

# **NIGERIA POLICE ACT, 2018**

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#### **SCHEDULE**



- (d) empower the Police Force to efficiently and effectively prevent crimes without unduly threatening the values of liberty and privacy of persons in Nigeria;**
- (e) strengthen the Police Force in the carrying out of its core functions, including ensuring the safety and security of all persons, communities and properties in Nigeria;**
- (f) ensure that the Police Force carries out its functions in a manner that brings those functions closer to the communities by creating the enabling environment to foster cooperation and partnership between it and the communities it serves to effectively combat, reduce or eradicate crimes;**
- (g) develop professionalism in the Police Force by ensuring the provision of relevant training in all Police formations in Nigeria for enhanced performance; and**
- (h) improve overall performance in the rendering of Police services, particularly in the handling and treatment of victims of crimes.**

## **PART II - COMPOSITION AND DUTIES OF THE NIGERIA POLICE FORCE**

### **3. Establishment and composition of the Nigeria Police Force**

- (1) The Nigeria Police Force established for the Federation under section 214 of the Constitution of the Federal Republic of Nigeria, 1999 (in this Act referred to as "the Police Force") shall, subject to the provisions of the Constitution of the Federal republic of Nigeria, as altered:**
  - (a) be organized and administered in accordance with the provisions of this Act; and**
  - (b) have such powers and duties and carry out such responsibilities as are conferred on it under this Act or any other law.**
- (2) The Police Force comprises:**
  - (a) the Inspector-General of Police;**



- (b) **persons appointed to offices in the Police Force by the Police Service Commission under section 13 of this Act; and**
- (c) **special constables appointed under this Act.**
- (3) **The hierarchy of the Police Force is as specified in the Schedule to this Act.**

#### **4. Primary functions of the Police Force**

- (1) **The primary functions of the Police Force are to -**
  - (a) **prevent and detect crimes in accordance with constitutional and statutory provisions;**
  - (b) **maintain public safety, law and order;**
  - (c) **protect the lives and property of all persons in Nigeria;**
  - (d) **enforce all laws and regulations which it is directly charged;**
  - (e) **perform such within and outside Nigeria as may be required of it under the authority of this Act or any other law;**
  - (f) **provide humanitarian assistance to persons in distress, including victims of road accidents, fire disasters, earthquakes, floods and where necessary, collaborate with other agencies to take any necessary action and provide the required assistance or support;**
  - (g) **facilitate the free passage and movement on highways, roads and streets open to the public; and**
  - (h) **adopt community partnership in the performance of its responsibilities under this Act or under any other law.**

#### **5. Duty of Police Force to enforce certain constitutional provisions, etc.**

- (1) **The Police Force is responsible for promoting and protecting the fundamental rights of persons in police custody as guaranteed by the relevant provisions of Chapter IV of the Constitution.**
- (2) **For the purpose of subsection (1) of this section, the Police Force shall collaborate with and maintain close**

**working relationships with any Government agency or relevant private initiatives in the establishment of schemes or mechanisms offering legal services to accused persons, detainees or accused persons in police custody in need of legal services to ensure that they have full access to justice as laid down under the relevant provisions of Chapter IV of the Constitution.**

- (3) In addition to the provisions of subsections (1) and (2) of this section, the Police Force is also charged with the responsibility of promoting and protecting the fundamental rights of all persons as guaranteed under the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (Cap. A9 LFN 2004) and other international legal instruments on Human Rights to which Nigeria is a signatory.**

## **6. Establishment and functions of the Nigeria Police Council**

- (1) The Nigeria Police Council, established for the Federation under section 153 of the Constitution (in this Act referred to as "the Police Council"), **shall serve as the highest policy making body in matters relating to the Police Force.**
- (2) The Police Council consists of:
- (a) the President, who shall be the Chairman;
  - (b) the Governor of each State of the Federation;
  - (c) the Chairman of the Police Service Commission; and
  - (d) the Inspector-General of Police.
- (3) The functions of the Police Council include:
- (a) the organisation and administration of the Police Force and all other matters relating to the Police Force (not being matters relating to the use and operational control of the Police, or the appointment, disciplinary control and dismissal of members of the Police Force);
  - (b) the general supervision of the Police Force;

- (c) advising the President on the appointment of the Inspector-General of Police; and
- (d) receiving and deliberating on reports:**
  - (i) pertaining to policing matters from the States of the Federation and the Federal Capital Territory, Abuja on any crucial decision of their Security Committee meetings held during the three months preceding a quarterly meeting of the Police Council, and**
  - (ii) on security concerns relating to policing from the States and the Federal Capital Territory, Abuja, and taking such action as it may consider appropriate.**
- (4) The Police Council shall meet at least once every three months and may hold emergency meetings as at and when required.**
- (5) The Secretary to the Government of the Federation, shall serve as secretary to the Police Council and his office shall provide the necessary secretarial support for the work of the Police Council.**
- (6) Subject to the provision of this section, the Police Council shall regulate its own proceedings.**

### **PART III**

#### **APPOINTMENT, REMOVAL, FUNCTIONS AND POWERS, ETC. OF INSPECTOR-GENERAL OF POLICE**

##### **7. Appointment, removal, etc. Inspector-General of Police**

- (1) There shall be, as provided for under section 215 of the Constitution, an Inspector-General of Police (in this Act referred to as “the Inspector-General”) who shall be appointed by the President on the advice of the Police Council from among serving members of the Police Force.**
- (2) The Inspector-General shall only be removed from office by the President on the advice of the Police Council.**
- (3) The removal from office of the Inspector-General by the President as envisaged under subsection (2) of this section shall be for reasons of -**

- (a) **inability of the Inspector-General to effectively discharge the functions of his office;**
  - (b) **gross misconduct ; or**
  - (c) **the President being satisfied that it is no longer in the interest of the Police Force or in the public interest for the Inspector-General to continue in office.**
- (4) The Inspector General of Police shall not be removed from office except:
- (a) a report or complaint of gross misconduct or incapacity to perform his duties has been made against him by any person, including the President;
  - (b) the Nigerian Police Council considers the allegations against him serious and sets up a committee of the Council to investigate the matter; and
  - (c) the Committee investigates the allegation, and after fair hearing, recommends that the person be removed from office.
- (5) **The Inspector-General shall hold office for a single term of five years subject to the statutory retirement requirement in the public service of the Federation.**

## **8. Functions and powers of the Inspector-General of Police**

- (1) The Inspector-General shall be the head of the Police Force and exercise all operational control over the Police Force and all its departments and units.
- (2) **The Inspector General may in addition to his functions under the provisions of section 215 of the Constitution, exercise the powers and shall perform the functions necessary to give effect to the provisions of this Act.**
- (3) Subject to subsection (1) of this section, the Inspector-General's powers and functions shall include:
  - (a) **the development of an overall national policing plan with inputs from the Police Force Headquarters and all the various policing formations nationwide before the end of each financial year, setting out the priorities, objectives and expected outcomes of policing for the next succeeding financial year;**

- (b) taking cognisance of the security situation across Nigeria and its population, determine the manpower distribution of the Police based on its the numerical strength after due consultation with the Police Service Commission;
  - (c) organising the Police Force throughout the Nigeria into various components, units or groups for overall optimal performance and effectiveness;
  - (d) ensuring constant training and re-training of police officers and other staff and personnel of the Police Force and for this purpose, establish and maintain training institutions or centres for the training of members of the Police Force; and
  - (e) the carrying out of such other functions or the exercise of such powers as may be conferred on him under this Act or under any other law.
- (4) The Inspector-General shall, in addition to the duties conferred on him under this section, ensure the implementation by the Police Force of the responsibilities referred to under section (5) of this Act and for this purpose the Inspector-General shall:
  - (a) facilitate the provision of all legal support to suspects, accused persons or detainees in police custody by making available members of the Police Force at various police contingents in States in the rendering of any legal assistance as may be required by legal counsel engaged in any mechanism or scheme established pursuant to that section; and
  - (b) ensure that police officers assigned to work under any established scheme or mechanism pursuant to the provisions of this section or under section 5 (2) of this Act provide all necessary assistance as may be required by legal counsel deployed to work on such schemes or mechanisms to facilitate fair and equitable disposition of a criminal matter and to avoid any miscarriage of justice.
- (5) The Inspector-General shall by order published in the *Federal Gazette* make detailed provisions and specifications for the establishment and proper working of the schemes or mechanisms.

- (6) **The Inspector-General shall, in carrying out his functions under subsection (2) of this section, obtain inputs from the Assistant Inspectors-General of the Zonal Commands on the priority areas of policing for the Zones, incorporating submissions from Commissioners of Police of the States to be included in the overall national strategic plan for the next succeeding financial year.**

**9. Delegation of powers**

- (1) **The Inspector-General may delegate any of his powers under this Act to any police officer and such powers may be exercised with respect to the matters or class of matters specified or defined in the instrument of delegation.**
- (2) **For efficiency, effectiveness and ease of delegation of powers under subsection (1) of this section and to ensure quick response to priority safety and security needs, the Inspector-General shall assign powers to Zonal, State, Area and Divisional Commands of the Police Force.**
- (3) The Inspector-General of Police may make Standing Orders relating to operational control of the Police Force which shall be:
  - (a) be binding on all police officers appointed by it; and
  - (b) published in the *Federal Gazette*.

