

A BILL

FOR

AN ACT TO REPEAL THE POLICE ACT CAP P19 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NIGERIA POLICE SERVICE ACT, 2016 TO PROVIDE FOR THE COOPERATION AND PARTNERSHIP BETWEEN THE POLICE AND HOST COMMUNITIES IN MAINTAINING PEACE AND COMBATING CRIME; AND FOR RELATED MATTERS

Sponsored by Hon. Gideon Gwani

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

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PART I - PRELIMINARY

1. This Bill is based on the principles of:

Guiding Principle

(1) efficiency and effectiveness;

(2) public accountability, political accountability and transparency;

(3) protection of human rights and fundamental freedoms; and

(4) partnership with other security institutions.

2. The specific objectives of this Bill are to:

Specific Objectives

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

(2) embody in the operations of the Police the values of fairness, justice and equity;

(3) make the police responsive to the calls of the citizens and needs of the community and respect the dignity of all persons;

(4) efficiently and effectively prevent crimes without unduly threatening the values of liberty and privacy of the citizens;

(5) ensure the safety and security of all persons and property in the country;

(6) uphold and safeguard the fundamental rights of every person as

1 guaranteed under the constitution;

2 (7) ensure the cooperation and partnership between the Service and
3 the communities it serves in the combating of crime; and

4 (8) reflect the respect for victims of crime and an understanding of their needs.

5 PART II - ESTABLISHMENT AND DUTIES OF THE POLICE

Establishment
and Composition
of the Nigerian
Police Service

6 3.-(1) There is hereby established for Nigeria a police organization to
7 be known as the Nigerian Police Service, which shall replace the former
8 Nigeria Police Force and assume its rights, powers, privileges, liabilities,
9 structures and organs.

10 (2) The Police consists of:

11 (a) all persons who immediately before the commencement of this
12 Bill were members:

13 (i) of a force established by section 214 of the Constitution of the
14 Federal Republic of Nigeria, 1999 which is deemed to be part of the service;

15 (ii) appointed by the Police Service Commission under the
16 Constitution;

17 (iii) appointed as Special Constables under section 49 of the Police
18 Act Cap. 359 Laws of Federation 1990; and

19 (b) Such other persons that may be appointed under this Bill.

General duties
of the Police

20 4.-(1) The Police shall be employed to perform the following duties:

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

24 (b) protect the lives and property of citizens;

25 (c) preserve law and order;

26 (d) enforce all laws and regulations with which they are directly
27 charged;

28 (e) perform such military duties within and outside Nigeria as may be
29 required by them under the authority of this Bill or any other Law;

30 (f) provide humanitarian assistance for citizen(s) in distress, such as

1 victims of road accident, fire disaster, earthquake, flood, etc., and where
 2 necessary activate other agencies for humanitarian assistance;

3 (g) facilitate the free passage and movement on highways, roads,
 4 streets, and avenues open to public without subjecting citizenry to inhuman
 5 treatment or any form of extortion;

6 (h) adopt community partnership in the performance of the duties
 7 provided under this section;

8 (l) promote and protect the fundamental rights of all persons as
 9 guaranteed by Chapter 4 of the constitutions and the African Charter on
 10 Human and Peoples' Rights; and

11 (j) prevent and detect crimes without threatening the liberty and
 12 privacy of the citizens.

13 5.-(1) There is established a body to be known as the Nigerian
 14 Police Council (in this Bill referred to as "the Council") which shall consist
 15 of:

Establishment of
 the Nigerian
 Police Council

16 (a) The President, who shall be the Chairperson;

17 (b) Governors of the 36 States of the Federation;

18 (c) The Minister responsible for the oversight of the Police;

19 (d) The Attorney General of the Federation;

20 (e) The Chairman of the Police Service Commission; and

21 (f) The Inspector-General of Police.

22 PART III

23 6. Pursuant to Section 215 (1) of the Constitution, the hierarchy of
 24 the Police shall consist of the following:

Hierarchy of the
 Police

25 (i) The Inspector-General of Police;

26 (ii) One Deputy Inspector-General of Police;

27 (iii) Assistant Inspectors-General of Police;

28 (iv) Commissioners of Police;

29 (v) Deputy Commissioner of Police;

30 (vi) Assistant Commissioner of Police;

- 1 (vii) Chief Superintendent of Police;
2 (viii) Superintendent of Police;
3 (ix) Deputy Superintendent of Police;
4 (x) Assistant Superintendent of Police;
5 (xi) Inspectorate Cadre;
6 (xii) Sergeant;
7 (xiii) Corporal;
8 (xiv) Constable; and
9 (xv) Such other officers as the Nigeria Police Council may, from time
10 to time, consider necessary for effective discharge of the functions of the
11 service.

Appointment
of Inspector
General of Police

12 7.-(1) The Inspector General of Police shall be the head of the Police
13 and exercise full operational control over it and all its departments/units.

14 (2) The person to be appointed as Inspector General of Police shall be
15 a Senior Police Officer not below the rank of an Assistant Inspector General of
16 Police with the requisite academic qualifications of not less than a first degree
17 or its equivalent, in addition to professional and management experience.

18 (3) The person for the office of the Inspector General of Police shall
19 be appointed as follows:

20 (i) interested persons shall make an open and formal application to the
21 Police Council;

22 (ii) the Nigerian Police Council shall nominate three applicants from
23 among the pool of applicants using the stipulated criteria for competences and
24 qualification; and

25 (iii) the President shall appoint the Inspector General of Police from
26 the recommended applicants subject to the confirmation of the senate.

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

1 (5) The Inspector General of Police shall not be removed from
2 office except:

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

5 (ii) the Nigerian Police Council considers the allegations against
6 him serious and sets up a committee of the Council to investigate the matter.

7 (iii) the Committee investigates the allegation, and after fair
8 hearing, recommends that the person be removed from office; and

9 (iv) the Senate confirms the removal of the person by a two-third
10 majority votes of its members.

11 (6) The person appointed to the office of the Inspector General of
12 Police shall hold office for a single term of 5 years subject to the statutory
13 retirement requirement in the public service.

14 8.-(1) The Deputy Inspector General and Assistant Inspectors
15 General shall be appointed by the Police Service Commission

Appointment of
Deputy Inspector
General of Police,
etc.

16 (2) A Person appointed under subsection (1) of this section shall
17 hold office until retirement or removal by the Police Service Commission on
18 account of gross misconduct or incapacity according to due process based
19 on recommendation by the Inspector General of Police.

20 9. A Commissioner of Police for each state of the federation shall
21 be appointed by the Police Service Commission on recommendation by the
22 Inspector General of Police.

23 *Powers, Duties and Functions*

24 10.-(1) The Inspector General of police may exercise the powers
25 and shall perform the duties and functions necessary to give effect to section
26 7 of this Bill.

