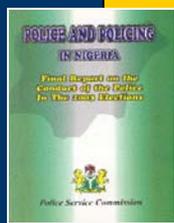


# **POLICE AND POLICING IN NIGERIA**

**Final Report on the  
Conduct of the Police  
In The 2003 Elections**



*Police Service Commission*



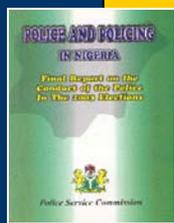
# **Police and Policing in Nigeria:**



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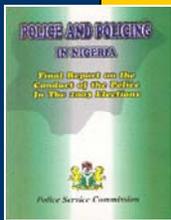


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Police Service Commission



First Published in 2003 by:

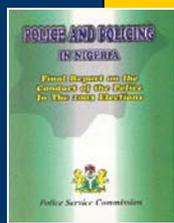
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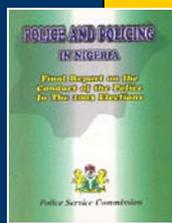
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## **GLOSSARY**

CLEEN	Centre for Law Enforcement Education
DFID:	Department for International Development
IGP	Inspector-General of Police
INEC	Independent National Electoral Commission
NOA	National Orientation Agency
NPF	Nigeria Police Force
OSJI	Open Society Justice Initiative
PSC	Police Service Commission
TMG	Transition Monitoring Group
UNDP	United Nations Development Programme
UNEAD	United Nations Electoral Assistance Division



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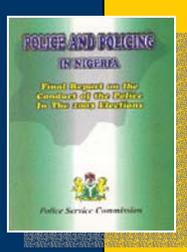
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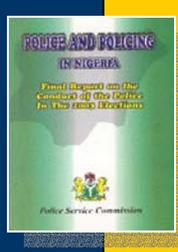
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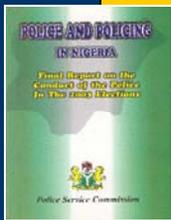
## **ACKNOWLEDGEMENTS**

The Police Service Commission (PSC) is grateful to several groups and individuals for their support and contributions in the publication of this report, and the monitoring of police conducted in the 2003 elections, which preceded it.

Firstly, we thank the Department for International Development (DFID), Open Society Justice Initiative (OSJI), United Nations Development Programme (UNDP) and the United Nations Electoral Assistance Division (UNEAD), for their immense support in the development of our landmark guidelines on the conduct of police officers on electoral duty, dissemination of the guidelines through a multimedia framework, monitoring of police conduct during the 2003 elections and the publication of this final report. These organizations came to our rescue at a time when the PSC was almost concluding that it would not be able to raise the funds to implement the project.

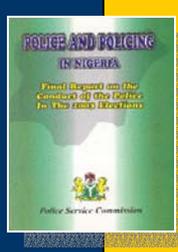
Secondly, the inter-agency cooperation and the involvement of civil society groups in the implementation of the project contributed enormously to its success. The PSC is therefore grateful to the Nigeria Police Force (NPF), Independent National Electoral Commission (INEC), National Orientation Agency (NOA), and Transition Monitoring Group (TMG) for their support and participation in the Interagency Committee established by the PSC to coordinate the implementation of the project under the leadership of Alhaji Ahmadu Rufai Mohammed, MON, an honorable member of the Commission and ably assisted by the Permanent Secretary, Alhaji A. A. Bamanga. Other staff of the Commission who played key role in the work of the Committee are Alhaji M. L. Sule, Prince Emmanuel Ibe, Barrister J. Abdulkareem and O.F. Agabi, who served as secretary.

Thirdly, the Centre for Law Enforcement Education (CLEEN) played the role of technical consultants in the implementation of the project. Worthy of mention are the organisation's executive director, Innocent Chukwuma, and its member of Board, Professor Etannibi Alemika of the Department of Sociology, University of Jos, who both



wrote the draft of this final report. The organisation's Programme Officer, Alex Stevens, was seconded to the PSC for the duration of the project.

Finally and by no means the least, the PSC is grateful to the 185 roving monitors it recruited and deployed to observe police conduct in the 2003 elections. Without their timely reports the publication of this final report may not have been a reality. We also thank the Nigerian media for their sustained interest in the project and for their wide coverage of the activities carried out under the project.

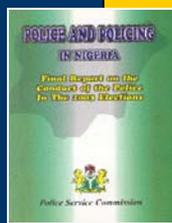


## PREFACE

Security forces play a very crucial public interest role in every democratic election. They are required to protect all citizens participating in the electoral process. Their ability to play these roles without engaging in intimidation, coercion or violence against the citizens is critical to the success of elections. If they are found wanting in discharging their electoral functions, the citizens may not have confidence in the electoral process and may question the credibility and legitimacy of any government that emerges from the process. The lack of a legitimate or credible government is a sine qua non for instability in a polity.

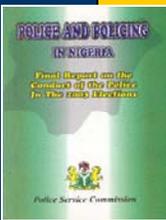
The main role of the police during elections, according to Cronje (1994: 2) “is to maintain public order and to create, by means of effective policing, a favorable climate in which a democratic election can take place.” This is a very crucial function. By maintaining law and order and guaranteeing public safety, security forces ensure that voters can attend or follow the campaigns and rallies so that the candidates and their supporters are able to reach the voters and convey to them their visions and programmes. The voters will be in a position to decide who, amongst the candidates is suited for them to elect and in so doing make an informed choice among the options they are presented.

However, in previous elections in Nigeria, the police and other security forces have been accused of being used by politicians to carry out electoral malpractices and to harass and intimidate opponents. The loss of confidence in the police by the political opposition was so high in the second republic that some candidates had to hire private security forces to serve as a counterpoise to the public service police. This public perception of the police raised questions in the polity about their neutrality and preparedness to guarantee the safety and security of the electorates in the 2003 elections. The situation was not helped by the spate of politically motivated and targeted killings that took place in various parts of the country in the build up to the elections, many of which were yet to be resolved.



In response to the foregoing, the Police Service Commission in the exercise of its statutory function of formulating and implementing policies aimed at efficiency and discipline within the Nigeria Police Force, decided to produce guidelines for the conduct of police officers on electoral duty in Nigeria and to deploy roving monitors to observe their conduct during the 2003 elections. This publication is the final report of that exercise.

The report is divided into six chapters and five appendixes. Chapter one discusses the background to elections in Nigeria from independence to the present and the role played by the military in organizing the elections. Chapter two dwells on the role of the police in elections. Chapter three provides a brief historical background of the Nigeria Police Force and outlines the functions, powers and organisation of the police in Nigeria. Chapter four deals with the functions of the Police Service Commission and locates the establishment of the Commission within the global movement for the establishment of independent civilian oversight bodies on police, given the vulnerability of the police to abuse of discretionary powers, corruption and partisan control by political authorities. Chapter five presents analysis of the data obtained from PSC's monitoring of police conduct in the three strands of elections that held between April and May 2003. Chapter six provides the summary and recommendations of the report. Finally, the appendixes contain the Guidelines for the Conduct of Police Officers on Electoral Duty in Nigeria; the PSC's preliminary reports on the conduct of the Police in the three elections and the Police Service Commission (establishment) Act, 2001.



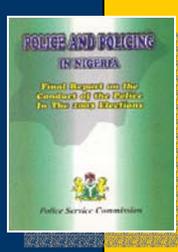
## **CHAPTER ONE**

### **BACKGROUND ON ELECTIONS IN NIGERIA**

For much of its post colonial history, Nigeria was under military rule. From 1960, when Nigerian gained political independence from Britain, until May 29, 2003, when the present elected civilian government was sworn in for a second term in office, military regimes ruled the country for all but eleven of the nation's forty-three years of existence. For the sixteen years immediately preceding the most recent transition to democracy, military leaders tightly controlled power in Nigeria (Gahia, 2003). Despite its huge natural and human resources, successive military rulers in Nigeria failed to bring prosperity to the people; instead, their massive embezzlement schemes (Sani Abacha is believed to have stolen as much as US\$6 billion during his tenure) left Nigeria no better off than many of its poorer African neighbors.

Under military rule, the country's constitutional order was subverted and in its place absolutist military decrees, which precluded judicial scrutiny of the actions of the government prevailed. The decrees gave the military arbitrary powers, which circumscribed virtually every civil right and prohibited dissent. The resulting absence of legal and judicial restraints on agents of the regimes gave a free rein to human rights violations. The most brutal being the General Sani Abacha, which lasted for five years from 1993 to 1998. Under general Abacha's government, many human rights and pro-democracy activists were killed, maimed, detained, driven underground or forced into involuntary exile abroad (Shettimma and Chukwuma, 2002).

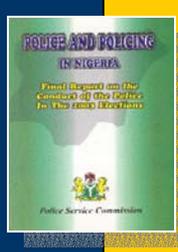
However, in spite of their repressive hold on the Nigerian population, no military government lasted long in the country without promising to hand over to an elected civilian government through the organization of transition to civil rule programme (Shettimma and Chukwuma, 2002). In fact, the General Yakubu Gowon government was overthrown in 1975, the year it reneged on its promise to hand over to an elected civilian government. In effect, the announcement of transition to civil rule programme became a



strategy used by successive military regimes to buy time and gain legitimacy from the population. This strategy was perfected by the General Ibrahim Babangida government, which was in power for eight years and organized the longest transition to democracy programme. Babangida's transition programme began in 1986, a year after he came into power, and lasted till 1993. At the end of the programme, the government annulled the presidential election reportedly won by Chief Moshood Abiola, which led to it being forced to "step aside" in 1993.

Babangida's successor, General Sani Abacha, who took over power on November 17, 1993, from an interim government put in place after General Babangida stepped aside in August of the same year, dismantled all the transitional democratic structures and institutions that were established by his predecessor failed programme and promised to put in place a 'genuine' one. At this time the populace had become less tolerant of military regimes and less confident in the ability of the military to mid-wife a genuine transition to democracy programme. General Abacha did not disappoint those who held this view. The five political parties that were registered under Abacha's transition programme adopted him as their 'consensus' presidential candidates and the parties were aptly described by the late Chief Bola Ige as five fingers of a leprous hand. The population was saved the plight of enduring a full-blow civilian dictatorship which would have emerged from Abacha's transition when on June 8, 1998, the late dictator passed on, howbeit under controversial circumstances.

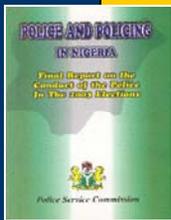
Abacha's successor, General Abdulsalami Abubakar, was fully aware of public distaste for military government, which at the time had reached its peak. He wasted no time in unveiling his transition to civil rule programme on July 20, 1998, "a little over a month after succeeding General Abacha (Transition Monitoring Group, 2000: 18)." His six-month programme of transition to an elected government was the shortest to be organized by the military and proved conclusively that the "previous lengthy transition programmes had really been ploys to keep the unwholesome ambitions of their authors afloat (Transition Monitoring Group, 2000: 18)." Despite the short comings of the programme as reported by domestic and international observers, it successfully installed an elected



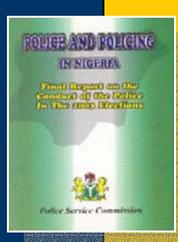
civilian government in Nigeria on May 29, 1999, headed by President Olusegun Obasanjo.

The four years of democratic government preceding the 2003 elections could be described as challenging period for Nigeria. Not only did the effect of long period of military rule linger in the polity, but also the challenge of transition from the known (repressive control of the populace) to the unknown (management of freedom) proved daunting to the political leaders. But by far the greatest challenge faced by the government was the rise in criminal violence in the form of ethno-religious killings and armed banditry. According to Chukwuma (2002: 3), ‘the last four years of transitional democracy have witnessed an upsurge in violent crime and disorder that security now tops the list of scarce commodities in most homes.’”

This was the environment in which preparation for the 2003 elections took place. Expectedly, there was an increased public fear about the safety and security of those participating in the process as voters, election officials, party candidates or polling agents. This anxiety was further heightened by the fact that transition from one civilian government to another has been a turbulent process in the history of Nigeria. The Independent National Electoral Commission (INEC), which has the constitutional and legal responsibility for organizing the elections, did its best to prepare for the elections. Some of the activities carried out by INEC in preparation for the elections were registration of political parties, voter’s registration exercise, delineation of constituencies and polling centres, printing of ballot papers, production of ballot boxes etc. Some of these activities drew sharp complaints from the political parties, the voting population and other stakeholders. For instance, 22 out of the 30 registered political parties were not registered until a few months to the election. Similarly, thousands of prospective voters could not register in the voters registration exercise organized by the Commission in September 2002 and in the “make up” exercise held in January 2003 for a number of reasons, including the fact that many of its officials at voter registration centers claimed that they did not have enough registration materials. Those who were unable to register were clearly disenfranchised through this lapse. Other complaints associated with



preparation for the 2003 elections included INEC's delays in the issuance of the voters' cards and lack of adequate and timely release of funds to INEC by the Federal Government. The next chapter examines the role of the police in democratic elections.



## **Chapter Two**

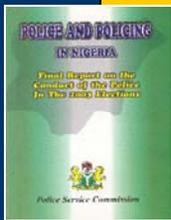
### **Role of the Police in Elections**

Security forces play a very crucial public interest role in every democratic election. They are required to protect all citizens participating in the electoral process. Their ability to play these roles without engaging in intimidation, coercion or violence against the citizens is critical to the success of elections. If they are found wanting in discharging their electoral functions, the citizens may not have confidence in the electoral process and may question the credibility and legitimacy of any government that emerges from the process. The lack of a legitimate or credible government is a sine qua non for instability in a polity.