**PART IV - APPOINTMENTS AND FUNCTIONS, ETC. OF DEPUTY INSPECTOR-GENERAL, ASSISTANT INSPECTORS-GENERAL, COMMISSIONERS OF POLICE AND OTHER PERSONS INTO THE NIGERIA POLICE**

**10. Appointment and duties of the Deputy Inspector-General and Assistant Inspector-General**

- (1) **The Police Service Commission shall appoint for the Police Force a Deputy Inspector-General and such numbers of Assistant Inspectors-General as are required for the efficient discharge of the functions of the Police Force.**

- (2) A person appointed under subsection (1) of this section shall:**
- (a) hold office until retirement or removal by the Police Service Commission on account of gross misconduct or incapacity to perform the functions of his office after following all due process procedures and requirements; and**
  - (b) carry out such functions and responsibilities and exercise such powers as are assigned to him by the Inspector-General.**
- (3) The Deputy Inspector-General of Police shall, in the absence from office of the Inspector-General, act on behalf of the Inspector-General in carrying out any of the functions and duties of the Inspector-General under this Act or under any law or in respect of any function as may be delegated by the Inspector-General.**
- (4) On resumption of duty by the Inspector-General, the Deputy Inspector-General shall furnish reports, in such form or details as the Inspector-General may specify, of all matters dealt with by the Deputy Inspector-General in the absence of the Inspector-General from office.**

#### **11. Appointment of Commissioners of Police**

- (1) The Police Service Commission shall appoint such numbers of Commissioners of Police as are required for the efficient discharge of the functions of the Police Force.**
- (2) The Police Service Commission shall, from among the Commissioners of Police appointed under subsection (1) of this section, assign a Commissioner of Police to a State or to the Federal Capital Territory, Abuja, after consultation with the Governor of a State and the Minister of the Federal Capital Territory, Abuja, as the case may be.**
- (3) The Commissioners of Police not assigned under subsection (2) of this section may be deployed by the Inspector-General of the Police to head Departments and such other operational units of the Police Force.**
- (4) The Police Service Commission or Inspector-General of the Police, in assigning or deploying, as the case may be, Commissioners of Police under this section, reflect the**

**principle of Federal character as provided in the Constitution and the provisions of the Federal Character Commission (Establishment Etc.) Act (Cap. F7 LFN 2004).**

- (5) A person appointed under subsection (1) of this section shall hold office until retirement or removal by the Police Service Commission on account of gross misconduct or incapacity to perform the functions of his office.**

## **12 Functions Commissioners of Police of States**

- (1)** Subject to the provisions this Act, the Commissioner of Police of a State shall have command and control over the Police in the State he is assigned to and may exercise the powers and shall perform the functions necessary to give effect to sections 4 of this Act.
- (2)** The Commissioner of Police of a State shall also perform any duty delegated to him by the Inspector- General.

## **13. Appointment of other persons**

**The Police Service Commission shall appoint such other persons to offices in the Police Force as are required for the effective and efficient performance of the functions of the Nigeria Police Force on such terms and conditions as may prescribed by the Police Service Commission.**

## **14. Pensions**

- (1) Persons appointed to offices under this Part, shall be entitled to such pensions, gratuities and other retirement benefits as are prescribed under the Pension Reform Act.**
- (2) Nothing in this Act shall prevent the appointment of a person to any office in terms which prelude the grant of a pension, gratuity or other retirement benefits in respect of that office.**
- (3) For the purposes of the application of the provisions of the Pension Reform Act, any power exercisable under that Act by a Minister or other authority of the Government of the Federation, other than the power to make regulations under that Act, is exercisable by the**



**Police Commission, and not by any other person or authority.**

**15. Standing Orders**

- (1) The Police Service Commission may, subject to the provisions of this Act, make Standing Orders relating to the conditions of service of members of the Police Force and without prejudice to the generality of the foregoing, the Standing Orders may provide for:**
  - (a) the appointment, promotion and disciplinary control, including dismissal of persons appointed by it into the Police Force; and**
  - (b) appeals by of persons appointed by it into the Police Force against dismissal or other disciplinary measures.**
- (2) The Standing Orders made under subsection (1) of this section shall be binding on all persons appointed by the Police Service Commission and shall be published in the Federal Gazette.**

**PART V**

**GENERAL ADMINISTRATION**

**16 Oath to be taken by officers on appointment**

**A person appointed as a member of the Police Force shall, prior to the commencement of duties, subscribe to the Official Oath, the Police Oath and the Oath of Allegiance under the Oaths Act (Cap O1 LFN 2004).**

**17 Enlistment and service**

- (1) A constable shall, on appointment be enlisted to serve in the Police Force for a period of five years, or for such other period as may be fixed by the Police Service Commission.**
- (2) The period of enlistment referred to in subsection (1) of this section shall be effective from the approved date of commencement of service.**
- (3) Within the enlistment period, every police officer is required to**

undergo specialized training in any professional field relevant to policing and law enforcement.

- (4) Professionals from the relevant fields including criminology, psychology, sociology, law, medicine, pathology shall be enlisted into the Police Force to practice and use their professional qualifications and expertise in the work of the Police Force.
- (5) A person seeking to be recruited or enlisted for work in the Police Force shall undergo a psychological and other evaluations as part of the recruitment and enlistment process to ascertain his character and suitability for the work of the Police Force.

## **18 Extension of term of enlistment in special duties**

- (1) Notwithstanding the provisions of section 17 (1) of this Act, and subject to the provisions of section 20 of this Act, the Police Service Commission may extend the period of enlistment for a constable whose service is needed beyond general duties for a period of six years.
- (2) Where a constable is granted an extension under subsection (1) of this section, he may be considered for re-engagement into the Police Force upon application by him.

## **19. Declaration**

**A non-commissioned officer, constable or recruit constable on fresh enlistment, or a person re-engaged for a further period of service under section 18 (1) of this Act, shall make and subscribe to the Police Declaration prescribed by the Oaths Act (Cap O1 LFN 2004).**

## **20. Re-engagement**

- (1) On approval by the appropriate authority, a non-commissioned officer or constable of good character may be re-engaged to serve for a second period of six years and for a third period of six years or until the officer reaches thirty-five years of service or age of sixty years, whichever is earlier.
- (2) On completion of the third period of six years, or if the officer has re-engaged, until reaching the age of sixty years, the non-commissioned officer or constable may be discharged or may claim a discharge upon a six months' notice being given to him or by him.

- (3) Where a non-commissioned officer or constable offers to re-engage within six months after having received his discharge, he shall on re- engagement, if his offer of service is accepted, be entitled to the rank which he was holding at the time of his discharge, provided there is a vacancy in the establishment of that rank at the time he re-engages.
- (4) The service of a non-commissioned officer or constable who has been re-engaged under this section shall be considered to be continuous for the purposes of his pension or annual allowance or gratuities, as the case may be, and the non-commissioned officer or constable being regarded as being on leave without pay during the period between discharge and re-engagement.
- (5) A non-commissioned officer or constable shall not be re-engaged after a period of six months has elapsed since his discharge, except his offer of service is accepted.
- (6) The question of reinstatement of a re-engaged non-commissioned officer or constable to the rank he held prior to his discharge shall be decided by a superior police officer.
- (7) A non-commissioned officer or constable whose period of service expires during a state of war, insurrection or hostilities, may be compulsorily retained and his service prolonged for such period, not exceeding twelve months, as the Police Service Commission may direct.
- (8) Subject to the provisions of the Pensions Act and to the provisions of subsection (2) of this section, a police officer other than a superior police officer shall not resign or withdraw himself from his duties without the approval of the Police Service Commission or any police officer authorized in writing by the Police Service Commission.
- (9) For the purpose of this section, “appropriate authority” means the Chairman of the Police Service Commission or the Inspector-General acting under such powers as may be delegated to him by the Police Service Commission.

## **21 Training programmes**

- (1)** The Inspector- General shall ensure that all police officers **undergo;**
  - (a) periodic training and re-training in basic policing;**
  - (b) training in crime detection and law enforcement;**

- (c) training in investigation and gathering of evidence;
  - (d) training in effective nationwide citizen's engagement;
  - (e) training in human rights;
  - (f) training in prosecution and defence.
- (2) The Inspector-General, in consultation with the Ministry and the Police Service Commission, shall be responsible for the revision of the training, duration and the content of the training of police officers at least once in every five years.
- (3) The Inspector-General shall ensure that training programmes are made available to all police officers, irrespective of gender and for all other staff or employees charged with responsibilities for carrying out the duties and responsibilities of the Police Force.

## **PART VI**

### **FINANCIAL PROVISIONS**

#### **22. Funding of the Police Force**

- (1) There shall be established and maintained for the Police Force a fund into which shall be paid-
- (a) budgetary allocations as may be appropriated by an Act of the National Assembly for the Police Force;
  - (b) such contributions as may be made available to the Police Force for the purposes of this Act, by the State Governments and the Federal Capital Territory, Abuja;
  - (c) aid and assistance from international bilateral and multilateral organizations provided that the purpose for the aid or assistance does not conflict with the objectives of this Act;
  - (d) all sums of moneys accruing to the Police Force by way of grants-in-aid, gifts, testamentary dispositions, endowments and contributions from any other source;

- (e) all moneys generated by the Police Force in the course of its operations, including:**
  - (i) two-thirds of fees paid by members of the public in respect of extracts from police reports,**
  - (ii) two-thirds of fees paid in accordance with Standing Orders for services of police officers who would otherwise be off duty, and**
  - (iii) tuition fees from the Nigeria Police training institutions; and**
- (f) any other financial resource that may, from time to time, be vested in or accrue to the Police Force in the course of performing its functions under this Act or any other law.**
- (2) A State Government or the Federal Capital Territory, Abuja, as the case may be, shall:**
  - (a) keep records of all contributions made; and**
  - (b) specify the purpose for which a contribution is made,**

**under subsection (1) (b) of this section.**

### **23. Expenditures by the Police Force**

- (1) The Police Force shall, from time to time, apply the moneys accruing to it under the provisions of section 22 (1)(b) of this Act to:**
  - (a) the cost of administration and operations of the Police Force;**
  - (b) the payment of salaries, allowances, expenses and other benefits of the members of the Police Force and the Warden Service established under this Act and the other staff of the Police Force;**

- (c) amounts payable as pensions and other retirement benefits under any law;
  - (d) costs of acquisition and upkeep of premises belonging to the Police Force and any other capital expenditure of the Police Force;
  - (e) fund all costs connected with or incidental to the operations of the Community Police Forums and Boards established under Part XIII of this Act;
  - (f) investments, maintenance of utilities, training, research and similar activities; and
  - (g) any other payments for anything incidental to the provisions of this section or in connection or incidental to any other function of the Police Force under this Act.
- (2) Any contribution made by a State Government or the Federal Capital Territory under section 22 (1) (b) of this Act or any other contribution in respect of which a purpose was specified shall be used by the Police Force for the purpose specified.
  - (3) Force to auditors appointed by the Police Force from the list and in accordance with guidelines approved by the Auditor-General of the Federation.
  - (4) The audited accounts of the Police Force and the Auditor-General report on the accounts shall form part of the Auditor-General's overall annual report to the National Assembly.

#### **24. Estimates**

- (1) The Police Force shall not later than 30<sup>th</sup> September of each year, submit to the National Assembly through the Minister estimates of its income and expenditure for the next succeeding financial year for the entire operations of the Police Force .