Powers and
Duties of the
Inspector General
of Police

27 (2) Subject to subsection (1) of this section, the Inspector General's
28 powers, duties and functions shall include the powers, duty and function to:

29 (a) develop a plan before the end of each financial year, setting out
30 the priorities and objectives of policing for the following financial year;

1 (b) determine the distribution of the numerical strength of the
2 Nigerian Police after due consultation with the Police Service Commission;

3 (c) organize or reorganize the Police at national level into various
4 components, units or groups;

5 (d) establish and maintain training institutions or centers for the
6 training of officials and other members; and

7 (e) perform any legal act or act in any legal capacity on behalf of the
8 Police Service.

9 (3) At the end of every five years, the IGP shall develop a plan setting
10 out the priorities and objectives of policing for the next five years.

Duties of the
Deputy Inspector-
General of Police

11 11.-(1) The Deputy Inspector-General designated as second in
12 command shall act in the absence of the Inspector-General of Police.

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

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

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

Powers, Duties
and Functions
of Commissioner
of Police

22 12.-(1) Subject to this Bill, a State Commissioner of the Police shall
23 have command and control over the police command in the each state of the
24 federation and may exercise the powers and shall perform the duties and
25 functions necessary to give effect section 6 of this Bill.

26 (2) A State Commissioner of police shall perform any duties
27 delegated to him by Inspector General subject to section 9 (2) of this Bill.

28 (3) A State Commissioner shall subject to the directions of the State
29 Executive Council, be responsible for establishing community police forums
30 and community police boards in the state under his command.

1 13.-(1) The Inspector-General may delegate any of his powers
2 under this Bill to any police officer so that the delegated powers may be
3 exercised by the delegate with respect to the matters or class of matters
4 specified or defined in the instrument of delegation.

Delegation by
Inspector-General
of Police

5 (2) Guided by the principle of efficiency and effectiveness, and for
6 ease of delegation of powers, the Inspector-General shall devolve powers to
7 Zonal, State, Area and Divisional Commands to ensure quick response to
8 priority safety and security needs.

9 PART IV - GENERAL ADMINISTRATION

10 *Oaths for Officers*

11 14. On appointment of any person as a member of the Nigerian
12 Police, such person shall forthwith take and subscribe to the official oath, the
13 police oath and the oath of allegiance.

Oath to taken by
officers on
appointment

14 15.-(1) A Constable shall on appointment be enlisted to serve in the
15 Police for five years, or for such other period as may be fixed by the Police
16 Service Commission, which shall take effect from the day he has been
17 approved for service and within the period of enlistment, every police
18 officer is mandated to undergo specialized training in any professional field
19 relevant to policing and law enforcement.

Enlistment and
service

20 (2) Professionals from the relevant fields of criminology,
21 psychology, sociology, Law, medicine, pathology etc. shall be enlisted into
22 the service, and such professionals shall practice their professions and use
23 their expertise in the advancement of the police.

24 (3) All Police officers intending to be enlisted/ recruited into the
25 service shall undergo a psychological evaluation as part of the enlistment
26 recruitment process to ascertain their moral uprightness and suitability for
27 the job.

28 16.-(1) Subject to section 18 of this Bill, the Police Service
29 Commission may extend the service of constable whose service is needed
30 beyond general duties for a period of six years.

Extension of term
of enlistment in
special duties

1 (2) Subject to subsection (1) of this section, a Constable that serves an
2 extension may be considered for a re-engagement into the Police Force
3 provided he applies for it.

Declarations

4 17. A Non-Commissioned Officer, Constable or Recruit Constable
5 on fresh enlistment, or the one re-engaged for a further period of service, shall
6 make and subscribe to the Police declaration prescribed by the Oaths Act.

Re-engagement

7 18.-(1) Upon approval by appropriate authority, a Non-
8 Commissioned Officer or Constable of good character may be re-engaged to
9 serve for a second period of six years as well as third period of six years or until
10 the officer reaches 35 years of service or age of 60 years, whichever is earlier.

11 (2) Upon completion of such third period of six years, or if the officer
12 has re-engaged until reaching the age of 60 years, the Non-Commissioned
13 Officer or Constable may be discharged or may claim a discharge provided a
14 six months' notice is given to him or by him.

15 (3) The prescribed approval referred to in subsections (1) and (2) of
16 this section shall be that of the Chairman of the Police Service Commission or
17 as delegated to the Inspector-General of Police by the Commission.

18 (4) Where a Non-Commissioned Officer or Constable offers to re-
19 engage within six months after having received his discharge, he shall on re-
20 engagement if his offer of service is accepted, be entitled to the rank which he
21 was holding at the time of his discharge provided there is a vacancy in the
22 establishment of that rank at the time he re-engages.

23 (5) The service of a Non-Commissioned Officer or Constable who"
24 has re-engaged under this section shall be deemed to be continuous for the
25 purposes of the pension or annual allowance or gratuities, as the case may be,
26 the Non-Commissioned Officer or Constable being regarded as being on leave
27 without pay during the period between discharge and re-engagement.

28 (6) A Non-Commissioned Officer or Constable may not be re-
29 engaged after a period of six months has elapsed since his discharge, except his
30 offer of service is accepted.

1 (7) The question of reinstatement of a re-enlisted Non-
2 Commissioned Officer or Constable to the rank he held prior to his
3 discharge shall be decided by a superior Police Officer.

4 (8) A Non-Commissioned Officer or Constable whose period of
5 service expires during a state of war, insurrection or hostilities, may be
6 compulsorily retained and his service prolonged for such period, not
7 exceeding twelve months, as the Police Service Commission may direct.

8 (9) Subject to the provisions of section 7 (1) of the Pensions Act
9 and to the provisions of subsection (2) of this section, no Police Officer other
10 than a superior police officer shall be at liberty to resign or withdraw himself
11 from his duties without the approval of the Police Service Commission or
12 any Police Officer authorized in writing by the Police Service Commission.

13 19.-(1) All police officers irrespective of gender shall undergo
14 periodic training and retraining in basic policing and law enforcement
15 courses as well as specialized courses relevant to law enforcement;

Training and
Retraining of
Police Personnel

16 (2) The Inspector - General of Police, in consultation with the
17 Police Service Commission shall be responsible for the revision of the
18 training, duration as well as content of police training at least once in every
19 five years;

20 PART V - POWERS OF THE POLICE OFFICER

21 20.-(a) Subject to the provisions of sections 174 and 211 of the
22 Constitution of the Federal Republic of Nigeria and section 106 of the
23 Administration of the Criminal Justice Act which relate to the power of the
24 Attorney-General of Federation and of a State to institute and undertake,
25 take over and continue or discontinue criminal proceedings against any
26 person before any court of law in Nigeria, a Police Officer may conduct in
27 person all prosecutions before any court whether or not the information or
28 complaint is laid in his name;

Conduct of
Prosecutions

29 (b) Where there are sufficient qualified Legal Practitioners, lay
30 prosecutors may not be allowed to undertake prosecution.

Decision to file
case

1 21.-(1) Where a crime is reported to the Police or a person is brought
2 to police station on the allegation of commission of criminal offence, it shall be
3 the duty of the Police to investigate such allegations according to its internal
4 processes and procedures and report their findings to the Prosecutor who shall
5 decide whether to file a charge or not.