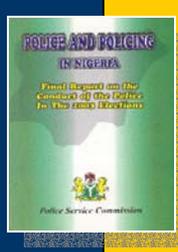
The main role of the police during elections, according to Cronje (1994: 2) “is to maintain public order and to create, by means of effective policing, a favorable climate in which a democratic election can take place.” This is a very crucial function. By maintaining law and order and guaranteeing public safety, security forces ensure that voters can attend or follow the campaigns and rallies so that the candidates and their supporters are able to reach the voters and convey to them their visions and programmes. The voters will be in a position to decide who, amongst the candidates is suited for them to elect and in so doing make an informed choice among the options they are presented (Cronje, 1994).

In his preface to the Guidelines for the Conduct of Police Officers on Electoral Duty in the Nigeria, published by the Police Service Commission, the Chairman of the Commission, Chief Simon Okeke, underscored the important role that police play during elections when he states that ‘the success or failure of the ... elections in Nigeria will, to a large extent, be dependent on the conduct of police officers on election duty.’”





in relation to crowd control, use of force and firearms. They are also expected to perform their duties without fear or favor and to maintain neutrality or impartiality. In election situations, the police are required to devise and use proactive methods to prevent fraud, coercion, intimidation and violence so that the use of force and firearms by the police can be avoided. Furthermore, police shall not take measures that will scare citizens from voting or feeling that they are being pressured to vote for any particular party or candidate. These standards are elaborated in the Guidelines for the conduct of police officers on election duty. The next chapter provides a background to the Nigeria Police Force.



## **CHAPTER THREE**

### **BACKGROUND TO THE NIGERIA POLICE FORCE**

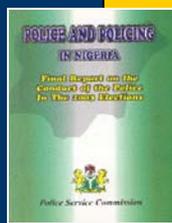
#### **Functions, Powers and Organization of the Nigeria Police Force**

The Nigeria Police Force was established in 1930, principally by amalgamating the two separate Protectorate Forces in the Northern and Southern Nigeria. At inception, the Force was saddled with various police duties and extra-police functions. Section 4 of the Police Act enumerated the functions of the Nigeria Police Force as:

- a. Prevention and detection of crime.
- b. Apprehension of offenders.
- c. Preservation of law and order.
- d. Protection of life and property.
- e. Enforcement of all laws and regulations with which they are charged.
- f. Military duties within or without Nigeria as may be required of them.

In order to discharge their numerous functions, police in Nigeria are accorded wide powers by laws. For example, Nigeria police have powers:

- To take measures to prevent crime
- To investigate crime
- To interrogate suspects
- To prosecute suspects
- To search properties and persons in order to prevent crimes, detect or investigate crimes, detect and apprehend offenders, and collect evidence for prosecution.
- To grant bail to suspects pending investigation or arraignment in court
- To serve summons
- To regulate processions and assemblies
- To disperse illegal or unlawful procession and assembly.



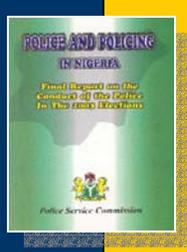
Until 1966, the Nigeria Police Force co-existed with numerous local police forces, especially in the Northern and Western Regions. But during the First Republic (1960-66), there were widespread complaints against local police forces in the country. Beside the poor quality of personnel due to low standards of recruitment and training, there were allegations that the governments in the Northern and Western Regions used the local police forces to oppress political opponents and especially to rig elections. It was alleged that Northern and Western Regional governments converted members of the local police forces to political thugs during elections while political thugs were massively recruited into the local forces and were used to harass and oppress members of the opposition party and to prevent free and fair political competition in the electoral process<sup>2</sup>. Part of the reasons given by military adventurists for intervening in the political process in 1966 was the flawed electoral processes and elections in the country in 1964 and 1965. As a result of the widespread allegations against the local police forces, the military government dissolved them and by 1970, they have nearly all ceased to exist<sup>3</sup>. This draws attention to the critical role of effective and impartial police force in a nation's electoral process.

Since 1979 Nigeria has maintained a national police force - Nigeria Police Force. The 1979 and 1999 Constitutions provided that there shall be no other police force in the nation except the Nigeria Police Force. Section 214(1) of the 1999 Constitution provided that:

---

<sup>2</sup> See for example discussions in T. N. Tamuno (1970) *The Police in Modern Nigeria* (Ibadan: University of Ibadan Press); Ahire, P. T. (1993) "Native Authority Police in Northern Nigeria: End of an Era." and K. Rotimi (1993) "Local Police in Western Nigeria: End of an Era" both in T. N. Tamuno, I. L. Bashir, E. E. O. Alemika and A. O. Akano *Policing Nigeria: Past, Present and Future* (Lagos: Nigeria Police Force and Malthouse Press Ltd.). Ohonbamu, O. (1972) "The Dilemma of Police Organization under a Federal System: The Nigerian Example" *The Nigerian Law Journal* (6): 73-87. E. E. O. Alemika (1993) "Colonialism, State and Policing in Nigeria" *Crime, Law and Social Change* **20** : 187 – 219.

<sup>3</sup> The regime of Major-General J.T.U Aguyi-Ironsi instituted a Panel to consider the desirability of the dual system of police and prison in the country. This was in the light of the regime's reference for a unitary system of government. But the regime was toppled and Aguyi-Ironsi killed before the Panel completed its assignment. The Report was submitted to General Gowon regime in late 1966. Among the recommendations in the Report was the dissolution of the duals system of police and prison. This recommendation was accepted and implemented between 1966 and 1968 all over the country.



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.

*Governance and Oversight of the Nigeria Police Force*

The 1999 Constitution created two organs for the governance of the country’s police system. These are the Police Council and the Police Service Commission. The Third Schedule of the 1999 Constitution created the Nigeria Police Council and the Police Service Commission. The Police Council consists of:

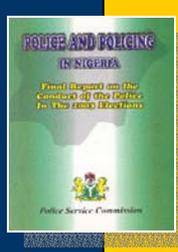
- (a) The President who shall be the Chairman;
- (b) The Governor of each State of the Federation;
- (c) The chairman of the Police Service Commission; and
- (d) The Inspector-General of Police.

The Constitution defined the functions of the Police Council to include:

- (a) The organisation and administration of the Nigeria Police Force and all other matters relating thereto (not being matters relating to the use and operational control of the Force or the appointment, disciplinary control and dismissal of members of the force);
- (b) The general supervision of the Nigeria Police Force; and
- (c) Advising the President on the appointment of the Inspector-General of Police.

The 1999 Constitution also provided for the establishment of the Police Service Commission with following members:

- (a) Chairman; and



(b) Such number of other persons, not less than seven but not more than nine, as may be prescribed by an Act of the National Assembly.

The Constitution stipulated that the Commission shall have the power to-

- (a) Appoint persons to offices (other than the office of the Inspector-General of Police) in the Nigeria Police Force; and
- (b) Dismiss and exercise disciplinary control over persons holding any office referred to in sub-paragraph (a) of this paragraph.

Enormous power was conferred on the Commission by the Police Service Commission (Establishment) Act, No. 15 of 2001. Section 6 of the Act charged the Commission with the responsibility of:

1. appointing and promoting all officials of the NPF (other than the Inspector-General of Police , IGP);
2. dismissing and exercising disciplinary control over the same persons;
3. formulating policies and guidelines for the appointment, promotion, discipline and dismissal of officers of the NPF;
4. identifying factors inhibiting and undermining discipline in the NPF;
5. formulating and implementing policies aimed at efficiency and discipline within the NPF;
6. performing such other functions as, in the opinion of the Commission are required to ensure optimal efficiency in the NPF; and
7. Carrying out such other functions as the President may from time to time direct.

The functions enumerated in 2-6 above, and 5 in particular underscore the significance of monitoring police conduct at all times and especially in their discharge of critical functions such as electoral duties. During electoral campaign and elections in 1983, there were widespread report in the media and allegations by the opposition that the Nigeria Police Force, under the leadership of Sunday Adewusi, aided massive rigging by the National Party of Nigeria. Those reports and allegations aggravated the negative public

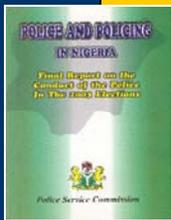
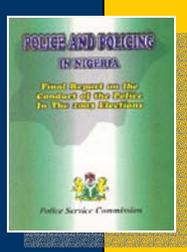


image of the police. The significance of the role of police in elections and the historical problem of allegations of the use of police to facilitate rigging by successive governments justify the effort to monitor police conduct during the 2003 elections in order to determine the veracity or otherwise of whatever complaints may be made against police effectiveness and conduct.



## **CHAPTER FOUR**

### **BACKGROUND AND FUNCTIONS OF THE POLICE SERVICE**

#### **COMMISSION**

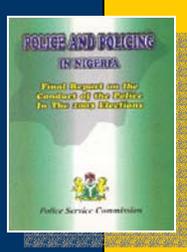
Historically, the police have been left alone to organize, control and discipline itself, with limited oversight exercised by the courts (Lewis and Prenzler, 1999). This simple approach has now been found wanting because of widespread citizens dissatisfaction with the internal disciplinary procedures of police forces and departments (Chukwuma, 1994, Ubani, 1990; Benyon and Bourn 1986). This dissatisfaction with police internal procedures is not limited to the citizens alone, police personnel also question the fairness of some of the internal processes through which they are sanctioned, demoted or dismissed from service.<sup>4</sup>

The vulnerability of the police to abuse of discretionary powers and partisan control by political authorities has led to the adoption of diverse strategies and establishment of different systems in many countries of the world in combating the phenomenon (Miller, 2002, Goldsmith and Lewis 2000; Lewis and Prenzler, 1999). These include the police ombudsman appointed in several states of Brazil as well as Northern Ireland; the civilian complaints review boards, monitors and inspectors general established in many cities in the United States, and the Independent Complaints Directorate established as part of the South African Constitution (Stone and Bobb, 2002). The most favored, however, appear to be a permanent external body, free from political manipulation, peer-pressure and loyalty to the police (Walkate, 2001).

Prior to the establishment of the Police Service Commission in Nigeria, if a citizens felt aggrieved by a certain act of police misconduct and has neither the money nor the time to wade through the expensive and cumbersome judicial process in the pursuit of justice, the

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<sup>4</sup> The Police Service Commission (PSC) is inundated with petitions by police officers questioning the fairness of the processes through which they were punished by their superiors.



person is left with no other alternative than to take the matter back to the police (Chukwuma, 2001). Similarly, police officers were often sanctioned, demoted or dismissed from service on flimsy reasons that sometimes bordered on either internal jealousy or external political pressure, without the guarantees of fair and independent administrative procedure.

However, the inauguration of the Police Service Commission on November 28, 2001<sup>5</sup>, created the institutional mechanism for holding the Nigeria police Force (NPF) accountable to both members of the public and to its personnel. The Commission is backed by both the 1999 Constitution and an enabling statute as highlighted in the previous chapter.

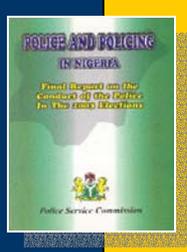
The Commission is made up of eight members broadly representative and reflective of the various interest groups in Nigeria, including: Judiciary, retired police officers, women interest; Nigerian media, non-governmental human rights organization and organized private sector. All the members were appointed by the president subject to confirmation by the Senate, which has the responsibility of ensuring that they reflect the federal character of Nigeria. Upon the confirmation of their appointment, every member enjoys the security of tenure for the duration of their appointment and could only be removed from office if he or she:

- Becomes bankrupt;
- Convicted of a felony or any offence involving dishonesty or fraud;
- Becomes of unsound mind, or is incapable of carrying out his duties; and
- Guilty of serious misconduct in relation to duties.

The functions and powers of the Commission are very important and if effectively exercised could in real terms improve police accountability in Nigeria. Participants at a

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<sup>5</sup> The Police Service Commission had actually been in existence in the previous republics in Nigeria but was often sacked as soon as military regime sets in. But its powers and representation was enhanced under the present legal framework.



recent global meeting on civilian oversight of the police held in Los Angeles, California, May 2002, acknowledged the unique contribution the Nigeria Police Service Commission could make to the global community of civilian oversight bodies on the police, in the exercise of its enormous powers. Among the nearly 20 civilian oversight bodies represented in the meeting, it was only the Nigerian Police Service Commission that had the powers of appointment, promotion and discipline combined in one body. The challenge faced by the PSC, as identified by the delegates to the meeting was how to establish an effective framework for its operations in which discipline, productivity and merit could determine police promotion or lack of it instead of the present practice in many jurisdictions where years of service, subservience to the manipulation of political authority and other extraneous considerations dominate determination of promotion and rewards in the police.

In exercise of its statutory functions of formulating and implementing policies aimed at efficiency and discipline within the Nigeria Police Force, the Commission produced guidelines for the conduct of police officers on electoral duty in Nigeria. The guidelines which were published in booklets, laminated cards and posters guided the conduct of police officers in the 2003 elections and formed the benchmark under which the Commission monitored the activities of police officers during the elections, as they were obliged to observe them in the course of their duties. The provisions of the guidelines demand that the police satisfy the following conditions:

- **Alertness**

The police should be alert in carrying out their electoral duties and preventing incidents that could lead to disruption of voting or other election related activities.

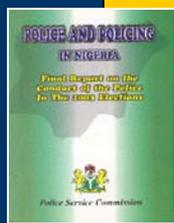
- **Approachability**

The police must be courteous, approachable and accessible to the voters who might need their assistance.

- **Professionalism**

Professional conduct and appearance must be maintained by the police on election duty.

- **Maintenance of Impartiality**



The police are obliged to be fair and if necessary, firm to all persons within his or her vicinity of deployment without discrimination on the basis of ethnicity, gender, religion, language, political opinion, national origin, property, birth or other status.

- **Use of force**

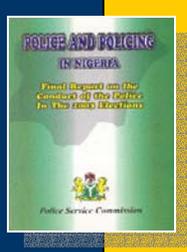
Force should be used by police officers only when strictly necessary and such use of force should always be proportional to lawful objectives.

