

NIGERIA POLICE BILL, 2016

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A BILL

FOR

AN ACT TO REPEAL THE POLICE ACT AND RE-ENACT THE NIGERIA POLICE FORCE ACT, THAT SHALL PROTECT THE RIGHTS AND FREEDOMS OF PERSONS IN NIGERIA, ENFORCE LAWS AND REGULATIONS AND PREVENT THE COMMISSION OF CRIMES IN AN EFFECTIVE AND EFFICIENT MANNER AND SPECIFICALLY; ENSURE SAFETY AND SECURITY OF ALL PERSONS AND PROPERTY IN THE COUNTRY; UPHOLD AND SAFEGUARD THE FUNDAMENTAL RIGHTS OF EVERY PERSONS AS GUARANTEED UNDER THE CONSTITUTION; ENSURE THE COOPERATION BETWEEN THE SERVICE AND THE COMMUNITIES IT SERVES IN COMBATING CRIME; REFLECT THE RESPECT FOR VICTIMS OF CRIME AND UNDERSTAND THEIR NEED AND ENSURE EFFECTIVE CIVILIAN SUPERVISION OVER THE POLICE

Sponsored by Senator Obinna Ogba

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

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PART 1- PRELIMINARY

1.-(1) This Act may be cited as the Nigeria Police Bill, 2016.

Citation

(2) The Act shall have effect from the day it is signed into law.

2. This Act is based on the principles of:

Guiding Principle

(i) efficiency and effectiveness;

(ii) political accountability; and

(iii) protection of human rights and fundamental freedom.

3. The following are the specific objectives of this Act;

Specific objectives

(i) to establish a Police Service that is seen as a friend rather than an enemy of the people;

(ii) to embody in the operations of the Police Service the values of fairness, justice and equity;

	1	(iii) to make the police responsive to the calls of the citizens and needs
	2	of the community and respect the dignity of citizens;
	3	(iv) to efficiently and effectively prevent crimes without unduly
	4	threatening the values of liberty and Privacy;
Interpretation	5	4. In this Act, unless it is provided otherwise in this law or any other
	6	law in force in Nigeria:
	7	"Inspector-General", "Deputy Inspector-General" and "Assistant Inspector-
	8	General" means respectively the Inspector-General of Police, the Deputy
	9	Inspector-General of Police and an Assistant Inspector-General of Police;
	10	"Commissioner " mean a Commissioner of Police, a Deputy Commissioner of
	11	Police or an Assistant Commissioner of Police;
	12	"Superintendent of Police" includes a Chief Superintendent or Police, a
	13	Superintendent of Police, a Deputy Superintendent of Police and an Assistant
	14	Superintendent of Police;
	15	"Constable means any Police officer below the rank of Corporal;
	16	"The Police" means the Nigeria Police established under this Act;
	17	"Inspector" includes a Chief Inspector and an Inspector of Police;
	18	"Non-Commissioned Officer" means a Police Sergeant-Major, a Police
	19	Sergeant or a Police Corporal as the case may be;
	20	"Police Officer" means any member of the Nigeria Police;
	21	"Senior Police Officer" means any Police officer above the rank of a cadet
	22	assistant superintendent of police;
	23	"Court" means any court established by any law in force in Nigeria;
	24	"Prosecuting Officer" means any person appointed by the Attorney General of
	25	the Federation or of the States to prosecute crimes on behalf of their behalf and
	26	for the Nigerian Police Service.
	27	PART II – CONSTITUTION AND EMPLOYMENT OF THE POLICE
Establishment and Composition of the Nigerian Police Service	28	5.-(1) On the date that this Act comes into effect, there shall be
	29	established for Nigeria a police organization to be known as the Nigeria Police
	30	which shall replace the former Nigeria Police Force and assume its rights,

1 powers, privileges, liabilities, and structures and organs.

2 (2) The Service shall consist of:

3 (a) all persons who immediately before the commencement of this
4 Act were members;

5 (i) a force established by section 214 of the Constitution which is
6 deemed to be part of the service;

7 (ii) appointed by the Police Services Commission under the
8 constitution;

9 (iii) appointed as special constables under section 49 of the Police
10 Act. Cap. 359 Laws of Federation 1990; and

11 (b) such other persons that may be appointed under this Act.

12 **6.-(1)** The Police shall be employed to perform the following
13 duties:

General duties
of the Police

14 (a) protect the rights and freedom of every person in Nigeria as
15 provided in the Constitution, the African Charter on Human and Peoples'
16 Right, and any other law;

17 (b) protect the lives and property of citizens.

18 (2) To promote and protect the fundamental rights of all persons as
19 guaranteed by Chapter 4 of the Constitutions and the African Charter on
20 Human and Peoples' Rights.

21 (3) To prevent and detect crimes without threatening the liberty and
22 privacy of the citizen.

23 (4) To secure the safety and security of life and property in the
24 country

25 (5) To facilitate the free passage and movement on highways,
26 roads, streets, and avenues open to public without subjecting citizenry to
27 inhuman treatment or any form of extortion.

28 (6) To provide humanitarian assistance for citizen(s) in distress,
29 like victims of road accident, fire disaster, earthquake, flood, etc and where
30 necessary activate other agencies for humanitarian assistance.

- 1 (7) To perform military duties within or without Nigeria in
2 accordance with the Nigeria Constitution or any bye laws to that effect
- Establishment
of the Nigeria
Police Council
- 3 7.-(1) There is hereby established a body to be known as the Nigeria
4 Police Council (in this Ac referred to as "the Council") which shall consist of:
5 (a) the President who shall be the chairman;
6 (b) the Minister of Interior;
7 (c) the Attorney-General of each State of the Federation;
8 (d) the Chairman of the Police Service Commission;
9 (e) the Inspector-General of Police.
10 (2) The function of the Council shall include:
11 (a) the organization and administration of the Nigeria Police and all
12 other matters relating thereto (not being matters relating to the use and
13 operational control of the Police, or the appointment, disciplinary control and
14 dismissal of members of the Police);
15 (b) the general supervision of the Nigeria Police;
16 (c) advising the President on the appointment of the Inspector-
17 General of Police.
18 (3) The Permanent Secretary in the Ministry of Interior shall be the
19 Secretary to the Council and the Secretariat of the Council shall be in the
20 Ministry of Interior.
21 (4) The Police Council shall meet quarterly
22 (5) The Minister of Interior shall be responsible for the political
23 oversight of the Police in terms of resource and efficient utilization of
24 resources.
- 25 PART III - HIERARCHY OF THE POLICE
- Command of
the Police
- 26 8. Pursuant to Section 215 (1) of the Constitution, the hierarchy of the
27 Police shall constitute of the following:
28 (i) the Inspector-General of the Nigeria Police;
29 (ii) Deputy Inspectors-General;
30 (iii) Assistant Inspector –General;

1 (iv) Commissioners of Police: and such other officer as the Nigeria
2 Police Council may, from time to time, consider necessary for effective
3 discharge of the functions of the service.

4 9.-(1) The Inspector-General of Police shall be the head of the
5 service.

Appointment of
the Inspector-
General of Police

6 (2) The person to be appointed as Inspector-General of Police shall
7 be a senior Police Officer of the rank not below Commissioner of Police.

8 (3) The person for the office of the Inspector-General of Police
9 shall be appointed as follows:

10 (i) the Nigeria Police Council by a two-third resolution of its
11 members nominate three persons;

12 (ii) the President shall appoint one of the three persons nominated
13 by the Nigeria Police Council, and

14 (iii) the Senate shall confirmed the appointment by a Two-Third
15 resolution of the Senate.

16 (iv) the Senate may consider organizing a public hearing before
17 confirming the appointment of the Inspector General of Police

18 (4) The Inspector-General of Police shall not be removed from
19 office except for a gross misconduct, gross violation of the constitution or
20 demonstrated incapacity to effectively discharge the duties of the office.