Power to arrest
without warrant

6 22.-(1) In addition to the powers of arrest without warrant conferred
7 upon a Police Officer by section 18 of the Administration of Criminal Justice
8 Act, it shall be lawful for any Police Officer and any person whom he may call
9 to his assistance, to arrest without warrant:

10 (a) any person whom he finds committing a felony, misdemeanor or
11 simple offence, or whom he reasonably suspects of having committed or of
12 being about to commit a felony, misdemeanour or breach of the peace;

13 (b) any person whom any other person charges with having
14 committed a felony or misdemeanour;

15 (c) any person whom any other person:

16 (i) suspects of having committed a felony or misdemeanour, or

17 (ii) charges with having committed a simple offence, if such other
18 person is willing to accompany the Police Officer to the Police station and to
19 enter into a recognisance to prosecute such charge.

20 (2) The provisions of this section shall not apply to any offence with
21 respect to which it is provided that any offender may not be arrested without
22 warrant.

23 (3) For the purpose of this section, the expressions felony,
24 misdemeanour and simple offence shall have the same meanings as they have
25 in the Criminal Code and Penal Code.

Power to arrest
without having
warrant possession

26 23. Any warrant lawfully issued by a court for apprehending a person
27 charged with any offence may be executed by a Police Officer at any time
28 notwithstanding that the warrant is not in his possession at that time, but the
29 warrant shall, on the demand of the person apprehended, be shown to him as
30 soon as practicable after his arrest, and not later than 24 hours after arrest.

1 24. Any summons lawfully issued by a court may be served by any Summons
2 police officer at any time during the hours of daylight, which is between
3 6.am to 6.pm.

4 25. When a person is arrested without a warrant, he shall be taken Bail of person
5 before a court which has jurisdiction with respect to the offence with which arrested without
6 he is charged or is empowered to deal with him under section 30 of the ACJA warrant
7 as soon as practicable after he is taken into custody:

8 Provided that any Police officer for the time being in charge of a Police
9 station may inquire into the case and:

10 (a) except when the case appears to such officer to be of a serious
11 nature, he may release such person upon his entering into a recognizance,
12 with or without sureties, for a reasonable amount to appear in court at the
13 day, time, and place mentioned in the recognizance; or

14 (b) if it appears to a police officer that an inquiry cannot be
15 completed forthwith, he may release such person on his entering into a
16 recognizance with or without sureties for a reasonable amount, to appear at
17 such Police Station and at such times as are named in the recognizance,
18 unless he previously receives notice in writing from the superior Police
19 officer in charge of that Police station that his attendance is not required, and
20 any such bond may be enforced as if it were a recognizance conditional for
21 the appearance of the person before a court.

22 26. In addition to the provisions of section 293 of the Authorised
23 Administration of Criminal Justice Act, where a Senior Police Officer of the detention
24 rank of superintendent or above who is in charge of the police station in extension
25 question in which a person is detained has a reasonable ground to believe
26 that:

27 (a) it is imperative to secure the person arrested without charge in
28 detention; or preserve evidence pertaining to an offence for which he is
29 arrested; or obtain such evidence by interrogating him;

30 (b) offence in which the person is arrested for is a serious

1 arrestable offence; and

2 (c) for the investigation to be speedily completed the extension is
3 necessary, then the person arrested shall be in police detention for a period not
4 more than 36 hours this section is flagged for further discussion in comparism
5 with the ACJA and Constitution

Warrant of
further detention

6 27.-(1) Upon an application on oath made by a Police Officer and
7 supported by relevant information, a Court may extend a warrant of further
8 detention provided that:

9 (a) the court in question found reasonable grounds to justify further
10 detention;

11 (b) the application for extension is filed before expiration of 48 hours
12 of the arrest, and

13 (c) the arrested person has been served with a copy of the information,
14 brought before the court for hearing and is given opportunity to be legally
15 represented.

16 (2) In addition to the provision of section 296 of the Administration of
17 Criminal Justice Act, where the conditions stated in Subsection 1 a, band c of
18 this section are not met, the Magistrate shall dismiss the application.

Special Provision
for Pre-Trial
detention

19 28.-(1) In addition to the provision of section 294 of the
20 Administration of Criminal Justice Act, where a person is detained in police
21 custody and the prosecuting counsel decides he has a case to answer but has not
22 concluded preparation to arraign him at the appropriate court, the prosecuting
23 counsel may apply to a court for a warrant of detention pending conclusion of
24 preparation for trial.

25 (2) The court shall not grant such detention warrant except:

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

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

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

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

8 29.-(1) In addition to the provision of section 12 of the Power to search
9 Administration of Criminal Justice Act, a Police Officer may seize and
10 retain anything for which a search has been authorized.

11 (2) In every case in which any property is seized in pursuance of
12 this section, the person on whose premises it was at the time of seizure or the
13 person from whom it was taken if other than the person on whose premises it
14 was, may be summoned or arrested and brought before a magistrate to
15 account for his possession of such property, and the magistrate shall make
16 such order respecting the disposal of such property and may award costs as
17 the justice of the case may require.

18 (3) Such authority under sub-section 2 of this section may only be
19 given when the premises to be searched are, or within the preceding twelve
20 months have been, in the occupation of any person who has been convicted
21 of receiving stolen property or of harboring thieves, or of any offence
22 involving fraud or dishonesty, and punishable by imprisonment.

23 (4) While searching the premises, a Police officer shall not violate
24 the human rights of person found in the premises that is being searched.

25 30.-(1) A search warrant is unlawful unless it complies with this Search warrant
safeguards
26 section and section 35 of this Bill.

27 (2) Where a Police Officer applies for any such warrant, it shall be
28 his duty:

29 (a) to state:

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

1 (ii) the law under which the warrant would be issued;
2 (b) to specify the premises which it is desired to enter and search, and
3 (c) to identify practical as possible the article(s) or person (s) to be
4 sought.

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

7 (4) To be granted a warrant, a Police officer in question shall answer
8 on oath any question the court asks him.

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

10 (6) (a) a warrant shall specify:

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

12 (ii) the date on which it is issued;

13 (iii) the law under which it is issued; and

14 (iv) the premises to be searched.

15 (b) a warrant shall identify, as practicable as possible, the article(s) or
16 person(s) to be sought.

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

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

Execution of
Warrants

19 31.-(1) A warrant to enter and search premises may be executed by
20 any Police Officer.

21 (2) Such a warrant may authorize a person to accompany any Police
22 Officer who is executing it.

23 (3) A search warrant may be issued and executed at any time on any
24 day, including a Sunday or public holiday.

25 (4) Where the occupier of premises which are to be searched is present
26 at the time when a Police Officer seeks to execute a warrant to enter and search,
27 the officer shall:

28 (a) identify himself to the occupier and, if not in uniform, shall
29 produce to him documentary evidence that he is a Police officer;

30 (b) produce the warrant to him, and

1 (c) supply him with a copy.

2 (5) Where the occupier is not present, but some other person who
3 appears to the Police Officer to be in-charge of the premises is present,
4 subsection 4 of this section shall take effect as if the occupier is present.