- (2) Notwithstanding the provisions of subsection (1) of this section, the Police Force may where necessary, due to unforeseen circumstances, submit supplementary or adjusted statements of estimated income and expenditure to the Minister for submission to the National Assembly.**
- (3) The Police Force shall, in preparing its estimates under this section obtain inputs from the Force Headquarters, Zonal Headquarters, State Commands, Area Commands and Divisional Commands on their budgetary needs based on the annual policing plans for the various policing formations to be included in the overall estimates for the Police Force for the next succeeding financial year.**

## **25. Accounts and audit**

- (1) The Police Force shall --**
  - (a) keep proper records and accounts of the income and expenditures of the Police Force; and**
  - (b) prepare a statement of account in respect of each financial year.**
- (2) The Police Force shall, within the first four months of each financial year, submit for auditing the accounts of the Police Force to auditors appointed by the Police Force from the list and in accordance with guidelines approved by the Auditor-General of the Federation.**
- (3) The audited accounts of the Police Force and the Auditor-General report on the accounts shall form part of the Auditor-General's overall annual report to the National Assembly.**

## **26. Annual report**

- (1) The Police Force shall, not later than 30<sup>th</sup> June of each financial year, submit to the Minister in respect of the preceding financial year an annual report on the activities**

**of the Police Force in such form as the Minister may direct.**

- (2) The report under subsection (1) of this section shall include:**
- (a) detailed information with regards to the activities and expenditures of the Police Force utilized in the carrying out of its policing plan;**
  - (b) a copy of the audited accounts of the Police Force for that year together with the Auditor-General's report on the accounts;**
  - (c) information and description of all contributions made to the Police Force under section 22 (1)(b) of this Act, including contributions other than cash; and**
  - (h) such other information as the Minister may request.**
- (3) The Police Force shall also, from time to time, provide the Police Council and the Minister with such information relating to the affairs of the Police Force as they may request.**

## **27. Accountability**

**The Inspector-General of Police shall:**

- (a) keep proper accounting records, in such manner as may be determined, from time to time, by the Minister in respect of:**
  - (i) income and expenditures of the Police Force, and**
  - (ii) all its assets, liabilities and other financial transactions;**
- (b) prepare an annual report, including financial statements, in accordance with generally accepted accounting principles and practices; and**
- (c) ensure that the available accounting resources of the Police Force are adequate and used economically in the**



**most effective and efficient manner, and the accounting and other financial records are properly safeguarded.**

## **PART V - POWERS OF POLICE OFFICERS**

### **28 Public safety and public order**

- (1) Subject to the provisions of section 174 and 211 of the Constitution and section 106 of the Administration of the Criminal Justice Act which relates to the powers of the Attorney-General of the Federation and of a State to institute, undertake take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria, a police officer who is a legal practitioner, may prosecute in person before any court whether or not the information or complaint is laid in his name.**
- (2) A police officer may, subject to the provisions of the relevant criminal procedure laws in force at the Federal or State level, prosecute before the courts those offences which non-qualified legal practitioners can prosecute.**
- (3) There shall be assigned to every Police Division at least one police officer:**
  - (a) who is qualified to practice as legal practitioner in accordance with the Legal Practitioners Act (Cap L11 LFN 2004) ; and**
  - (b) whose responsibility is to promote human rights compliance by officers of the Division.**

### **29. Investigation of an allegation by the Police**

**Where an alleged offence is reported to the Police, or a person is brought to the police station on the allegation of committing an offence, it shall be the duty of the Police to investigate the allegation in accordance with due process and report their finding to the Attorney-General Federation or of a State as the case may be, for legal advice.**

### **30 Arrest generally**

**A suspect or defendant alleged or charged with committing an offence established by an Act of the National Assembly shall be**

**arrested, investigated, inquired into, tried or dealt with according to the provisions of this Act, except otherwise provided under this Act.**

**31 Mode of arrest**

**In making an arrest, the police officer or other persons making the arrest shall actually touch or confine the body of the suspect, unless there is a submission to the custody by word or action.**

**32 No unnecessary restraint**

**A suspect or defendant may not be handcuffed, bound or be subjected to restraint except:**

- (a) there is reasonable apprehension of violence or an attempt to escape;**
- (b) the restraint is considered necessary for the safety of the suspect or defendant; or**
- (c) by order of a court.**

**33. Notification of cause of arrest and rights of suspect**

- (1) Except when the suspect is in the actual course of the commission of an offence or is pursued immediately after the commission of an offence or has escaped from lawful custody, the police officer or other person making the arrest shall inform the suspect immediately of the reason for the arrest.**
- (2) The police officer or the person making the arrest or the police officer in charge of a police station shall inform the suspect of his rights to:**
  - (a) remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice;**

- (b) **consult a legal practitioner of his choice before making, endorsing or writing any statement or answering any question put to him after arrest; and**
  - (c) **free legal representation by the Legal Aid Council of Nigeria, where applicable.**
- (3) **The authority having custody of the suspect shall have the responsibility of notifying the next of kin or relative of the suspect of the arrest at no cost to the suspect.**

**34. Arrest in lieu prohibited**

**A person shall not be arrested in place of a suspect.**

**35. Humane treatment of arrested suspect.**

- (1) **A suspect shall:**
  - (a) **be accorded humane treatment, having regard to his right to the dignity of his person; and**
  - (b) **not be subjected to any form of torture, cruel, inhuman or degrading treatment.**
- (2) **A suspect shall not be arrested merely on a civil wrong or breach of contract.**
- (3) **A suspect shall be brought before the court as prescribed by this Act or any other written law or otherwise released conditionally or unconditionally.**
- (4) **The arraignment and trial of a suspect for a crime shall be in accordance with the provisions of this Act unless otherwise stated in this Act.**

**36 Search of arrested suspect.**

- (1) **Where a suspect is arrested by a police officer or a private person, the officer making the arrest or to whom the private person hands over the suspect:**
  - (a) **may search the suspect, using such force as may be reasonably necessary for the purpose; and**
  - (b) **shall place in safe custody all articles other than necessary wearing apparel found on the suspect.**

- (2) Where an arrested suspect is admitted to bail and bail is furnished, he shall not, subject to the provisions of section 11 of this Act, be searched unless there are reasonable grounds for believing that he has on his person any:**
- (a) stolen article;**
  - (b) instrument of violence or poisonous substance;**
  - (c) tools connected with the kind of offence which he is alleged to have committed; or**
  - (d) other articles which may furnish evidence against him in regard to the offence, which he is alleged to have committed.**
- (3) Where it is necessary to search a suspect, the search shall be made decently and by a person of the same sex unless the urgency of the situation or the interest of due administration of justice makes it impracticable for the search to be carried out by a person of the same sex.**
- (4) Notwithstanding the provisions of this section, a police officer or any other person making an arrest may in any case take from the suspect any instrument of violence or poisonous substance which he has on his person.**

**37 Inventory of property of arrested suspect.**

- (1) A police officer making an arrest or to whom a private person hands over the suspect, shall immediately record information about the arrested suspect and an inventory of all items or property recovered from the suspect.**
- (2) An inventory recorded under subsection (1) of this section shall be duly signed by the police officer and the arrested suspect, but the failure of the arrested suspect to sign the inventory shall not invalidate it.**
- (3) The arrested suspect, his legal practitioner or such other person, as the arrested suspect may direct, shall be given a copy of the inventory.**

- (4) Where any property has been taken under this section from an arrested suspect, a police officer may, upon request by either the owner of the property or parties having interest in the property, release such property on bond pending the arraignment of the arrested suspect before a court.**
- (5) Where a police officer refuses to release the property to the owner or any person having interest in the property under subsection (4) of this section, the police officer shall make a report to the court of the fact of the property taken from the arrested suspect and the particulars of the property.**
- (6) The court to which a report is made under subsection (5) of this section, may, if it is of the opinion that the property or any portion of it can be returned in the interest of justice to the safe custody of the owner or person having interest in the property, direct that the property or any portion of it be returned to the owner or to such person having interest in the property.**
- (7) Where any property has been taken from a suspect under this section, and the suspect is not charged before a court but is released on the ground that there is no sufficient reason to believe that he has committed an offence, any property so taken from the suspect shall be returned to him, provided the property is neither connected to nor a proceed of offence.**

### **38 Examination of arrested suspect**

**Where a suspect is in lawful custody on a charge of committing an offence of such a nature and alleged to have been committed in such circumstances that there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of the offence, a qualified medical practitioner or any certified professional with relevant skills, acting at the request of a police officer, may make such an examination of the suspect in custody as is reasonably necessary in order to ascertain the facts which may afford the evidence, and to use such force as is reasonably necessary for that purpose.**

### **39 Search of place entered by suspect sought to be arrested.**

- (1) Where a person or police officer acting under a warrant of arrest or otherwise having authority to arrest, has reason to believe that the suspect to be arrested has entered into or is within any house or place, the person residing in or being in charge of the house or place shall, on demand by the police officer or person acting for the police officer, allow him free access to the house or place and afford all reasonable facilities to search the house or place for the suspect sought to be arrested.**
- (2) Where access to a house or place cannot be obtained under subsection (1) of this section, the person or police officer may enter the house or place and search it for the suspect to be arrested, and in order to effect an entrance into the house or place, may break open any outer or inner door or window of any house or place, whether that of the suspect to be arrested or of any other person or otherwise effect entry into such house or place, if after notification of his authority and purpose, and demand of admittance duly made, he cannot obtain admittance.**
- (3) Where the suspect to be arrested enters a house or place in the actual occupancy of another person being a woman who by custom or religious practice does not appear in public, the person making the arrest shall:**
  - (a) before entering the house or place, give notice to the woman that she is at liberty to withdraw; and**
  - (b) afford her every reasonable opportunity and facility for withdrawing, and may then enter the house or place, but the notice shall not be necessary where the person making the arrest is a woman.**

#### **40 Power to search**

- (1) A police officer may seize and retain anything for which a search has been authorized.**
- (2) In every case in which property is seized under to this section, the person on whose premises it was at the time of seizure or the person from whom it was taken, if other than the person on whose premises it was, may be summoned or arrested and brought before a court to account for his possession of the property, and the court**

shall make such order on the disposal of the property and may award costs as the justice of the case may require.

- (3) An authority under subsection (2) of this section may only be given when the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty, and punishable by imprisonment.
- (4) While searching the premises, a police officer shall not violate the human rights of person found in the premises that is being searched.