- **Wearing of Identification Tags**

The police should wear identification tags in bold print, for easy identification by the voters, monitors and observers.

The Commission has also carried out a number of other important activities since its establishment. These include:

1. Clearing the backlog of police officers who were due for promotions but were not promoted under the military. This has boosted the morale of men and women of the Nigeria Police Force, some of whom had been stagnant on one rank for over ten years. Under the Commission, merit is gradually but steadily taking its rightful place as the major determinant of promotion in the force rather than what obtained before where partisan loyalty to the political authorities and nepotism predominated.
2. Readmission of many police officers who were wrongly dismissed under the military on the basis of spurious charges without recourse to fair administrative procedure. This has given police personnel who are diligently discharging their services the hope and confidence that they would not be witch-hunted by powerful people who don't like their faces or courage.
3. Setting good examples to other government agencies in Nigeria with the level of collaboration and partnership it has developed with civil society groups in Nigeria in the development of the guidelines and deployment of roving observers to monitor police conduct in the elections. Most of the roving monitors deployed by



the Commission were recruited from civil society groups, retired civil servants and the National Orientation Agency (NOA). This gave credibility to the process and ensured that the Commission reports on police performance in the elections did not gloss over glaring cases of malpractices involving some police personnel.

However, the work of the Commission has not gone without serious challenges. Some of these include:

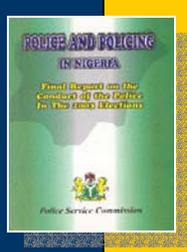
- Lack of adequate resources to carry out its functions;
- Inability to establish an independent investigation mechanism because of lack of resources, which meant the Commission, still depends on the police for investigating complaints and petitions sent to it.

;

- The reluctance of police authorities to come to terms with the fact that the environment in which they do business without control or oversight has changed with the establishment of the Commission. Thus, the Commission has to fight every inch of the way to assert its authority over the leadership of the police. Under the military in Nigeria, the Inspector General of Police was a member of the Armed Forces Ruling Council, which combined the executive and legislative functions of government and by that higher than the Chief Justice of Nigeria in the hierarchy of government officials (Attah, 1999). Now the Inspector General is statutorily required to take directives on appointment, promotion and discipline of his personnel from the Police Service Commission. This has been difficult for the successive chiefs of police to acculturate themselves to since the establishment of the Commission.

- Lack of adequate staff with experience on the work of civilian oversight of police.

The next chapter presents an analysis of the conduct of police personnel on electoral duty during the 2003 elections.



## CHAPTER FIVE

### POLICE CONDUCT IN 2003 GENERAL ELECTIONS IN NIGERIA

#### Background

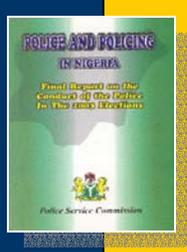
The data for the Report presented in this chapter were obtained through the observation of police conduct during the elections conducted on April 12, 19 and May 3, 2003 in Nigeria. The observations were recorded using structured checklist by observers employed by the Police Service Commission. During each of the three rounds of elections, five observers were deployed to each state and the Federal Capital Territory to observe the conduct of the police at the polling centres. The observers were retired public servants, professional individuals and staff of the National Orientation Agency. The data presented here were based on observations in 1,045 polling stations during the three rounds of election, consisting of National Assembly election (435 polling centres); presidential and gubernatorial election (293), and House of Assembly election (317). Furthermore, the polling centres were distributed across the six geo-political zones and Federal Capital Territory (FCT) as follows<sup>6</sup> – North-Central (179); North-East (155); North-West (193); South-East (151); South-South (117); South-West (133), and FCT (55). The information from the structured observation instrument were processed using computer in order to obtain percentages and contingency (cross-tabulation) tables.

The presentation in the remaining part of this chapter is divided into two major sections:

*(a) police presence and punctuality at polling centres, and (b) police conduct and effectiveness at polling centres.* The findings above were obtained from a well designed method of monitoring police conduct. However, the following points should be noted:

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<sup>6</sup> The figure here add to 983 (instead of 1,045) in respect of which we have full information, in the case of the rest there were incomplete information on some items, although information in respect of many issues treated were obtained from the 1,045 polling units.



1. Information presented deal with the observation of police conduct and activities at the polling centre **only**;
2. The information **do not** relate to or assess the conduct of the election in general;
3. The information **do not** cover the behaviour of the police outside the polling centre, for example during the transportation of voting materials to and from the polling units and at the collation centre, and
4. The information **covers** a very small fraction of the total polling units in the country.<sup>7</sup>

In the light of these, caution should be exercised in generalizing the analysis of the report. However, the data obtained in respect of observed polling centres are reliable.

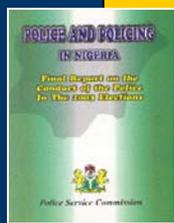
*Polling Presence and Punctuality at Polling Centres*

More than 90% of the observed polling centres had police coverage, except in the North-West during gubernatorial and presidential election as well as House of Assembly election, and also in the South-East during House of Assembly election (table 1). Most polling centres had between one and three police officers, except the FCT where more than one-half of the centres had four or more police officers, indicating lopsided deployment between FCT and the states.

Table 1: Presence of Police at the Polling Centres

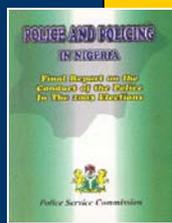
<i>Zones and Election</i>	<i>No police</i>	<i>1-3 police</i>	<i>4 or more police</i>
<b>Federal Capital Territory</b>			
• National Assembly	0.0	48.4	51.4
• Gubernatorial and Presidential	8.7	20.7	69.5
<b>North - Central</b>			
• National Assembly	8.7	85.5	5.7
• Gubernatorial and Presidential	5.2	89.7	5.1
• States' House of Assembly	8.2	87.0	4.9
<b>North - East</b>			

<sup>7</sup> There were 120, 000 polling centres in Nigeria during the elections.



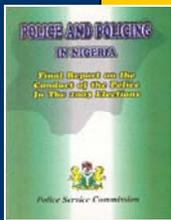
• National Assembly	5.7	94.4	0.0
• Gubernatorial and Presidential	0.0	100.0	0.0
• States' House of Assembly	5.2	93.1	1.7
<b>North - West</b>			
• National Assembly	7.3	91.8	0.9
• Gubernatorial and Presidential	15.6	84.4	0.0
• States' House of Assembly	19.0	80.9	0.0
<b>South - East</b>			
• National Assembly	5.5	83.6	10.9
• Gubernatorial and Presidential	8.9	89.3	1.8
• States' House of Assembly	11.3	84.9	3.8
<b>South - South</b>			
• National Assembly	5.7	83.0	11.4
• Gubernatorial and Presidential	5.6	90.3	3.2
• States' House of Assembly	5.6	91.7	2.8

Table 2 presents information on the punctuality of the police at the polling stations. Police arrived punctually at most polling centres in the FCT during the National Assembly election and the presidential and gubernatorial election. Except in the North-East, the majority of the police arrived later than the scheduled time for the commencement of the National Assembly election. The lateness was more pronounced in the South-East, South-South and South-West during the election of April 12, 2003 (table 2). Overall, the level of punctuality of the police during the three rounds of elections was below 70%. However, except the situation during the presidential and gubernatorial election at the FCT and South-East, once at the polling centres, police stayed at the centres throughout the voting period in more than 80% of observed units.



**Table 2: Punctuality of Police at the Polling Centres**

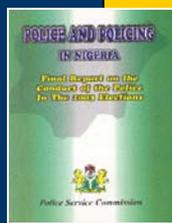
<i>Zones and Election</i>	<i>Police arrived before or by 8 a.m.</i>	<i>Police arrived between 8 a.m. and 9 a.m.</i>	<i>Police arrived after 9 a.m.</i>	<i>Police stayed at polling centre throughout the voting period</i>
<b>Federal Capital Territory</b>				
• National Assembly	87.1	12.9	0.0	93.3
• Gubernatorial and Presidential	100.0	0.0	0.0	50.0
<b>North - Central</b>				
• National Assembly	47.6	28.6	23.8	91.9
• Gubernatorial and Presidential	61.9	30.9	7.3	87.5
• States' House of Assembly	63.8	32.8	3.4	93.6
<b>North - East</b>				
• National Assembly	56.9	31.4	11.8	89.9
• Gubernatorial and Presidential	65.2	32.6	2.2	97.7
• States' House of Assembly	67.3	30.8	1.9	100.0
<b>North - West</b>				
• National Assembly	48.5	22.3	29.1	98.0
• Gubernatorial and Presidential	66.7	20.5	12.8	92.3
• States' House of Assembly	51.9	40.7	7.4	95.8
<b>South - East</b>				
• National Assembly	17.3	13.5	69.2	98.0
• Gubernatorial and Presidential	40.0	36.0	24.0	75.6
• States' House of Assembly	22.0	40.0	38.0	90.9
<b>South - South</b>				
• National Assembly	32.6	38.8	28.6	95.7
• Gubernatorial and Presidential	41.1	44.8	13.8	88.9
• States' House of Assembly	35.3	44.1	20.6	92.0
<b>South - West</b>				
• National Assembly	24.5	41.5	34.0	90.2
• Gubernatorial and Presidential	50.0	40.0	10.0	88.9
• States' House of Assembly	66.7	26.7	6.7	88.6



The presence and punctuality of the police are important to ensuring the safety of electoral officials and voters, the security of electoral materials and the conduct of electoral activities at the polling stations. The unsatisfactory level of punctuality of police at polling stations was largely attributable to the problem of transportation and scarcity of fuel during the election period.

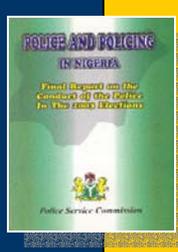
### *Police Conduct and Effectiveness at Polling Centres*

Police conduct and effectiveness are critical to the outcome of elections. Table 3 presents information on different aspects of police conduct and effectiveness.



**Table 3: Police Conduct at the Polling Centres**

<i>Zones and Election</i>	<i>Police armed with Firearms? (% yes)</i>	<i>Police courteous and approachable? (% yes)</i>	<i>Police showed impartiality? (% yes)</i>	<i>Police maintained orderliness? (% yes)</i>	<i>Feeling of security at poll centres? (% yes)</i>	<i>Police provided security for voting materials after voting? (% yes)</i>
<b>Federal Capital Territory</b>						
• National Assembly	41.9	96.8	77.4	96.8	90.0	88.9
• Gubernatorial and Presidential	16.7	100.0	95.0	100.0	91.7	100.0
<b>North – Central</b>						
• National Assembly	33.8	98.5	43.8	95.3	83.6	88.9
• Gubernatorial and Presidential	21.4	100.0	38.0	96.5	84.2	90.5
• States’ House of Assembly	24.1	100.0	31.3	96.6	89.7	85.4
<b>North – East</b>						
• National Assembly	7.7	94.2	33.3	94.2	86.5	100.0
• Gubernatorial and Presidential	30.4	100.0	17.5	97.7	87.0	97.4
• States’ House of Assembly	15.8	96.4	43.1	96.4	90.9	96.1
<b>North – West</b>						
• National Assembly	14.6	100.0	28.4	96.1	97.1	100.0
• Gubernatorial and Presidential	13.2	92.5	25.6	92.5	87.8	94.4
• States’ House of Assembly	21.2	96.0	30.6	94.2	87.0	97.6
<b>South – East</b>						
• National Assembly	29.4	98.1	21.6	94.1	90.6	73.3
• Gubernatorial and Presidential	21.6	93.9	30.0	92.0	82.4	89.7
• States’ House of Assembly	20.4	97.9	33.3	91.5	75.5	81.0
<b>South – South</b>						
• National Assembly	23.5	92.2	38.3	88.0	69.4	81.0
• Gubernatorial and Presidential	12.9	93.5	37.0	93.3	77.4	84.6
• States’ House of Assembly	20.0	90.6	48.3	81.5	96.3	85.7
<b>South – West</b>						
• National Assembly	14.3	98.2	22.6	94.6	89.3	90.5
• Gubernatorial and Presidential	25.0	84.4	23.3	93.5	74.2	95.5
• States’ House of Assembly	11.1	93.3	23.2	95.5	83.7	89.5



The following pattern of police conduct and effectiveness at the polling centres can be observed from table 3.

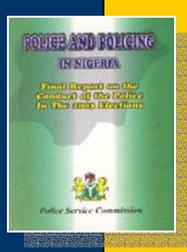
1. A relatively significant proportion (between 7% and 41%) of the police at polling centres were armed with firearms;
2. Most police posted to the polling centres were courteous and approachable;
3. The police also maintained orderliness at the polling centres resulting in what has been observed as generally peaceful elections, especially against the backdrop of apprehension as a result of pre-election violence in different parts of the country;
4. There was a relatively high degree of feeling of security around the polling centres;
5. The police did not provide security for voting materials in some cases, and this is understandable given that police were not even present in all centres;<sup>8</sup>
6. Except in the FCT, evidence of police impartiality was very poor, as such was observed in less than 50% of centres observed.

Table 4 summarizes the information on police conduct on national level for the three rounds of elections.

**Table 4: Indicators of Police Conduct for all the three elections**

<i>Types of police conduct and action</i>	<i>% Yes</i>
1. Punctuality at polling centres before or by 8 a.m.	
• National Assembly election (April 12, 2003)	43.2
• Presidential and Gubernatorial election (April 19, 2003)	58.6
• States' House of Assembly election (May 3, 2003)	42.2
2. Armed with firearms	20.7
3. Courteous and approachable	96.4
4. Maintained orderliness at polling centres	94.3
5. Acted impartially at polling centres	34.5

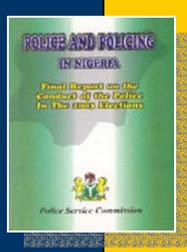
<sup>8</sup> This does not mean total absence of security arrangement as police were complemented by personnel from other paramilitary agencies and voluntary organizations like the Customs, Immigration, Prison, Road Safety Corps, WAI Brigade, Civil Defence Corp, etc. Military personnel were deployed to patrol duties in some areas.