21 (5) The Inspector-General of Police shall not be removed from
22 office except:

23 (i) a report or complaint of gross misconduct or incapacity to
24 perform has been made against him by any person including the President;

25 (ii) the Nigerian Police Council considers the allegations against
26 him serious and sets up a committee of the Council to investigate the matter;

27 (iii) the Committee investigates the allegation, and after fair
28 hearing, recommend: that the person be removed from office; and

29 (iv) the Senate Confirms the removal of the person by a Two-third
30 majority votes of its members.

	1	(6) The person appointed to the office of the Inspector-General of
	2	Police shall hold office for a maximum of 5 years. He or she may be
	3	reappointed for another tenure, provided one tenure has expired after he held
	4	office as Inspector General of Police.
Appointment of the Deputy Inspector- General of Police	5	10. The Deputy Inspectors General and Assistant inspectors General
	6	shall be appointed by the Police Service Commission.
	7	(2) Persons appointed under subsection (1) above shall hold office
	8	until retirement or removal according to due process.
Appointment of State Commission of Police	9	11. -(1) State Commissioners of Police shall be appointed by the
	10	Police Service Commission on the recommendation of State Governors All
	11	State Commissioners of Police shall hold office for a term of 3 year unless they
	12	retire or are dismissed for gross misconduct by the Police Services
	13	Commission after a thorough investigation and fair hearing.
	14	(2) A Commissioner of Police shall not be reappointed to the office of
	15	the Commissioner of Police after the expiration of his tenure except another 3
	16	years has passed since his tenure ended.
Powers and duties of the Inspector- General	17	12. -(1) The Inspector General of police may exercise the powers and
	18	shall perform the duties and functions necessary to give effect to section 6.
	19	(2) Subject to subsection (1) above, the Inspector General Powers,
	20	duties and functions shall include the powers, duty and function to:
	21	(a) Develop a plan before the end of each financial year, setting out the
	22	priorities and objectives of policing for the following financial year;
	23	(b) Determine the distribution of the numerical strength of the
	24	Nigerian police after due consultation with the Police Service Commission;
	25	(c) Organize or reorganised the police at national level into various
	26	components, units or groups;
	27	(d) establish and maintain training institutions or centers for the
	28	training of officials and other members; and
	29	(e) perform any legal act or act in any legal capacity on behalf of the
	30	service

1 **13.**-(1) A Deputy Inspector-General is the second in command of
2 the Police and shall act for the Inspector-General when the Inspector-
3 General is absent from the Police Headquarters

Duties of the
Deputy Inspector-
General of Police

4 (2) When acting for the Inspector-General, the Deputy Inspector-
5 General shall be guided by the following:

6 (a) all matter involving any change in Police policy shall be held in
7 abeyance until the Inspector-General returns or, if the matter is urgent,
8 referred directly to the Inspector-General for his instructions, provided such
9 matter do not contradict the general policy directive of the Police Council;

10 (b) all matters of importance dealt with by the Deputy Inspector-
11 General during the absence of the Inspector General shall be referred to the
12 Inspector-General on his return.

13 **14.**-(1) Subject to this Act, a State Commissioner of the Police shall
14 have command and control over the Police Command in the each State of the
15 Federation and may exercise the power and shall perform the duties and
16 functions necessary to give effect to section 6 of the this Act.

Commissioners
power, duties and
functions

17 (2) A State Commissioner of police shall perform any duties
18 delegated to him by Inspector-General subject to section 9 (2).

19 (3) A State Commissioner shall, subject to the directions of the
20 member of State Executive Council be responsible for establishing
21 Community Police Fora and Community Police Board in the State under his
22 command.

23 **15.** The Inspector-General may delegate any of his powers under
24 this Act, so that the delegated powers may be exercised by the delegate with
25 respect to the matters or class of matters specified or defined in the
26 instrument of delegation.

Delegation by
Inspector-General

27 **16.** When required to perform military duties in accordance with
28 the provisions of section 6 (11) of this Act, such duties entailing service with
29 the armed forces of Nigeria or any force for the time being attached thereto
30 or acting therewith, the police shall be under the command and subject to the

Command of Police
in case or active
service

1 orders of the officer in command of the forces in Nigeria, but for the purposes
2 of interior economy shall remain under the control of a superior police officer.

3 PART IV - GENERAL ADMINISTRATION

4 *Oaths for officers*

Oath to be taken
by officers on
appointment

5 17. On the appointment or promotion of any person as a member of
6 the Police to or above the rank of cadet sub inspector, the provisions of the
7 Oaths Act shall apply; and such person shall forthwith take and subscribe to the
8 official oath, the police oath and. in proper case, the oath of allegiance
9 Enlistment and Service

Enlistment and
Service

10 18. A constable shall, on appointment, be enlisted to serve in the
11 Police for three years, or for such Other period as may be fixed by the Police
12 Service Commission which shall take effect from the day he has been approved
13 for service.

Extension of term
of enlistment in
special cases

14 19.-(1) Subject to section 18 of this Act, the Chairman of Police
15 Service Commission may extend the service of constable whose service is
16 needed beyond general duties for a period of six months.

17 (2) Subject to subsection (1) of this section, a constable that serves on
18 extension may be considered for a re-engagement into the Police service
19 provided he apply for it.

Declarations

20 20. A non-commissioned officer, constable or recruit constable on
21 fresh enlistment, or the one re-engaged for a further period of service, shall
22 make and subscribe to the police declaration prescribed by the Oaths Act.

Re-engagement

23 21.-(1) Upon approval by appropriate authority a non-commissioned
24 officer or constable of good character may be re-engaged to serve for a second
25 period of six years as well as third period of six years or until he reaches age of
26 45 years (whichever is earlier).

27 (2) Upon completion of such third period of six year or if he has re-
28 engaged until reaching the age of 45 years the non-commissioned officer or
29 constable ma , he discharged or may claim a discharge provided a six months
30 notice is given to or by him.

1 (3) The prescribed approval referred to in subsections (1) and (2) of
2 this section shall be that of the Chairman of the Police Service Commission
3 or of a superior police officer to whom the Commission's Chairman has duly
4 delegated the power to give such approval and the prescribed notice referred
5 to in subsection (2) shall be given by or to the Police Service Commission
6 via its Chairman or to a superior police officer to whom the Commission's
7 Chairman has duly delegated the power of giving or receiving such notice.

8 (4) If a non-commissioned officer or constable offers to re-engage
9 within six months after having received his discharge he will, if his offer of
10 service is accepted, on re-engagement be entitled to the rank which he was
11 holding at the time of his discharge, provided there is a vacancy in the
12 establishment of that rank at the time he re-engages.

13 (5) The service of a non-commissioned officer or constable who
14 has re-engaged under this section shall be deemed to be continuous for the
15 purposes of the pension or annual allowance or gratuities, as the case may
16 be, the non-commissioned officer or constable being regarded as being on
17 leave without pay during the period between discharge and re-engagement.

18 (6) A non-commissioned officer or constable may not be re-
19 engaged after a period of six months has elapsed since his discharge, except
20 his offer of service is accepted.

21 (7) The question of the reinstatement of a re-enlisted non-
22 commissioned officer or constable to the rank he held prior to his discharge
23 shall be decided by a superior police officer.

24 (8) A non-commissioned officer or constable whose period of
25 service expires during a state of war, insurrection or hostilities, may be
26 compulsorily retained and his service prolonged for such period, not
27 exceeding twelve months, as the Police Service Commission may direct.

28 (9) Subject to the provisions of section 7 (1) of the Pensions Act
29 and to the provisions of subsection (2) of this section, no police officer other
30 than a superior police officer shall be at liberty to resign or withdraw himself

1 from his duties without the approval of the Police Service Commission or any
2 police officer authorized in writing by the Police Service Commission.

3 PART V - POWERS OF POLICE OFFICERS

Conduct of
prosecutions

4 **22.**-(1). The power, provided under provisions of sections 174 and
5 211 of the Constitution of the federal Republic of Nigeria, 1999 to:

6 (a) institute and conduct criminal proceedings on behalf of the State;

7 (b) take over and continue criminal proceedings against any person
8 before a court of law;

9 (c) carry out necessary functions incidental to instituting and
10 conducting criminal proceedings; and

11 (d) discontinue criminal proceedings against any person before any
12 court of law in Nigeria shall vest on the Attorney-Generals of the Federation
13 and the States.