#### **41 Power to break out of a house or place for the purpose of liberation**

A police officer or any other person authorised to make an arrest may break out of a house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained in the house or place.

#### **42 Arrested suspect to be taken immediately to police station**

- (1) A suspect who is arrested, whether with or without a warrant, shall be taken immediately to a police station, or other place for the reception of suspect, and shall be promptly informed of the allegation against him in the language he understands.
- (2) A person who has the custody of an arrested suspect shall give the suspect reasonable facilities for obtaining legal advice, access to communication for taking steps to furnish bail, and otherwise making arrangements for his defence or release.
- (3) Notwithstanding the provision of subsection (2) of this section, any communication or legal advice shall be done in the presence of an officer who has custody of the arrested suspect.

#### **43 Recording of arrests**

- (1) Where a suspect is arrested, whether with or without a warrant, and taken to a police station or any other

agency effecting the arrest, the police officer making the arrest or the officer in charge shall cause to be taken immediately, in the prescribed form, the following record of the suspect arrested:

- (a) the alleged offence;
- (b) the date and circumstances of his arrest;
- (c) his full name, occupation and residential address;

and

- (d) for the purpose of identification:
  - (i) his height,
  - (ii) his photograph,
  - (iii) his full fingerprint impressions, or
  - (iv) such other means of his identification.

- (2) The process of recording in subsection (1) of this section shall be concluded within a reasonable time of the arrest of the suspect, but not exceeding forty-eight hours.
- (3) Any further action in respect of the suspect arrested under subsection (1) of this section shall be entered in the record of arrests.
- (4) Where a suspect who is arrested with or without a warrant volunteers to make a confessional statement, the police officer shall ensure that the making and taking of the statement shall be in writing and may be recorded electronically on a retrievable video compact disc or such other audio visual means.
- (5) Notwithstanding the provision of subsection (4) of this section, an oral confession of arrested suspect shall be admissible in evidence.

#### **44. Central Criminal Records Registry**

- (1) There shall be established at the Nigeria Police, a Central Criminal Records Registry.
- (2) For the purposes of subsection (1) of this section, there shall be established at every State Police Command a



**Criminal Records Registry which shall keep and transmit all records to the Central Criminal Records Registry.**

- (3) The State or Federal Capital Territory Police Command, Abuja shall ensure that the decisions of the court in all criminal trials are transmitted to the Central Criminal Records Registry within thirty days of the judgement.**

#### **45. Recording of statement of suspect**

- (1) Where a suspect is arrested on allegation of having committed an offence, his statement shall be taken, if he so wishes to make a statement.**
- (2) The statement may be taken in the presence of a legal practitioner of his choice, or where he has no legal practitioner of his choice, in the presence of an officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace or any other person of his choice, provided that the legal practitioner or any other person mentioned in this subsection shall not interfere while the suspect is making his statement, except for the purpose of discharging his role as a legal practitioner.**
- (3) Where a suspect does not understand or speak or write in the English language, an interpreter shall record and read over the statement to the suspect to his understanding and the suspect shall then endorse the statement as having been made by him, and the interpreter shall attest to the making of the statement.**
- (4) The interpreter shall endorse his name, address, occupation, designation or other particulars on the statement.**
- (5) The suspect referred to in subsection (1) of this section shall also endorse the statement with his full particulars.**

#### **46 Arrest by police officer without warrant.**

- (1) A police officer may, without an order of a court and without a warrant, arrest a suspect:**
  - (a) whom he suspects on reasonable grounds of having committed an offence against a law in Nigeria or against the law of any other country, unless the law**

**creating the offence provides that the suspect cannot be arrested without a warrant;**

- (b) who commits any offence in his presence;**
- (c) who obstructs a police officer while in the execution of his duty, or who has escaped or attempts to escape from lawful custody;**
- (d) in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to the thing;**
- (e) whom he suspects on reasonable grounds of being a deserter from any of the armed forces of Nigeria;**
- (f) whom he suspects on reasonable grounds of having been involved in an act committed at a place outside of Nigeria which, if committed in Nigeria, would have been punished as an offence, and for which he is, under a law in force in Nigeria, liable to be apprehended and detained in Nigeria;**
- (g) having in his possession without lawful excuse, the burden of proving which excuse shall lie on the person, any implement of housebreaking, car theft, firearm or any offensive or dangerous weapon;**
- (h) whom he has reasonable cause to believe a warrant of arrest has been issued by a court of competent jurisdiction in Nigeria;**
- (i) found in Nigeria taking precautions to conceal his presence in circumstances, which afford reason to believe that he is taking such precautions with a view to committing an offence;**
- (j) whose arrest a warrant has been issued or whom he is directed to arrest by a Judge, Magistrate, Justice of the Peace or superior police officer;**
- (k) whom he reasonably suspects to be designing to commit an offence for which the police may arrest without a warrant, if it appears to him that the commission of the offence cannot be otherwise prevented; or**

- (l) required to appear by a public summons issued under this Act or any other Act.
- (2) The authority given to a police officer to arrest a suspect who commits an offence in his presence shall be exercisable in respect of offences committed in the officer's presence notwithstanding that the Act creating the offence provides that the suspect cannot be arrested without a warrant.

#### **47 Refusal to give name and residence**

- (1) Where a suspect who, in the presence of a police officer, has committed or has been accused of committing an offence triable summarily, refuses on demand of the officer to give his name and residential address, or gives a name or residential address which the officer has reason to believe to be false, he may be arrested by the officer in order that his name or residential address may be ascertained.
- (2) Where the true name and residential address of the suspect have been ascertained, he shall, to appear before a Magistrate if so required, but if the person is not resident in Nigeria, a surety or sureties resident in Nigeria shall secure the recognizance.
- (3) Where the true name and address of the suspect cannot be ascertained within twenty-four hours from the time of arrest, or if he fails to execute a recognizance, or, where so required, to furnish sufficient sureties, he shall immediately be brought before the nearest Magistrate having jurisdiction.
- (4) Where the suspect on being brought before the court still refuses, the court may deal with him as it will deal with an uncooperative witness under this Act.

#### **48. Handing over of an arrested suspect by private person**

- (1) A private person who arrests a suspect without a warrant shall immediately hand over the suspect so arrested to a police officer, or, in the absence of a police officer, shall take the suspect to the nearest police station, and the police officer shall make a note of the name, address and other particulars of the private person making the arrest.

- (2) Where there is reason to believe that the arrested suspect comes under the provisions of section 46 (1) of this Act, a police officer shall re-arrest him.**
- (3) Where there is reason to believe that the suspect has committed an offence, and he refuses on the demand of a police officer to give his name and address, or gives a name or address which the officer reasonably believes to be false, he shall be dealt with under the provisions of section 47 of this Act.**
- (4) Where a suspect so arrested by a private person is handed over to a police officer or to an official of an agency authorized by law to make arrests, the police officer or official shall take note of the name, residential address and other particulars of the private person making the arrest, and the date, time and other circumstances of the arrest, and where the arrested suspect is taken to the police station or to the agency, the charge room officer shall make the entries in the crime diary.**
- (5) The police officer or official to whom the arrested suspect is handed over by the private person shall obtain from the private person who made the arrest a formal witness statement setting out the facts and circumstances of the arrest.**
- (6) Where there is sufficient reason to believe that the suspect handed over has committed an offence, he shall immediately be re-arrested but if there is no sufficient reason to believe that the suspect has committed an offence, he shall be released immediately.**
- (7) The provisions of section 43 of this Act do not apply to this section unless the suspect arrested and handed over has been re-arrested in accordance with sub section (2) of this section.**

#### **49. Arrest for offence committed in presence of Judge, Magistrate or Justice of the Peace**

**A Judge, Magistrate, or Justice of the Peace may arrest or direct the arrest of a suspect committing an offence in his**

**presence and shall thereupon hand him over to a police officer who shall proceed to take necessary action.**

**50 When public is bound to assist in arrest**

**A person is bound to assist a Judge, Magistrate, Justice of the Peace, police officer or other person reasonably demanding his aid in arresting or preventing the escape of a suspect whom the Judge, Magistrate, Justice of the Peace, police officer or other person is authorised to arrest.**

**51 Quarterly report of arrests to the Attorney-General**

- (1) The Inspector-General of Police and the head of every agency authorised by law to make arrests shall remit quarterly to the Attorney-General of the Federation a record of all arrests made with or without warrant in relation to Federal offences within Nigeria.**
- (2) The Commissioner of Police of a State and the head of every agency authorised by law to make arrest within a State shall remit quarterly to the Attorney-General of that State a record of all arrests made with or without warrant in relation to State offences or arrests within the State.**
- (3) The report shall contain the full particulars of arrested suspects as prescribed by section 43 of this Act.**
- (4) A register of arrests containing the particulars prescribed in section 43 of this Act shall be kept in the prescribed form at every police station or agency authorised by law to make arrests, and every arrest, whether made with or without warrant, within the local limits of the police station or agency, or within the Federal Capital Territory, Abuja, shall be entered accordingly by the officer in charge of the police station or official in charge of the agency as soon as the arrested suspect is brought to the station or agency.**

- (5) **The Attorney-General of the Federation shall establish an electronic and manual database of all records of arrests at the Federal and State level.**

**52 Release on bail of a suspect arrested without warrant**

- (1) **Where a suspect has been taken into police custody without a warrant for an offence other than an offence punishable with death, an officer in charge of a police station shall inquire into the case and release the suspect arrested on bail subject to subsection (2) of this section, and where it will not be practicable to bring the suspect before a court having jurisdiction with respect to the offence alleged, within twenty- hours after the arrest.**
- (2) **The officer in charge of a police station shall release the suspect on bail on his entering into a recognizance with or without sureties for a reasonable amount of money to appear before the court or at the police station at the time and place named in the recognizance.**
- (3) **Where a suspect is taken into custody and it appears to the police officer in charge of the station that the offence is of a capital nature, the arrested suspect shall be detained in custody, and the police officer may refer the matter to the Attorney-General of the Federation or of a State, as the case may, for legal advice and cause the suspect to be taken before a court having jurisdiction with respect to the offence within a reasonable time.**

