
THE NIGERIAN POLICE ACT, 2020: EMERGING CHALLENGES AND OPPORTUNITIES

JOEL AUGUSTUS-DADDIE, Ph.D

Department of Public Administration,
Ken-SaroWiwa Polytechnic, Bori, River's state
08035526847

ASIEGBU, VICTOR IHEANYICHUKWU, Ph.D

Department of Political Science, Faculty of Social Sciences
Ignatius Ajuru University of Education,
Port Harcourt, Nigeria
08066593109

OKORO, ISABELLA N. (Mrs)

Department of General Studies
Imo State Polytechnic, Umuagwo
08135661437

Abstract

The Nigerian Police Act, 2020 was enacted out of the desire to have an effective and modern police force that is based on the principles of accountability, transparency and protection of human rights in Nigeria. The Act repeals the erstwhile Nigerian Police Act, 2004 with its own novel provisions. This study therefore looked at some key issues as contained in the Act. The objective of the study is to identify the challenges working against the implementation of the Act in Nigeria. The study adopted systems theory as its framework of analysis and made use of secondary data drawn mainly from journals, textbooks, newspaper reports and the Nigerian Police Act, 2020. Descriptive research design was employed for the study while content analysis was used to analyze the collected data. The study amongst others; found that the Act 2020 is a veritable tool which can be used to entrench transparency and efficiency in the Nigerian Police Force. The study also reveals that there is lack of awareness about the existence of the police Act 2020 and that the Act bequeathed a lot of powers to the police. Consequently, the study recommends that the legislature and executive should from time to time review the activities of the police and that there is need for a nationwide sensitization about the provisions of the Act.

Keywords: Security, Police, Nigerian Police Force, Nigerian Police Act

Introduction

The importance of law and order in terms of a society's orderly development and expansion, both physically and economically, cannot be overstated. This is because only a secured and peaceful society can rationally address concerns like as political and economic progress, and societal advancement. As a result, it is necessary for societies like Nigeria to make efforts to maintain peace and order so as to ensure their growth and progress. Peace is one of the drivers of societal development reasons being

that it propels society to its desired development status and as well bring about changes where necessary. No society can enjoy high level of sustainable development without the existence of peace. Yahaya (2018) avers that peace is a social process that is dynamic and as well promotes justice, equity, and at same time ensures respect for basic human rights and at same time reduces violence and chaos in any society, both physical and otherwise.

Reasoning *a priori*, we can therefore state that peace is a necessary platform upon which every society operates in an effort to achieve desired success as it gives room for negotiation, understanding and use of natural conflict resolution mechanisms. Peace and security is therefore concerned with the elimination of violence all of which help people and the general society realize their potential (Denesh, 2008), because every man by nature is selfish and self-centered (Hobbes, 1994) and in most case men need the presence of the states institutions such as law enforcement agencies to be able to act right and just.

Harris (1999) avers that peace keeping and maintenance in every society is the function of law enforcement agents and it is best understood through control and management of different dysfunctional behavior which may arise in the society. The Nigerian Police Force (NPF) is a statutory institution recognized by the Nigerian Law as the body in charge of ensuring peace. The 1999 Constitution Chapter 6, Part 3 Section 214 states that "*there shall be a police force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section no other police force shall be established for the Federation or any part thereof*". Accordingly, Alemika and Chukwuma (2003) the police have the duty of maintaining both human and material security at all times and by all means necessary. Thus, it becomes the duty of the Police to manage protest, arrest criminals, maintain law and order, respect and promote human rights and as protect the nation from internal and external security challenges.

Nigeria is a signatory to some international law enforcement treaties such as the Code of Conduct for Law Enforcement Officials (CCLEO), Vienna Convention on the Law of Treaties, and the International Human Rights Law all of which are examples of soft law instruments that are of particular relevance to law agencies and bodies around the world, the question that is left to be answered is has the Nigerian Police Force over time being able to manage societal dysfunctions properly and as well operate within the provided laws?