14 (2) To ensure effective, quick and fair prosecution of cases
15 investigated by police officers, the Attorney General of the Federations and the
16 states shall appoint prosecuting officers among officers of their departments
17 who will:

18 (i) Implement the criminal prosecution policy of the Attorneys
19 General;

20 (ii) have office in police stations or divisional offices of the Police;
21 and

22 (iii) prosecute criminal offenders on behalf of the Nigerian Police.

23 (3) The person(s) to be appointed prosecuting officers) under
24 subsection (2) shall be person(s):

25 (a) who has been called to the Nigerian Bar and licensed to practice in
26 every court in Nigeria; and

27 (b) who has not been found guilty of gross misconduct in a
28 professional matter by either a court of law or a legal practitioners disciplinary
29 committee: provided that a police officer who is also licensed to practice law in
30 Nigerian courts of law may also be appointed a prosecuting officer.

1 (4) A prosecuting counsel appointed under subsection (1) shall be
2 answerable to the Attorney-General of the Federation or the state in every
3 manner concerning the prosecution or discontinuation or prosecution of
4 criminal cases

5 (5) Where there is not enough legal practitioners to be posted to
6 police station to prosecute crimes, the Chief Justice of the Federation may
7 lay down condition for the certification of a police officer as a prosecutor.
8 Such conditions shall include requirements of academic course-work on
9 criminal law and procedure, fundamental human rights. etc. and the officer
10 to be certificated shall pass a test approved by the Chief Justice of the
11 Federation.

12 **23.**-(1) The Attorney General of the Federation shall, in accordance
13 with section 177 of the Constitution and such other provisions, determine
14 the prosecution policy and issue such directives to realize such policy. Such
15 prosecution policy shall be mandatory on all prosecution counsels and must
16 be published in an Official Gazette.

Prosecution policy
and issuing policy
directives

17 (2) The power of the Attorney General to discontinue criminal
18 proceedings shall be exercised in accordance with the prosecution policy.
19 Where the Attorney General issues an order to discontinue criminal
20 proceedings against any person by himself or through any of the prosecution
21 counsel the order to discontinue criminal proceeding must contain verified
22 statements about how discontinuing criminal proceeding against a person in
23 the present social, economic and political contexts promotes the prosecution
24 policy and accords with directive principles of state policy in the
25 constitution.

26 (3) Where a person other than the Attorney General of the
27 Federation or the state as the case may be, discontinues criminal
28 proceeding" against any person, he or she shall present to the court where the
29 proceeding are pending a cop.' of an authority to discontinue proceedings
30 under the hand and seal of the Attorney General of the Federation

1 (4) Where a prosecuting counsel discontinues criminal proceedings,
2 any person who is aggrieved with the discontinuance can apply to the Attorney
3 General of Federation for review of the decision. The Attorney General's
4 decision on the appeal must be based on reasons and in writing to the applicant.

Decisions to file
case

5 24.-(1) Where a crime is reported to the police or a person is brought
6 to police station on the allegation of commission of criminal offence, It shall be
7 the duty of the police force to investigate such allegations according to its
8 internal processes and procedures and report their findings to the prosecuting
9 counsel who shall decide whether to file a charge or not.

10 (2) Where a police officer is also a prosecuting counsel, he or she shall
11 not prosecute a case which he participated in the investigation.

Power to arrest
without warrant

12 25.-(1) In order to protect the fundamental rights of citizens and
13 persons re idem in Nigeria, a police officer may arrest a person without warrant
14 in the following cases:

15 (a) where the officer finds a person committing an offence that is
16 punishable under Nigerian law, such as felony, misdemeanour or simple
17 offence, or he reasonably suspects a person of having committed or of being
18 about to commit any felony, misdemeanour or breach of the peace, theft or
19 burglary related offences;

20 (b) When a formal complaint has been reported and verified on oath or
21 a person calls a police officer via a telephone and reports and verifies that any
22 person has committed, or about to commit or is committing the offences stated
23 in paragraph (a) above;

24 (c) When a person reported and verified on oath that he found a person
25 committing or proved that a person has committed or have a reasonable ground
26 to suspect that a person is about committing any act of sexual offence;

27 (d) when a person reported and verified on oath that he found a person
28 committing or proved to have committed or having a reasonable ground to
29 suspect a person is about committing any act of kidnaping or involve in ritual
30 killing; and

1 (e) when a person reported and verified on oath that he found a
2 person committing or proved to have committed or having a reasonable
3 ground to suspect a person is about committing any drug related offences.

4 (2) In all circumstances where a police officer suspects that a
5 person has committed an at Testable offence or reasonably suspect that the
6 person is about to commit such an offense, or acts on the reasonable belief of
7 another person to arrest a person for commission or intention to commit a
8 felony, misdemeanor or a simply offence, be shall endorse an official report
9 as soon as practicable, but not more than 24 hours after the arrest, the
10 grounds for his believing that the person ought to be arrested without a
11 warrant.

12 (3) The provisions of this section shall not apply to any offence
13 with respect to which it is provided that any offender may not be arrested
14 without warrant.

15 (4) for the purposes of this section the expression felony,
16 misdemeanor and simple offence shall have the same meanings as they have
17 in the Criminal Code.

18 **26.** Any warrant lawfully issued by a court for apprehending any
19 person charged with any offence may be executed by any police officer at
20 any time notwithstanding that the warrant is not in his possession at that
21 time, but the warrant shall, on the demand of the person apprehended, be
22 shown to him as soon as practicable after his arrest, and not matter 24 hours
23 after arrest.

Power to arrest
without having
warrant in
possession

24 **27.** Any summons lawfully issued by a court may be served by any
25 police officer at any time during the hours of daylight that is between 6:00
26 am to 6:00 pm.

Summonses

27 **28.-(1)** Upon arresting a person without warrant, the arrestee shall
28 not be kept in police detection for more than 24 hours without being charged
29 before a magistrate court that has jurisdiction with respect to the offence the
30 person is charged.

Bail of person
arrested without
warrant

- 1 (2) The counting of 24 hours is to be calculated:
- 2 (a) to the person it is applicable, it shall be:
- 3 (i) the time the arrestee arrived at the relevant police station, or
- 4 (ii) after the time the arrestee is arrested, whichever is the earlier;
- 5 (b) in the case of a person who:
- 6 (i) attends voluntarily at a police station, or
- 7 (ii) accompanies a constable to a police station and arrested in the
- 8 police station, the counting begins at the time of arrest in the police station;
- 9 (c) in the case of a person who:
- 10 (i) is injured in the course of arrest and thereby taken to hospital for
- 11 medical treatment his counting for 24 hours is after the hospital discharge
- 12 provided he was not interrogated on the way to the hospital, or in the hospital or
- 13 way back from the hospital, and
- 14 (ii) where he is interrogated on the way to the hospital, or in the
- 15 hospital or way back from the hospital, the counting will include the time of the
- 16 interrogation.
- 17 (3) Subject to subsection (4) below upon the expiration 24 hours
- 18 without charge the arrestee shall be released at that time on bail or without bail.
- 19 (4) Subject to subsection (3) above shall exclude arrestee that his
- 20 detention is extended subject section 30 or 31 below.
- 21 (5) A person released under subsection (3) above shall not be re-
- 22 arrested without a warrant for the offence for which he was previously arrested
- 23 provided there is no new evidence to justify a further arrest.
- 24 **29.**-(1) Where a senior police officer of the rank of superintendent or
- 25 above who is in charge of the police station in question in which a person is
- 26 detained has a reasonable ground to believe that:
- 27 (a) the arrestee detention without charge is imperative to secure or
- 28 preserve evidence pertaining to an offence for which he is arrested or to obtain
- 29 such evidence by interrogating him;
- 30 (b) offence in which the arrestee is arrested for is a serious arrestable

1 offence; and

2 (c) for the investigation to be speedily completed the extension is
3 necessary, then, the arrestee shall be in police detection for a period not more
4 than 36 hours.