**53 Power to release on bail before charge is accepted.**

- (1) **Where a suspect is taken into custody, and it appears to the officer that the inquiry into the case cannot be completed immediately, he may discharge the suspect on his entering into a recognizance, with or without sureties for a reasonable amount, to appear at the police station and at such times as are named in the recognizance, unless he previously receives notice in writing from the police officer in charge of that police station that his attendance is not required.**
- (2) **A recognizance under subsection (1) of this section may be enforced as if it were a recognizance conditional for the appearance of the said suspect before a Magistrate's**

**court or the place in which the police station named in the recognizance is situate.**

**54. Remedy of suspect detained in custody.**

- (1) Where a suspect taken into custody in respect of a non-capital offence is not released on bail after twenty-four hours, a court having jurisdiction with respect to the offence may be notified by application on behalf of the suspect.**
- (2) The court shall order the production of the suspect detained and inquire into the circumstances constituting the grounds of the detention and where it deems fit, admit the suspect detained to bail.**
- (3) An application for bail under this section may be made orally or in writing.**

**55. Police to report to supervising Magistrates.**

- (1) An officer in charge of a police station or an official in charge of an agency authorised to make arrest shall, on the last working day of every month, report to the nearest Magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.**
- (2) The report shall contain the particulars of the suspects arrested as prescribed in section 43 of this Act.**
- (3) The Magistrate shall on receipt of the reports, forward them to the Criminal Justice Monitoring Committee which shall analyse the reports and advice the Attorney-General of the Federation as to the trends of arrests, bail and related matters.**
- (4) The Attorney-General of the Federation shall, upon request by the National Human Rights Commission, the Legal Aid Council of Nigeria or a Non-Governmental Organization, make the report available to them.**
- (5) Where no report is made in accordance with subsection (1) of this section, the Magistrate shall forward a report**

**to the Chief Judge of the State and the Attorney-General of the State for appropriate remedial action.**

- (6) With respect to the Federal Capital Territory, Abuja, the report referred to in subsection (5) of this section shall be forwarded to the Chief Judge of the Federal Capital Territory, Abuja and the Attorney-General of the Federation for remedial action.**

**56. Chief Magistrate to visit police stations every month.**

- (1) The Chief Magistrate, or where there is no Chief Magistrate within the police division, any Magistrate designated by the Chief Judge for that purpose, shall, at least every month, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the prison.**
- (2) During a visit, the Magistrate may:**
  - (a) call for, and inspect, the record of arrests;**
  - (b) direct the arraignment of a suspect;**
  - (c) where bail has been refused, grant bail to any suspect, where appropriate, if the offence for which the suspect is held is within the jurisdiction of the Magistrate.**
- (3) An officer in charge of a police station or an official in charge of an agency authorised to make an arrest shall make available to the visiting Chief Magistrate or designated Magistrate exercising his powers under subsection (1) of this section:**
  - (a) the full record of arrest and record of bail;**
  - (b) applications and decisions on bail made within the period; and**
  - (c) any other facility the Magistrate requires to exercise his powers under that subsection.**
- (4) With respect to other Federal Government agencies authorised to make an arrests, the High Court having jurisdiction shall visit such detention facilities for the purpose provided in this section.**



- (5) Where there is default by an officer in charge of a police station or an official in-charge of an agency authorised to make arrest to comply with the provisions of subsection (3) of this section, the default shall be treated as a misconduct and shall be dealt with in accordance with the relevant Police Regulations under this Act, or under any other disciplinary procedure prescribed by any provision regulating the conduct of the officer or official of the agency.

## **PART VIII - WARRANTS**

### **57. General authority to issue warrant.**

Where under a law, there is power to arrest a suspect without warrant, a warrant for his arrest may be issued.

### **58. Form and requisites of warrant of arrest.**

- (1) A warrant of arrest issued under this Act, unless the contrary is expressly provided under any other law, shall:
- (a) bear the date of the day of issue;
  - (b) contain all necessary particulars; and
  - (c) be signed by the Judge or Magistrate by whom it is issued.
- (2) A warrant shall state concisely the offence or matter for which it is issued and shall name or otherwise describe the suspect to be arrested, and it shall order the police officer or officers to whom it is directed to arrest the suspect and bring him before the court to answer the complaint or statement, or to testify or be dealt with according to the circumstances of the case, and to be further dealt with according to law.

### **59. Warrant to be issued on complaint only if on oath**

**A warrant of arrest shall not be issued in the first instance in respect of any complaint or statement unless the complaint or statement is on oath either by the complainant himself or by a material witness.**

**60. Warrant may be issued on any day**

**A warrant of arrest may be issued on any day, including a Sunday or public holiday.**

**61. Warrant, to whom directed and duration**

- (1) A warrant of arrest may be directed to a police officer by name or to all police officers.**
- (2) It is not necessary to make a warrant of arrest returnable at any particular time and a warrant shall remain in force until it is executed or until a Judge or a Magistrate cancels it.**
- (3) Where a warrant of arrest has been executed and the suspect arrested has been released, the warrant shall no longer be valid authority for re-arresting the suspect.**

**62. Warrant of arrest may in exceptional cases be directed to other persons.**

- (1) A court issuing a warrant of arrest may, where its immediate execution is necessary and no police officer is immediately available, direct it to some other person or persons and the person or persons shall execute the warrant.**
- (2) A person, when executing a warrant of arrest directed to him, shall have all the powers, rights, privileges and protection given to or afforded by law to a police officer executing a warrant of arrest and shall conform with the requirement imposed by law on a police officer.**

**63. Execution of warrant and procedure**

- (1) A warrant of arrest may be executed on any day, including a Sunday or public holiday.**
- (2) A warrant of arrest may be executed by any police officer at any time and in any place in any State other than within the actual court room in which a court is sitting.**

- (3) The Police officer executing a warrant of arrest shall, before making the arrest, inform the suspect to be arrested that there is a warrant for his arrest unless there is reasonable cause for abstaining from giving the information on the ground that it is likely to occasion escape, resistance or rescue.**
- (4) A suspect arrested on a warrant of arrest shall, subject to the provisions of the Constitution, sections 64 and 65 of this Act, be brought before the court that issued the warrant of arrest.**

**64. Power to arrest on warrant but without the warrant**

**A warrant of arrest may be executed notwithstanding that it is not in the possession at the time of the person executing the warrant but the warrant shall, on the demand by the suspect, be shown to him as soon as practicable after his arrest.**

**65. Court may direct particulars of security to be taken on execution of warrant**

- (1) A court, on issuing a warrant for the arrest of a suspect in respect of a matter other than an offence punishable with death, may, if it thinks fit by endorsement on the warrant, direct that the suspect named in the warrant be released on bail on his entering into such a recognizance for his appearance as may be required in the endorsement.**
- (2) The endorsement shall specify:**
  - (a) the number of sureties, if any;**
  - (b) the amount in which they and the suspect named in the warrant are, respectively, to be bound, or are to provide as cash security on the request of the surety or suspect;**
  - (c) the court before which the arrested suspect is to attend; and**
  - (d) the time at which the suspect is to attend, including an undertaking to appear at a subsequent time as may be directed by any court before which he may appear.**

- (3) Where an endorsement is made, the officer in charge of a police station to which on arrest the suspect named in the warrant is brought, shall discharge him on his entering into a recognizance, with or without sureties approved by that officer, in accordance with the endorsement, condition for his appearance before the court and at the time and place named in the recognizance.
- (4) Where security is taken under this section, the officer who takes the recognizance shall cause it to be forwarded to the court before which the suspect named in the recognizance is bound to appear.

**66. Warrant issued by the Federal High Court**

- (1) A warrant of arrest issued by a Federal High Court sitting anywhere in Nigeria may be executed in any part of Nigeria.
- (2) A warrant issued under this section may be executed in accordance with section 64 of this Act.

**67. Re-arrest of suspect escaping**

Where a suspect in lawful custody escapes or is rescued, the person from whose custody he escapes or is rescued or any other person may pursue and re-arrest him in any place in Nigeria.

**68. Provisions of sections 39 and 41 to apply to arrests under section 67**

The provisions of sections 39 and 41 of this Act shall apply to arrests under section 67 of this Act, although the person making such arrest is not acting under a warrant and is not a police officer having authority to arrest.

**69 Public safety and public order**

- (1) The Police Force shall be responsible for maintaining and securing public safety and public order.
- (2) The Police Force shall, in discharging its responsibilities under subsection of this section:

- (a) uphold the provisions of the Constitution and other laws;
  - (b) uphold and protect the fundamental rights of all persons in Nigeria; and
  - (c) be fair to all persons in Nigeria notwithstanding their economic status or religious, ethnic or political beliefs and affiliations.
- (3) Subject to the provisions of subsection (1) of this section, the Commissioner of Police of a State shall be responsible for maintaining and security public safety and public order within the State.
- (4) Where a person or organization notifies the police of his or its intention to hold a public meeting, rally or procession on a public highway, or such meetings in a place where the public has access to, the police officer responsible for the area where the meeting, rally or procession will take place, shall mobilize personnel to provide security cover for the meeting, rally or procession.

## **ART IX - PREVENTION OF OFFENCES AND SECURITY FOR GOOD BEHAVIOUR**

### **70. Police to prevent offences and injury to public property**

- (1) A police officer may intervene for the purpose of preventing, and shall, to the best of his ability, prevent the commission of an offence.
- (2) A police officer may of his authority intervene to prevent an injury attempted to be committed in his presence to any public property, whether movable or immovable, or the removal of or injury to any public landmark or buoy or other mark used for navigation.

### **71. Information of design to commit offence**

A police officer receiving information of a design to commit any offence shall communicate the information to the police officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of the offence.