6. Created feeling of security at the polling centres	<b>86.3</b>
• National Assembly election	87.8
• Presidential and Gubernatorial election	83.6
• States' House of Assembly election	86.7
7. Incidence of threat to security at polling centres	<b>11.0</b>
• National Assembly election	11.7
• Presidential and Gubernatorial election	11.0
• States' House of Assembly election	11.0
8. Cases of threat to security properly handled by police	64.1
9. Used force at polling centres	6.9
10. Use of force necessary	54.4
11. Force used proportionate to threat	59.0
12. Provided security for voting materials after elections	90.5

The information in table 4 shows that police were observed to have acted impartially in 34% of the cases observed. Police used force in 6.9% of the observed cases. Of significant importance is whether the use of force by the police was perceived as necessary and proportionate to the incidence of threat to security. The use of force at the polling centres were perceived as necessary in 54.4% of the cases, and proportionate to threat in 59.0% in observed polling centres. The police were perceived to have properly handled threat to security at 64.1% of the polling centres where such threats were observed.

Based on information collected, the following areas of observed police conduct at the polling centres during the April and May 2003 elections appeared less than satisfactory. These were impartiality in the performance of their duty; punctuality, and use of force. Some of these problems were discussed in the preliminary reports issued by the Police Service Commission after each of the three rounds of election that are in the Appendix section of this report. *Notwithstanding, considering the structural and institutional limitations under which the police in the country, especially during elections, police conduct and performance at the polling centres during the April and May 2003 elections were generally satisfactory.*



## CHAPTER SIX

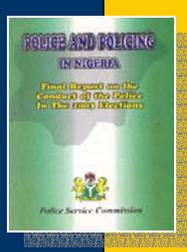
### SUMMARY AND RECOMMENDATIONS

Preparatory to the 2003 election, the PSC developed guidelines for monitoring NPF conduct during the elections and also undertook the monitoring of police conduct at the polling centres on the days of the three rounds of elections namely, April 12, 19 and May 3, 2003. This is an innovative programme in the country. Besides it was realized that even globally there had been very little development in this direction. Most efforts in this respect had taken place in post conflict societies where the first elections are being held under foreign peace keeping forces.

The efforts of the PSC is also significant because it serves as a learning process in the exercise of its constitutional and statutory powers as an oversight institution for the Nigeria Police Force. One of the lessons learned in this process is the need to develop comprehensive guidelines for police conduct and performance measurement, which are widely disseminated And UNDERSTOOD by the police and the public in the country.

The results of the monitoring of police conduct at the polling centres during the three rounds of the elections reveal the following:

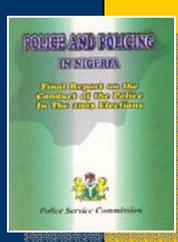
1. A relatively significant proportion (between 7% and 41%) of the police at polling centres were armed with firearms;
2. Most police posted to the polling centres were courteous and approachable;
3. The police also maintained orderliness at the polling centres resulting in what has been observed as generally peaceful elections, especially against the backdrop of apprehension as a result of pre-election violence in different parts of the country;



4. There was a relatively high degree of feeling of security around the polling centres;
5. The police did not provide security for voting materials in all cases, and this is understandable given that police were not even present in all centres;<sup>9</sup>
6. Except in the FCT, evidence of police impartiality was very poor, as such was observed in less than 50% of centres observed.
7. The police arrived punctually at most polling centres in the FCT during the National Assembly election and the presidential and gubernatorial election. Except in the North-East, majority of the police arrived later than the scheduled time for the commencement of the National Assembly election. The lateness was more pronounced in the South-East, South-South and South-West during the election of April 12, 2003 (table 2). Overall, the level of punctuality of the police during the three rounds of elections was below 70%. However, except the situation during the presidential and gubernatorial election at the FCT and South-East, once at the polling centres, police stayed at the centres throughout the voting period in more than 80% of observed units.
8. More than 90% of the observed polling centres had police coverage, except in the North-West during gubernatorial and presidential election as well as House of Assembly election, and also in the South-East during House of Assembly election (table 1). Most polling centres had between one and three police officers, except

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<sup>9</sup> This does not mean total absence of security arrangement as police were complemented by personnel from other paramilitary agencies and voluntary organizations like the Customs, Immigration, Prison, Road Safety Corps, WAI Brigade, Civil Defence Corp, etc. Military personnel were deployed to patrol duties in some areas.

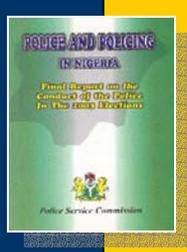


the FCT where more than one-half of the centres had four or more police officers, an indication of lopsided deployment between FCT and the states.

9. The information in table 4 shows that police were observed to have acted impartially in 34% of the cases observed. Police used force in 6.9% of the observed cases. Of significant importance is whether the use of force by the police was perceived as necessary and proportionate to the incidence of threat to security. The use of force at the polling centres were perceived as necessary in 54.4% of the cases, and proportionate to threat in 59.0% in observed polling centres. The police were perceived to have properly handled threat to security at 64.1% of the polling centres where such threats were observed.
  
10. Based on information collected, the following areas of observed police conduct at the polling centres during the April and May 2003 elections appeared less than satisfactory. These were impartiality in the performance of their duty; punctuality, and use of force. Some of these problems were discussed in the preliminary reports issued by the Police Service Commission after each of the three rounds of election that are in the Appendix section of this report. *Notwithstanding, considering the structural and institutional limitations under which the police in the country, especially during elections, police conduct and performance at the polling centres during the April and May 2003 elections were generally satisfactory.*

The findings above were obtained from a well designed method of monitoring police conduct. However, the following points should be noted:

1. Information presented deal with the observation of police conduct and activities at the polling centre **only**;
2. The information **do not** relate to or assess the conduct of the election in general;



3. The information **do not** cover the behaviour of the police outside the polling centre, for example during the transportation of voting materials to and from the polling units and at the collation centre, and
4. The information covers a very small fraction of the total polling units in the country.<sup>10</sup>

In the light of these, caution should be exercised in generalizing the analysis of the report. However, the data obtained in respect of observed polling centres are reliable.

## RECOMMENDATIONS

In subsequent elections monitoring of police conduct should extend beyond the polling centres to transportation of polling materials and more importantly to collation centres as reports of falsification of election results and police collusion were alleged at these points.

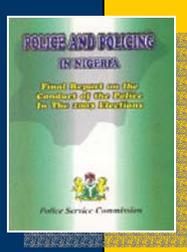
The Nigeria Police Force should BE allowed to plan and develop its budget for discharging their electoral functions.

Monitoring of police conduct in subsequent elections should be planned in advance and be made more elaborate than the 2003 elections where limited number of monitors was deployed. The exercise should be adequately funded.

Citizens need to be educated to pay more attention to monitoring the conduct of the police during elections and encouraged to send their reports to the PSC instead of keeping such complaints to themselves as the Commission may not be able to do much without such reports and information.

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<sup>10</sup> There were 120, 000 polling centres in Nigeria during the elections.



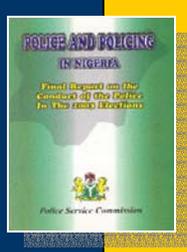
Monitoring of police conduct should be made integral to the work of the Commission for it to become a routine practice of the Commission in exercising its oversight functions on the police.

In preparing for future elections all the government agencies that have roles to play in the electoral process need to coordinate more effectively by forming working group, which could serve as a clearing house for information and collaboration. The absence of such a platform in the last election affected coordination among the agencies, which sometimes led to unnecessary duplication and waste of time and materials resources. The membership of such interagency committee should include representatives of INEC, NPF, Police Service Commission, National Orientation Agency, State Security Service, Immigration, Custom, Prisons, Federal Road Safety Corp, etc.

Police training should include topics on electoral duties.

The Police Service Commission needs to be strengthened through the following measures and strategies:

1. Adequate funding and direct allocation by the National Assembly;
2. Establishment of its own independent investigation mechanism rather than rely on the police for investigation;
3. Engagement of qualified and motivated professional staff (especially in its research, planning, statistics and investigation departments).
4. Partnership with non government organization with requisite expertise on police reform and accountability.



## **APPENDIX 1:**

# **GUIDELINES FOR THE CONDUCT OF POLICE OFFICERS ON ELECTORAL DUTY IN NIGERIA**

### **Introduction**

These Guidelines are issued in exercise of the statutory function of the Police Service Commission (PSC) of formulating and implementing policies aimed at improving Police discipline and efficiency in Nigeria.<sup>11</sup> In view of the central role of the Police in assuring the success and credibility of elected government in Nigeria, the Commission considers it important to provide clear guidelines on the standards of conduct and service expected of men and women of the Nigeria Police Force (NPF) on election duty.

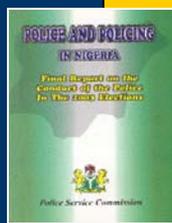
The success or failure of the forthcoming elections in Nigeria will, to a large extent, be dependent on the conduct of Police Officers on election duty. Events in the build up to the elections may have raised public fear about the safety and security of those participating in the process as voters, election officials, party candidates or polling agents. This anxiety is further heightened by the fact that transition from one civilian government to another has been a turbulent process in the history of Nigeria. It is, therefore, essential that Police Officers on election duty display the highest level of professionalism and sense of duty in order to reassure the voters that their safety and security are guaranteed.

The Commission hopes that these Guidelines will assist the NPF in discharging its electoral roles competently, professionally, efficiently and, above all, successfully.

### **The Role of Elections in a Democracy**

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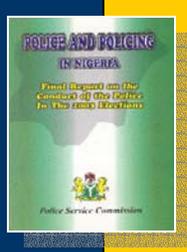
<sup>11</sup> S. 6(1), Police Service Commission (Establishment) Act, No 15, 2001.



1. Elections are an important foundation of democracy. They are the process by which citizens determine and choose their leaders and representatives in various organs of government. Through campaigns, parties and politicians sell their programmes to the voters; through voting, voters make choices among the contesting parties and politicians. If the elections are free and fair, the results will reflect the intentions of the voters as expressed voluntarily by them through voting. The major roles of elections in a democratic system of governance are:
  - a. to ensure that voters freely choose persons who will represent them in the various organs of government;
  - b. to enable voters to make choices among the various ideologies, policies, programmes and personnel offered by different parties for the governance and development of the country;
  - c. To ensure that the elected officials are accountable to voters and citizens for the ways in which they discharge or perform their duties in office.

### **Policing and Elections**

2. Without adequate security, politically impartial and peaceful polling environment, the quality of service rendered by electoral officials to voters will be unsatisfactory. This may cause voters to be afraid to freely come forward and cast their votes for the candidates of their choice. A combination of these circumstances would call into question both the credibility of the elections and their outcomes. This result would do untold damage to the standing of the country among its citizens everywhere and in the international community.
3. The protection of human life, voters, electoral materials and officials, and the preservation of lawful and orderly electoral processes are necessary for free and

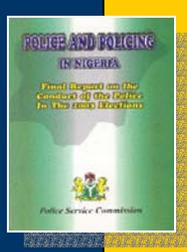


fair elections. Police have a crucial responsibility to ensure security so that citizens can elect their leaders under a peaceful atmosphere devoid of corruption, fraud, fear, coercion, intimidation and violence. The Police in a democratic society are never called upon to perform any role more important or honorable than this.

4. Past elections in Nigeria have been characterized by varying degrees of violence, intimidation, fraud and resulting popular cynicism towards electoral processes. The Police have been accused in the past of being used by politicians to intimidate opponents and to rig elections. It is, therefore, very important for the men and women of the NPF on electoral duties in the forthcoming elections to discharge their functions with a keen awareness of the national responsibility entrusted upon them. They will be called upon to be impartial and professional, and to be fair to all in exercising their functions without fear, favor or ill will. Their conduct will go a long way in shaping the future of elected government in Nigeria. The PSC and its duly accredited agents will be in the field to monitor the conduct of men and women of the NPF during the elections and to ensure this time around that there are proper and proportionate consequences for both creditable and unsatisfactory performance.

### **Functions, Powers and Role of the PSC**

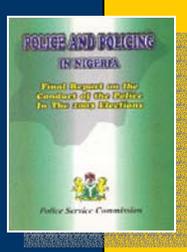
5. The PSC is a constitutional Commission established under section 214 of the Constitution of the Federal Republic of Nigeria of 1999. Its functions and powers are regulated by the Police Service Commission (Establishment) Act, No. 15 of 2001. Under Section 6 of this Act, the PSC is responsible for:
  - (a) appointing and promoting all officials of the NPF (other than the Inspector-General of Police , IGP);
  - (b) dismissing and exercising disciplinary control over the same persons;



- (c) formulating policies and guidelines for the appointment, promotion, discipline and dismissal of officers of the NPF;
  - (d) identifying factors inhibiting and undermining discipline in the NPF;
  - (e) formulating and implementing policies aimed at efficiency and discipline within the NPF;
  - (f) performing such other functions as, in the opinion of the Commission are required to ensure optimal efficiency in the NPF; and
  - (g) carrying out such other functions as the President may from time to time direct.
- 6 (a) The PSC will monitor observance or non-observance of these guidelines by police personnel on election duty. Members of the Commission and monitors duly accredited on its behalf will be deployed around the country for this purpose.
- (b) Officers shown to have distinguished themselves during the process will be appropriately commended.
- (c) The PSC will receive, investigate, process and decide on complaints of election-related misconduct by officers of the NPF. Officers against whom such complaints are received will be entitled to a fair administrative hearing from the PSC before the Commission decides on any complaint.
- (d) The PSC will apply lawful disciplinary sanctions in cases of proven misconduct.