5 (6) Upon the execution of a warrant, a Police Officer shall make an
6 endorsement on it stating:

7 (a) whether the articles or persons sought were found; and

8 (b) whether any other articles were seized, other than articles
9 which were sought.

10 (7) A search warrant may be endorsed by a superior Police Officer
11 in the absence of a Magistrate or Justice of the Peace.

12 **32.** A police officer may detain and search any person or attended
13 vehicle where:

Power to detain
and search
suspected person
or vehicle

14 (a) reasonable grounds for suspicion exist that the person being
15 suspected is having in his possession; or conveying in any manner anything
16 which he has reason to believe to have been stolen or otherwise unlawfully
17 obtained;

18 (b) reasonable grounds for suspicion exist that unlawful articles
19 obtained or possessed are being carried;

20 (c) reasonable grounds for suspicion that incidents involving
21 serious violence may take place within a locality;

22 (d) information has been received as a description of an article
23 being carried or of a suspected offender; and

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

27 **33.** A reasonable suspicion can never be supported on the basis of:

Where reasonable
suspicion never
exist

28 (a) Personal factors including a person's color, age, hairstyle or
29 manner of dress;

30 (b) Previous conviction for possession of an unlawful article; or

Action before
a search takes
place

1 (c) Stereotyped images of certain persons or groups as more likely to
2 be committing offences.

3 34.-(1) Where an officer has the reasonable grounds for suspicion
4 necessary to exercise the power of stop and search, he may detain the person
5 concerned for that purpose and with a view to searching him.

6 (2) Before carrying out a search, the officer may question the person
7 about his behavior or his presence in circumstances which give rise to the
8 suspicion, if he has a satisfactory explanation which will make a search
9 unnecessary or other circumstances which has come to attention of the officer
10 that make a search unnecessary, no search may take place.

11 (3) Where the questioning reveal reasonable grounds to suspect the
12 possession of suspected article or different kind of unlawful article, a search
13 may take place.

14 (4) Before any search of a detained person or vehicle takes place, the
15 officer must take reasonable steps to give the person to be searched or in-charge
16 of the vehicle the following information:

17 (a) his name and the name of the Police station to which he is attached;

18 (b) the object of the search; and

19 (c) his grounds or authorization for undertaking it.

20 (5) For any police officer to exercise the power to stop and search, he
21 must be in uniform or in possession of a valid Police identity card.

22 (6) An officer shall take the record of the search in a duly authorized
23 format by the Nigeria Police Service and give a copy of the record of search to
24 the person, being duly signed by the officer and the person being searched
25 before leaving the searched place of the search.

26 (7) Subject to subsection (6) of this section:

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

30 (b) a searched person may refuse to collect a search record that his

1 signature is not appended on.

2 35.-(1) Every reasonable effort must be made to reduce to the
3 minimum the embarrassment that a person being searched may experience.

Conduct of the
search

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

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

8 (4) The length of time for which a person or vehicle may be
9 detained for a search will depend on the circumstances, but this must be
10 within a reasonable time.

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

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

15 (a) shall be done out of public view and by officer of the same sex
16 with the person being searched, and

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

19 36.-(1) An officer who has carried out a search must make a written
20 record unless it is not practicable to do so, on account of the numbers to be
21 searched or for some other operational reason, e.g. in situations involving
22 public disorder.

Action after a
search is carried
out

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

27 (3) Subject to subsection (2) of this section, in case the search
28 record is available on the spot, the officer that carried out the search shall
29 advise the person searched or the driver of the vehicle searched, the police
30 station the person should apply to for collection.

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

3 (5) The following information must always be included in the
4 National Search Record:

5 (i) the name of the person searched or if he withholds it, a description
6 of the person;

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

8 (iii) a note of the person's ethnic origin;

9 (iv) when a vehicle is searched, a description of the vehicle, including
10 the registration number;

11 (v) the object of the search;

12 (vi) the ground for making the search;

13 (vii) the date and time the search was made;

14 (viii) the place where the search was made;

15 (ix) the result of the search;

16 (x) a note of any injury or damage to property resulting from the
17 search; and

18 (xi) the identity of the officer making the search.

19 (6) Where the person to be searched is unwilling to declare the detail
20 information about him, the officer may not detain him; he should be allowed to
21 go unless unlawful items are found in his possession or in the vehicle searched.

Power to take
fingerprints

22 37.-(1) A police officer shall take and record for the purposes of
23 identification the measurements, photographs and fingerprint impressions of
24 all persons who may from time to time be in lawful custody.

25 (2) Where a person who has not previously been convicted of any
26 criminal offence is discharged or acquitted by a court, all records relating to
27 such measurements, photographs and fingerprint impressions including the
28 document of acquittal or discharge shall be stored in a retrievable form and
29 handed over to such person upon request.

30 (3) A police officer shall arraign before a Magistrate any person in

1 lawful custody, who refuses to submit to the taking and recording of his
2 measurements, photographs or fingerprint impressions.

3 (4) Subject to subsection (3) of this section, where a Magistrate is
4 satisfied that such person who refused to undergo finger print impression,
5 measurements, and photograph is in lawful custody, the Magistrate shall
6 authorize a Police Officer to take the measurements, photographs and
7 finger- print impressions of such person.

8 38.-(1) The Inspector-General shall be responsible for maintaining
9 and securing public safety and public order. In discharging this
10 responsibility, the Inspector-General shall not:

Public safety and
public order

11 (a) violate any provision of the Constitution;

12 (b) violate or fail to protect the fundamental rights of citizens; or

13 (c) refuse or fail to protect the right, property or legal interest of any
14 person because of their opinions, beliefs or religious, ethnic or political
15 affiliations.

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

19 (3) Notwithstanding the provisions of any law for the time being in
20 force, neither the Inspector General of Police nor the Commissioner of
21 Police or their lawful delegates shall unreasonably disallow members of the
22 public, the right to hold peaceful rallies and processions and assemblies.

23 (4) (a) Where a person or organisation notifies the Police of their
24 intension to hold a public meeting, rally or procession on a public highway,
25 or such meetings in a place where the public has access to, the appropriate
26 Police Officer responsible for providing security cover shall mobilize
27 personnel, except he reasonably believes that the proposed public meeting,
28 rally, procession or assembly will lead to riots, destruction of public
29 property or other violent conflicts;

30 (b) The Police Officer shall convey his rejection in writing reasons

1 for his refusal to provide cover for the public meeting, rally, procession or such
2 assembly.

3 .(5) A person or organization aggrieved by a decision of a Police
4 Officer refusing to provide security after notification for the proposed public
5 meeting, rally, procession or assembly may apply to a High Court in the state
6 where the meeting, rally, procession or assembly is to take place to overrule the
7 Police and order it to provide security.

8 PART VI - PROPERTY UNCLAIMED, FOUND OR OTHERWISE

Property
unclaimed, found
or otherwise

9 39.-(1) Where a police officer or any other person finds a property, the
10 person who found it shall take it to the nearest Police station within 24 hours
11 after it is found.

12 (2) A police officer on duty shall collect the property found and make
13 a record of it.