5 30.-(1) Upon an application on oath made; by a constable and
6 supported by relevant information, a magistrate of relevant jurisdiction
7 court may extend a warrant of further detention provided that:

Warrant of further
detention

8 (a) the Magistrate in question found reasonable grounds to justify
9 further detection;

10 (b) the application for extension is filed before expiration of 36
11 hours of the arrest; and

12 (c) the arrestee has been served with a copy of the information
13 brought he fore the court for hearing and is given opportunity to be legally
14 represented.

15 (2) where the conditions stated in subsection (1) (a) (b) (c) are not
16 met the Magistrate shall dismiss the application.

17 (3) Subject to subsection (1) above, the Magistrate shall not extend
18 the detection beyond 36 hours.

19 31.-(1) Where a person is detained in a police custody and the
20 prosecuting counsel decides he or she has a case to answer but has not
21 concluded preparation to arraign him or her at the appropriate court the
22 prosecuting counsel may apply to a High Court judge for a warrant of
23 detention pending conclusion of preparation for trial.

Special Provision
for Pre-Trial
Detention

24 (2) The High Court Judge shall not grant such detention warrant
25 except in the following circumstance:

26 (a) The offence for which the person is to be charged carries a
27 sentence of 3 years imprisonment alter conviction;

28 (b) there is a verifiable evidence on oath that the person sought to
29 be detained will materially interfere with investigation or escape from
30 criminal trial if granted bail; and

1 (c) there is no other way of ensuring attendance of the person to trial
2 and non-interference with investigation except by remand in police custody.

3 (3) Application for detention pending trial under this section shall not
4 be granted except there is an affidavit before the judge verifying the facts relied
5 upon and the person sought to be detained file a court affidavits and is given
6 opportunity to challenge the application

Power to search

7 **32.**-(1) Upon an application on oath made by a constable and
8 supported by relevant information, a magistrate of relevant jurisdiction court
9 may issue a warrant authorizing a constable to enter and search the premises
10 provided that:

11 (a) the Magistrate in question found reasonable grounds to justify that
12 a serious arrestable offence has been committed;

13 (b) the material on premises specified in the application is of vital
14 value to the investigation of the offence; and

15 (c) the material is likely to be relevant evidence or admissible in
16 evidence at a trial for the offence.

17 (2) A constable may seize and retain anything for which d search has
18 been authorized under subsection (1) above.

19 (3) In every case in which any property is seized in pursuance of this
20 section, the person on whose premises it was at the time of seizure or the person
21 from whom it was taken if other than the person on whose premises it was, may
22 be summoned or arrested and brought before a magistrate to account for his
23 possession of such property, and such magistrate shall make such order
24 respecting the disposal of such property and may award such cost as the justice
25 of the case may require.

26 (4) Such authority as aforesaid may only be given when the premises
27 to be searched are, or within the preceding twelve months have been, in the
28 occupation of any person who has been convicted of receiving stolen property
29 or of harbouring thieves, or of any offence involving fraud or dishonesty, and
30 punishable by imprisonment

1 (5) While searching the premises a constable shall not violate the
2 human rights of person found in the premises that is being searched.

3 33.-(1) A search warrant is unlawful unless it complies with this
4 section and section 34 below.

Search warrant
safeguards

5 (2) Where a constable applies for any such warrant, it shall be his
6 duty:

7 (a) to state:

8 (i) the ground on which he makes the application, and

9 (ii) the law under which the warrant would be issues;

10 (iii) to specify the premises which it is desired to enter and search;

11 and

12 (c) to identify, as practical as possible the article or person to be
13 sought.

14 (3) An application for such a warrant shall be made formally and
15 supported by necessary information in writing.

16 (4) to be granted warrant a constable in question shall answer on
17 oath any question the Magistrate ask him.

18 (5) A warrant shall authorize an entry on one occasion only.

19 (6) A warrant.

20 (7) shall specify:

21 (i) the name of the person who applies for it;

22 (ii) the date on which it is issued,

23 (iii) the law under which it is issue, and

24 (iv) the premises to be searched; and

25 (b) shall identify. as practicable as possible, the articles or person to
26 be sought.

27 (7) Two copies shall be made of a warrant.

28 (8) The two copies shall be clearly certified as copies.

29 34.-(1) A warrant to enter and search premise may be executed by
30 any constable.

Execution of
warrants

1 (2) Such a warrant may authorize persons to a company any can table
2 who is executing it.

3 (3) Entry and search under a warrant must be within one month from
4 the date of its issue.

5 (4) Entry and search under a warrant must be at a reasonable hour
6 unless it appears to the constable executing it that the purpose of a search may
7 be on an entry at reasonable hour.

8 (5) Where the occupier of premise: which are to be searched is present
9 at the time when a constable seek to execute a warrant to enter and search, the
10 constable:

11 (a) shall identify himself to the occupier and, if not in uniform, shall
12 produce to him documentary evidence that he is a constable;

13 (b) shall produce the warrant to him; and

14 (c) shall supply him with a copy.

15 (6) Where the occupier is not present, but some other person who
16 appears to the constable to be in-charge of the premises is present, subsection
17 (5) above take effect as if the occupier is present.

18 (7) Where there is no person present as stated in subsections (5) and
19 (6), a constable shall leave a copy of the warrant in a conspicuous place on the
20 premises and make an endorsement on it stating that the occupier of the
21 premises should report at the address of the police station a constable is
22 representing.

23 (8) Upon the execution of a warrant, a constable shall make an
24 endorsement on it stating:

25 (a) Whether the articles or persons sought were found, and

26 (b) Whether any articles were seized, other than articles which were
27 sought;

28 (9) A warrant which:

29 (a) Has been executed, or

30 (b) Has not been executed within the time authorized for its execution,

1 shall return to the clerk or appropriate officer of the court where it is issued.

2 **35.** A police officer may detain and search any person or attended
3 vehicle if any of the following conditions exist:

Power to detain
and search
suspected person
or vehicle

4 (a) a reasonable grounds for suspicion exist that the person
5 suspects is having in his possession or conveying in any manner anything
6 which he has reason to believe to have been stolen or otherwise unlawfully
7 obtained;

8 (b) a reasonable grounds for suspicion exist that unlawful articles
9 obtained or possessed are being carried;

10 (c) a reasonable that incidents involving serious violence may take
11 place within a locality;

12 (d) where information has been received as a description of an
13 article being carried or of a suspected offender;

14 (e) where a person is carrying a certain type of article at an usual
15 time or in a place where a number of burglaries or thefts are known to have
16 taken place recently.

17 **36.** A reasonable suspicion can never be supported on the basis of:

Where reasonable
suspicion never
exist

18 (a) personal factors like, a person's colour, age, hairstyle or manner
19 of dress; or

20 (b) that the person is known to have a previous conviction for
21 possession of an unlawful article:

22 (c) stereotyped images of certain persons or groups as more likely
23 to be committing offences.

24 **37.-(1)** Where an officer has the reasonable grounds for suspicion
25 necessary to exercise a power of stop and search he may detain the person
26 concerned for the purposes of and with a view to searching him.

Action before a
search takes place

27 (2) Before carrying out a search the officer may question the person
28 about his behaviour or his presence in circumstances which give rise to the
29 suspicion, if he has a satisfactory explanation which will make a search
30 unnecessary or other circumstances which come to attention of the officer

1 that make a search unnecessary, no search may take place.

2 (3) Where the questioning reveal a reasonable grounds to suspect the
3 possession of suspected article or a different kind-of unlawful article a search
4 may take place.

5 (4) Before any search of a detained person or attended vehicle takes
6 place the officer must take reasonable steps to give the person to be searched or
7 in-charge of the vehicle the following information:

8 (a) his name and the name of the police station to which he is attached;

9 (b) the object of the search; and

10 (c) his grounds or authorization for under taking it.