### **Functions of the Presiding Officer**

- 7 The Presiding officer is the chief accounting officer in every polling station and is therefore responsible for:



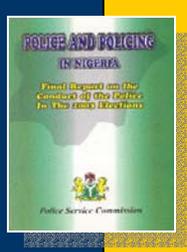
- (a) accepting custody of all electoral materials;
- (b) setting up the polling station;
- (c) supervising the clerk, poll orderly and security agents assigned to his or her polling station;
- (d) supervising all aspects of the poll including accreditation, voting, counting, recording and certification of the votes cast at the station;
- (e) ensuring order at the polling station or, where necessary, requesting assistance for the purpose of preventing breakdown of order or restoring it as the case may be.
- (f) reporting the results (EC8 A Forms) of the poll to the ward Returning Officer; and
- (g) returning the electoral materials to the local government electoral officer through the ward returning officer.

**Functions and powers of the Police**

- 8 Section 4 of the Police Act charges officers of the NPF with the following functions:
  - (a) prevention and detection of crime;
  - (b) apprehension of offenders;
  - (c) preservation of law and order;
  - (d) protection of life and property; and
  - (e) enforcement of all laws and regulations with which they are charged.

**The roles of the Police in elections**

- 9 The primary role of the Police in elections is to protect the integrity of the electoral processes, and of the participants, institutions and outcomes through:



- (a) safeguarding the security of the lives and property of citizens during the campaign and voting, so that citizens will not feel unsafe on account of holding, associating with or expressing a political opinion;
- (b) ensuring the safety of electoral officers before, during and after elections;
- (c) providing security for candidates during campaigns and elections;
- (d) ensuring and preserving a free, fair, safe and lawful atmosphere for campaigning by all parties and candidates, without discrimination;
- (e) maintaining peaceful conditions, law and order around the polling and counting centres;
- (f) providing security for electoral officials at voting and counting centres; and
- (g) ensuring the security of election materials at voting and counting centres and during their transportation thereto. It is the duty of the Police to ensure that election materials are not stolen, hijacked, destroyed or fraudulently altered by any group or person.

**Election offences**

10. Part IV of the Electoral Act, 2002, prohibits certain activities as unlawful. Every police officer on electoral duty is expected to know and sensibly enforce these offences in the effective discharge his or her lawful functions. The prohibited activities include: obstruction of registration of voters,<sup>12</sup> destruction or forging of nomination papers,<sup>13</sup> disorderly behavior at political meetings,<sup>14</sup> improper use of voters cards,<sup>15</sup> improper use

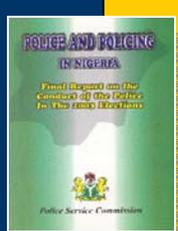
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<sup>12</sup> s. 114, Electoral Act, 2002.

<sup>13</sup> s. 115

<sup>14</sup> s. 116

<sup>15</sup> s. 117



of vehicles,<sup>16</sup> impersonation and voting when not qualified,<sup>17</sup> dereliction of duty,<sup>18</sup> bribery and corruption,<sup>19</sup> voting by unregistered persons,<sup>20</sup> disorderly conduct at elections,<sup>21</sup> treating,<sup>22</sup> and undue influence.<sup>23</sup>

11. Section 127 of the Electoral Act empowers every Police Officer on election duty to arrest upon reasonable suspicion, anyone who engages in any of the following activities within a distance of 300 metres on election days:

- (a) canvassing for votes;
- (b) soliciting for votes;
- (c) persuading any voter not to vote for any particular candidates;
- (d) persuading any voter not to vote at the elections;
- (e) shouting slogans concerning elections;
- (f) being in possession of any offensive weapon or wear any dress or have any facial or other decoration which in any event is calculated to intimidate voters;
- (g) exhibiting, wearing or tendering any notice, symbol, photograph or party card referring to the election;
- (h) using of any vehicle bearing the color or symbol, photograph or party card referring to the election;
- (i) loitering without lawful excuse after voting or being refused to vote;
- (j) snatching or destroying any election materials;
- (k) blaring siren;
- (l) holding or attending public meetings during the hours of poll;
- (m)wearing or carrying any badge, poster, banner, flag or symbol relating to a political party or to the election;

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<sup>16</sup> s. 118

<sup>17</sup> s. 119

<sup>18</sup> s. 120

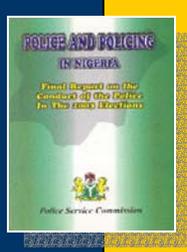
<sup>19</sup> s. 121

<sup>20</sup> s. 125

<sup>21</sup> s. 126

<sup>22</sup> s. 128

<sup>23</sup> s. 129



- (n) inciting people to act in a disorderly manner during elections; and
- (o) possession of a ballot paper without authority when not voting.

**General criminal law and criminal procedure**

12. In addition to the offences under the Electoral Act, general criminal and criminal procedure laws continue to be applicable and enforceable by the Police during elections. In particular, offences relating to disorderly conduct, violence against the human person, and fraud are also relevant to elections. Men and women of the NPF on election duty should be alert to prevent such offences and trained to be aware of them.

**General Principles of Policing**

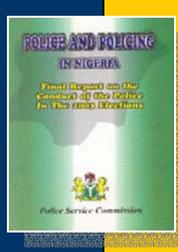
13 (a) The Police shall be guided by and conform to appropriate principles, rules, code of ethics and laws governing Police duties, especially in relation to crowd control, use of force and firearms. They are also expected to perform their duties without fear or favor. Police officers should maintain impartiality, and eschew partisanship or discrimination between the ruling and non-ruling, big or small parties.

(b) The Police must devise and use proactive methods to prevent fraud, coercion, intimidation, or other manipulation or violence so that the use of force and firearms by the Police can be avoided or be minimized to the greatest degree possible during elections. Furthermore, the Police shall not take measures that would frighten citizens from voting. They should also not conduct themselves in ways that will give the impression among the voters that they are under obligation to vote for any particular party or candidate.

(c) The Police require effective intelligence information throughout the campaign period preceding voting in order to be able to appreciate threats to free and fair election in different parts of the country, and devise measures to prevent breakdown of law and order on the days of voting, counting and announcement of election results.

**Guidelines on Conduct of s on Electoral Duties**

14. Every Police Officer on election duty is charged with the important responsibility of ensuring that peaceful conditions are maintained at the polling and counting centres



during elections and that citizens' exercise of their franchise is carried out without fear of coercion, intimidation, violence or manipulation. To effectively discharge these functions, the observation of the following guidelines<sup>24</sup> is compulsory for every on election duty.

**Alertness**

15. Prompt response by a Police Officer to a given situation will often be necessary to prevent a minor incident from becoming a major problem. A minor disagreement during election campaign or voting may also degenerate to violence or other disruption if effective and early intervention by the officer does not take place. Therefore, the Police Officer should always be alert in noticing and preventing the deterioration of incidents that could lead to disruption of voting and associated electoral processes.

**Approachability**

16. The Police Officer on election duty needs to be approachable and accessible to the voters who might need his or her assistance. Election duties provide the NPF an invaluable opportunity to contribute towards the much needed peaceful transition from one civilian government to another. By performing this function creditably, the men and women of the NPF also improve the image of the organization and their relationship with Nigerians.

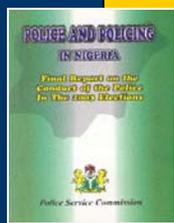
**Professionalism**

17. The Police Officer must be professional in his/her demeanor and personal appearance. Polling officials, the public, and election monitors and observers form opinions about the Police on the basis of the officer's actions, appearance, and comportment.

**Maintenance of Impartiality**

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<sup>24</sup> These are not operational guidelines. Operational guidelines are issued by the Inspector-General of Police.



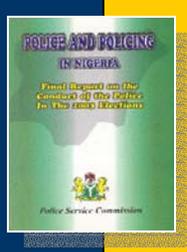
18. Every Police Officer on election duty must avoid fraternizing with any political party in any way that could be interpreted as capable of compromising their impartiality. Police personnel must be equally fair, courteous, and, if necessary, firm to all persons within his or her vicinity of deployment without concern for the party to which they belong, their political or other opinions, religion, ethnic group, place of origin, gender, wealth or other status. Any evidence or indication that a Police Officer on electoral duty showed bias toward one political party or another in any form has the potential to undermine the elections and will be investigated by the PSC.

### **Fairness**

19. Elections are usually politically charged. Public sensitivities are bound to be unusually high with different people supporting different parties. The way the Police Officer handles a situation is liable to be interpreted differently by people of different political persuasions. Police Officers on election duty must always strive to be fair to all and to avoid conduct that could be seen as high-handed, unfair or politically motivated. An officer's action, if viewed as excessive or unfair, could lead to serious election-related trouble. Each person who witnesses the response to a given situation forms an opinion of the officer, the agency that deployed him or her, and the elections. Above all, there are also persons on the lookout for any opportunity or excuse to cause trouble. Police Officers must never provide such people with an excuse to generate hostilities and cause the elections in their duty station to fail.

### **Use of force**

- 20 (a) Every voter has a right to life, physical and psychological integrity.
- (b) It is unlawful for a Police Officer to use excessive force in dealing with voters.
  - (c) Force should only be used when necessary to restore law and order, prevent violence or injury to life or limb and should always be proportional to lawful objectives.



(d) The use of force by a Police Officer on election duty is a very serious matter. Any such incident must be promptly documented reported to the superior officer of the officer involved.

(e) The PSC will investigate and take appropriate action on every incident of reported use of force by officers on election duty.

### **Communication with Superiors and Commanders**

21 In the event of threat to or breakdown of law and order during elections, officers on duty must immediately report the incident to their superior or commander in accordance with standard operational procedures.

### **Awareness of electoral law**

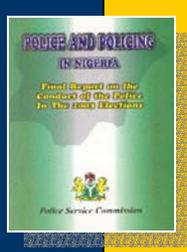
22 a) Every Police Officer on election duty is expected to have a good working knowledge of the electoral law, especially the sections on electoral offences, which he or she is obliged to enforce. These offences are enumerated above under the section on election offences.

(b) Unit commanders have an obligation to brief and communicate contents of the electoral law to the men and women under their supervision and command.

(c) Communication of the electoral law from unit commanders to officers should be in a manner and at a time close enough to the election that is most likely to capture their attention.

### **Reporting**

23 (a) Every Police Officer on election duty is obliged to file a written report at the end of his or her duty period.



(b) The report will include an account of any and every incident that required Police intervention at the polling centre and any other incidents that, in the judgment of the reporting officer, should be brought to the attention of his superiors or authorities.

(c) The report should be submitted to the Superior Officer or Commander of the Unit not later than 24 hours after completion of election duties. The Superior Officer to whom these reports are handed is obliged to preserve them.

(d) Omission to file or destruction of such reports will be viewed as a disciplinary infraction.

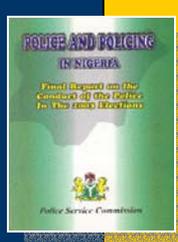
(e) INEC, in consultation with the IGP, shall determine and inform the PSC about operational arrangements for ensuring that electoral incidents reported by Police Officers on election duty are acted upon effectively and promptly.

### **Wearing of Identification Tags**

24 Every Police Officer on election duty must wear his or her name and number tags in bold print, for easy identification by the voters, monitors and observers.

### **Cooperation and Collaboration**

25 Police Officers on election duty have a duty to co-operate and collaborate with other role players in the electoral process in order to ensure the conduct of free, fair and credible elections. They are also expected to comply with lawful instructions by the presiding and returning officers.



## **APPENDIX II:**

# **PRELIMINARY REPORT ON THE CONDUCT OF THE POLICE IN THE NATIONAL ASSEMBLY ELECTIONS**

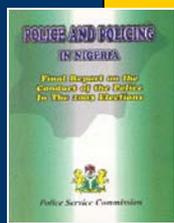
### **Introduction**

The Police Service Commission (PSC) monitored the conduct of police officials in the National Assembly elections held on Saturday, April 12, 2003. The Commission deployed a total of 185 roving monitors to the 36 states of the Federation and Abuja, at an average of 5 monitors per state. This preliminary report is issued based on the observations of the roving monitors. The final report of the Commission would be published at the end of all the elections.

A review of the conduct of the police in the National Assembly elections may not be appreciated without an understanding of police performance in previous elections; safety and security concerns of the public in the ongoing elections; the powers of the Police Service Commission to monitor police conduct and issues covered in the guidelines on police conduct during elections, which were published by the Commission prior to the commencement of the elections. These are discussed below under the section dealing with the background to the monitoring exercise, before the presentation of the Commissions observations and conclusions on police conduct during the National Assembly elections.

### **Background to the Monitoring Exercise**

Past elections in Nigeria have been characterized by varying degrees of violence, intimidation and fraud. As a result there is widespread cynicism towards the electoral processes in the country. The Police have been accused in the past of being used by politicians to intimidate opponents and to rig elections. The loss of confidence in the Police had been so high that a number of politicians have had to engage private security forces to serve as a counterpoise to the official Police Force.



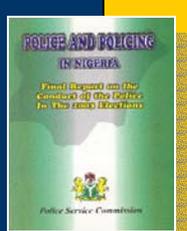
The protection of human life, voters, electoral materials and officials, and the preservation of lawful and orderly electoral processes are necessary for free and fair elections. Police have a crucial responsibility to ensure security so that citizens can elect their leaders under a peaceful atmosphere devoid of corruption, fraud, fear, coercion, intimidation and violence. **It is the belief of the Commission that the Police in a democratic society are never called upon to perform any role more important or honorable than this.**

However, events in the build up to the ongoing elections raised public fear about the safety and security of those participating in the process as voters, election officials, party candidates or polling agents. This anxiety is further heightened by the fact that transition from one civilian government to another has been a turbulent process in the history of Nigeria. It is, therefore, essential that Police Officers on election duty display the highest level of professionalism and sense of duty in order to reassure the voters that their safety and security are guaranteed, hence the decision of the Commission to issue the guidelines on police conduct during elections and to deploy roving monitors to observe police adherence to the guidelines.