14 (3) A register shall be designed and kept for lost but found property
15 which must contain the following information:

16 (a) the name of the property found;

17 (b) the description of the state or general particular of the property
18 found when it was brought to the police station and any other relevant
19 information relating to the property;

20 (c) the date and time it was found and brought;

21 (d) the name, address and telephone number, if any, of the person who
22 found and brought it to the station;

23 (e) the name and rank of the police officer who collected the found
24 property, and

25 (f) the signature for both the police officer and the person who found
26 and brought the property to the station.

27 (4) A Police Officer who collects the lost but found property shall
28 prepare two copies of the lost but found property form and a copy shall be given
29 to the person who found and brought the property to the Police Station.

30 (5) The Police Officer in-charge of the Police Station that is in d

1 possession of lost but found property shall make a public announcement at
2 least three consecutive times in public media - radio, television or print,
3 about the lost but found property for the rightful owner to recover it with
4 authentic evidence(s) that prove his ownership within a period of six (6)
5 months.

6 (6) (a) Where the property remains unclaimed after the expiration
7 of six (6) months, the Police officer in charge shall bring the property before
8 a magistrate court for auction;

9 (b) The police officer in-charge of the station in possession of the
10 property shall release the property upon satisfactory proof of ownership.

11 (7) Where a property in police custody is a perishable article or its
12 perishable custody involves unreasonable expense or inconvenience, it may
13 be sold at any time, but the proceeds of sale shall not be paid into the police
14 reward fund until they have remained in the possession of the Police for six
15 months, and in any other case, the property shall not be sold until it has
16 remained in the possession of the Police for six months.

17 40.-(1) Where a person appears in a Police Station in respect of a
18 crime or an allegation of commission of a crime either as an accused person
19 or a witness, or as a relation or friend of an accused person or a witness, the
20 duty officer or such other officer as may be authorized by the officer in
21 charge of the station shall record in the official record book:

22 (a) the name of the person and his national identity number if any;

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

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

25 (d) the name and address of the persons next of kin;

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

28 (f) any ailment or medical condition which the person has.

29 (2) The particulars mentioned in sub-section (1) of this section

Documentation
of arrest witnesses
and death in Police
Station

1 shall be updated each day the person remains in custody in the Police Station.

2 (3) Where in exercise of police duty a person is shot, wounded or
3 killed, the officer commanding the operation shall record the number of those
4 wounded or killed, the names of such victims or their description as much as
5 possible and efforts taken to ensure hospitalization or proper preservation of
6 the dead person.

7 (4) Any Police Officer who fails to keep appropriate records
8 mentioned in subsections (1), (2) and (3) of this section shall be guilty of a
9 serious misconduct, which shall attract disciplinary measure.

10 (5) The Inspector General shall give a quarterly report to the Police
11 Services Commission itemizing the number and identity of persons who were
12 killed or wounded during police operations across the country (flagged the
13 provision on death in police custody)

Missing person

14 41.-(1) Any person who is aware that somebody under his
15 employment or control is missing shall within 24 hours report to the police the
16 identity of the missing person and the circumstances in which that person got
17 missing.

18 (2) When such report is lodged with the Police, the duty officer or
19 such other designated staff shall immediately record the names and addresses
20 of the missing person and the person who made the report.

21 PART VII - OTHER PROVISIONS

The Police
Reward Fund

22 42.-(1) There shall be established a fund to be called "the Police
23 Reward Fund" (in this section referred to as "the Fund") into which shall be
24 paid the following:

25 (a) all monies forfeited by order of a superior officer on members of
26 the Police for offences against discipline;

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

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

30 (d) one third of any fees paid in accordance with standing orders for

1 the services of police officers who would otherwise be off duty; and

2 (e) all sums ordered to be paid into the Fund under section 42(7)(b)
3 of this Bill.

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

9 (a) to reward members of the Police for extra or special or
10 exemplary services;

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

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

16 (d) for making ex gratia payments towards the funeral expenses of
17 any member of the Police who dies in the service of the Police.

18 43. Police officers who have distinguished themselves with their
19 outstanding performance in the discharge of their duties shall be duly
20 honored and recognized for their gallant and exemplary service in the
21 following ways:

Recognition and
commendation
for gallant and
exemplary service

22 (a) by recommendation for national honors, with particular
23 attention being paid to deserving officers of lower rank;

24 (b) through public presentation of awards and certificates of
25 exemplary service from the communities and civil society; and

26 (c) the Police shall set aside a day or week in every year to celebrate
27 outstanding performance by its officers as well as to remember their fallen
28 heroes.

29 44.-(1) A Police Officer shall not get himself trapped in
30 indebtedness of any kind while still in service, and where he does, he shall be

Police Officer
and indebtedness

1 disciplined and the debt shall be recovered from his salary or remuneration
2 provided the creditor have evidence(s) to prove the indebtedness.

3 (2) Subject to subsection (1) of this section, for such debt or liability to
4 be settled the officer's remuneration may be withheld to an extent not
5 exceeding one-half of his monthly payment thereof.

6 (3) when an order for payment of such debt or satisfaction of such
7 liability is made, the court making the order shall give due notice to the senior
8 police officer in charge of the command to which the indebted officer belongs,
9 and the amount ordered shall be stopped out of the indebted officer's
10 remuneration until the amount of the debt is made good.

Debt Recovery:
Exception

11 45. The remuneration of a Police Officer shall not be withheld upon
12 any debt or liability, which he may have incurred within three years before
13 being appointed to the Police.

Private business
and conflict of
interest

14 46. While still in service, a Police Officer shall not directly be
15 involved in managing and running any private business or trade except
16 farming.

17 PART VIII - OFFENCES

Offences by
Police officer

18 47.-(1) A police officer who:

19 (a) begins, raises, abets, countenances, or excites mutiny;

20 (b) causes or joins in any sedition or disturbance whatsoever;

21 (c) being at any assemblage tending to riot, does not use his utmost
22 endeavor to suppress such assemblage;

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

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

27 (f) deserts or aids or abets the desertion of any officer from the
28 service;

29 (g) fails to come to the aid or to assist any person in need of assistance
30 at the time of distress; or

1 (h) on enlistment falsely states that he has not been convicted or
2 imprisoned for a criminal offence or that he was never employed by the
3 Government of the Federation or Government of any State;

4 (2) Shall undergo appropriate disciplinary proceedings in
5 accordance with the Police disciplinary mechanisms and if found guilty,
6 shall be recommended for dismissal and charged to court for prosecution in
7 accordance with the relevant laws in force.

8 (3) In discharging his duty, a police officer shall not discriminate
9 against any Nigerian based on the person's socio-economic status, gender,
10 ethnic or religious affiliation or any form of disability and shall not use racial
11 or chauvinist language.

12 (4) A police officer may be proceeded against for desertion without
13 reference to the time during which he may have been absent, and thereupon
14 may be found guilty, either of desertion or of absence without leave:
15 Provided that a Police Officer shall not be convicted as a deserter or of
16 attempting to desert unless the court shall be satisfied that there was an
17 intention on the part of such officer either not to return to the Force, or to
18 escape some particular important service.

