attorney-General of the Federation by the IGP.

Search warrant

A search warrant is a legal document issued by an authorised person, permitting a police officer to enter and conduct a search on a premises or a person. Provisions on search warrant in the Police Act are harmonised with that of the Administration of Criminal Justice Act, 2015 (ACJA)

A search warrant can be executed at any time on any day including a Sunday or public holiday and for a search warrant to be valid, it must contain the following:

- *grounds upon which the application for a search warrant is made*
- *law under which the warrant would be issued*
- *premises to be searched and the article or person to be searched.*

Any police officer has the power to serve summons issued by the Court at any time during the hours of daylight, which is between 6am to 6pm. Section 65

Report to the Attorney General on Searches Conducted

Section 53 (13) of the Act states that the IGP in his/her quarterly report submitted to the Attorney-General shall contain information about searches conducted by the Police. This report on the searches must include the following:

- *the total number of searches carried out;*
- *the number of searches conducted by way of examination by a suitably qualified person;*
- *the number of searches not conducted by a suitably qualified person, but conducted in the presence of such a person; and*
- *the result of the searches carried out.*



Mandated Documentation and Reports under the Act

- Police to document arrests, witnesses and deaths in police stations including efforts made to ensure hospitalisation of the wounded and proper preservation of the dead – *section 89*
- IGP to give quarterly report 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 died in police custody– *section 89(5)*

- Police stations to make monthly reports to the nearest magistrate of the cases of all suspects arrested without warrant within the limits of their respective stations – *section 69 (1)*
- IGP to make quarterly report of arrests to the Attorney General of the Federation (AGF) with respect to Federal offences. State Commissioners of Police to do same in relation to State offences or arrests within the State – *section 47*
- AGF to establish electronic and manual database of Federal and State arrest records – *section 47(5)*

Prosecution

The Act empowers a police officer who is a legal practitioner, to prosecute in person before any court, whether or not the information or complaint is laid in his name. This means that only police officers who are lawyers can prosecute criminal matters in court – **Section 66.**

Note: The Act adds attempts to qualify this provision by adding that subject to the provisions of the relevant criminal procedure laws, a police officer may prosecute offences which non-qualified legal practitioner can prosecute. While this seems to be an attempt at preserving the practice of allowing police officers who are not legal practitioners to prosecute matters in magistrate courts, it should be noted that Section 106 of the Administration of Criminal Justice Act (ACJA), which is in force in the FCT and have been domesticated by many States do not grants prosecutorial powers to any police officer who is not a legal practitioner. Moreover, the term “non-qualified legal practitioner”

appears to be a fallacy as a legal practitioner within the purview of Nigerian law is someone who is qualified to practice law.

Notwithstanding, every police division is required to have at least one police officer, who is a legal practitioner whose job is to promote human rights compliance by officers. **Section 66(3)**

Regulation of public meetings and rallies

In addition to the above-mentioned powers, the police equally have powers to maintain public safety and order, regulate public meetings, processions or rallies and intervene to prevent the commission of an offence or the injury to public property. The duty of the police is to provide security at such public meeting or rally where notice of such has been provided to the police.

Sections 83 and 84.

In carrying out their powers, the police are required to uphold the provisions of the Constitution and other laws, uphold and protect the fundamental rights of all persons in Nigeria and be fair to all persons regardless of their economic status, religious, ethnic or political beliefs or affiliations.



H. COMMUNITY POLICING COMMITTEES AND COMMUNITY POLICING OFFICERS

The Act provides for the establishment of Community Policing Committees & Sub-Committees for the FCT, and States made up of representatives of the Police and volunteers from the local communities to promote effective partnership and communication for efficient policing of communities – **sections 113 to 115**

It also provides for the appointment of **Community Policing Officers** to be appointed by the IGP to assist the Police in crime detection and prevention, conflict resolution, criminal intelligence gathering, local patrol, working with the community, schools, and young people, business communities, religious bodies, cultural groups, community-based associations, recreational centres and hospitality businesses toward crime control – **section 117**



I. OFFENCES BY POLICE OFFICERS

The Act lists offences by police officers to include the following:

- a. participating or abetting in mutiny.
- b. Deserting the Police or aiding and abetting a deserting officer of the police force.
- c. participating in a mutiny, riot or public disturbance.
- d. committing acts of violence against a superior officer.
- e. Obtains admission into the police force fraudulently.
- f. Discriminating on the basis of gender, disability, ethnicity, or religion.
- g. Drinking of alcohol or use of psychotropic substances and stimulants while on duty.

Note: This is not a closed list as Police officers can be arrested and prosecuted like any other citizen under other laws in force in Nigeria. Police officers are

also subject to Police Regulations and Standing Orders.

Police Officers are prohibited from getting involved in indebtedness i.e., owing money and failing to pay. An errant officer shall be disciplined, and the debt recovered from him via regular deductions of 1/3rd of his monthly salary until the debt is fully repaid to the creditor. **Section 93**



Police officers shall not, while in service, be directly involved in managing and running any private business or trade except farming. **Section 95**



J. REGULATIONS AND STANDING ORDERS

The **Police Regulations** is a key component of the Police Act as it contains more detailed provisions on the day-to-day administration of the Police. It usually accompanies the Police Act. **Standing Orders** are Standard operational procedures that guide police officers on how to implement laws and policies and carry out certain actions.