### **Powers of the Police Service Commission**

Questions may be asked about the powers of the Police Service Commission to embark on this exercise. The PSC is a constitutional Commission established under section 215 of the Constitution of the Federal Republic of Nigeria of 1999. Its functions and powers are regulated by the Police Service Commission (Establishment) Act, No. 15 of 2001. Under Section 6 of this Act, the PSC is responsible for:

- (h) appointing and promoting all officials of the NPF (other than the Inspector-General of Police , IGP);
- (i) dismissing and exercising disciplinary control over the same persons;**
- (j) formulating policies and guidelines for the appointment, promotion, discipline and dismissal of officers of the NPF;



- (k) identifying factors inhibiting and undermining discipline in the NPF;
- (l) formulating and implementing policies aimed at efficiency and discipline within the NPF;**
- (m) performing such other functions as, in the opinion of the Commission are required to ensure optimal efficiency in the NPF; and**
- (n) Carrying out such other functions as the President may from time to time direct.

### **Issues Covered in the Guidelines**

The guidelines for the conduct of police officers on electoral duty covered ten important issues, which the police were obliged to observe during elections. These include:

- **Alertness**

The police should be alert in carrying out their electoral duties and preventing incidents that could lead to disruption of voting or other election related activities.

- **Approachability**

The police must be courteous, approachable and accessible to the voters who might need their assistance.

- **Professionalism**

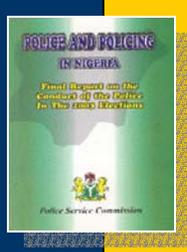
Professional conduct and appearance must be maintained by the police on election duty.

- **Maintenance of Impartiality**

The police are obliged to be fair and if necessary, firm to all persons within his or her vicinity of deployment without discrimination on the basis of ethnicity, gender, religion, language, political opinion, national origin, property, birth or other status.

- **Use of force**

Force should be used by police officers only when strictly necessary and such use of force should always be proportional to lawful objectives.



- **Wearing of Identification Tags**

The police should wear identification tags in bold print, for easy identification by the voters, monitors and observers.

What follows is the Commission's assessment of the police conduct during the National Assembly elections and adherence to the foregoing guidelines.

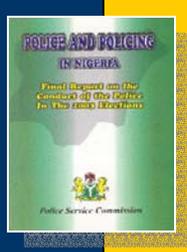
### **Performance of the Police**

The Commission has received the report of its monitors on police conduct during the last National Assembly elections across the country and is satisfied that most police officers on election duty discharged their responsibilities satisfactorily and in accordance with the law. Most of them reported at duty promptly in spite of transport difficulties. Reports of the monitors showed that on the average, police arrived at the polling stations at 8.00 a.m. In many cases, it was reported that they were the first official(s) to arrive at the polling centre.

The Commission is also satisfied with the performance of the police officers. The preliminary analysis of the reports submitted by the monitors showed that 92% of the officers were courteous; 90% of them maintained order, while 82% ensured security at the polling stations. Report also showed that 84% of the police officers on election duty remained at their duty post throughout the election period.

### **Police Presence at the Polling Centres**

The Nigeria Police Force tried to deploy the available personnel as wide as possible. In the deployment of officers, priority was given to places where threat to security of life and property was most likely. Reports by several groups of monitors indicated that police were absent at several polling stations. Monitors deployed by the Police Service Council reported that police were absent in 14% of the centres monitored. This problem must be understood in the light of the strength of the Nigeria Police Force which is about 220,000 personnel. There were 120,000 polling centres for the elections. If all the officers were deployed, there would have been less than two police to a centre. However, it is practically impossible to deploy all officers to election duty because normal security and



other essential functions must be maintained. The implication is that the strength of the police force must be strengthened in the future. Notwithstanding, it was observed that there was disproportionate distribution of police officers at polling centres such that many police were posted to some, one or two to most centres and none in some. The deployment of the police will be addressed in the next elections in order to ensure better spread.

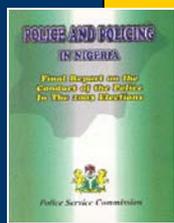
### **Use of Force**

The use of force is a serious concern in police work, especially where and when violence is anticipated. There are national and international principles relating to the use of force by the police. Monitors reported that 20% of the police attached to polling centres were armed. However, there was no report of any instance in which the use of weapon by the police resulted in the death of a person, in spite of provocation and assault against police and electoral officers at many centres across the nation. Observers reported the use of force in 4% of the centres observed. However, the monitors reported that the use of force was necessary in 58% of the situation and proportionate to the threat in 53% of the cases in which force was used. The overall picture was that the armed police did not conduct themselves in any way that may be interpreted as an attempt to intimidate voters from casting their ballot or casting it in favor of any particular candidate. The Commission nonetheless observed that a few public officials gave improper orders to their police orderly. This is unacceptable and will not be condoned by the police authority.

### **Conclusion**

Although the Commission is satisfied with the performance of the police during the National Assembly elections, it recognizes that there is room for improvement. The challenge of security will be greater during the gubernatorial and presidential elections. Therefore, the police authorities must adequately prepare for the elections and ensure better spread of personnel and more effective security arrangement during the elections.

The Commission wishes to commend the Inspector-General of the Police, the Officers and the rank and file of the Nigeria Police Force for their performance during the



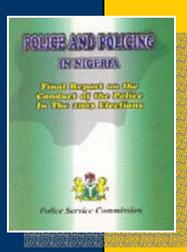
National Assembly elections. The Commission also commends the personnel of other security agents and groups which complemented the efforts of the police as well the electoral officers and members of the public which extended their cooperation to members of the police in order to ensure that violence and breaches of security were minimized during the elections. It is the hope of the Commission that the police will enjoy the cooperation of all during the remaining elections.

Many organizations contributed to the success of this programme. Worthy of mention here are the British Department for International Development (DFID), Open Society Justice Initiative (OSJI), European Union (EU) and the United Nations Electoral Assistance Division (UNEAD), whose generous support made it possible for the PSC to develop and publish the Guidelines for the conduct of police officers on electoral duty, as well as deploy 185 roving monitors to observe the elections. The Centre for Law Enforcement Education (CLEEN) provided technical resource assistance to the Commission in the execution of the project. Other government agencies that supported the Commission in the project are the Independent National Electoral Commission (INEC) and the National Orientation Agency (NOA). Finally, the Commission congratulates the Inspector-General of Police and the entire Nigerian police officers for submitting themselves to public scrutiny and for their performance during the elections.

Thank you all and God bless.

Chief Simon Okeke, *FNIVS, FRICS*

Chairman of the Police Service Commission



## **APPENDIX III:**

# **PRELIMINARY REPORT ON THE CONDUCT OF THE POLICE IN THE GUBERNATORIAL AND PRESIDENTIAL ELECTIONS**

### **Introduction**

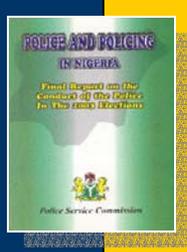
The Police Service Commission (PSC), in continuation of its programme of monitoring police conduct in the on going general elections in Nigeria, which started with the National Assembly Elections of April 12, 2003, monitored police conduct in the gubernatorial and presidential elections held on April 19, 2003.

As with the National Assembly Elections, the PSC deployed a total of 185 roving monitors to the 36 states of the Federation and Abuja, at an average of 5 monitors per state. This preliminary report is issued based on the observations of the roving monitors. The final report of the Commission would be published at the end of all the elections.

### **Background**

While the Commission expressed satisfaction with the overall performance of police officers on election duty during the national assembly elections, certain areas of short comings were identified for improvement at the subsequent elections. This included the perceived lopsidedness in the distribution of police personnel resources in some states and the absence of the police in 14 percent of the polling centres observed by PSC roving monitors. The extent to which these identified areas were addressed by police authorities during the gubernatorial and presidential elections forms part of this preliminary report, in addition to police adherence to the Commission's guidelines for the conduct of the police on elections duty. The Guidelines among other things, oblige police personnel on elections duty to be alert, courteous, approachable, professional, impartial and proportionate in the use of force when strictly necessary.

As a constitutional body, the Police Service Commission is empowered to carry out this function by both section 215 of the Constitution of the Federal Republic of Nigeria and



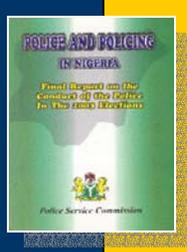
the Police Service Commission (Establishment) Act, No. 15 of 2001. Under Section 6 of this Act, the PSC is responsible for:

2. appointing and promoting all officials of the NPF (other than the Inspector-General of Police , IGP);
3. dismissing and exercising disciplinary control over the same persons;
4. formulating policies and guidelines for the appointment, promotion, discipline and dismissal of officers of the NPF;
5. identifying factors inhibiting and undermining discipline in the NPF;
6. formulating and implementing policies aimed at efficiency and discipline within the NPF;
7. performing such other functions as, in the opinion of the Commission are required to ensure optimal efficiency in the NPF; and
8. Carrying out such other functions as the President may from time to time direct.

What follows are the preliminary observation of the PSC on police conduct during the gubernatorial and presidential elections of April 19, 2003.

### **Performance of the Police**

The Commission has received reports from the monitors on police conduct during the gubernatorial and presidential elections conducted on the April 19, 2003. In general, most police officers on electoral duty performed very well. Most of them were commended for being courteous, professional and firm in the discharge of their electoral duties. We received fewer complaints of unlawful use of police orderlies by senior government officials. Several reports were also received about conscientious police officers who foiled attempts by politicians, thugs and political agents at the polling centres to disrupt voting or steal and stuffed ballot boxes. Reports from different parts of the country showed that police acted more professionally than they did during the National Assembly elections. Most (96%) were courteous and also (93%) maintained security at the polling centres. More than 80% oft the monitors rated the performance of the police as either



very good or good. In one centre in Ogun State, the police prevented electoral fraud by disallowing some false INEC officer from taking ballot papers. Similarly in Chachaga in Niger State, police prevented party agents from exercising overbearing influence in the voting process.

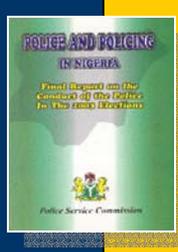
### **Police Presence at the Polling Centres**

One of the observed lapses during the last National Assembly elections was the lopsided deployment of police such that at some polling centres there were many police officers while in most centres, police presence was inadequate. The Commission in its preliminary report on that election indicated that the appropriate authority will ensure better deployment of the police so as to maintain adequate security at the polling centres during the presidential and gubernatorial elections. Monitors reported better deployment of police officers leading to greater coverage of polling centres. In addition, the police were assisted by members of other paramilitary organizations like the Customs, Immigration, Prisons, Traffic Warden, Road Safety Corps as well as volunteer groups such as the WAI Brigade and Civil Defence Corps. Also, patrol by the police and the army was introduced in some parts of the country. As a result of these measures, the security environment for the presidential and gubernatorial elections was enhanced.

However, reports by several monitors indicated that police were still absent at several polling centres in Lagos, Borno, Kaduna, Imo and other states. A Monitor reported an instance where a police officer was assigned to cover four polling centres Nos. 009-012 in Ehime Mbano LGA of Imo State. The exhausted officer was reported to be left alone to contend with shooting and snatching of ballot boxes by thugs in two of the centres. A similar situation was also reported in Lagos state where a single officer was allocated to cover Centre 013 Ward 7 Centre 012 Sogunle E1 Ward in Oshodi/Isolo LGA of Lagos state.

### **Use of Force**

The gubernatorial and presidential elections witnessed heavy presence of armed security personnel in some parts of the Federation. This was to prevent breakdown of law and



order, especially in the light of incidences of violence experienced in some sections of the country during the National Assembly elections. However, only in few cases were armed police observed at the polling centres.

### **Allegations of Improper Police Conduct**

Notwithstanding an overall satisfactory performance and conduct of the police during the presidential and elections, the Commission is aware of allegations of improper conduct by some police officers. Among such conducts were:

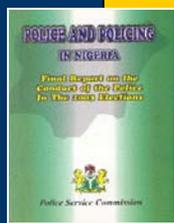
1. Collusion with politicians to scare opponents from polling centres, for example in states like Rivers, Akwa Ibom, Kogi, Enugu, Anambra, Imo, etc.
2. Collusion with political party agents and thugs to stuff ballot boxes
3. Receiving bribes from politicians so that they can stuff ballot boxes

A good example of these cases was in Akwa Ibom at Ikot Udoro Oku village Hall centre with code 001, where the police failed to act in the face of violence and rigging. Similarly, at Udi Enugu, there were reports of police collusion with politicians to undermine the credibility of the electoral process. These behaviors are unacceptable and any officer discovered to be involved in such conducts will be severely dealt with. The Commission is determined to investigate these cases. However, most people who allege these misconducts fail to provide the Commission with the identity of the culprits. Members of the public are urged to assist the Commission with necessary information on such officers. Internal administrative mechanisms are being employed to identify those of whom some information are available so that appropriate disciplinary measures may be taken.

### **Conclusion**

The State Assemblies elections will be conducted on the 3<sup>rd</sup> of May 2003. The Commission assures the public that the police will further improve on their performance based on the experiences gained during the past elections. We seek your cooperation in ensuring that the elections are held under a free and fair atmosphere.