## **72. Arrest by police to prevent offences**

**Notwithstanding the provisions of this Act or any other law relating to arrest, a police officer on a reasonable suspicion of a design to commit an offence, may arrest, without orders from a Magistrate and without warrant, the suspect where it appears to the officer that the commission of the offence cannot otherwise be prevented.**

## **73. Prevention by other public officers of offences and injury to public property**

- (1) A Judge, Magistrate, or any other public officer charged with responsibility for maintaining law and order may intervene for the purpose of preventing and shall, to the best of his ability, prevent the commission of an offence, for which he is authorised to arrest without a warrant or any damage to any public property, movable or immovable.**
- (2) A person is bound to assist a Judge or Magistrate or police officer or any other public officer reasonably demanding his aid:**
  - (a) in preventing, and shall to the best of his ability, prevent the commission of an offence for which he is authorised to arrest without a warrant or any damage to any public property, movable or immovable;**
  - (b) in the suppression of a breach of the peace or in the prevention of any damage to any property, movable or immovable or to any railway, canal, water supply, telecommunication system, oil pipeline or oil installation, or electrical installation; or**
  - (c) in the prevention of the removal of any public landmark, buoy or other mark used for navigation.**

### **PART X**

#### **PROPERTY FOUND AND UNCLAIMED, ETC.**

## **74 Found and Unclaimed property**

- (1) Where a police officer or any other person finds a property, the police officer or person who finds the property shall take it to the nearest police station within**

**twenty-four hours after it is found.**

- (2) A police officer on duty shall collect the property which was found and make a record of it.**
- (3) A register shall be kept at a police station for the purpose of making entries of the property found and brought to the station which must contain the following information-**
  - (a) the type of property found;**
  - (b) the description of the property stating the general particulars and state and condition of the property when it was brought to the police station and any other relevant information relating to the property;**
  - (c) the date and time it was found and brought;**
  - (d) the name, address and telephone number, if any, of the person who found and brought the property to the station;**
  - (e) the name and rank of the police officer who collected the property, and**
  - (f) the signatures of the police officer and the person who found and brought the property to the station.**
- (4) A police officer who collects the lost and found property shall enter the details in the register referred to in subsection (3) of this section and prepare two forms acknowledging the receipt of the lost and found property and give a dully signed copy to the person who found and brought the property to the police station.**
- (5) The police officer in-charge of the police station in possession of the property found shall make a public announcement at least on three consecutive times in the print and electronic media about the property in the custody of the police station for the rightful owner to claim the property with authentic proof of ownership within a period of six months.**
- (6) The police officer in-charge of the station in possession of the property shall release the property upon satisfactory proof of ownership.**
- (7) Where the property remains unclaimed after the expiration of six months, the police officer in-charge of that police station shall bring the property before a Magistrates Court for auction and the proceeds shall be**

**paid into the Police Reward Fund established under section 77 of this Act.**

- (8) Where a property in Police custody is a perishable article or its perishable custody involves unreasonable expense or inconvenience, it may be sold at any time, and the proceeds of sale shall be paid into the Police Reward Fund established under section 45 of this Act, but not until they have remained in the possession of the Police Service for a period of six months.**
- (9) There shall be deducted from the proceeds of a sale under subsections (7) and (8) of this section, before being paid into the Police Reward Fund the cost, if any, of the sale and of any sum which the court may direct to be paid as a reward to any person by whom the property was delivered into the possession of the police,**

#### **75. Documentation of arrest, witnesses and death in police station**

- (1) Where a person appears in a police station in respect of an offence or an allegation of the commission of an offence either as an accused person or a witness, or as a relation or friend of an accused person or a witness, the duty officer or such other officer as may be authorized by the officer-in-charge of the **police** station shall enter in the official record book:**
- (a) the name of the person and his national identity number, if any;**
  - (b) the date of birth of the person;**
  - (c) the reason for the person's visits;**
  - (d) the name and address of the person's next-of-kin;**
  - (e) the exact time the person comes to the station and leaves, for every day he visits; and**
  - (f) any ailment or medical condition which the person has.**
- (2) The particulars mentioned in subsection (1) of **this** section shall be updated each day the person remains in custody in the police station.**



- (3) Where in exercise of the police duty a person is shot, wounded or killed, the officer commanding the operation shall record:**
  - (a) the number of those wounded or killed, the names of the victims or their description as much as possible; and**
  - (b) efforts taken to ensure hospitalization of the wounded or proper preservation of the dead.**
- (4) A police officer who fails to keep appropriate records referred to in subsections (1), (2) and (3) of this section commits a serious misconduct, which shall attract disciplinary measure.**
- (5) The Inspector-General shall give a quarterly report to the Police Force Commission itemizing the number and identity of persons who:**
  - (a) were detained in all police formations across Nigeria;**
  - (b) were charged and prosecuted in the courts in Nigeria and the outcome of their cases;**
  - (c) were killed or wounded during police operations across Nigeria; and**
  - (d) died in police custody.**

#### **76. Missing persons**

- (1) A person who is aware that a person under his employment or control is missing shall within twenty-four hours report to the police the identity of the missing person and the circumstances in which that person got missing.**
- (2) When a report is made to the police under subsection (1) of this section, the duty officer or such other designated staff shall immediately record the name and address of the missing person and the person who made the report.**

### **PART XI - ESTABLISHMENT OF THE POLICE REWARD FUND, ETC. AND OTHER PROVISIONS RELATING TO THE POLICE FORCE**

## **77. Establishment, etc. of the Police Reward Fund**

- (1) There is established for the Nigeria Police a fund to be called “the Police Reward Fund” (in this section referred to as “the Fund”) into which shall be paid the following:
  - (a) all moneys levied by order of a superior officer on members of the police for offences against discipline;
  - (b) all fines levied for assaults on members of the police;
  - (c) one-third of fees paid by members of the public in respect of extracts from reports made by the police;
  - (d) one-third of fees paid in accordance with Standing Orders for the services of police officers who would otherwise be off duty; and
  - (e) all sums ordered to be paid into the fund under section 74 (7) of this Act.
- (2) Subject to the rules for the time being in force under section 23 of the Finance Control and Management Act, the Reward Fund shall be applied and disbursed at the direction of the Inspector General, based on criteria laid by the Nigeria Police Council, for any of the following purposes:
  - (a) to reward members of the police for exemplary services
  - (b) for payment of *ex gratia* compassionate gratuities to widows or children of deceased members of the force;
  - (c) for making *ex gratia* payments towards the funeral expenses of any member of the police who dies in the service of the police and;
  - (d) such other purpose as may be determined, from time to time, by the Nigerian Police Council.

## **78 Recognition and commendation for gallant and exemplary service**

Police officers who have distinguished themselves with their outstanding performance in the discharge of their duties shall be duly

honoured and recognized for their gallant and exemplary service as follows:

- (a) by recommendation for national honours, attention being paid to deserving officers of lower rank, in particular;
- (b) through public presentation of awards and certificates of exemplary service from communities and civil society; or
- (c) by the police setting aside a day or week in every year to celebrate outstanding performance by its officers and to remember their fallen heroes.

#### **79. Police Officer and indebtedness**

- (1) A police officer shall not get himself **involved** in indebtedness of any kind while still in service, and where he does, he shall be disciplined and the debt or liability shall be recovered from his remuneration if the creditor can prove the indebtedness by **withholding from the police officer's remuneration an amount not exceeding one-half of his monthly remuneration until the amount of the debt or liability is made good.**
- (3) Where the recovery of the debt or liability is by a court order, the court making the order shall give due notice to the senior police officer in charge of the command to which the indebted officer belongs, and the amount ordered shall be withheld or deducted from the indebted officer's remuneration until the amount of the debt is made good.

#### **80. Debt recovery: exception**

The remuneration of a police officer shall not be withheld on account of any debt or liability, which he may have incurred within three years before being appointed to the police.

#### **81 Private business and conflict of interest**

**A police officer shall not**, while still in service, be directly involved in managing and running any private business or trade except farming.

### **PART XII-OFFENCES**

#### **82. Offences by police officer**

- (1) A police officer who:
- (a) begins, raises, abets, countenances, or excites  
mutiny;
  - (b) causes or joins in any sedition or disturbance of any nature whatsoever;
  - (c) being at an assembly tending to riot, does not use his utmost endeavour to suppress the assembly;
  - (d) coming to the knowledge of any mutiny, or intended mutiny does not without delay give information of the mutiny to his superior officer;
  - (e) strikes or offers any violence to his superior officer, while in the execution of his duty;
  - (f) deserts or aids or abets the desertion of an officer from the Nigeria Police;
  - (g) fails to come to the aid or to assist any person in need of assistance at the time of distress; or
  - (h) on enlistment falsely states that he has not been convicted or imprisoned for a criminal offence or that he was never employed by the Government of the Federation or of a State.
- (2) An officer found **engaging** in any manner prescribed in subsection (1)(a) to (h) of this section shall be subject to appropriate disciplinary proceedings in accordance with the police disciplinary mechanisms and if found liable, shall be recommended for dismissal and charged to court for prosecution in accordance with the relevant laws in force.
- (3) A police officer shall not, in discharging his duty, discriminate against a person in Nigeria, based on the person's place of origin, gender, socio-economic status, ethnic, political or religious affiliation or any form of disability and shall not use such language, or act in such a way that suggests a bias towards a particular group.

- (4) A police officer may be proceeded against for desertion without reference to the time during which he may have been absent, and may be found guilty, either of desertion or of absence without leave.
- (5) A police officer shall not be convicted as a deserter or of attempting to desert unless the court is satisfied that there was an intention on the part of the officer either not to return to the Nigeria Police, or to escape some particular important service.

### **83 Apprehension of deserters**

On reasonable suspicion that a person is a deserter, a police officer or any other person may apprehend him and bring him immediately before a court having jurisdiction in the place where he was found, which may deal with the suspected deserter or refer him to a court having jurisdiction in the place in which he has deserted.

### **84 Assault on police officer**

A person who assaults, obstructs or resists a police officer in the execution of his duty, or aids or incites any other person to assault, obstruct or resist a police officer or other person aiding or assisting the police officer in the execution of his duty, **commits an offence and is liable on conviction to a fine of one hundred thousand naira or to imprisonment for a term of six months or to both the fine and imprisonment.**

### **85. Refusing to aid police officer assaulted**

Where a person is called upon to aid and assist a police officer who is, while in the execution of his duty, assaulted or resisted or in danger of being assaulted or resisted, and the person refuses or neglects to aid and assist accordingly, **he commits an offence and is liable on conviction to a fine of one hundred thousand naira or imprisonment for a term of six months or to both the fine and imprisonment.**

### **86. Taking of intoxicating liquor or use of psychotropic substances and stimulants while on duty**

- (1) A police officer shall not, while on duty, take any intoxicating liquor, psychotropic substances or stimulants and if he does, he

shall be punished in accordance with the police disciplinary procedures.