11 (5) For any police to exercise the power stop and search he must be in
12 uniform.

13 (6) An officer shall take the record of the search and give a copy of the
14 record of search to the person being searched duly signed by the officer and the
15 person being searched before leaving the place of the search.

16 (7) Subject to subsection (6):

17 (a) where it is impossible to give a copy of the search record to the
18 person being search on the spot, the officer may advise the person of the police
19 station he should apply for it within a month;

20 (b) a searched person may refuse to collect a search record that his
21 signature is not appended.

Conduct of the
search

22 **38.**-(1) Every reasonable effort must be made to reduce to the
23 minimum the embarrassment that a person being searched may experience.

24 (2) The co-operation of the person to be searched shall be sought in
25 every case, even if he initially objects, to the search.

26 (3) A forcible search may be used as a last resort only if it has been
27 established that the person is unwilling to co-operate or resist.

28 (4) The length of time for which a person or vehicle may be detained
29 for a search will depend on the circumstances, but must in a normal
30 circumstances not exceed one hour.

1 (5) Searches in public must be restricted to superficial examination
2 of outer clothing.

3 (6) where it is considered necessary to conduct a more thorough
4 search, that requires a person to take off his, cloth or headgear, it:

5 (a) shall be done out of public view and by officer of the same sex
6 with the person being searched; and

7 (b) may not be made in the presence of anyone of the opposite sex
8 unless the person being searched requests it.

9 **39.**-(1) An officer who has carried out a search must take a written
10 record unless it is not practicable to do so, on account of the numbers to be
11 searched or for some other operational reason. e.g. in situations involving
12 public disorder.

Action after a
search is carried
out

13 (2) The records must be completed on the spot unless
14 circumstances make this impracticable (e.g. other immediate duties or very
15 bad weather) and a copy be given to the being searched or the vehicle driver if
16 it is a vehicle.

17 (3) Subject to subsection (2) above, in case the search record is
18 available on the spot, the officer that carried out the search, shall advise the
19 person searched or the driver of the vehicle searched of the police station the
20 person should apply to for collection.

21 (4) A form must be designed or made for this purpose, which shall
22 be known as National Search Record.

23 (5) The following information must always be included in the
24 national search record:

25 (i) the name of the person searched or (if he withholds it) a
26 description of him;

27 (ii) the date of birth of the person searched;

28 (iii) a note, if the person's ethnic origin;

29 (iv) when a vehicle is searched. a description of it, including its
30 registration number;

- 1 (v) the object of the search;
2 (vi) the grounds for making it;
3 (vii) the date and lime it was made;
4 (viii) the place where it was made;
5 (ix) its results;
6 (x) a note of any injury or damage to property resulting from it;
7 (xi) the identity of the officer making it.

8 (6) In case the person to be searched is unwilling to declare the detail
9 information about himself, he may not be detained by the officer, he should be
10 allowed to go unless unlawful items are found in his possession or in the
11 vehicle searched.

Power to take
fingerprints

12 **40.**-(1) A police officer shall take and record for the purposes of
13 identification the measurements, photographs and fingerprint impressions of
14 all persons who may from time to time be in lawful custody

15 (2) In case a person who has not previously been convicted of any
16 criminal offence is discharged or acquitted by a court, all records relating to
17 such measurements, photographs and fingerprint impressions including the
18 document of acquittal or discharge shall be stored in a retrievable form and
19 handed over to such person upon request.

20 (3) A police officer is obligated to array before a magistrate a any
21 person in lawful custody, who refuses to submit to the taking and recording of
22 his measurements, photographs or fingerprint impressions.

23 (4) Subject to subsection (3) above, if a magistrate satisfied that such
24 person who refused to undergo finger print impression, measurements, and
25 photograph is in lawful custody, the magistrate shall authorize a police officer
26 to take the measurements, photographs and finger-print impressions of such
27 person.

Public safety and
public order

28 **41.**-(1) The Inspector-General shall be responsible for the
29 maintenance and securing of public safety and public order. In discharging this
30 responsibility, the Inspector-General shall not:

1 (a) violate any provision of the constitution;
2 (b) violate or fail to protect the fundamental rights of citizens;
3 (c) refuse or fail to protect the right, property or legal interest of any
4 person because of their opinions, beliefs or religious, ethnic or political
5 affiliations.

6 (2) Subject to the provisions of subsection (1) of this section, the
7 Commissioner of a State shall be responsible for maintaining and securing
8 public safety and public order within the State.

9 (3) Notwithstanding the provisions of the Public Order Act or any
10 other such laws, neither the Inspector General of Police nor the
11 Commissioner of Police or their lawful delegates shall unreasonably
12 disallow members of the public the right to hold peaceful rallies and
13 processions and assemblies.

14 (4) Where a person or organization applies for permit to hold a
15 public rally, procession on a public highway or such meetings in a place
16 where the public has access to, the appropriate Police Officer responsible for
17 issuing such permit shall grant such application except the officer
18 reasonably believes that the proposed public meeting, rally, procession or
19 assembly will lead to riots, destruction of public property or other violent
20 conflicts. When a Police Officer rejects an application for permit to hold
21 public meeting, rally, procession or assembly he or she shall indicate in a
22 letter to the applicant the reasons for refusing permission.

23 (5) A person or organization aggrieved by a decision of a Police
24 Officer rejecting an application for permit to hold a public meeting, rally,
25 procession or assembly may apply to a High Court Judge in the state where
26 the meeting, rally, procession or meeting is to take place to overrule the
27 Police Officer and issue a permit. The High Court Judge may grant
28 permission on any condition he considers reasonable to protect the rights of
29 other persons and maintain public security.

	1	PART VI – PROPERTY UNCLAIMED, FOUND AND OTHERWISE
Property unclaimed, found or otherwise	2	42. -(1) If a property is found by a police officer or any other person,
	3	the person who found it shall take it to the nearest police within 24 hours after it
	4	is found.
	5	(2) A police officer on the duty at that period of the day or night shall
	6	collect the property found and make a record of it.
	7	(3) A form shall be designed for lost but found property which must
	8	contain the following information:
	9	(i) the name of the property found;
	10	(ii) the description of the state or general particular of the property
	11	found when it was brought to the police station/any other relevant information
	12	relating to the property;
	13	(iii) the date and time it was brought;
	14	(iv) the name, address and telephone number (if any) of the person
	15	who brought it to the station;
	16	(v) the name and rank of the police officer who collected the found
	17	property; and
	18	(vi) the signature space for both the police officer and the person who
	19	found the property.
	20	(4) A police officer who collected the found property shall prepare
	21	two copies of the lost but found property form and a copy shall be given to the
	22	person who brought the property to the police station.
	23	(5) A senior police officer in -charge of the police station that is in
	24	possession of lost but found property shall make at least for three consecutive
	25	times a public announcement in public media - radio, television or print about
	26	the lost but found property for the rightful owner to recover it with authentic
	27	evidence(s) that prove his ownership within a space of six (6) months.
	28	(6) After the expiration of six (6) months and the property remain
	29	unclaimed or the claimant (s) came, the senior police in-charge of the station in
	30	possession shall array t he property and claimant (s) (if there is any) before a

1 court of summary jurisdiction to determine the authentic owner.

2 (7) Subject to subsection (6) above:

3 (a) if a court rules in favour of a claimant the property shall be
4 handed over to the claimant, but the claimant shall refund the cost the police
5 incurred for the announcement as well as any sum the court may direct to be
6 paid as a reward to the person by whom the property was delivered into the
7 possession of the police; and

8 (b) if the court cannot ascertain the owner, the magistrate presiding
9 over the case shall authorize the police that brought the case to court to sell
10 the property and proceeds of the sale be paid into Police Reward Fund, after
11 deduction of the cost (if any) of the sale and of any sum which the court may
12 direct to be paid as a reward to any person by whom the property was
13 delivered into the possession of the police.