Furthermore, both past and present governments have enacted diverse laws to aid the operations of the police in carrying out their duties of protecting citizen's live and property and ensuring the nation's internal security, one of which is the Nigerian Police Act, 2020. After being signed into law by the Nigerian President Muhamadu Buhari on September 16, 2020, the Act went into effect, thereby repealing the previous Police Act, 2004. According to Adediran (2020), the new Act intends to create a police force that is efficient based on the principles of openness, human rights protection, and

collaboration with other security organisations and accountable. Hitherto its enactment, most civil society and nongovernmental bodies worked tirelessly to have it passed through the harmonized police bill; this was done in order to build a better and efficient police force.

Statement of the problem

As earlier stated in this study, the 1999 Nigerian Constitution Chapter 6, Part 3 Sections 214 state recognizes the existence of the Nigerian Police Force as the statutory body with the responsibility to ensure that there is law and order in Nigeria with the primary roles of crime prevention, preservation of lives and properties through maintenance of law and order. Chapter IV, sections (1) & (2) in subsections a, b and c of the constitution contains the fundamental rights of every citizen. Accordingly, the Police Force have the role of providing and ensuring human security and sustainability at all levels and periods with all methods necessary (Alemika & Chukwuma, 2003). However, in spite of these powers and the provisions of the Police Act, the Nigerian Police Force is faced with a number of challenges. These problems circumnavigate around personnel, welfare and lack of enabling environment and laws.

Adediran (2020), reports that the police's actions in Nigeria pervade many households, cities, and towns across the nation, with numerous tales of woe being related by many citizens and families who have been victims of police abuse of authority and cruelty. Many states in Nigeria were brought to a halt in the year 2020 as part of a nationwide campaign against police brutality, extrajudicial killings in our country, illegal detentions, citizen extortion, and continuous harassment by Nigerian police officers. Prime Africa Legal (2020), reports that Nigeria has never had a fragile existence as it is recorded in recent times. This is because the nation is bedeviled by different security challenges as what started then as a peaceful protest or outcry led to massive loss of lives and properties in 2020 across the nation during the #EndSARS movement. No doubt the remote causes of the #EndSARS protest was as a result of citizens pain and grievances directed towards government and her institutions at different levels, it is worthy of note that the earlier agitations and citizens outcry, via the #EndSars movement, came as a result of too many police complaints. Though the movement started in 2017, it was further heightened in October 2020, with demands that the Special Anti-Robbery Squad (SARS), a contentious branch of the Nigerian Police with a lengthy history of abusing due process, be abolished. As a result, the Nigerian government studied and worked toward rewriting the former Police Act of 2004 to make it more relevant to the current challenges facing the police.

More so, George (2021) in a punch newspaper report stated how victims narrated ceaseless police brutality, extortion, highhandedness and unauthorized arrest years after the #EndSARS protests. At different point and time, innocent citizens seen

around accident scenes have being accosted by officers of the Nigerian Police Force and labeled cab driver robbers. Police brutality has unfortunately become a norm in Nigeria. Furthermore, George (2021) stated that the police are the same, whether in the form of SARS, which prompted #EndSARS protests in October a few years ago, or in the form of roadblocks, extortion, illegal parades of suspects, or extrajudicial killings.

According to a report by Sahara Reporters (2021), operatives of the Lagos State Police Command attacked a journalist with the Guardian newspaper, Eniola Daniel, stripping him and destroying his phone. It was gathered that the victim was arrested by a team of policemen led by one Shola Jejeloye at Ladipo auto spare parts market, along the Apapa-Oshodi expressway. The Victim narrated how members of the Nigerian Police Force manhandled him and had gathered at the area to destroy shops along the road. The report stated that similar incidence occurred on October 11, 2021 when an Arise Television camera operator, Francis Ogbonna and reporter Ferdinand Duruoha were reportedly attacked by men of the Nigerian Police while in Abuja covering a protest, according to a video shared on Twitter by Arise Television and in 2019, Victor Ogungbenro, a video journalist with SaharaReporters was beaten and arrested by policemen while he was covering a protest in Lagos state. Very recently, Naku (2022) a Punch newspaper reporter stated how the Rivers State Police Command confirmed the arrest and imprisonment of four of its officers who allegedly extorted money from a 200-level student of the Ignatius Ajuru University of Education to the tune of N204,000 in Port Harcourt. The student who was affected told pressmen that while going home in a Bolt ride at about 10 p.m. on a Friday some police officers waved the car to a stop along Ogbogoro-Egbelu road near Port Harcourt and extorted some money from him.