(2) A person who:

- (a) knowingly harbours or entertains, or either directly or indirectly, sells or gives any intoxicating liquor, psychotropic substances or stimulants to a police officer while on duty, or permits a police officer to stay or remain in his house unlawfully except in cases of extreme urgency;  
**or**
- (b) by threats or by offer of money, gift, spirits, liquors, psychotropic substances or stimulants induces or attempts to induce any police officer to commit a breach of his duty as a police officer or to omit any part of the duty,

**commits an offence and is liable on conviction to a fine of twenty thousand naira or imprisonment for a term of three months or to both the fine and imprisonment.**

### **87. Impersonation of police officer**

A person, not being a police officer who:

- (a) puts on or assumes either in whole or in part, the apparel, name, designation, or description of a police officer or resembling and intended to resemble the apparel, name or designation of a police officer; or
- (b) in any way pretend to be a police officer for the purpose of obtaining admission into any house or other place, or of doing any act which such person would not by law be entitled to do of his own authority,

**commits an offence and is liable on conviction to a fine of three hundred thousand naira or imprisonment for a term of three years or to both the fine and imprisonment.**

### **88. Obtaining admission into Police Force with forged or false certificate**

- (1) A person who:
  - (a) knowingly uses or attempts to pass off any forged or false certificate character, letter, or any other document for the purpose of obtaining admission into the Nigeria Police; or
  - (b) on applying for enlistment, makes a false statement,

**commits an offence and is liable on conviction to a fine of one hundred thousand naira or imprisonment for a term of six months or to both the fine and imprisonment.**

- (2) A police officer may arrest without a warrant a person whom he reasonably believes has committed an offence under this section.

**89. Ordinary course of Law not to be interfered with**

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

**90. Persons acquitted by the court not to be tried for the same offence under this Act**

- (1) A person who has been acquitted by a court of any offence shall not be tried on the same charge or suffer any punishment under this Act.
- (2) Where a police officer has been convicted by a court for an offence, he shall not be liable to be punished for the same offence under this Act, but may have his rank or grade reduced or be dismissed from the Nigeria Police.

**PART XIII COMMUNITY POLICE FORUMS AND BOARDS**

**91 Establishment of Community Police Forums**

- (1) For the effective and efficient policing of communities in a State, the **Commissioner of Police of a State** shall establish Community Police Forums and Boards **(in this Act referred to as “Forums” and “Boards”, respectively)** that shall consist of representatives of the Police Force and the local community in the State.
- (2) **The Commissioner of Police of a State** shall establish Community Sub-Forums **(in this Act referred to as “Sub-Forums”)** at all Divisional Police Headquarters in the State.

- (3) Subject to section **96 (1) (b)** of this Act, the Commissioner of Police and the members designated by him from time to time for the purpose, shall be members of the Forums and Sub-Forums established at various police formations.

## **92. Establishment of Divisional Community Police Boards**

- (1) **A Commissioner of Police of a State** shall in collaboration with the relevant stakeholders in the community, establish Divisional Community Police Boards (**in this Act referred to as “Divisional Boards”**) in all Police Divisions within the State.
- (2) A Divisional Board shall, in collaboration with the relevant stakeholders in the community, establish Divisional Community Police Boards in all police formations in the Division.
- (3) Subject to **section 96 (1) (b) of this Act**, the Divisional Police Officer and the members designated by him, from time to time for that purpose, shall be members of the Divisional Board concerned.

## **93. Establishment of State Community Police Boards**

- (1) **A Commissioner of Police of a State** shall in collaboration with the State Executive Council, establish a State Community Police Board.
- (2) A State Community Police Board shall subject to subsection (3) of this section, consist of representatives of Divisional Community Police Boards designated for that purpose by the Divisional Community Police Boards of a State concerned.
- (3) Subject to **section 96 (1) (b) of this Act**, Commissioner of Police in a State and the members designated by him from time to time for the purpose, shall be members of the State Community Police Board concerned.

## **94. Objects of Community Police Forums and Boards**

- (1) **The objectives of the Forums and Boards are to:**
  - (a) **maintain** a partnership between the community and the Police;



- (b) **promote** communication between Nigeria Police and the community;
  - (c) **promote** co-operation between the Police and the community in fulfilling the needs of the community regarding policing;
  - (d) **improve** the rendering police service to the community; and
  - (e) **improve** transparency and accountability **in the provision of police services** to the community.
- (2) This section shall not prevent Police liaison with the community by means other than Forums, Boards, **Sub-Forums and Divisional Boards**.

## **95. Functions of Community Police Forums and Boards**

A Forum, Board, Sub-Forum and Divisional Board shall perform the functions it **considers** necessary and appropriate to achieve the objects stated in **section 94 of this Act**.

## **96 Procedural matters**

- (1) **A Forum, Board, Sub-Forum and Divisional Board shall:**
- (a) elect from amongst its members a Chairman, Vice-Chairman and a Secretary who shall be a police officer;
  - (b) determine the number of members to be assigned by the State Commissioner or Divisional Police Officer to serve as members of the Board, Forum or Sub-Forum concerned;
  - (c) determine its own procedure and cause minutes to be kept of its proceedings; and
  - (d) whenever it considers it necessary, co-opt other members or experts or community leaders to the Forum, Board, Sub-Forum and Divisional Board in an advisory capacity.
- (2) **Members of the Forums, Boards, Sub-Forums and Divisional Boards** shall render their services on a voluntary basis and shall have no claim to any remuneration solely for

services rendered to the Forums, Boards, Sub-Forums or Divisional Boards.

- (3) The majority of the members of a Forum, Board, Sub-Forum or Divisional Board shall constitute a quorum at any of its meetings.
- (4) In the absence of **the Chairman** of a Forum, Board, Sub-Forum or a Divisional Board at a meeting, the **Vice-Chairman** shall preside over the meeting and if both the **Chairman** and the **Vice-Chairman** are absent, the members present shall elect one of their **numbers** present to preside over the meeting.

#### **PART XIV - TRAFFIC WARDEN SERVICE**

##### **97. Establishment of Traffic Warden Service**

- (1) There is established a Traffic Warden Service (in this Act referred to as “the Warden Service”).
- (2) The Warden Service shall consist of traffic wardens appointed from time to time under this Act.
- (3) The Warden Service shall be a part of the Police Force and accordingly, references to the Police Force shall, subject to the provisions of this Act, include references to the Warden Service.
- (4) Notwithstanding subsection (3) of this section, where any Act, whether passed before or after the commencement of this Act, requires police officers to perform military duties, or confers any power on any person whether expressly or in general terms to require police officers to perform those duties, that Act, shall not in the absence of express provision to the contrary extend to traffic wardens.
- (5) Traffic wardens shall be employed to discharge functions normally undertaken by police officers in connection with the control and regulation of, or the enforcement of the law relating to road traffic and shall in that connection, act under the direction of the Nigeria Police.
- (6) Without prejudice to the generality of the provisions of subsections (1) to (5) of this section, a traffic warden shall deal primarily with-

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

## **98. Appointment of traffic wardens**

- (1) Notwithstanding anything to the contrary in any law, the Inspector -General has power to appoint, promote, transfer, dismiss or exercise disciplinary control over traffic wardens.
- (2) Subject to the provisions of this Act, a person may be appointed a traffic warden if he:
  - (a) is not less than nineteen and not more than twenty-one years of age;
  - (b) is in possession of a minimum educational qualification of Senior Secondary School Certificate;
  - (c) is not less than 167.64 centimetres and 162.56 centimetres tall respectively for the men and the women;
  - (d) in the case of men, has not less than 86.36 centimetres chest measurement when fully expanded;
  - (e) is of good character and is physically fit; and
  - (f) has signified his willingness to serve as a traffic warden.
- (3) **The Police Service Commission** shall from time to time, by notice published in the *Federal Gazette*, fix the maximum number of persons who may at any given time hold appointments under this section and a person shall not be appointed as a traffic warden if his appointment would cause the number fixed for that period of time to be exceeded.
- (4) The Inspector-General may-
  - (a) from time to time with the approval of the Police Service Commission, fix the maximum number of traffic wardens

who may at any given time hold appointments in any State;

- (b) at his own discretion, fix the maximum number of traffic wardens who may at any given time hold any particular rank in the Warden Service in any State: and
- (c) in either case fix different numbers with respect to different States.

#### **99. Declarations by traffic wardens**

- (1) A traffic warden on appointment or if re-appointed for a further period shall make and subscribe to the Police Declaration prescribed by the Oaths Act as modified under subsection (2) of this section.**
- (2) The Police Declaration prescribed by the Oaths Act is modified by substituting for the words:**
  - (a) “police officer” wherever they occur, the words “traffic warden”; and**
  - (b) “for the preservation of peace” to the end of the declaration, the words ‘to discharge all duties of my office according to law’.**

#### **100. Tenure of office of traffic wardens**

- (1) A traffic warden appointed under this Act shall be appointed to serve as a traffic warden for a period of one year, and only in the Police Division in which he resides.
- (2) A traffic warden may, subject to satisfactory conduct and service, be re-appointed for further periods of three years until the expiration of the tenth year of his appointment in the Warden Service, when he may elect to determine his appointment or elect that his service be allowed to continue until he is fifty-five years of age.

#### **101. Powers, etc. of traffic wardens**

A traffic warden appointed under this Act shall, when on duty:

- (a) **have the powers, privileges and immunities of a police officer under any law relating to the regulation of road traffic; and**
- (b) **be in uniform and within the Police Division in which he is appointed to serve, but not elsewhere.**

## **102. Certificate of Appointment and Discharge**

A traffic warden shall on first appointment, be issued with a **Certificate of Appointment** in a form approved by the Inspector - General and on the determination of that or any subsequent appointment whether by effluxion of time or under section 100 of this Act, shall in like manner be issued with a **Certificate of Discharge**.

## **103. Ranks of traffic wardens**

- (1) A Traffic Warden shall have such rank as may be assigned to him by the Inspector-General within the following grades:
  - (a) Traffic Warden Grade III;
  - (b) Traffic Warden Grade II;
  - (c) Traffic Warden Grade I; and
  - (d) Senior Traffic Warden.

## **104. Resignation**

- (1) A traffic warden appointed under this Act may at any time give to a superior Police Officer under whom he is serving, notice in writing of his intention to resign his appointment on a date mentioned in the notice, not being less than twenty-eight days later than the date on which the notice is given.
- (2) On receipt by the superior police officer of the notice referred to in subsection (1) of this section, the superior police officer shall immediately refer the notice to the Commissioner of Police having control over him and the traffic warden and if the Commissioner consents to the notice having effect, the appointment of the traffic warden shall terminate accordingly.