19 48. Upon reasonable suspicion that any person is a deserter, a
20 Police Officer or any other person may apprehend him and forthwith bring
21 him before a court having jurisdiction in the place wherein he was found,
22 which may deal with the suspected deserter or remand him to a court having
23 jurisdiction in the place in which he has deserted flagged for redrafting

24 49. Any person who assaults, obstructs or resists any Police
25 Officer in the execution of his duty, or aids or incites any other person to
26 assault, obstruct or resist any Police Officer or any person aiding or assisting
27 such Police Officer in the execution of his duty, shall be guilty of an offence
28 and, on summary conviction before a Magistrate, shall be liable to a penalty
29 of fifty thousand naira or to imprisonment for a term of six months.

Apprehension of
deserters

Assault on Police
Officer

Refusing to aid
Police Officer
assaulted

1 50. Where any person is called upon to aid and assist a Police Officer
2 who is, while in the execution of his duty, assaulted or resisted or in danger of
3 being assaulted or resisted, and such person refuses or neglects to aid and assist
4 accordingly, he shall be guilty of an offence and, on summary conviction
5 thereof before a magistrate, shall be liable to a penalty of fifty thousand naira or
6 to imprisonment for a term of six months.

Drinking of
alcohol or use
of psychotropic
substances and
stimulants while
on duty

7 51.-(1) While on duty, a Police Officer shall not take any intoxication
8 liquor, psychotropic substances or stimulants; where he does, he shall be
9 punished in accordance with the Police disciplinary procedures.

10 (2) A person who:

11 (a) knowingly harbors or entertains, or, either directly or indirectly,
12 sells or gives any intoxicating liquor, psychotropic substances or stimulants to
13 any Police officer while on duty, or permits any such Police Officer to abide or
14 remain in his house unlawfully, except in cases of extreme urgency;

15 (b) by threats or by offer of money, gift, spirits, liquors, psychotropic
16 substances or stimulants induces or endeavors to induce any Police Officer to
17 commit a breach of his duty as a Police officer or to omit any part of such duty;

18 (c) Shall be guilty of an offence and liable on conviction to one month
19 in prison with or without an option of fine not less than ten thousand naira.

Impersonation
of Police Officer

20 52.-(1) A person not being a Police Officer who:

21 (a) puts on or assumes either in whole or in part, the dress, name,
22 designation, or description of any Police Officer or any dress, name or
23 designation, resembling and intended to resemble the dress, name or
24 designation of any Police Officer; or

25 (b) in any way pretends to be a Police Officer for the purpose of
26 obtaining admission into any house or other place, or of doing any act which
27 such person would not by law be entitled to do of his own authority:

28 (2) Shall be guilty of an offence; and on summary conviction before a
29 magistrate, shall be liable to a penalty of minimum of N50,000 and or to
30 imprisonment for a term of three year.

1 53.-(1) A person who:
 2 (a) knowingly uses or attempts to pass off any forged or false
 3 certificate, character, letter, or any other document for the purpose of
 4 obtaining admission into the Police; or
 5 (b) on applying for enlistment, makes any false answer to any
 6 question put to him by any appropriate authority:

Obtaining admission into the Police by fraud

7 (2) Shall be guilty of an offence and, on summary conviction
 8 before a Magistrate, shall be liable to imprisonment for a term of six months.

9 (3) A police officer may arrest without warrant any person whom
 10 he reasonably believes to be guilty of an offence against this section.

11 54. Nothing in this Bill shall be construed to exempt a Police
 12 Officer from being proceeded against by the ordinary course of law when
 13 accused of any offence punishable under any other Act or law.

Ordinary course of Law not to be interfered with

14 55.-(1) A person who has been acquitted by a Court of any crime or
 15 offence shall not be tried on the same charge or suffer any punishment under
 16 this Bill.

Persons acquitted by the Court shall not be punished on the same charge under this Bill, nor if convicted, except reduction

17 (2) Where a member of the Police has been convicted by a Court of
 18 any crime or offence, he shall not be liable to be punished for the same
 19 offence under this Bill, otherwise than by reduction in rank or grade or by
 20 dismissal from the Police.

21 PART IX - REGULATIONS AND STANDING ORDERS

22 56.-(1) The Minister supervising the Police may make regulations
 23 on the recommendation of:

Power to make Regulations

24 (a) the Nigeria Police Council with respect to the policy,
 25 organization and administration of the Police, including establishments and
 26 financial matters, other than pensions within the meaning of the Pensions
 27 Act; [Cap. P4.]

28 (b) the Police Service Commission with respect to appointments,
 29 promotions and disciplinary control of Police Officers as stated in the
 30 Constitution.

Standing Orders 1 57.-(1) The Police Service Commission may make Standing Orders
2 for the appointment, promotion, and discipline of members of the Police.

3 (2) The Inspector General of Police may make Standing Orders
4 relating to operational control of the Police.

5 (3) Such Standing Orders shall be binding upon all Police Officers
6 and shall be published in the Federal Gazette and in one national daily.

7 PART X - APPLICATION

Application of
Act to persons
already serving

8 58. All the provisions of this Bill shall extend to all persons who, at
9 the commencement of this Bill are serving in the Nigeria Police Force
10 established by the Constitution of the Federal of Nigeria as if such persons had
11 been appointed under this Bill.

12 PART XI - COMMUNITY POLICE FORUMS AND BOARDS

Establishment
of Community
Police Forums

13 59.-(1) For effective and efficient community policing, the
14 Commissioner of Police in each state of the federation shall establish
15 Community Police Forums and Boards that shall consist broadly,
16 representatives of the local community in his state of jurisdiction.

17 (2) A community police sub forum shall be established at all
18 Divisional Police Headquarters.

19 (3) Subject to section 64 (1) (b) of this Bill, the Commissioner of
20 Police and the members designated by him from time to time for the purpose,
21 shall be members of the community police forum and sub-forums established
22 at various police formations.

Establishment
of Divisional
Community
Police Boards

23 60.-(1) A State Commissioner of Police shall in collaboration with the
24 relevant stakeholders in the community, 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) of this section, consist of representatives of community police forums in the
28 Division concerned designated for the purpose of such community police
29 forums.

30 (3) Subject to section 64 (1) (b) of this Bill, the Divisional Police

1 Officer and the members designated by him from time to time for that
2 purpose, shall be members of the Divisional Community Police Board
3 concerned.

4 61.-(1) A State Police Commissioner shall in collaboration with the
5 State Executive Council, establish a State Community Police Board.

Establishment of
State Community
Police Boards

6 (2) A State Community Police Board shall subject to subsection (3)
7 of this section, consist of representatives of Divisional Community Police
8 Boards designated for that purpose by the Divisional Community Police
9 Boards in the state concerned.

10 (3) Subject to section 64 (1) (b) of this Bill, the State Commissioner
11 of Police and the members designated by him from time to time for the
12 purpose, shall be members of the State Community Police Board concerned.