Consequently, Adediran (2020) states that advocates for better policing in Nigeria have been calling for the Nigerian Police Act 2020 to be fully domesticated and implemented in order to achieve its intended purpose of ensuring co-operation and partnership between the police and host communities in maintaining peace, protecting liberties, lives, and property. This is because, despite the Act's commendable provisions for human rights protection and preservation, police brutality reports in Nigeria have not decreased. This study against this background attempts to analyze some provisions of the Act with a view of identifying key opportunities and challenges there-in, consequent upon which recommendations that can help in domesticating the Act in the various states of the federation will be made.

Research questions

- i. What are the possible challenges affecting the operations of the Police Act in Nigeria?
- ii. What are the prospects of the Nigerian Police Act, 2020 in Nigeria?

Objectives of the study

- i. To identify the challenges working against the implementation of the Act in Nigeria.
- ii. To make recommendations on how to realize the ideals of the Police Act in Nigeria.

Significance of the study

Theoretically, the study will be significant as it will contribute to the body of knowledge on government policies in Nigeria. The study reviewed literature on the Nigerian Police Act, Nigerian Police Force and security. Thus, it will provide references to researchers and citizens who wish to understand the workings and contents of the Act. Practically, the study will help the Nigerian Police Force reappraise its *modus operandi* and as well educate the citizenry on the need to familiarize with the Act so as to know how to relate with the Police in Nigeria.

Methodology

This study adopted descriptive research design. Descriptive research is helps researchers collect data for the purpose of describing and interpreting existing conditions, attitude, opinions, beliefs, social practices and relationships (Ogunniyi, 1992).

Secondary data were employed for this study. Data was gotten from secondary sources such as textbooks, journals, seminar papers, newspapers and other online materials related to the Nigerian Police Act 2020. Content analysis was used in analyzing and interpreting the collected data. As a method of analyzing qualitative information, content analysis was used to determine the prospects and challenges of the Nigerian Police Act, 2020.

Theoretical framework

David Easton Systems Theory 1953

The systems theory in political science was postulated by David Easton, Gabriel Almond, Karl Deutsche and others. In his Political System written in 1953, David Easton tried to understand politics and society from a systems approach. His study, which is credited with laying the groundwork for the behaviourist revolution in political science, established eight distinct traits. He defined a political system as an interaction that happens in every community and is used to make and execute authority allocations in the form of policies and decisions. To Wilson and Asiegbu (2022), the system theorist views society as a system composed of distinct sub-units that work together for the greater good of the whole. System theory makes use of a variety of ideas, including inputs (demands), values, outputs (decisions), feedback loops, and the political context all of which depicts a high level of interdependence and synergy between and amongst existing units. Systems theorists view public policy as a reaction to external pressures on the government. The political system is comprised of those institutions that

exercise authoritative authority over the society's values, such as the economic, social, cultural, and international systems that form political processes and are impacted by them just like the Nigerian Police Force.

When applied to this study, we see the functionality and workability of the Nigerian Police Act as dependent on other subunits in the society. The Nigerian Police do not function or operate in a vacuum; they are seen as a subunit in the Nigerian society. For the Act to make useful impact on the Nigerian Police Force all units such as the government (Executive, Legislature and Judiciary), the citizens and every other institution must render support to the police. The executive must ensure that the enacted law be implemented as a working public policy of the government. They must give the Police both financial and administrative support so required such as the sensitization of the Act to the general public. More so, the legislature and judiciary must give the Nigerian Police Force the legal and judicial support they need by ensuring that from time to time they conduct public hearing about the success of the Act and on the other hand give judicial backing to the police.

Again, the police officers must be involved. They must understand that they are public officers operating within the society and therefore must work in line with the traditions of the local people. The Act was born out of the desire for a better society thus they must not override the Nigerian constitution; as the constitution is supreme. If the Nigerian Police, citizens and the government work together as units and subunits there will be interdependence which will further enhance efficiency and productivity of the Nigerian Police Force. If this doesn't happen, the content of the Act will not be domesticated for better use and it will continue to witness the identified challenges.