14 **43.**-(1) When a person appear in a police station in respect of a Missing persons
15 crime of an allegation of the commission of a crime, either as an accused
16 person or a witness, or as a relation or friend of an accused person or a
17 witness, the duty officer or such other officer as may be authorized by the
18 officer in charge of the station, shall record in the official record book the
19 following:

20 (a) the name of the person and his national identity number (if he
21 has any):

22 (b) the date of birth of the person;

23 (c) the reason for the person's visits;

24 (d) the name and address of the person's next of kin;

25 (e) the exact time the person came to the station and leaves each
26 day he visits;

27 (f) any ailment or medical condition which the person suffers.

28 (2) The particulars mention in subsection (1) shall be updated each
29 day the person is still in the custody in the police station.

30 (3) Any person who is aware that somebody under his or her

1 employment or control is missing shall within 24 hours report to the police the
2 identity of the missing person and the circumstance in which that person got
3 missing. When such report is lodged with the Police, the duty officer or such
4 other designated staff shall immediately record the names and addresses of the
5 missing person and the person who reported the loss.

6 (4) When in exercise of police duty a person is shot, wounded or
7 killed, the officer commanding the operation shall record the number of those
8 who are wounded or killed; the names of such victims or their description as
9 much as possible and efforts taken to ensure hospitalization or proper disposal
10 of the dead person.

11 (5) It shall be a crime punishable with one year imprisonment for a
12 officer to fail to keep the appropriate records mentioned in subsections (1), (2),
13 (3) and (4) above.

14 (6) The Inspector General shall report to the Police Services
15 Commission quarterly report itemizing the number and identity of persons who
16 were killed or wounded during police operations across the country.

Perishable articles

17 **44.** Where the property is a perishable article or its custody involves
18 unreasonable expense or inconvenience it may be sold at any time, but the
19 proceeds of sale shall not be disposed of until they have remained in the
20 possession of the police for six months, and at expiry date of six (6) months the
21 police in-charge of the police station in possession of the proceed of the sale of
22 the perishable article shall follow the injunction stated in Sections 42 (6) and
23 (7) (a) and (b).

24 **PART VII - OTHER PROVISIONS**

The Police
Reward Fund

25 **45.-(1)** There shall be established a fund to be called "the Police
26 Reward Fund" (in this section referred to as "the Fund ") into which shall be
27 paid the following:

28 (a) all pay forfeited by order of a superior officer on members of the
29 Police for offences against discipline;

30 (b) all fines levied for assaults on members of the Police;

1 (c) one third of any fees paid by members of the public in respect of
2 extracts from reports of accidents made by the police;

3 (d) one third of any fees paid in accordance with standing orders for
4 the services of police officers who would otherwise be off duty;

5 (e) all sums ordered to be paid into the Fund under section 42 (7)
6 (b).

7 (2) Subject to the rules for the time being in force under section 23
8 of the Finance" (Control and Management) Act with respect to
9 disbursements from the Fund, the Fund shall be applied at the direction of
10 the Inspector-General, based on criteria laid by the Nigeria Police Council,
11 for any of the following purposes, that is to say:

12 (a) to reward members of the Police for extra or special services;

13 (b) for procuring comforts, conveniences or advantages for
14 members of the Police which are not authorized to be paid for out of moneys
15 provided by the Federal Government;

16 (c) for payment of ex gratia compassionate gratuities to widows or
17 children of deceased members of the Force; and

18 (d) for making ex gratia payments towards the funeral expenses of
19 any member of the police who dies in the service of the police.

20 **46.**-(1) While still in service, a police officer's shall not get himself
21 trapped indebtedness of any kind. If he does the Officer shall be court-
22 marshaled and the debt shall be recovered from his salary or remuneration
23 provided he creditor has evidence(s) to prove the indebtedness

Police Officers
Indebtedness

24 (2) Subject to subsection 45 (1) above, for such debt or liability to
25 be settled the officer remuneration may be withheld to an extent not
26 exceeding one half of any monthly payment thereof.

27 (3) When an order for payment of such debt or satisfaction of such
28 liability is made, the court making the order shall give due notice to the
29 superior police officer in charge of the detachment of which the indebted
30 officer's remuneration until the amount of the debt is made good.

Debt recovery:
exception

1 **47.** The remuneration of a police officer shall not be withheld upon
2 any debt or liability which he may have incurred within three years before
3 being appointed to the Police.

Private business
and Conflict
Interest

4 **48.**-(1) While still in service, a police officer shall not directly be
5 involved in managing and running any private business or trade.

6 (2) There shall be a list at every police state command of the
7 proprietary interests of every Senior Police Officer in any registered company
8 in Nigeria and every moveable and immovable property. This register shall be
9 updated monthly and open for public examination and extract at reasonable
10 price.

11 P ART VIII - OFFENCES

Offences by
Police officer

12 **49.**-(1) Any police officer other than a senior police officer who:
13 (a) begins, raises, abets, countenances, or excites mutiny;
14 (b) causes or joins in any sedition or disturbance whatsoever;
15 (c) being at any assemblage tending to riot, does not use his utmost
16 endeavour to suppress such assemblage;

17 (d) coming to the knowledge of any mutiny, or intended mutiny does
18 not without delay give information thereof to his superior officer;

19 (e) strikes or offers any violence to his superior officer, such officer
20 being in the execution of his duty;

21 (f) deserts or aids or abets the desertion of any constable from the
22 force; or

23 (g) on enlistment falsely states that he has not been convicted or
24 imprisoned for a criminal offence or that he was never employed by the
25 Government of the Federation or Government of any State, shall be liable to
26 imprisonment for two years.

27 (2) In discharging his duty, the police officer shall not discriminate
28 against any Nigeria on the basis of class, gender, ethnic or religious affiliation
29 and shall not use racial or chauvinist language.

30 (3) Any police officer may be proceeded against for desertion without

1 reference to the time during which he may have been absent, and thereupon
2 may be found guilty, either of desertion or of absence without leave:

3 Provided that a police officer shall not be convicted as a deserter or of
4 attempting to desert unless the court shall be satisfied that there was an
5 intention on the part of such officer either not to return to the Force, or to
6 escape some particular important service.

7 **50.** Upon reasonable suspicion that any person is a deserter, a Apprehension of
8 police officer or other person may apprehend/him and forthwith bring him deserters
9 before a court having jurisdiction in the place wherein he was found, which
10 may deal with the suspected deserter or remand him to a court having
11 jurisdiction in the place in which he has deserted.

12 **51.** Every person who assaults, obstructs or resists any police Assault on police
13 officer in the execution of his duty, or aids or incites any other person so to officer
14 assault, obstruct or resist any police officer or any person aiding or assisting
15 such police officer in the execution of his duty, shall be guilty of an offence
16 and, on summary conviction before a magistrate, shall be liable to a penalty
17 of five thousand naira or to imprisonment for a term of six months.

18 **52.** If any person is called upon to aid and assist a police officer Refusing to aid
19 who is, while in the execution of his duty, assaulted or resisted or in danger police officer
20 of being assaulted or resisted, and such person refuses or neglects to aid and assaulted
21 assist accordingly, he shall be guilty of an offence and, on summary
22 conviction thereof before a magistrate, shall be liable to a penalty of five
23 thousand naira or to imprisonment for a term of six months.

24 **53.**-(1) While on duty, a police officer shall not drink any Drinking of
25 intoxication liquor. If he does he shall be guilty of an offence and upon alcohol while
26 conviction before a magistrate, he shall be liable to a penalty of: on duty

- 27 (a) as first offender, one thousand Naira;
28 (b) as second offender, five thousand Naira; and
29 (c) as third offender, imprisonment of one month
30 (2) A person who knowingly harbours or entertains, or, either

1 directly or indirectly, sells or gives any intoxicating liquor to, any constable
2 when on duty, or permits any such constable to abide or remain in his house
3 unlawfully (except in case of extreme urgency), and any person who, by threats
4 or by offer of money, gift, spirituous liquors, or any other thing, induces or
5 endeavours to induce any constable to commit a breach of his duty as constable
6 or to omit any part of such duty, shall be guilty of an offence and, on summary
7 conviction before a magistrate, shall be liable to a penalty of:

8 (a) as first offender, one thousand Naira;

9 (b) as second offender, five thousand Naira; and

10 (c) as third offender, imprisonment of one month.