There is need for continuing vigilance in the days ahead. In any election, there will be winners and losers. Aggrieved parties are entitled to seek redress. But they must do so in

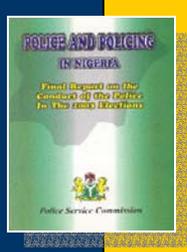


accordance with the rule of law. They must not resort to violence. Victors must also be sober given the history of elections in our country. This is not the time for arrogant insensitive or provocative utterances and celebrations. We must all join hands together to build the culture of democracy, rule of law, justice and tolerance in our country.

Many organizations contributed to the success of this programme. Worthy of mention here are the British Department for International Development (DFID), Open Society Justice Initiative (OSJI), European Union (EU) and the United Nations Electoral Assistance Division (UNEAD), whose generous support made it possible for the PSC to develop and publish the Guidelines for the conduct of police officers on electoral duty, as well as deploy 185 roving monitors to observe the elections. The Centre for Law Enforcement Education (CLEEN) provided technical resource assistance to the Commission in the execution of the project. Other government agencies that supported the Commission in the project are the Independent National Electoral Commission (INEC) and the National Orientation Agency (NOA). Finally, the Commission congratulates the Inspector-General of Police and the entire Nigerian police officers for submitting themselves to public scrutiny and for their performance during the elections.

Thank you all and God bless.

Chief Simon Okeke, *FNIVS, FRICS*  
Chairman of the Police Service Commission



## APPENDIX IV:

# PRELIMINARY REPORT ON THE CONDUCT OF THE POLICE IN THE STATE ASSEMBLY ELECTIONS

### **Introduction**

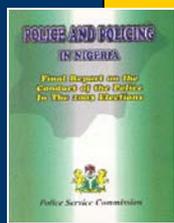
The Police Service Commission (PSC) monitored the conduct of the police personnel on electoral duty during the States' Houses of Assembly elections, which held on Saturday, May 3. This was done in pursuance of the Commission's programme of monitoring police conduct in the 2003 general elections in Nigeria, which began with the National Assembly Elections of April 12, 2003.

As with the previous elections, the PSC deployed a total of 185 roving monitors to the 36 states of the Federation and Abuja, at an average of 5 monitors per state. This preliminary report is issued based on the observations of the monitors. The final report of the Commission would be published at the end of all the elections.

### **Background**

The extent to which the police adhered to the Guidelines issued by the Commission on the conduct of police officers on electoral duty during the May 3, 2003, States' Houses of Assembly elections is the focus of this preliminary report. The Guidelines stipulates that police personnel on elections duty should among other issues be alert, courteous, approachable, professional, impartial and proportionate in the use of force when strictly necessary.

The powers of the Police Service Commission to issue the guidelines and monitor police conduct during elections are drawn from section 215 of the Constitution of the Federal Republic of Nigeria and the Police Service Commission (Establishment) Act, No. 15 of 2001. Under Section 6 of this Act, the PSC is responsible for:



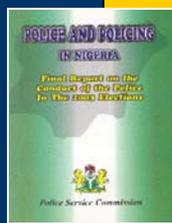
9. appointing and promoting all officials of the NPF (other than the Inspector-General of Police , IGP);
10. dismissing and exercising disciplinary control over the same persons;
11. formulating policies and guidelines for the appointment, promotion, discipline and dismissal of officers of the NPF;
12. identifying factors inhibiting and undermining discipline in the NPF;
13. formulating and implementing policies aimed at efficiency and discipline within the NPF;
14. performing such other functions as, in the opinion of the Commission are required to ensure optimal efficiency in the NPF; and
15. Carrying out such other functions as the President may from time to time direct.

What follows are the preliminary observation of the PSC on police conduct during the State Houses of Assembly elections of May 3, 2003.

### **Performance of the Police**

The reports from the monitors of the police conduct during the state assemblies election conducted on the 3<sup>rd</sup> of May 2003 have been received at the Commission. As in the previous elections conducted during the past month, most police officers on electoral duty performed very well. Monitors reported that most of the police officers were courteous, professional and firm in the discharge of their electoral duties. In contrast to the situation during the National Assembly elections, no report of unlawful use of police orderlies by senior government officials was received.

There were reports of conscientious police officers who foiled attempts by some politicians, thugs and political agents at the polling centres to disrupt voting or steal and stuffed ballot boxes. For instance at the Onilekere polling station in Isolo, Lagos State as well as in Gumai ward of Bauchi state, police intervention averted trouble and disruption



of elections. Similarly, in Kanguli-Karlogu polling unit in Kaltungo West ward of Gombe state, the MOPOL intervened and restored order.

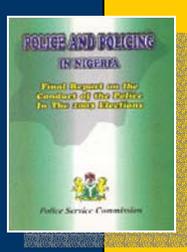
### **Police Presence at the Polling Centres**

Inadequate security coverage of some polling units was observed in the previous elections. While the problem persisted due to inadequate personnel, the police were better able to maintain security and order during the state assemblies' election. Police presence at polling station was in comparison to other zones, not as quite high in the North-West and Northeast Zones, in part because of lower threat to security. The improved security situation witnessed during the last election may be attributed to lower voter turn-out, lesser stake in the contested political offices relative to previous elections, and improved professionalism on the part of the police.

Even in the face of inadequate police personnel to provide effective coverage of all polling units, many police officers were observed to have exhibited high sense of responsibility thereby ensuring orderliness at polling centres. Nonetheless it was observed that the problem of inadequate personnel negatively affected the conduct of elections in some polling units. As in the previous elections, the police were assisted by members of other para-security organizations like the Customs, Immigration, Prisons, Traffic Warden, Road Safety Corps as well as volunteer groups such as the WAI Brigade and Civil Defence Corps. Also, patrol by the police and the army was maintained in some parts of the country, resulting in rapid response to crises. The problem of inadequate police personnel needs to be addressed so that the country can enjoy effective security coverage by the police at all times.

### **Use of Force**

The gubernatorial and presidential elections witnessed heavy presence of armed security personnel in some parts of the Federation. This was to prevent breakdown of law and order, especially in the light of incidences of violence experienced in some sections of the country during the National Assembly elections. However, only in few cases were armed police observed at the polling centres. Proactive measures were also taken during the



state assembly election. There are as yet no serious reports of routine and disproportionate use of force by the police during the election.

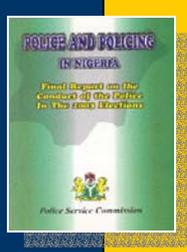
### **Allegations of Improper Police Conduct**

In the Commission’s preliminary report on the police conduct during the presidential and gubernatorial elections, it was observed that though the overall performance of the police was rated satisfactory, there were allegations of improper conduct by some police officers. The Commission then appealed to anyone making allegations of improper conduct on the part of the police to provide adequate information that will lead to the identification of the accused officers, so that the case can be investigated and appropriate actions taken.

As in the previous elections, the Commission has received allegations of improper conduct by some police officers in isolated polling units across the country. But in most cases, those who alleged these misconducts fail to provide the Commission with adequate information on the identity of such officers. Without such information, the Commission cannot investigate the allegations. In the few cases where some information were provided, the Commission will employ internal administrative mechanisms to investigate the allegations and take appropriate disciplinary measures wherever misconduct is established. On the whole, most of the police officers on election duties deserve commendation.

### **Conclusion**

During the past month, three critical elections had been conducted on three different Saturdays. The police assisted by the Armed Forces and para-security organizations provided security and thereby ensured that the conduct of the elections took place under a generally peaceful condition. In so doing, these agencies have made important contribution to the democratic process in the country. One of the principal goals of the Commission’s programme on monitoring the conduct of police officers during elections was to demonstrate that the police are capable of rendering impartial and professional

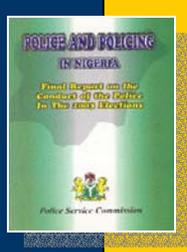


services and willing to open themselves to public scrutiny. This goal has largely been achieved.

Many organizations contributed to the success of this programme. Worthy of mention here are the British Department for International Development (DFID), Open Society Justice Initiative (OSJI), European Union (EU) and the United Nations Electoral Assistance Division (UNEAD), whose generous support made it possible for the PSC to develop and publish the Guidelines for the conduct of police officers on electoral duty, as well as deploy 185 roving monitors to observe the elections. The Centre for Law Enforcement Education (CLEEN) provided technical resource assistance to the Commission in the execution of the project. Other government agencies that supported the Commission in the project are the Independent National Electoral Commission (INEC) and the National Orientation Agency (NOA). Finally, the Commission congratulates the Inspector-General of Police and the entire Nigerian police officers for submitting themselves to public scrutiny and for their performance during the elections.

Thank you all and God bless.

Chief Simon Okeke, *FNIVS, FRICS*  
Chairman of the Police Service Commission



## APPENDIX V

### **POLICE SERVICE COMMISSION (ESTABLISHMENT) ACT, 2001**

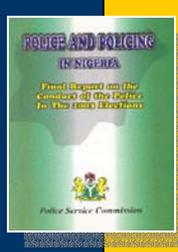
#### POLICE SERVICE COMMISSION ACT, 2001

##### ARRANGEMENTS OF CLAUSES

##### CLAUSE

1. Establishment of the Police Service Commission
2. Management of the Commission
3. Tenure of Office
4. Cessation of Membership of the Commission, etc.
5. Removal from Office, etc.
6. Functions of the Commission
7. Powers of the Commission
8. Powers of Delegation
9. Establishment of Departments
10. Appointment of Secretary to the Commission, etc.
11. Service in the Commission to be Pensionable, Cap. 346 LFN
12. Funds of the Commission
13. Expenditure of the Commission
14. Gifts to the Commission
15. Annual Estimates and Expenditure
16. Quarterly Report
17. Annual Report
18. Offices and Premises of the Commission, Cap. 202 LFN
19. Directives by the President
20. Limitation of Suits against the Commission, etc. Cap. 379 LFN
21. Service of Documents
22. Restriction on Execution against Property of the Commission
23. Indemnity of Officers
24. Transitional Provisions
25. Regulations
26. Interpretation
27. Citation

##### SCHEDULE



**POLICE SERVICE COMMISSION (ESTABLISHMENT) ACT 2001**  
**2000 No. 1**

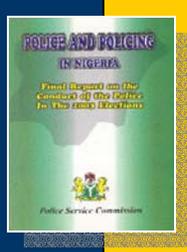
An Act to Establish the Police Service Commission, which shall be charged with Responsibility, among other things to Appoint Persons to Offices (other than the Office of the Inspector-General of Police) in Nigeria Police Force and to Dismiss and Exercise Disciplinary Control over any Person holding Office in the Nigeria Police Force (other than the Inspector-General of Police); and for related purposes

[4 <sup>th</sup> January, 2001	Commence- ment
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ENACTED by the National Assembly of the Federal Republic of Nigeria-

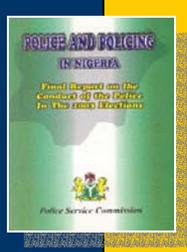
PART I – ESTABLISHMENT, ETC OF THE POLICE SERVICE COMMISSION

<p><b>1.-(1)</b> There is hereby established a body to be known as the Police Service Commission (in this Act referred to as “the Commission”)</p> <p>(2) The Commission-</p> <p>(a) shall be a body corporate with perpetual succession and a common seal; and</p> <p>(b) may sue or be sued in its corporate name</p> <p>(3) The headquarters of the Commission shall be at the Federal Capital Territory, Abuja.</p>	<p>Establish- ment of the Police Service Commis-sion.</p>
<p><b>2.-(1)</b> The management of the Commission shall vest in the following members, whose appointment shall be in line with the Federal Character provision of the Constitution-</p> <p>(a) a Chairman who shall be the Chief Executive of the Commission;</p> <p>(b) a retired Justice of the Supreme Court or Court of Appeal;</p> <p>(c) a retired Police Officer not below the rank of Commissioner of Police;</p> <p>(d) one representative each of</p> <p>(i) women interest;</p> <p>(ii) the Nigerian Press;</p> <p>(iii) Non-Governmental human rights organisations in Nigeria</p> <p>(iv) organized Private Sector;</p> <p>(v) the Secretary to the Commission</p> <p>(2) The Chairman and other members of the Commission shall-</p> <p>(a) be appointed by the President subject to the confirmation by the Senate;</p> <p>(b) be persons of proven integrity and ability.</p> <p>(3) The members of the Commission referred to in paragraph (d) of Subsection (1) of this section shall be part-time members.</p> <p>(4) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Commission and the other</p>	<p>Management of the Commission</p>



<p>matters contained therein.</p>	
<p><b>3.-</b> (1) Subject to the provisions of Section 4 of this Act, a member of the Commission, other than ex-officio members shall each hold office –</p> <ul style="list-style-type: none"> <li>(a) for a term of four years and no more; and</li> <li>(b) on such terms as to remuneration; salaries and allowances as may be prescribed by the National Assembly but not exceeding the amount as shall have been determined by the National Revenue Mobilization Allocation and Fiscal Commission.</li> </ul>	<p>Tenure of Office</p>
<p><b>4.-</b> (1) Notwithstanding the provisions of section 3 of this Act, a person shall cease to hold office as member of the Commission if –</p> <ul style="list-style-type: none"> <li>(a) he becomes bankrupt, suspends payment or compounds with his creditors; or</li> <li>(b) he is convicted of a felony or any offence involving dishonesty or fraud; or</li> <li>(c) he becomes of unsound mind, or is incapable of carrying out his duties; or</li> <li>(d) he is guilty of serious misconduct in relation to his duties; or</li> <li>(e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member.</li> </ul> <p>(2) A member of the Commission may be removed by the President if he is satisfied that it is not in the interest of the Commission or in the interest of the public that the member should continue in office.</p> <p>(3) Where a vacancy occurs in the membership of the Commission, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however, that the successor shall represent the same interest and shall be appointed by the President subject to confirmation by the Senate.</p>	<p>Cessation of membership of the Commission etc.</p>
<p><b>5.-</b> (1) Notwithstanding the provisions of section 4 of this Act, the Chairman and any other member, may at any time be removed from that office by the President acting on an address supported by two-thirds majority of the Senate praying that he be removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause or for misconduct).</p> <p>(2) A member may resign his appointment by a notice in writing under his hand, addressed to the President and that member shall on the date of the receipt of the notice by the President cease to be a member of the Commission.</p>	<p>Removal from Office, etc.</p>