13 62.-(1) For effective and efficient community policing, the
14 Commissioner of Police in each state of the federation shall establish
15 Community Police Forums and Boards in his state of jurisdiction with a
16 view to:

Objects of
Community Police
Forum and Boards

17 (a) establishing and maintaining a partnership between the
18 Community and the Police;

19 (b) promoting communication between Nigerian Police and the
20 Community;

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

23 (d) improving the rendering of Police services to the community at
24 the state and local levels;

25 (e) improving transparency in the Police and accountability of
26 service to the community; and

27 (f) Promoting joint problem identification and problem solving by
28 the Police and the Community.

29 (2) This section shall not prevent Police liaison with the
30 community by means other than Community Police Forums and Boards.

Functions of
Community
Police Forums
and Boards

1 63. A State or Divisional Community Police Board or a Community
2 Police Forum or Sub-Forum shall perform the functions it deems necessary and
3 appropriate to achieve the objects stated in section 62 of this Bill.

Procedural
matters

4 64.-(1) Every State or Divisional Community Police Board and
5 Community Police Forum or Sub-Forum shall:

6 (a) elect one of its members as Chairperson and another one as Vice-
7 Chairperson and another a Police Officer as the secretary;

8 (b) determine the number of members to be designated by the State
9 Commissioner or Division Police Officer to serve as members of the Board,
10 Forum or Sub-Forum concerned;

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

13 (d) whenever it deems it necessary, co-opt other members or experts
14 or community leaders to the Board or Forum in an advisory capacity.

15 (2) Members of Community Police Forums or Boards shall render
16 their services on a voluntary basis and shall have no claim to compensation
17 solely for services rendered to such Forums and Boards.

18 (3) The majority of the members of the Board, Forum or Sub-Forum
19 concerned shall constitute a quorum at a meeting thereof.

20 (4) In the absence of the Chairperson of a Board or Forum or Sub-
21 Forum from meeting the Vice-Chairperson shall act as Chairperson, and if
22 both the Chairperson and the Vice-Chairperson are so absent, the members
23 present shall elect one of their members present at the meeting to preside at
24 that meeting.

25 PART XII - TRAFFIC WARDEN SERVICE

Establishment
of the Traffic
Warden Service

26 65.-(1) There is hereby established a Traffic Warden Service (in
27 this Bill referred to as "the Warden Service").

28 (2) The Warden Service shall consist of traffic wardens appointed
29 from time to time under this Bill.

30 (3) The Warden Service shall be a part of the Nigeria Police and

1 accordingly, references to the Police established under this Bill shall subject
2 to the provisions of this Bill include references to the Warden Service.

3 (4) Notwithstanding subsection (3) of this section, in so far as any
4 enactment whether passed or made before or after the commencement of
5 this Bill requires Police Officers to perform military duties, or confers any
6 power on any person whether expressly or in general terms to require Police
7 Officers to perform such duties, that enactment shall not in the absence of
8 express provision to the contrary extend to Traffic Wardens.

9 (5) Traffic Wardens shall be employed to discharge functions
10 normally undertaken by the Police in connection with the control and
11 regulation of, or the enforcement of the law relating to road traffic and shall
12 in that connection, act under the direction of the Police.

13 (6) Without prejudice to the generality of the foregoing subsection,
14 a Traffic Warden shall be required to deal majorly with-

15 (a) the general control and direction of motor traffic on the
16 highway;

17 (b) assisting pedestrians to cross the road; and

18 (c) controlling vehicles stopping or parking in unauthorized
19 places.

20 66.-(1) Notwithstanding anything to the contrary in any enactment,
21 the Inspector-General is vested with the power to appoint, confirm such
22 appointment, promote, transfer, dismiss or exercise any disciplinary control
23 over any Traffic Warden.

Appointment of
Traffic Wardens

24 (2) Subject to the provisions of this Bill, a person may be appointed
25 a Traffic Warden if he -

26 (a) is not less than nineteen nor more than 21 years of age;

27 (b) is in possession of a minimum educational qualification of
28 Senior Secondary School Certificate (SSCE);

29 (c) is not less than 167.64 centimeters and 162.56 centimeters tall
30 respectively for the men and the women;

1 (d) in the case of men, has not less than 86.36 centimeters chest
2 measurement when fully expanded;

3 (e) is of good character and is physically fit; and

4 (f) has signified his willingness to serve as a traffic warden.

5 (3) The supervising ministry shall from time to time by notice
6 published in the Federal *Gazette*, fix the maximum number of persons who
7 may at any given time hold appointments under this Bill; and a person shall not
8 be appointed as a traffic warden if his appointment would cause the number or
9 the time being so fixed to be exceeded.

10 (4) Before fixing any number under subsection (3) of this section, the
11 supervising ministry shall obtain from the Nigeria Police Council
12 recommendation in respect this.

13 (5) The Inspector-General may-

14 (a) from time to time with the approval of the Chairman Police
15 Service Commission, fix the maximum number of traffic wardens who may at
16 one time hold appointments in any State;

17 (b) at his own discretion fix the maximum number of Traffic Wardens
18 who may at any given time hold any particular rank in the warden service in any
19 State, and

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

21 (6) In relation to traffic wardens appointed under this Bill:

22 (a) section 18 of this Bill shall have effect as if for the reference to
23 enlistment or re-engagement, they were substituted respectively a reference to
24 appointment or re-appointment; and

25 (b) the form of the Police Declaration prescribed by the Oaths Act
26 shall be adapted by the substitution:

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

29 (ii) for the words from "for the preservation of peace" to the end of the

1 declaration, of the words "to discharge all the duties of my office according
2 to law".

3 67.-(1) Every Traffic Warden appointed under this Bill shall be Period of Service
4 appointed to serve as a traffic warden for a period of one year, and only in the
5 Police Province, District or Division in which he resides.

6 (2) Such a Traffic Warden may subject to satisfactory conduct and
7 service, be re-appointed for further periods of three years each until the
8 expiration of the tenth year of his appointment in the warden service when
9 he may elect to determine his appointment or elect that his service be
10 allowed to continue until he is 55 years of age.

11 68. A Traffic Warden appointed under this Bill shall when on duty, Powers of a
Traffic Warden
12 be in uniform and within the Police Province, District or Division in which
13 he is appointed to serve, but not elsewhere, he shall have the powers,
14 privileges and immunities of a Police Officer under any law relating to the
15 regulation of road traffic.

16 69. Every Traffic Warden shall on first appointment, be issued with Certificate of
Appointment
and Discharge
17 a certificate of appointment in a form approved by the Inspector-General
18 and on the determination of that or any subsequent appointment whether by
19 effluxion of time or under section 12 of this Bill, shall in like manner be
20 issued with a certificate of discharge.

21 70.-(1) A Traffic Warden shall have such rank as may be assigned to Ranks of Traffic
Wardens
22 him by the Inspector-General within the following grades:

23 (a) Traffic Warden Grade III;

24 (b) Traffic Warden Grade II;

25 (c) Traffic Warden Grade I; and

26 (d) Senior Traffic Warden. S. 71 (2) On receipt by the superior
27 police officer of the notice referred to in subsection (1) of this section, the
28 superior police officer shall immediately refer such notice to I the
29 Commissioner having control over him and the traffic warden, and if the
30 Commissioner consents to the notice having effect, the appointment of the

1 traffic warden shall determine accordingly. (the word determined is changed to
2 terminated.

