



Accountability Brief

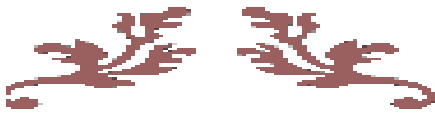
Police Regulation

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OVERVIEW OF THE POLICE REGULATIONS

AREAS RECOMMENDED FOR REVIEW

BY MR. IDRIS BAWA



Executive Summary

In the current Police Act, 2020, Community Policing is one of the innovations of the Act is the emergence of community policing in the theatre of Nigeria's security. Although, community Policing was introduced in 2004, the Act took cognizance of the principles that Nigerians have been yearning for as a way forward in addressing current Nigerian security challenges. Thus, section 4(h) of the Act adopts community partnership in combating crime. To further strengthen this position, sections 113 to 119 provide for the establishment of community policing bodies. Under the Act, the Community Police Committee was established to ensure the operation of community partnership in prevention and detection of crime. In order to ensure the operational efficiency of this committee, the Act divides the community policing into two: Divisional Community Policing Committee and State Community Policing Committee



Brief Background/Overview

The current police Act, 2020 is designated as “the Nigeria Police Force (Establishment) Act, 2020” was passed into law by the Senate on the 22nd of July 2020 and assented by President Muhammadu Buhari on September 16, 2020. The police regulations as part of the Act are yet to be reviewed to capture the new provisions of the Act. The regulations were last reviewed in 1968.

The primary objectives of the Act are based on accountability and transparency, protection of human rights and fundamental freedom, and partnership with other security agencies are well defined within the Act. Without the Regulations, these laudable objectives will not be met.

Research Findings-General Provisions Part 1

Division of the Federation into Zonal, State Police Commands, Area and Divisional Commands does not reflect in all the states of the federation in the current Regulations.

The 1968 regulations have defunct states eg, Bendel and Gongola states and the new Zonal commands created after the last review of these Regulations need to be reflected; (five (5) new Police Zonal Command Headquarters have been created for the Nigeria Police Force in addition to the hitherto existing twelve (12) Zonal Command Headquarters. This makes a total of seventeen (17) Zonal Command Headquarters in the country. The five (5) new Zonal Commands are: Akure (Ondo/Ekiti Commands), Awka (Enugu,

Anambra, Ebonyi), Yenagoa (Bayelsa, Rivers Commands), Maiduguri (Yobe, Borno Commands) and Katsina (Katsina, Kaduna Commands). Besides, Divisions of State Police Command should also be

- Police Zonal Commands shall be sub-divided territorially into State Police Commands.
- State Police Commands shall be sub-divided territorially into Police Area Commands.
- Police Area Commands shall be sub-divided territorially into Police Divisions.
- Police Divisions shall be sub-divided territorially into Police Station areas and Posts.

The above departments have various units within the current police structure, these units should be identified and captured in the regulations.

Adjustment of Police territorial boundaries

Commands of the Police under 1968 Regulation need to be expanded to meet current realities. The review should consider role of the IGP and the DIGs and the AIGs in accordance with the departments within the police force as currently constituted. The review should take into cognizance the various units within each department

- Department of Finance and Administration
- Department of Operations
- Department of Logistics and Supply
- Force Criminal Investigations Department (FCID)
- Department of Training and Development
- Department of Research and Planning
- Department of Information and Communication Technology (ICT)
- Force Intelligence Department.

The command structure -The role of the AIG, Commissioners of Police and Area Commanders, Divisional Police Officers (the rank of the DPO) should

reflected, this is clearly missing in section 5 of the 1968 regulations. Territorial Sub-divisions of Police Zonal Commands, State Commands, etc. should reflect the following:

be reviewed to meet current realities of the Force. Besides, the following should be reviewed:

- Situation of Police Headquarters, etc
- Grading of Police Divisions, Stations and Posts.
- Creation of Mobile Police Force and other specialized Units should be reviewed and expanded. Police Mobile Force is captured in Article 25 of the 1968 regulations, and this should be reviewed and expanded.
- Motor Traffic Divisions.