Personation of
police officer

11 **54.** A person not being a police officer who puts on or assumes either
12 in whole or in part, the dress, name, designation, or description of any police
13 officer or any dress, name or designation, resembling and intended to resemble
14 the dress, name or designation of any police officer, or in any way pretends to
15 be a police officer, for the purpose of obtaining admission into any house or
16 other place, or of doing any act which such person would not by law be entitled
17 to do of his own authority, shall be guilty of an offence and, on summary
18 conviction before a magistrate, shall be liable to a penalty of N5,000 and or to
19 imprisonment for a term of one year.

Obtaining
admission into
Police by fraud

20 **55.**-(1) A person who knowingly uses or attempts to pass off any
21 forged or false certificate, character, letter, or other document for the purpose of
22 obtaining admission into the Police, or who, on applying for enlistment, shall
23 make any false answer to any question which shall be put to him by a police
24 officer, shall be guilty of offence and, on summary conviction before a
25 magistrate, shall be liable to imprisonment for a term of six months.

26 (2) A police officer may arrest without warrant any person whom he
27 reasonably believes to be guilty of an offence against this section

Ordinary course
of law not to be
interfered with

28 **56.** Nothing in this Act shall be construed to exempt a police officer
29 from being proceeded against by the ordinary course of law when accused of
30 any offence punishable under any other Act or law.

1 Minister of Police Affairs, may make such standing orders as they may think fit
2 and proper with respect to any matter relating to the duties and operational
3 control of the Police.

4 (3) Such standing orders shall be binding upon all police officers and
5 shall be published in the Federal Gazette and in one national daily.

6 PART X - APPLICATION

Application of
Act to persons
already serving

7 **60.** All the provisions of this Act shall extend to all persons who, at the
8 commencement of this Act shall be serving in Nigerian police established
9 under an Act repealed by this Act as if such persons had been appointed under
10 this Act, and service under any such repealed Act shall, for the purposes of
11 gratuities and pension, be deemed to be service under this Act.

12 PART XI – COMMUNITY POLICE FORA BOARDS

Establishment
of Community
Police Fora

13 **61.**-(1) For effective and efficient community policing the
14 Commissioner of Police in each State of the Federation shall establish
15 Community Police Fora and boards that consist broadly representatives of the
16 local community in his State of jurisdiction.

17 (2) A Community Police Forum may establish Community Police
18 Sub-Fora.

19 (3) Subject to section 66 (1) (b), the Police state head officer and the
20 members designated by him from time to time for the purpose, shall be
21 members of the Community Police forum and Sub-Fora established at the
22 Police Station concerned.

Establishment
of Divisional
Community
Police Boards

23 **62.**-(1) A State Commissioner of Police shall, in collaboration with
24 the members of the State Executive Council, establish Divisional Community
25 Police Boards in all Police Divisions within the State.

26 (2) A Divisional Community Police Board shall, subject to subsection
27 (3), consist of representatives of Community Police Fora in the Division
28 concerned designate for the purpose by such Community Police Fora.

29 (3) Subject to section 66 (1) (b), the Divisional Police Officer and the
30 members designated by him from time to time for that purpose, shall be

1 members of the divisional community police board concerned.

2 **63.**-(1) A State Police Commissioner shall, in collaboration with
3 the State Executive Council, establish a State Police Board.

Establishment of
State community
police boards

4 (2) A State Police Board shall, subject to subsection (3), consist of
5 representatives of Divisional community police boards designated for that
6 purpose by the Divisional Community Police Boards in the State concerned.

7 (3) Subject to section 66 (1) (b), the State Commissioner of Police
8 and the members designated by him from time to time for the purpose, shall
9 be members of the State Community Police Board concerned.

10 **64.**-(1) For effective and efficient community policing the
11 Commissioner of police in each state of the federation shall establish
12 community police forums and boards in his state of jurisdiction with a view
13 to:

Objects of
community police
forums and boards

14 (a) establishing and maintaining a partnership between the
15 community and the police;

16 (b) promoting communication between Nigerian police and the
17 community;

18 (c) promoting co-operation between the police and the community
19 in fulfilling the needs of the community regarding policing;

20 (d) improving the rendering of police services to the community at
21 the state and local levels;

22 (e) improving transparency in the police and accountability of the
23 service to the community; and

24 (f) promoting joint problem identification and problem-solving by
25 the police and the community.

26 (2) This section shall not prevent police liaison with the
27 community by means other than through Community Police Fora and
28 Boards.

29 **65.** A State or Divisional community police board or a community
30 police forum or sub-forum shall perform the functions it deems necessary

Functions of
community police
forums and boards

Procedural
matters

1 and appropriate to achieve the objects stated in section 64 above.

2 **66.**-(1) Every State or Divisional community police board and
3 community police forum or sub-forum shall:

4 (a) elect one of its members as chairperson and another one as vice-
5 chairperson and another a secretary;

6 (b) determine the number of members to be designated by the State
7 Commissioner or Division Police Officer to serve as members of the board,
8 forum or sub-forum concerned;

9 (c) determine its own procedure and cause minutes to be kept of its
10 proceedings; and

11 (d) whenever it deems it necessary, co-opt other members or experts
12 or community leaders to the board or forum in an advisory capacity.

13 (2) Members of Community Police Fora or Boards shall render their
14 services on a voluntary basis and shall have no claim to compensation solely
15 for services rendered to such fora and boards.

16 (3) The majority of the members of the board, forum or sub-forum
17 concerned shall constitute a quorum at a meeting thereof.

18 (4) In the absence of the chairperson of a board or forum or sub-forum
19 from meeting, the vice-chairperson shall act as chairperson, and if both the
20 chairperson and vice-chairperson are so absent, the members present shall
21 elect one of their members present at the meeting to preside at that meeting.

22 PART XII - TRAFFIC WARD SERVICE

Establishment
of the Traffic
Warden Service

23 **67.**-(1) There is hereby established a Traffic Warden Service (in this
24 Act referred to as "the warden service").

25 (2) The warden service shall consist of traffic wardens appointed from
26 time to time under this Act.

27 (3) The warden service shall be a pan of the Nigeria Police, and
28 accordingly references to the police established under this Act shall, subject to
29 the provisions of this Act, include references to the warden service.

30 (4) Notwithstanding subsection (3) of this section, in so far as any

1 enactment (whether passed or made before or after the commencement of
2 this Act) requires police officers to perform military duties, or confers any
3 power on any person (whether expressly or in general terms) to require
4 police officers to perform such duties, that enactment shall not, in the
5 absence of express provision to the contrary, extend to traffic wardens.

6 (5) Traffic wardens shall be employed to discharge functions
7 normally undertaken by the police in connection with the control and
8 regulation of, or the enforcement of the law relating to, road traffic and shall
9 in that connection act under the direction of the police.

10 (6) Without prejudice to the generality of the foregoing subsection,
11 a traffic warden, shall be required to deal majority with the following that is
12 to say:

- 13 (a) general control and direction of motor traffic on the highway;
- 14 (b) assisting pedestrians to cross the road; and
- 15 (c) controlling vehicles stopping or parking in unauthorized
16 places.

17 **68.**-(1) Notwithstanding anything to the contrary in any enactment,
18 the Inspector-General is hereby vested with the power to appoint, confirm
19 such appointment, promote, transfer, dismiss or exercise any disciplinary
20 control over any traffic warden.

Appointment of
traffic wardens

21 (2) Subject to the provision of this Act, a person may be appointed a
22 traffic warden if he:

- 23 (a) is not less than nineteen nor more than 21 years of age;
- 24 (b) is in possession of a minimum educational qualification of
25 primary six;
- 26 (c) is not less than 167.64 centimeters and 162.56 centimeters tall
27 respectively for all men and women:
- 28 (d) in the case of men has not less than 86.36 centimeters chest
29 measurement when fully expanded;
- 30 (e) is of good character and is physically fit; and if) has signified his

1 willingness to serve as a traffic warden.