Resignation

3 71.-(1) A Traffic Warden appointed under this Bill may at any time
4 give to any superior Police Officer under whom he is serving, notice in writing
5 of his intention to resign his appointment on a date mentioned in the notice, not
6 being less than 28 days later than the date on which the notice is given.

7 (2) On receipt by the Superior Police Officer of the notice referred to
8 in subsection (1) of this section, the Superior Police Officer shall immediately
9 refer such notice to the Commissioner having control over him and the Traffic
10 Warden, and where the Commissioner consents to the notice having effect, the
11 appointment of the Traffic Warden shall terminate accordingly.

Discipline

12 72.-(1) In so far as the context so admits, but subject to the provisions
13 of this Bill, a Traffic Warden shall be subject to the provisions of the Police
14 Regulations for purposes of discipline.

15 (2) In the application to Traffic Wardens of the Second Schedule to the
16 Police Regulations, references to Constables, Corporals, Sergeants and
17 Inspectors shall include respectively references to Traffic Wardens Grade III,
18 Traffic Wardens Grade II, Traffic Wardens Grade I and Senior Traffic Wardens.

Provision of
Equipment

19 73.-(1) The Inspector-General may provide for use by the Traffic
20 Wardens such equipment as he considers necessary for the proper carrying out
21 of the duties of Traffic Wardens under this Bill.

22 (2) Any expenses incurred by the Inspector-General under this section
23 shall be defrayed out of monies provided by the Federal Government.

Delegation of
power by
Inspector-General

24 74. The Inspector-General may delegate any of his powers under this
25 Bill to the Commissioner of a State or the Commandant of a Police College, so
26 that the delegated powers may be exercised by the delegate with respect to the
27 matters class of matters specified or defined in the instrument of delegation.

Instruction of
Traffic Warden,
etc.

28 75.-(1) Every person appointed into the warden service shall be
29 required to undergo course of training at the traffic training school of a Police
30 College for a period twelve weeks or such other or further period as the

1 Inspector-General may determine.

2 (2) A Traffic Warden appointed under this Bill shall be allocated a
3 service number with the letters "TW" and the service numbers of all traffic
4 wardens employed in the Federation shall appear on the register kept for that
5 purpose by the Inspector General.

6 (3) A Traffic Warden to whom a service number has been allocated
7 under subsection (2) of this section shall wear his service number on the
8 shoulder flaps of the uniform whenever he is on duty.

9 PART XIII - POLICE PUBLIC COMPLAINTS AND DISCIPLINE

10 76. The Inspector-General of Police shall establish a Police Establishment of
11 Complaints Response in this Act referred to as "the Unit" in each of the the Police
12 Police Commands in all the State of Federation. Complaints
Response Unit

13 77.-(1) The Unit shall consist of representatives of the Federal or Unit Composition
14 State Intelligence Bureau, Police Provost Marshall and any other unit as the
15 Inspector General of Police may deem fit.

16 (2) The Unit shall be headed by an officer not below the rank of a
17 Chief Superintendent of Police.

18 78.-(1) The Unit shall receive: The functions
of the Unit

19 (a) complaint or information of Police officers misconduct from
20 the public; or

21 (b) complaint of Police officers misconduct from other police
22 member or authority.

23 (2) The Unit may receive:

24 (a) any complaint alleging that the conduct complained of resulted
25 in the death of or serious injury or other gross human rights violations;

26 (b) any complaint showing that a police officer may have
27 committed a criminal offence; or

28 (c) any complaints which shows that an officer is involved in an act
29 constituting professional misconduct

30 (3) The Unit shall monitor the investigations initiated by the Unit.

1 (4) While conducting investigation into any complaint by any
2 member of the public against a Police Officer, the Nigeria Police Service shall
3 afford the person against whom the complaint has been made many
4 opportunities to give a defense.

5 (5) Upon the conclusion of an investigation, the appropriate
6 investigative unit shall make available a copy of its findings or investigation
7 report to the Unit within 21 days from the day the complaint was made.

Steps to be taken
after investigation

8 **79.** After investigation, the head of the Unit with approval from the
9 Inspector General of Police shall:

10 (a) send a copy of the investigation report and recommendations to
11 the Director of Public Prosecutions for prosecution if the investigation reveals
12 that a criminal offence has been committed;

13 (b) send a copy of the investigation report and recommendations to
14 the appropriate Police or oversight authority for proper disciplinary action if
15 the investigations reveal that the offence committed is against discipline as
16 stated in the First Schedule Regulations 370 of the Police Act and Regulations;
17 and

18 (c) where it is discovered after investigations that the complainant
19 knowingly gave false information against any Police Officer or should have
20 reasonably knowledge that the information is false, such a person shall be tried
21 according to relevant laws for the time being in force.

Repeal

22 **80.** The Police Act Cap P19, Laws of the Federation of Nigeria, 2004
23 is repealed.

Savings

24 **81.** Anything done or purported to have been done under the Police
25 Act, Cap P19, Laws of the Federation of Nigeria, 2004 remains valid, subject to
26 the Provisions of this Act.

Interpretation

27 **82.** In this Act, except where the context otherwise requires:
28 "Commissioner" means a Commissioner of Police, a Deputy Commissioner of
29 Police or an Assistant Commissioner of Police;
30 "Constable" means any Police Officer below the rank of Corporal;

- 1 "Court" means any court established by any law in force in Nigeria,
2 "Inspector" includes a Chief Inspector and an Inspector of Police;
3 "Inspector-General", "Deputy Inspector-General" and "Assistant Inspector-
4 General" means respectively the Inspector-General of Police, the Deputy
5 Inspector-General of Police and an Assistant Inspector-General of Police;
6 "Minister" means the Minister charged with responsibility over Police
7 matters and "Ministry" shall have a corresponding meaning;
8 "Non-Commissioned Officer" means a Police Sergeant-Major, a Police
9 Sergeant or a Police Corporal as the case may be;
10 "Police Officer" means any member of the Nigeria Police Service;
11 "Prosecuting Officer" means any person appointed by the Attorney General
12 of the Federation or of the States to prosecute crimes on their behalf and for
13 the Nigeria Police Service;
14 "Senior Police Officer" means any Police Officer above the rank of a Cadet
15 Assistant Superintendent of Police;
16 "Superintendent of Police" includes a Chief Superintendent of Police,
17 Superintendent of Police, a Deputy Superintendent of Police, and an
18 Assistant Superintendent of Police; and
19 "The Police" means the Nigeria Police Service established under this Bill.

20 83. This Bill may be cited as the Nigerian Police Service Bill, Citation
21 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Police Act Cap. P19 LFN, 2004 and enact the Nigeria Police Service Act, 2016, to provide for the cooperation and partnership between the Police and host communities in maintaining peace and combating crime.