## **105. Discipline**

- (1) In so far as the context so admits, but subject to the provisions of this Act, a traffic warden shall be subject to the provisions of the Police Regulations for purposes of discipline.
- (2) **In the application to traffic wardens of the provisions of Police Regulations relating to the power to award punishments and to whom they may be awarded,** references to Constables, Corporals, Sergeants and Inspectors shall include, respectively, references to Traffic Wardens Grade I and Senior Traffic Wardens.

#### **106. Provision of equipment**

- (1) The Inspector-General of Police may provide, for use by the traffic wardens, such equipment as he considers necessary for the proper carrying out of their duties under this Act.
- (2) Any expenses incurred by the Inspector-General under this section shall be defrayed out of the **fund of the Police Force**.

#### **107 Delegation of power by Inspector- General**

The Inspector-General may delegate any of his powers under this **Part** to the Commissioner of a **State** or the Commandant of a Police College (except his power of delegation), so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined by the instrument of delegation.

#### **108 Instruction of traffic warden, etc.**

- (1) A traffic warden shall be required to undergo a course of training at the Traffic Training School of a Police College for a period of twelve weeks or such other or further period as the Inspector-General may determine.
- (2) A traffic warden shall on appointment be allocated a service number with the letters "TW" and the service numbers of all traffic wardens employed under this Act shall appear on the register kept for that purpose by the Inspector-General.
- (3) A traffic warden to whom a service number has been allocated under subsection (2) of this section shall wear his service

number on the shoulder flaps of his uniform whenever he is on duty.

## **PART XV - POLICE PUBLIC COMPLAINTS AND DISCIPLINE**

### **109. Establishment of a Police Complaints Response Unit**

The Inspector-General of Police shall establish a Police Complaints Response Unit (in this Act referred to as "the Unit") in each of the Police Commands in all the States.

### **110. Composition of the Unit**

- (1) The Unit shall consist of representatives of the Federal or State Intelligence Bureau, Police Provost Marshal and any other unit of the Police Force as the Inspector- General considers fit.
- (2) The Unit shall be headed by an officer not below the rank of a Chief Superintendent of Police.

### **111. Functions of the Unit**

- (1) The Unit shall receive:
  - (a) complaints or information of police officers' misconduct from the public; and
  - (b) complaints of police officers' misconduct from other police officers or authority.
- (2) The Unit shall also receive complaints:
  - (a) alleging that the conduct complained of resulted in the death or serious injury or other gross human rights violation;
  - (b) showing that a police officer is involved in an act constituting professional misconduct.
- (3) The Unit shall monitor the investigations initiated by the Unit.
- (4) While conducting investigation into any complaint by a member of the public against a police officer, the Unit shall afford the person against whom the complaint has been made opportunity to defend himself.

- (5) On the conclusion of an investigation, the appropriate investigative unit of the Unit shall make available a copy of its findings or investigation report to the Unit within twenty-one days from the day the complaint was made.

## **112. Steps to be taken after investigation**

After investigation, the head of the Unit shall **forward the report and its recommendations to the Inspector- General who shall:**

- (a) send a copy of the investigation report and recommendations to the Director of Public Prosecutions for prosecution if the investigation reveals that **an** offence has been committed;
- (b) send a copy of the investigation report and recommendations to the appropriate Police or oversight authority for proper disciplinary action if the investigations reveal that the offence committed is against discipline **as specified in this Act and in Police Regulations made under this Act; and**
- (c) where it is discovered after investigations that the complainant knowingly gave false information against the police officer or should have reasonably known that the information is false, the complainant shall be tried according to relevant laws for the time being in force.

## **PART XVI - MISCELLANEOUS PROVISIONS**

### **113. Prohibition against gender discrimination**

**The Police Force or other persons shall not, in the performance of his or its functions under this Act, regulations or Standing Orders made pursuant to this Act, discriminate against any person on the basis of gender as provided under section 42 of the Constitution.**

### **114. Disobeying of unlawful orders**

- (1) **A police officer who on reasonable grounds believes that an order given to him by a superior officer is unlawful, is not bound to comply with the order and shall immediately**



**make a report in such form as shall be provided by the Police Force for that purpose.**

- (2) On the receipt of the report referred to in subsection (1) of this section, the Police Force shall immediately inquire into the matter and may, where the inquiry reveals that the order was:**
- (a) lawful, take appropriate disciplinary action against the police officer for disobeying a lawful order; and**
  - (b) unlawful, take appropriate disciplinary action against the superior police officer for giving an unlawful order.**

### **115. Power to make regulations**

- (1) The Minister may make regulations on the recommendation of:**
- (a) the Inspector-General of Police, with respect to the policy, organization and administration of the Nigeria Police, including establishments and financial matters, other than pensions within the meaning of the Pensions Reform Act (Cap. P4 LFN 2004)**
  - (b) the Police Service Commission, with respect to appointments, promotions and disciplinary control of police officers as specified in the Constitution.**

### **116. Repeal of the Police Act**

- (1) The Police Act (Cap P19 LFN 2004) is repealed.**
- (2) Subject to section 6 of the Interpretation Act (relating to the repeal of enactments), the repeal of the Act referred to under subsection (1) of this section shall not affect anything done or purported to have been done under it.**

### **117. Savings and transitional provisions**

- (1) There is vested in the Police Force established under this Act and without further assurance other than this Act, all assets, funds, resources and other moveable or immoveable property which immediately before the commencement of this Act were vested in the Police**

**Force existing immediately before the commencement of this Act.**

- (2) All rights, interests, obligations and liabilities of the Police Force existing immediately before the commencement of this Act under any contract or instrument, or in law or in equity, are by virtue of this Act assigned to and vested in the Police Force established under this Act.**
- (3) Any contract or instrument referred to in subsection (2) of this section has the same force and effect against or in favour of the Police Force established under this Act and shall be enforced as fully as effectively as if, instead of the Police Force existing immediately before the commencement of this Act, the Police Force established under this Act had been named in it or had been a party to it.**
- (4) Any proceeding or cause of action pending or existing immediately before the commencement of this Act in respect of any right, interest, obligation or liability of the Police Force existing immediately before the commencement of this Act may be continued, or as the case may require, be commenced and the determination of a court or tribunal or other authority or person may be enforced by or against the Police Force established under this Act to the same extent that the cause of action or determination might have been continued or commenced or enforced by or against the Police Force existing immediately before the commencement of this Act as if this Act had not been enacted.**
- (5) Subject to the provisions of this Act and to such directions as may be issued by the Police Service Commission, a person who immediately before the commencement of this Act held office in the Police Force existing before the commencement of this Act is deemed to have been transferred to the Police Force established under this Act on terms and conditions not less favourable than those obtaining immediately before the commencement of this Act and employment in the Police Force existing immediately before the commencement of this Act is deemed to be service in the Police Force established under this Act for the purpose of pension.**

- (6) **Any regulations, orders, notices made or issued by or for the purpose of the Police Force existing immediately before the commencement of this Act are deemed, if not inconsistent with this Act, to have been made or issued by or for the purposes of the Police Force established under this Act and shall continue in force until revoked or amended, subject to such modifications as may, from time to time be applicable to the Police Force established under this Act.**
- (7) **The Minister may if he thinks fit, within twelve months after the commencement of this Act, by notice published in the Federal Gazette, make additional transitional provisions for the better carrying out of the objectives of this section.**

## **118. Interpretation**

In this Act, unless the context otherwise requires:

“Commissioner” means a Commissioner of Police, a Deputy Commissioner of Police or an Assistant Commissioner of Police;

“Constable” means any Police Officer below the rank of Corporal;

**“Constitution” means the Constitution of the Federal Republic of Nigeria, 1999 (as altered);**

“court” means any court established by any law in force in Nigeria,

**“functions” includes duties;**

“Inspector” includes a Chief Inspector and an Inspector of Police;

**“Minister” means the Minister charged with responsibility over police matters and “Ministry” shall be construed accordingly;**

“Non-Commissioned Officer” means a Police Sergeant-Major, a Police Sergeant or a Police Corporal as the case may be;

**“Police” means the Police Force;**

**“Police Force” means the Police Force established under section 3 of this Act;**

“police officer” means a member of the Nigerian Police;

“prosecuting officer” means any person appointed by the Attorney General of the Federation or of the States to prosecute crimes on their behalf and for the Nigeria Police;

“**senior or superior** police officer” means any police officer above the rank of a Cadet Assistant Superintendent of Police; and

“Superintendent of Police, includes a Chief Superintendent of Police, Superintendent of Police, a Deputy Superintendent of Police, and an Assistant Superintendent of Police.

### **119. Short title**

This Act may be cited as the Nigeria Police Act, 2018.

## **SCHEDULE**

(Section

3 (3))

The hierarchy of the Police Force specified in Section 3(3) of this Act are as follows:

- (a) The Inspector-General of Police;**
- (b) Deputy Inspector- General of Police;**
- (c) Assistant Inspectors-General of Police;**
- (d) Commissioners of Police;**
- (e) Deputy Commissioner of Police;**
- (f) Assistant Commissioner of Police;**
- (g) Chief Superintendent of Police;**
- (h) Superintendent of Police;**
- (i) Deputy Superintendent of Police;**
- (j) Assistant Superintendent of Police;**
- (k) Inspector of Police;**
- (l) Sergeant Major;**
- (m) Sergeant;**
- (n) Corporal;**
- (o) Constable; and**
- (p) such other officers as the Police Service Commission may, from time to time, consider necessary for effective discharge of the functions of the Police.**

## **EXPLANATORY MEMORANDUM**

This **Bill** seeks to repeal the Police Act Cap. P19 LFN, 2004 and enact the Nigeria Police Act, 2018, to provide for a more effective and well-organized Police Force driven by the principles of transparency and accountability in its operations and management of its resources.

The Bill sets out to establish an appropriate funding framework for the Police Force in line with what is obtainable in other Federal Government key institutions. Particularly, a mandatory policing plan is required to be drawn up annually by the Police Force and tied to expenditures in the bid to ensure that all police formations nationwide are appropriately funded for effective policing.

The Bill further seeks to bring about enhanced professionalism in the Police Force through the provision of increased training opportunities for police officers and other persons employed by the Police Force.

Importantly, the Act seeks to establish a sound and sustainable basis for an enduring cooperation and partnership between the Police Force and host communities in maintaining peace and combating crimes nationwide.