2 (3) The Minister of Police Affairs shall, from time to time, by notice
3 published in the Federal Gazette, fix the maximum number of persons who
4 may at any one time hold appointments under this Act: and a person shall not be
5 appointed a. a traffic warden if his appointment would cause the number for the
6 time being so fixed to be exceeded.

7 (4) Before fixing any number under subsection (3) of this section he
8 Minister of Police Affairs shall obtain from the Nigeria Police Council
9 recommendation in respect this.

10 (5) The Inspector-General may from time to time.

11 (a) with the approval of Minister of Police Affairs, fix the maximum
12 number of traffic wardens who may at one time hold appointments in any State;

13 (b) at his own discretion fix the maximum number of traffic wardens
14 who may at any one time hold any particular rank in the warden service in any
15 State; and

16 (c) in either case fix different numbers with respect to different States.

17 (6) In relation to traffic wardens appointed under this Act:

18 (a) section 20 of this Act (which relates to the making of a declaration
19 for enlistment or re-engagement) shall have effect as if for the reference to
20 enlistment or re-engagement there were substituted respectively a reference to
21 appointment or reappointment; and

22 (b) the form of the Police declaration prescribed by Oaths Act shall be
23 adopted by the substitution:

24 (i) for the words "Police Officer" where they occur in the fifth line, of
25 the words "a Traffic Warden", and

26 (ii) for the words from "for preservation of peace" to the end of the
27 declaration, of the words "to discharge all the duties of my office according to
28 law".

Period of service

29 **69.**-(1) Every Traffic Warden appointed under this Act shall be
30 appointed to serve as a Traffic Warden for a period of one year, and only in the

1 Police Province, District or Division in which he resides.

2 (2) Such a Traffic Warden may, subject to satisfactory conduct and
3 service, be reappointed for further periods of three years each until the
4 expiration of the tenth year of his appointment in the Warden Service when
5 he may elect to determine his appointment or elect that his service be
6 allowed to continue until he is 55 years of age.

7 **70.** A Traffic Warden appointed under [his Act shall, when on duty,
8 be in uniform and within the Police Province, District or Division in which
9 he is appointed to serve, but not elsewhere, and have the powers privileges
10 and immunities of a Police Officer under any law relating to the regulation of
11 road traffic.

Powers, etc. of
Traffic Warden

12 **71.** Every Traffic Warden shall, on first appointment, be issued
13 with a certificate of appointment in a form approved by the Inspector-
14 General and on the determination of that or any subsequent (whether by
15 affluxion or time or under section 18 of this Act) shall in like manner be
16 issued with a certificate of discharge.

Certificate of
appointment and
discharge

17 **72.** A Traffic Warden shall have such rank as may be assigned to
18 him by the Inspector-General of Police within the following grades, that is-

Ranks of Traffic
Warden

19 (a) Traffic Warden, Grade III;

20 (b) Traffic Warden, Grade II;

21 (c) Traffic Warden, Grade I;

22 (d) Senior Traffic Warden.

23 **73.-(1)** A Traffic Warden appointment under this Act may at any
24 time give to any superior Police Officer under whom he is serving, notice in
25 writing of his intention to resign his appointment on a date mentioned in the
26 notice (not being less than 28 days later than the date on which the notice is
27 given.

Resignation

28 (2) On receipt by the superior Police Officer of the Notice referred
29 to in subsection (1) of this section, the superior Police Officer shall
30 immediately refer such notice to the Commission having control over him;

	1	and the Traffic Warden, and if the Commissioner consents to the notice having
	2	effect, the appointment of the traffic warden shall be determined accordingly.
Discipline	3	74. -(1) In so far as the context so admits, but subject to the provisions
	4	of this Act, a Traffic Warden shall be subject to the provisions of the Police
	5	Regulations for purposes of discipline.
	6	(2) In the application to traffic wardens of the Second Schedule to the
	7	Police Regulations, references to Constables, Corporals, Sergeants and
	8	Inspectors shall include respectively references to Traffic Wardens Grade III,
	9	Traffic Wardens Grade II, Traffic Wardens Grade 1 and Senior Traffic Wardens.
Provision of equipment	10	75. -(1) The Inspector-General may provide for use by the traffic
	11	wardens such equipment as he considers necessary for the proper carrying out
	12	of the duties of traffic wardens under this Act.
	13	(2) Any expenses incurred by the Inspector-General under this section
	14	shall be defrayed out of moneys provided by the Federal Government
Delegation of power by Inspector-General	15	76. The Inspector-General may delegate any of his powers under this
	16	Act to the Commissioner of a State or the Commandant of a police college, so
	17	that the delegated powers may be exercised by the delegate with respect to the
	18	matters or class of matters specified or defined in the instrument of delegation.
	19	77. -(1) Every person appointed into the warden service shall be
Instruction of traffic warden, etc.	20	required to undergo a course of training at the traffic training school of a police
	21	college for a period of twelve weeks or such other or further period as the
	22	Inspector-General may determine.
	23	(2) A traffic warden appointed under this Act shall have allocated to
	24	him a service number with the letters "TW" and the service numbers of all
	25	traffic wardens employed in the Federation shall appear on the register kept for
	26	that purpose by the Inspector-General.
	27	(3) It shall be the duty of every traffic warden to whom a service
	28	number has been allocated under subsection (2) of this section, whenever on
	29	duty to wear such service number on the shoulder flaps of his uniform.
	30	

1 PART XIII - POLICE PUBLIC COMPLAINTS AND DISCIPLINE

2 78. The Inspector-General of Police shall establish an authority, to Establishment of
3 be known as "the Police Public Complaints Authority" and in this Act the Police Public
4 referred to as "the Authority" in each of the Area Command in all States of Complaints
5 Federation. Authority

6 79. The Authority shall consist of: Authority
7 (a) Chief Superintendent as a Chairman; Composition

8 (b) Assistant Superintendent as a Secretary; and

9 (c) a representative from each division under the Area Command.

10 (2) (a) The Commissioner of the Police of each State shall appoint
11 the Chairman of the Authority;

12 (b) The Area Commander shall nominate the Secretary of the
13 Authority;

14 (c) The Divisional Police Officer shall nominate each
15 representative of each division.

16 80. The Authority shall be responsible for the following functions: The functions
17 (i) shall receive complaint of Police Officer's misconduct of the of the Authority
18 public;

19 (ii) Shall receive complaint of Police Officers misconduct of other
20 police member or authority:

21 (a) any complaint alleging that the conduct complained of resulted
22 in the death of or serious injury to some other person;

23 (b) any complaint that appears to the appropriate Police authority
24 that an officer may have committed a criminal offence or behave in a manner
25 which would justify disciplinary proceedings;

26 (iii) the Authority shall supervise the investigations:

27 (a) of any complaint alleging that the conduct of a police officer in
28 the death of or a serious injury to some other person;

29 (b) of any complaint referred to her under subsection (1) above, if the
30 Authority considers that it is desirable in the public interest that they should

1 supervise that investigation.

2 (iv) while conducting investigation into any complaint by a member
3 of the public against a police officer the authority shall afford the complaint
4 amply opportunity to give evidence of such misconduct and make available a
5 copy of its decision on the complaint.

6 (v) in this Act “serious injury” means a fracture damage to an internal
7 organ impairment of bodily function, a deep cut or a deep laceration.

Steps to be taken
after investigation

8 **81.** After a thorough investigation the Chairman of the Authority
9 shall:

10 (i) send a copy of their investigation and the Authority
11 recommendations to the Director of Public prosecution if the investigation
12 reveal that a criminal offence has been committed;

13 (ii) send a copy to their investigation and the Authority
14 recommendation, to the appropriate police authority for proper disciplinary
15 action if the investigation reveal that the offence committed is against
16 discipline as stated in the First Schedule (Regulations 370).