Literature Review

Security

The concept of security has a multi-dimensional and complex connotation which has longed being in existence since civilization; thus, Nwambuko and Iloh (2021) avers that there is no perennial definition of security to satisfy every age and phase. To Buzan (2009), security is seen as freedom from threat and the ability of states to control and maintain public peace. It is also the ability of the state to put up apparatus and structure in place in a bid to man its force against external or internal aggression. Nation-states put structures together at different times and levels to avert societal disorder which may arise from riots, protest, fighting's with the state or from external incursion or attacks.

More so, Badunde et al. (2014) sees security as the feeling of being safe from attack, harm, fear, oppression, danger, poverty etc. From the forgoing, we can therefore state that security is a multidimensional concept which is broad and covers diverse aspects of the society. Ogaba (2010) states that security deals with freedom from danger or threats to nations ability to protect and preserve its citizens, promote its values. To Ogaba, security deals with freedom from dangers and as well covers the

ability of a nation to promote and preserve its interest both locally and internationally. Security as used in this study, refers to the protection provided by the Nigerian Police Force (NPF) for the citizens as enshrined in the nation's constitution.

Historical background of The Nigerian Police Act, 2020: A brief

On September 16 2020, the Nigeria Police Act, 2020 was signed into law by President Muhamadu Buhari. The Act repeals the Police Act Cap. P19. Laws of the Federation, 2004, and this allows for more efficient and effective police. It also ensures that the new Police Force envisioned for the country under the new law will operate and manage its resources in accordance with the principles of transparency and accountability. It also envisions a police force that operates under the core principles of accountability, fairness, justice, and human rights protection.

The preservation and protection of the human rights of its inhabitants and foreign nationals is one of the most important tasks of the police. However, Johnson (2013) avers that the Nigerian police have a long history of public criticism for their bad human rights records. Despite repeated attempts by successive governments and police administrators to improve the force's human rights reputation, the public continues to believe that the Nigerian police have little concern for the civil rights of ordinary citizens. As a result of the above, there was a national call for a review and restructure of the Nigerian Police part of which led to the enactment of the Nigerian Police Act, 2020. More so, Onanuga (2020) stated that the necessity and call for a rejuvenated police force has been on the drawing board for a long time in relation to the Police Act 2020. Observers, on the other hand, credit it to demands made by young Nigerians during the October 3 EndSARS protests, as it addressed a number of issues that had caused tensions between police and youths around the country.

It might also be seen as a result of governors and other stakeholders continued calls for state police, as well as the Nigeria Police's Community Policing initiative, which is still being fine-tuned. More importantly, the push for police reform has been a long-standing demand and revived debate about socioeconomic disparity in Nigerian society as a result of continuous rights violations and occasionally extrajudicial killings of civilians by police officers and men.

The clamor for a review of the Police Act, 2004 and the enactment of the Nigerian Police Act, 2020 was supported by a large number of Nigerians all of whom needed a change in the modus operandi of the Police. Mrs Otteh Joseph, Director, Crime Victims Foundation of Nigeria (CRIVIFON), regarded the Police Act 2020 as a watershed moment in Nigeria's policing history, noting that it is the first time the Act has been reviewed since independence and that the Nigeria Police Force is approaching 100 years old (Onanuga, 2020). Over time, the need for the revamping and restricting of the Nigerian Police Force has become necessary so as to help the Force observe world best policing practices and strategies.

The Nigerian Police Act, 2020: An analysis of some key issues and opportunities

The Police Force in any nation-state is seen as the enforcement and regulatory body which help in crime management, prosecution and investigation. In a bid to support the police in their duties various laws and regulations have been enacted to assist the police in carrying out their duties of protecting citizens'. One of such legislation is the Nigerian Police Act, 2020 which came into existence in September 2020. Reasoning *a priori*, it is obvious that the Act is expected to enthrone and accountable, dedicated and even more civilized Nigerian Police Force. As earlier noted in this study, Adediran (2020) avers that while the repealed Police Act had 11 parts and 69 sections, the new Nigerian Police Act has 17 parts and 145 sections; with 76 new sections. However, this study shall be discussing some sections, their provisions and how they are interpreted.