Organization of Police Headquarters

The Police Act has clearly defined the roles of the following Officers which is currently not part of the Current 1968 Regulations. The following roles should be reviewed:

- Office of the Inspector-General of Police,
- Department of Finance and Administration (DFA)
- Department of Operations.
- Department of Logistics and Supply.
- Police Criminal Intelligence and Investigation Department
- Department of Training.
- Department of Research and Planning:
- Department of Information and Communication Technology (ICT).
- Police Secretary.

Appointment

The 1968 Regulation should be expanded to address the following under appointments

- Qualifications and conditions of service, Cadet Officers
- Qualifications required of Technical Officers

- Appointment of cadet Inspectors (Direct entry)
- Enlistment, Rank and File
- Qualifications for the various ranks
- Enlistment of officers generally and Female Police, their duties and condition of service – etc

Nigerian Police Council in line with the Constitution. The Council is a constitutional body set up to organise, administer and supervise the Nigeria Police Force.

Promotion of Human Rights in the Professional Etiquettes of Police:

Establishment of Training school

There are various training schools, Academy and Colleges which the current regulation has not captured.

- Police Staff College, Jos.
- Nigeria Police Academy, Wudil.
- Establishment of Police Colleges (Ikeja, Kaduna, Maiduguri & Oji-River) etc
- Establishment of Police Bands and Corps of Drums and Nigerian Police School of Music
- Police animals
- Police Camelry Corps.
- Police Service Dogs.

The Regulations also need to address the realities in the current police Act 2020. The following should be considered under the Act

Duties of the Police:

Section 4 of the Act deals with the functions/duties of police officer to include:

- 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.
- maintain public safety, law and order.
- protect the lives and property of all persons in Nigeria.
- enforce all laws and regulations without prejudice to the enabling Acts and of other security agencies; etc.

Establishment and Composition of the Nigeria Police Council

Section 6 of the Act requires special attention given the functions of the Council; the Act establishes the

The Act upholds the promotion of human rights as its core responsibility. This is reflected in the objectives and the functions of the police force. It is for this reason that section 1 of the Act, states that the promotion of human rights, transparency and accountability and partnership with other agencies to be the general objectives of the Nigerian Police. Under this Act, respects for the rights of both criminals and the victims of the crimes are central to operation of Nigeria's police.¹ This is one of the most significant parts of the Act as it addresses police powers vis-a-vis human rights and due process safeguards. The power to search and arrest under the current Police Act is not detailed and leaves room for wide discretion. The Police Act made some reference to the Administration of Criminal Justice Act (ACJA) 2015. For instance, Section 22 mentions that in addition to section 18 of ACJA which deals with cases where the Police can arrest without warrant, the Police can arrest any person that is found committing a felony, misdemeanor, or simple offence, or is suspected by the Officer of having committed or is about to commit a felony, misdemeanor or breach of the peace.

Promotion of Transparency and Accountability:

The Act also abhors corruption and lack of accountability in the discharge of the duty of Nigerian Police Force. Under the Act, promotion of transparency and accountability is an integral parts of police law in Nigeria. The primacy of transparency and accountability is seen in the provision of section 8 (2) (c) and 8 (3) where the Inspector General of Police is ***mandated to published via gazette and submit an audit to the Attorney General of the Federation and the National Assembly yearly.*** The audit shall show the activities of

¹ [Appraisal of The Novel Innovations of The Nigeria Police Force \(Establishment\) Act, 2020 And The Matters Arising - TheNigeriaLawyer](#)

the police in terms of its professional efficacy and compliance with rule of law.

Community Policing: One of the innovations of the Act is the emergence of community policing in the theatre of Nigeria's security. Although, community Policing was introduced in 2004, the Act took cognizance of the principles that Nigerians have been yearning for as a way forward in addressing current Nigerian security challenges. Thus, section 4(h) of the Act adopts community partnership in combating crime. To further strengthen this position, sections 113 to 119 provide for the establishment of community policing bodies. Under the Act, the Community Police Committee was established to ensure the operation of community partnership in prevention and detection of crime. In order to ensure the operational efficiency of this committee, the Act divides the community policing into two: Divisional Community Policing Committee and State Community Policing Committee. The objectives of these committees are spelt out in section 116 of the Police Act, 2020 as follows:

- Maintain a partnership between the community and the Police Force.
- Promote communication between the Police Force and the Community.
- Promote cooperation between the police and the community in fulfilling the needs of the community regarding policing.
- Improve the police service to the community.
- Improve transparency and accountability in the provision of police services to the community. The importance of vigilante to partner with the Police is that it will subject the said vigilante (or community police) under the supervision of the police. This will be apt in a situation where residents of communities wish to protect themselves and so in order to curb their excesses,

² [Appraisal Of The Novel Innovations Of The Nigeria Police Force \(Establishment\) Act, 2020 And The Matters Arising - TheNigeriaLawyer](#)

the police supervision is necessary. This position is recently upheld by the Supreme Court in the case of **Ezeanochie V Igwe**²

Provision of humanitarian assistance for citizen(s): facilitation of movement on highways etc. without subjecting citizens to extortion, and adoption of communist partnerships.

Improves on the procedure for handling property found and unclaimed by mandating the police to keep records of such property in a register, make public announcements about the property to enable the rightful owner to claim it within a stipulated time frame, followed by a public auction where the property remains unclaimed.

Documentation of witnesses and death in custody

The Act makes provision for documentation of arrest witnesses and death in Police Station. This includes a requirement for the Inspector General to give a quarterly report to the Police Service Commission of the number and identity of persons who were killed or wounded during police operations across the country; or who died in police custody. It also made provisions employers to notify the Police of a missing employee or persons under their control within 24 hours of the person's disappearance.

Other Key Provisions

- Police Reward Fund
- Recognition and Commendation for gallant and exemplary service
- Police Officer indebtedness » Private business and conflict of interest

Part viii- Offences- Key Provisions

- **Offences by police officers** – desertion, drinking and use of psychotropic substances.
- **Offences against police officers** – assault, impersonation, failure to aid. In addition to existing offences in the Police Act, such as starting a mutiny, failing to suppress a riot, striking a superior officer in the execution of his duty, etc., the Act includes as offences, the use of intoxicating liquor or psychotropic substances by police officers while on duty. This offence extends to persons who sell such substances to an officer, harbours such officer, or tries to induce the officer with money, gift, spirits, liquors, psychotropic substances or stimulants to commit a breach of his duty.

Part iv- Regulation and Standing Orders- Provision

- Power to make Regulations and Standing Orders - the Minister in charge of Police Affairs may make regulations on the recommendation of the Nigeria Police Council with respect to the organisation and administration of the Police, and.
- on the recommendation of the Police Service Commission with respect to appointments, promotions, and disciplinary control of the Police.
- The Police Service Commission is empowered to make Standing Orders for the appointment, promotion, and discipline of members of the Police.
- The Inspector General of Police is empowered to make Standing Orders relating to operational control of the police.

Review of Discriminatory Practices within the police regulations

- The requirement of marriage before enlistment for female officers,
- Women seeking permission to marry,

- Dismissal of unmarried pregnant officers from the force, and
- Restriction of duties for female officers.

Barrack accommodation for married women and their spouse.

Streamline of mandates of Public Complaints Bureau (PCB) and Complaint Response Unit (CRU)-The absence of Complaint response mechanisms within the police regulations based on sections To operationalize the mandate of PCB and CRU there is the need to review the regulation to reflect these provisions establishing CRU.

Review of the code of conduct and disciplines as currently contained within the police regulations

There is need to read and use of the United Nations Code of Conduct for Law Enforcement Officials as a guide.

Establishment of Traffic Warden Services Retains provisions on the Traffic Warden Service e.g,

appointment, powers, ranks, regulation, discipline etc.

Current Policy/Situation

The current Police Regulation was last reviewed in 1968 and is not meeting the aspirations of Nigerians. The Passage of the Police Act 2020 has made it imperative for the Regulations to be reviewed to meet current realities.

Policy Implications /Recommendations of Research

The Nigeria Police Force (Establishment) Act, 2020 was received with optimism because of its departure from the old legal regime. However, the regulations that should be part and parcel of the Act still has obnoxious provisions that requires urgent attention. In order to optimize the provisions of the Act, there is need to address the findings listed above in developing or drafting a new regulation.