In the old Act, only the President was empowered to amend the Regulations. With the new Act, the Minister of Police Affairs is now empowered to make Regulations and review them regularly.

On issues of policy, organisation, and administration of the police, establishment, and other financial matters except pensions – it shall be done on the IGP's recommendation

On issues of appointment, promotion, and discipline in the Force – it shall be done on the recommendation of the Police Service Commission. **Section 138**

For Standing Orders: The IGP is responsible for making Standing Orders relating to operational control of the Police. The Police Service Commission is to make Standing Orders on the appointment, promotion and disciplinary control, and appeals by persons against dismissal or other disciplinary measures.



Women and the Police Act

The mandate for regular review of the Police Regulations is intended to provide a basis to expunge aspects that discriminate against female officers in recruitment, marriage and training. In addition, the following specific provisions are made in the Act:

- Prohibition of all forms of discrimination by the Police against any person based on gender as provided in section 42 of the Constitution – **Sections 96(2) (a) & 135.**
- Police training programmes to be available to all police officers, irrespective of gender – **Section 19 (3)**

Prohibition of all forms of Discrimination

Police Officers prohibited from discriminating against a person in Nigeria, based on the person's-

- place of origin,
- gender,
- socio-economic status,
- ethnic, political or religious affiliation or,
- any form of disability.

Police Officers prohibited from using language or acting in such a way that suggests a bias towards a particular group. **Sections 96(2) (a)**



K. POLICE PUBLIC COMPLAINTS AND DISCIPLINE

The Act provides legal backing to the Police Complaints Response Unit in the Force HQ and all the commands to receive complaints about police misconduct from the public or from other police officers. Unit to be under the Public Relations Section and to comprise of representatives of the Federal or State Intelligence Bureau, Police Provost Marshal and any other unit of the Police Force as the IGP determines. The Unit shall be headed by an officer not below the rank of a Chief Superintendent of Police.

Complaints to be investigated and the findings by the unit investigating shall be made available to the Complaints Response Unit within 21 days from the day the complaint was made. A copy of the investigation report shall be sent to the Commissioner of Police and to the appropriate police or oversight

authority i.e., the Police Service Commission. *Section 131*

L. SPECIFIC POLICE UNITS

Apart from regular Police Officers, the Act also makes provisions for special or other units within the Police as outlined below.

Note that the Act defines a "**regular police officer**" as a police officer who is neither a special constable nor a supernumerary police officer.

Special Constabulary/Special Constables (Part XIII of the Act)

- Special constables are regular citizens temporarily appointed and given police powers to assist in the maintenance of law and order. In many countries, they are usually volunteers who have regular jobs.
- In the Act, they are to be appointed by the IGP for a period of one year, in respect of a Police Area Command or division and shall only have powers within that area command/ division.
- A Special Constable should be between the ages of 21 and 50, be of good character, physically fit and be willing to perform assigned policing tasks.
- A Commissioner of Police for a State can authorise the Superior Police Officer in charge of that area to appoint **emergency special constables** in the event of an unlawful assembly, riot or breach of peace where assistance is needed. This appointment need not be in writing.
- The IGP is to provide equipment such as batons and clothing for special constables, the cost of which is to be defrayed from funds allocated to the Police.

- Special Constables do not enjoy full benefits of Police Officers e.g., they have no claim on the Police Reward Fund and are not entitled to living accommodation provided by public funds.
- Pursuant to Regulations being made by the IGP, a stipend is to be provided to Special Constables for expenses incurred and compensation for loss of earning during periods of full-time duty. In other words, they don't earn a salary.

Supernumerary Police Officers (SPY Police) – Sections 21 to 25

- The Act provides for the appointment of Supernumerary Police officers for the protection of property, who would only be able to act in the police area or division where the property being guarded is situated.
- Supernumerary police officers can be appointed to carry out administrative duties on police premises, where in the public interest, where necessary and to act as orderlies.
- Requires the entity engaging the services of the supernumerary police officer to pay the cost of the officer's uniform and allowances.
- Provides that these supernumerary police officers shall have no claim to the Police Reward Fund.

Traffic Warden Service (Part XV of the Act)

- Contains provisions on the Traffic Warden Service e.g., appointment, powers, ranks, regulation, discipline etc.
- Under the disciplinary control of the IGP and subject to the provisions of the Police Regulations for purposes of discipline.
- Main duties are:

- } the control, regulation and enforcement of the law relating to road traffic;
- } the general control and direction of motor traffic on the highway;
- } assisting pedestrians to cross the road; and
- } controlling vehicles stopping or parking in unauthorised places.

- A traffic warden shall be appointed to serve as a traffic warden for thirty-five (35) years of service or sixty (60) years of age whichever comes first; and be pensionable only in the Police State Command in which he resides.
- A traffic warden under duty shall have the powers, privileges and immunities of a police officer under any law relating to the regulation of road traffic.

ABOUT RULAAC

RULAAC is a national, independent and nonprofit human rights advocacy organization, established in 2018 and registered in Nigeria with headquarters in Lagos. RULAAC is committed to promoting law enforcement accountability, transparent and responsible policing, and the observance of human rights and the rule of law in law enforcement operations.



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