- **Section 1 and 2:** States clearly the General Objectives of the Act, which include the provision of an efficient and effective police service based on the principles of accountability and transparency, protection of human rights, respect for the dignity of all people, and safeguarding of the Constitution's fundamental rights. According to the Policy and Legal Advocacy Centre (PLAC) (2020), the Nigerian Police Force over the years have suffered from lack of well-articulated vision and mission which has being highlighted as a huge gap by police reform experts. This omission can be attributed to the background and history of the Police, which was set up in colonial times to protect colonial interests, thus the new Act sets in to correct the anomaly.
- **Section 3 and 4:** Section 3 of the Act establishes the Nigeria Police Force while Section 4 sets out the general duties of the Police which include among others: the protection of the rights and freedom of every person in Nigeria as provided in the Constitution, provision of required assistance for citizen(s). These sections are or are in line with Section 214 of the 1999 Nigerian Constitution which recognizes the Police and at same time clarifies its duties and responsibilities.
- **Section 9:** Section 9 (e) of the Act makes it mandatory for the IGP to make sure the mental & psychological needs of police officers are catered for. It is important that officers of the Police Force undergo regular mental and psychological check up so as to regulate their fitness at all times.
- **Section 19(4):** This clause requires all police personnel to regularly retrain in both fundamental policing and law enforcement courses and specialized law enforcement courses, investigation and gathering of evidence, human rights, gender issues, prosecution and defense. But in Nigeria today, public service officers are said to be lacking some of the required policing and technical skills.
- **Section 20& 21:** Stipulates that police officers shall not be paid a salary

below what is payable to officers in other security agencies. Section 21(4) establishes that Police Officers who are sent to watch or secure individual property, administrative duties on police premises, and to act as orderlies. Their salaries, allowances, entitlements, cost of uniform, accoutrements and ceremonial dress of the supernumerary officer are to be paid by the private company or government department requesting the service of such officer.

- **Section 26 & 27:** These sections cover the general funding for the Police that includes annual budgetary allocations and states contribution for the effective management of the police. Section 27(1) creates a general fund for the Police that include annual budgetary allocations, contributions from States, aid from international bilateral and multilateral organisations as well as sums generated by the Police. (This is different from the Police Trust Fund) and also compels states to keep records of their contributions. Section 27 further states that the funds should be used for cost of administration and operations, payment of salaries, allowances, pensions and other retirement benefits, investments and trainings.
- **Section 31, 32 & 34:** Gives the Police powers to investigate and section 32 empowers them to arrest. By virtue of section 34, a suspect may not be handcuffed, bound or subjected to restraint except on (a) there is reasonable apprehension of violence, (b) the restraint is considered necessary for the safety of the defendant or court order and (c) except on court order. Thus, making it unlawful for officers to subjugate or manhandle any suspect.
- **Section 35(3) & 36:** Section 35(3) establishes that an agency or police officer having custody of a suspect shall notify the next of kin or relative of the suspect at no cost. More so Section 36 states that a person cannot be arrested in place of a suspect. This is one of the Act's most important sections because it discusses how police powers compare to protections for human rights and due process. The former law's authority to search and arrest was vague and lacked any procedural protections. The Act goes further to provide that where a warrant has been gotten it must be shown to the suspect within 24 hours of their arrest (section 78).
- **Section 38:** Provides that a police officer can arrest a suspect without a warrant on certain grounds e.g. where there are reasonable grounds of suspecting the person committed an offence, the person has committed the offence in the presence of the officer, or obstructs the officer's ability to execute their duty, etc. It expressly states that if none of the stated conditions are met, a person cannot be arrested without a warrant.
- **Section 43 & 44:** States that an arrested person must be taken to a police station immediately and the police officer should complete the record of the

person's arrest including the offence, contact details, details of identification etc. Section 44 (1) establishes that were a suspect is arrested with or without warrant, and taken to a police station or any security effecting such arrest, the officer making the arrest must take record of the time and place of arrest, the reason for the arrest, full name, address and occupation of the offender amongst others.

- **Sections 50 (2) (3):** Contains provisions on search warrant safeguards, i.e., requirements that must be met before a search warrant can be obtained, such as the warrant's grounds, the premises to be searched, and so on. Section 50, in particular, stipulates that a police officer must be in uniform and carry a visible Police identity card before conducting a search, as well as advise the person in charge of the vehicle of his or her name, police station, object, and search grounds.
- **Section 62:** Provides for a person arrested to be brought before a court within 24 hours. A suspect may be discharged on entering into a recognizance or bail bond, with or without sureties for a reasonable amount. The revers is most times the case in some police stations, as offenders are held and detained against their will.
- **Section 92(a)(b)©:** Introduces a new clause on recognizing and praising valorous and exceptional service. This is for police officers who have excelled at carrying out their tasks, distinguishing themselves in the process. The Police Force shall honor and formally recognize them for their valiant and exceptional service, either by suggesting that they be given national honors or by publicly presenting them with awards and certificates of commendable service from the communities. In addition to improving police morale, this will go a long way toward solidifying service delivery and dedication on the part of public officials.
- **Section 93, 95 & 99:** Section 93 makes it illegal for a police officer to be in debt while on the job. Creditors can now file for earnings attachment, which will cause the debt to be withdrawn directly from the officer's monthly compensation (up to 30% of total salary) until the debt is paid in full. According to Section 95 of the Act, serving officials are not permitted to engage in any business other than farming. It is now an offence under Section 99 of the Act if a police officer requests for your assistance after being assaulted and you fail to provide it. This is punishable by three months in prison or a fine of N100,000.
- **Section 100:** Section 100 makes it illegal to supply an intoxicating substance to a police officer or to enable a police officer to remain in your home after ingesting an intoxicating substance. A minimum fine of N50,000 is imposed

for this offense.

- **Section 103:** Very importantly, this section provides that police officers are not exempted from the ordinary course of law or other laws, meaning that officers can still be prosecuted for offences not listed in this Act. This is a good development as hitherto, police officers have been seen disrespecting laws and acting as though they are above the law. According to Policy and Legal Advocacy Centre (PLAC) (2020), Police Officers are by this Act expected to abide by all laws of the land and can be prosecuted for offences in other laws. In essence, it mandates that police officers to be law abiding citizens and enshrines the rule of law principle of no one being above the law.

The Challenges of the Nigerian Police Act, 2020:

The new Act's overall goal is to create an effective police force based on the principles of accountability and openness, human rights protection, and collaboration with other security authorities. The Act improved on the provisions of the previous Act, but also contains new provisions and if religiously implemented, the Act has the capacity of entrenching good and effective policing reforms which will strengthen the police operations in Nigeria. No doubt the provisions of the new Act are beautiful, its implementation has faced a lot of challenges.

According to Section 19, all police personnel must regularly complete training and retraining in fundamental law enforcement and policing skills as well as specialized courses related to law enforcement, evidence gathering and investigation, human rights, gender issues, prosecution, and defense. It appears this section has not been achieved reasons being that over time some police officers seen performing or enforcing their duties below expectation and this is because some lack the required law enforcement skills and training. Babalola (2017) in a Vanguard report reveals that the deplorable nature of our training institutes all over the country affects the efficiency of police officers. This is because they lack required policing skills. More so, paucity of the funds contributes to this challenge. When officers lack training, they will find it difficult to carry out their constitutional functions and responsibilities. Wilson and Asiegbu (2020) reveals that due to the global dynamics and changing organisational demands, it is imperative for organizations to improve their human capital by adopting programmes and trainings that will help them to sustain targets of the organisations and take advantage over their competitors in the industry. Thus, lack of training affects the brightness of the new Police Act and therefore hinders its progress.

More so, Section 35(3) further states that when an officer arrests a suspect, the relatives or family members of such a suspect must be contacted. This is a good development, as it requires the police to without any financial attachment contact the family of the suspect. But this is most times not the case as suspects is kept in custody for days without their family members knowing their way about. In line with the above,

Onanuga (2020) states that the Act prohibits a police officer to torture a suspect or melt upon such any inhumane force and as well the respect for the fundamental human right of every citizen. The right to human dignity is a fundamental right guaranteed by the Constitution of 1999. This right must also be extended to someone who has been arrested. He must not be tortured or subjected to any cruel, inhumane, or degrading treatment.

In Lagos, Lambo (2021) reports that family members and acquaintances of a murdered suspect (Omolola Ejioye) were seen protesting the circumstances surrounding their brother's murder while in the custody of the Lagos State Police Command leading to a peaceful protest by some friends and family members of the deceased against police violence.

Furthermore, Section 46 of the Act states that when officers visit a crime scene or go for arrest, there should be a detailed record of the recovered items from the house of the victim and after which unrelated items be returned to the owner. However, it has been noted that police officers are accused of taking items and belongings of suspects who are seen to be indigents and who have no legal counsel. Again, section 54 of the Act states that police force should not as a result of a person's colour, age, hairstyle or manner of dress; previous conviction for possession of an unlawful article; or stereotyped images of certain persons or groups make any arrest. But this is not the case as officers are recorded to have arrested many youths because of the above.

Egbas (2019) reports that young men have been on the receiving end of brutality at the hands of men of the police force because of how they look. Egbas further informs how men of the Police Special Anti-Cultism Squad (SACS) arrested young Nigerians around Sabo, Yaba in Lagos states on March 21, 2019, because of his hairstyle and how boys are picked up because they carry laptop bags. It is believed that with the new Act, all of these will be reduced.

Section 38 grants a police officer the power to arrest a suspect without a warrant on certain grounds e.g. where there are reasonable grounds of suspecting the person committed an offence, the person has committed the offence in the presence of the officer, or obstructs the officer's ability to execute their duty, etc. It expressly states that if none of the stated conditions are met, a person cannot be arrested without a warrant. But the problem now is some officers as a result of bias, ethnic connotation, religious affiliation and creed arrest their perceived enemies because of the enormous powers given to them to make arrest without warrant.

Lack of awareness on the side of the citizens about the content of the Act and their fundamental human rights in general is a major challenge to achieving the provisions of the Act. As rightly noted by Epelle and Asiegbu (2021), majority of citizens are not informed about existing government policies and laws and this is because of weak government-citizen relationship and communication over time. It therefore becomes

necessary that the government communicates its policies and laws to the citizens so as to get them informed. More so, section 36 of the Act, state that a person shall not be arrested in place of a suspect. But most citizens do not know their rights as contained in the Act and the constitution of the Federal Republic of Nigeria with regards to the above section of the Act thus giving some officers the room to abuse their rights.

Akpuke (2017) states that the bureaucratic condition of most public officers as well as the widespread corruption in most public institutions affects the implementation of the Act. Sometimes, police officers are seen extorting citizens and collecting bribes while on duty. Ukpon (2019) reports how an officer identified as Onuh Makedomu, a non-commissioned officer, with Force No.431625, who was caught on camera collecting bribe from a motorist was arrested by the Nigerian Police Force for collecting bribe. The corruption cases reported against some members of the Nigerian Police Force have over time reduced citizens confidence and trust on police officers. No doubt the Nigerian Police Act 2020 is a veritable tool for a better policing and citizen management, but the Nigeria Police Force is still bedeviled by some challenges all of which hinders the realization of the Act.

Conclusion/ Recommendations

The Nigerian Police Act no doubt is a beautiful document which can be used to improve the operations of the Nigerian Police Force and as well enhance the efficiency of the officers of the Force. It is true the Act may have changed the modus operandi of some police officers in the way they handle civil matters, but more still needs to be done. This is because most police officers and citizens alike are unaware about some content of the Act making them to act lawlessly without reverence to the act which could serve as a rebranding tool for the achievement of a more accountable and justifiable police force. Presently around the world, most nations are advancing their security and policing mechanisms and structure in a bid to have a just and peaceful society, the Nigerian Police Force and government must key into the global reform by entrenching a more civilized and formidable police force.

Our thesis is that the Nigerian Police Act is a veritable tool which has the ability to improve and better the Nigerian Police Force by overcoming police brutality, inefficiency and other challenges alike if and when properly implemented. This paper therefore makes the following recommendations:

- i. The powers bequeathed to the police both under the old and new Acts, are extremely broad and subjective. As a result, the executive and legislative branches must check the operations of police personnel in relation to certain sections of the Act.
- ii. The Police Act should be domesticated in all states of the federation. State government should domesticate some sections of the Act as this will help police officers become efficient.

- iii. There is need for national sensitization of both citizens and police officers about the usefulness of the Act. This is because when citizens and officers are aware of their rights and duties alike, they will all act accordingly.
- iv. For we to see an era where the police do not torture suspects in detention or power-drunk officers, we must capture their minds and that begins with regular training of police officers.
- v. As stated in the Act, there is need for the Police Service Commission to conduct regular psychological and mental checkup so as to ascertain the fitness of the police officers.

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