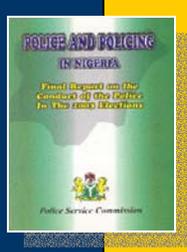
PART II – FUNCTIONS AND POWERS OF THE COMMISSION



<p><b>6.-</b> (1) The Commission shall-</p> <ul style="list-style-type: none"> <li>(a) be responsible for the appointment and promotion of persons to offices (other than the office of the Inspector-General of Police) in the Nigeria Police Force;</li> <li>(b) dismiss and exercise disciplinary control over persons (other than the Inspector-General of Police) in the Nigeria Police Force;</li> <li>(c) formulate policies and guidelines for the appointment, promotion, discipline and dismissal of officers of the Nigeria Police Force;</li> <li>(d) identify factors inhibiting or undermining discipline in the Nigeria Police Force</li> <li>(e) formulate and implement policies aimed at the efficiency and discipline to the Nigeria Police Force</li> <li>(f) perform such other functions which in the opinion of the Commission are required to ensure the optimal efficiency of the Nigeria Police Force; and</li> <li>(g) carry out such other functions as the President may, from time to time, direct.</li> </ul> <p>(2) The Commission shall not be subject to the direction, control or supervision of any other authority or person in the performance of its functions other than as is prescribed in this Act.</p>	<p>Functions of the Commission</p>
<p><b>7.-</b> The Commission shall have power to –</p> <ul style="list-style-type: none"> <li>(a) pay the staff of the Commission such remuneration and allowances as are payable to persons of equivalent grades in the Civil Service of the Federation;</li> <li>(b) enter into such contracts as may be necessary or expedient for the discharge of its functions and ensure the efficient performance of the functions of the Commission; and</li> <li>(c) do such other things as are necessary and expedient for the efficient performance of the functions of the Commission.</li> </ul>	<p>Powers of the Commission</p>
<p><b>8.-</b> The Commission may, subject to such conditions as it may think fit, delegate any of its powers under this Act-</p> <ul style="list-style-type: none"> <li>(a) to any officer in the service of the Nigeria Police Force; or</li> <li>(b) to a committee consisting of such number of persons, one of whom shall be named as Chairman, as may be prescribed by the Commission.</li> </ul>	<p>Powers of delegation.</p>

**PART III – STRUCTURE OF THE COMMISSION**

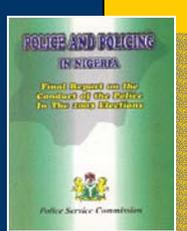
<p><b>9.-</b> (1) There shall be established in the headquarters of the Commission the following Departments –</p> <ul style="list-style-type: none"> <li>(a) the Department of Administration and Personnel Management;</li> <li>(b) the Department of Investigation;</li> <li>(c) the Department of Finance and Supply;</li> <li>(d) the Department of Planning, Research and Statistics; and</li> </ul>	<p>Establishment of Departments</p>
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<p>(e) the Department of Legal Services.</p> <p>(2) The Commission may, with the approval of the President, increase the number of Departments as it may deem necessary and expedient to facilitate the realization of the objectives of the Commission.</p>	
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**PART IV – STAFF**

<p><b>10.-</b> (1) There shall be for the Commission, a Secretary to the Commission who shall-</p> <ul style="list-style-type: none"> <li>(a) be an officer in the Civil Service of the Federation not below the rank of a Permanent Secretary;</li> <li>(b) have such qualification and experience as are appropriate for a person required to perform the functions of that office under this Act;</li> <li>(c) be accounting officer of the Commission;</li> <li>(d) be appointed by the President subject to confirmation by the Senate; and</li> <li>(e) hold office on such terms and conditions as to emolument, conditions of service as are applicable to the Civil Service of the Federation.</li> </ul> <p>(2) The Secretary shall subject to the general direction of the Commission through the Chairman be responsible-</p> <ul style="list-style-type: none"> <li>(a) for the day to day administration of the Commission;</li> <li>(b) for keeping the books and proper records of the proceedings of the Commission; and</li> <li>(c) for-             <ul style="list-style-type: none"> <li>(i) the administration of the secretariat of the Commission; and</li> <li>(ii) the general direction and control of all other employees of the Commission subject to the directives of the Commission.</li> </ul> </li> </ul> <p>(3) The Commission shall have power to-</p> <ul style="list-style-type: none"> <li>(a) employ either directly or on secondment from any civil or public service in the Federation or a State such number of employees as may, in the opinion of the Commission, be required to assist the Commission in the discharge of any of its functions under this Act; and</li> <li>(b) pay to persons so employed such remuneration (including allowances) as are applicable to other officers of equivalent rank in the Civil Service of the Federation.</li> </ul>	<p>Appointment of Secretary to the Commission, etc.</p>
<p><b>11.-</b> (1) Service in the Commission shall be approved service for the purposes of the Pensions Act.</p> <p>(2) The officers and other persons employed in the Commission shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed</p>	<p>Service in the Commission to be Pensionable, Cap. 346 LFN</p>



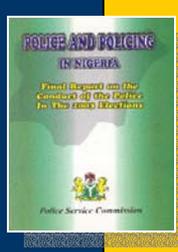
by persons holding equivalent grades in the Civil Service of the Federation.

(3) Nothing in Subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

(4) For the purposes of the application of the provisions of the Pensions Act, any powers exercisable there under by the Minister or other authority of the Government of the Federation, other than the power to make regulations under Section 23 thereof is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

**PART V – FINANCIAL PROVISIONS**

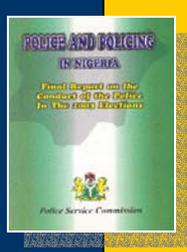
<p><b>12.-</b> (1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure by the Commission.</p> <p>(2) There shall be paid and credited to the fund established pursuant to Subsection (1) of this section –</p> <ul style="list-style-type: none"> <li>(a) such monies as may, from time to time, be granted or lent to or deposited with this Commission by the Federal or State Government or any other body or institution whether local or foreign;</li> <li>(b) all monies raised for the purposes of the Commission by way of gifts, loan, grants-in-aid, testamentary dispositions or otherwise; and</li> <li>(c) proceeds from all other assets that may, from time to time, accrue to the Commission.</li> </ul> <p>(3) The fund shall be managed in accordance with the rules made by the Commission, and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions –</p> <ul style="list-style-type: none"> <li>(a) specifying the manner in which the assets or the fund of the Commission are to be held, and regulating the making of payments into and out of the Fund; and</li> <li>(b) requiring the keeping of proper accounts and records for the purpose of the Fund in such form as may be specified in the rules.</li> </ul>	<p>Funds of the Commission</p>
<p><b>13.</b> The Commission shall apply the proceeds of the Fund established pursuant to Section 12 of this Act to –</p> <ul style="list-style-type: none"> <li>(a) the cost of administration of the Commission;</li> <li>(b) the payment of salaries, allowances and benefits of members of the Commission or any Committee of the Commission;</li> <li>(c) the payment of salaries, remuneration, allowances, benefits, pensions and gratuities payable to officers and employees of the Commission;</li> <li>(d) the payment for all contracts, including mobilization, fluctuations, variations, legal fees and cost on contract administration;</li> <li>(e) the payment for all purchases; and</li> </ul>	<p>Expenditure of the Commission</p>



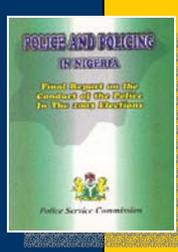
<p>(f) undertake such other activities as are connected with all or any of the functions of the Commission under this Act.</p>	
<p><b>14.-</b> (1) The Commission may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.</p> <p>(2) The Commission shall not accept any gift if the conditions attached thereto are inconsistent with the functions of the Commission under this act.</p>	<p>Gifts to the Commission</p>
<p><b>15.-</b> (1) The Commission shall, not later than 30<sup>th</sup> September in each year, submit to the President an estimate of the expenditure and income of the Commission during the next succeeding year.</p> <p>(2) The Commission shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.</p>	<p>Annual Estimates and expenditure</p>
<p><b>16.</b> The Commission shall, at the end of every quarter in each year submit to the President a report on the activities and administration of the Commission.</p>	<p>Quarterly Report</p>
<p><b>17.-</b> (1) The Commission shall prepare and submit to the President, not later than 30<sup>th</sup> June in each year, a report in such form as the President may direct on the activities of the Commission during the immediately preceding past year, and shall include in the report a copy of the audited accounts of the Commission for that year and the auditor's report thereon.</p> <p>(2) The President, upon receipt of the report referred to in Subsection (1) of this section, cause a copy of the report and the audited accounts of the Commission and the auditor's report thereon to be submitted to each House of the National Assembly.</p>	<p>Annual Report</p>

**PART VI – MISCELLANEOUS**

<p><b>18.-</b> (1) For the purposes of providing offices and premises necessary for the performance of its functions under this Act, the Commission may, subject to the Land Use Act –</p> <ul style="list-style-type: none"> <li>(a) purchase or take on lease any interest in land, or other property; and</li> <li>(b) construct offices and premises and equip and maintain same.</li> </ul> <p>(2) The Commission may, subject to the Land Use Act, sell or lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions under this Act.</p>	<p>Offices and Premises of the Commission, Cap. 202 LFN</p>
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<p><b>19.</b> Subject to the provisions of this Act, the President, may give to the Commission directives of a general nature or relating generally to matters of policy with regard to the performance by the Commission of its functions and it shall be the duty of the Commission to comply with the directives.</p>	<p>Directives by the President</p>
<p><b>20.-</b> (1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission.</p> <p>(2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Commission, the Secretary or any other officer or employee of the Commission for any act done in pursuance or execution of this Act or any other law or enactment, or of any public duty of authority in respect of any alleged neglect or default in the execution of this Act or such law or enactment, duty or authority, shall lie or be instituted in any Court unless-</p> <p>(a) ... commenced within three months next after the Act, neglect or default complained of; or</p> <p>(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.</p> <p>(3) No suit shall be commences against a member of the Commission, the Secretary, officer or employee of the Commission before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Commission by the intending plaintiff or his agent.</p> <p>(4) The notice referred to in Subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief, which he claims.</p>	<p>Limitation of Suits against the Commission, etc. Cap. 379 LFN</p>
<p><b>21.</b> A notice, summons or other document required or authorized to be served upon the Commission under the provisions of this Act or any other law or enactment may be served by delivering it to the Secretary or by sending it by registered post and addressed to the Secretary at the principal office of the Commission.</p>	<p>Service of Documents</p>
<p><b>22.-</b> (1) In any action or suit against the Commission, no execution or attachment of process in the nature thereof shall be issued against the Commission.</p> <p>(2) Any sum of money which may by the judgment of any court be awarded against the Commission shall, subject to any direction given by</p>	<p>Restriction on execution against the property of the Commission</p>



court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Commission.	
<b>23.</b> A member of the Commission, the Secretary, any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceeding, whether civil or criminal, in which judgment is given in his favor, or which is acquitted, if any such proceeding is brought against him in his capacity as a member of the Commission, the Secretary, officer or employee of the Commission.	Indemnity of Officers
<b>24.</b> Any person who, immediately before the coming into force of this Act is the holder of any office in the Nigeria Police Force shall on the commencement of this Act, continue in office and be deemed to have been appointed to his office by the Commission under this Act.	Transitional provisions.
<b>25.</b> The Commission may, with the approval of the President make regulations generally for the purposes of giving full effect to this Act.	Regulations
<b>26.</b> In this Act, unless the context otherwise requires- “Commission” means the Police Service Commission established by Section 1 of this Act; “member” means a member of the Commission and includes the Chairman. “President” means the President, Commander-in-Chief of the Armed Forces. “Secretary” means the Secretary to the Commission appointed pursuant to Section 10 of this Act.	Interpretations.
<b>27.</b> This Act may be cited as the Police Service Commission (Establishment etc.) Act 2001.	Citation.

SCHEDULE

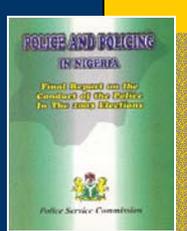
*Section 2(4)*

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION ETC.

PROCEEDINGS OF THE COMMISSION

Cap. 192 LFN

1.-(1) Subject to this Act and Section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or those of any of its Committees.



(2) The quorum of the Commission shall be the Chairman or the person presiding at the meeting and 4 other members of the Commission, and the quorum of any Committee of the Commission shall be as determined by the Commission.

2.- (1) The Commission shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other Members, he shall summon a meeting of the Commission to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Commission, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.

(3) When the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt him to the Commission for such period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

#### COMMITTEES

3.- (1) The Commission may appoint one or more Committees to carry out, on behalf of the Commission, such functions as the Commission may determine.

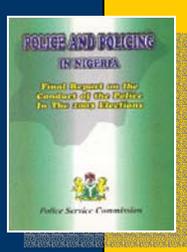
(2) A Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Commission and a person shall hold office on the Committee in accordance with the terms of his appointment.

(3) A decision of a Committee of the Commission shall be of no effect until it is confirmed by the Commission.

#### MISCELLANEOUS

4.- (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Commission generally or specifically authorised by the Commission to act for that purpose and the Secretary.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on



behalf of the Commission by the Secretary or any person generally or specifically authorized by the Commission to act for that purpose.

(3) A document purporting to be duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

5.- The validity of any proceedings of the Commission or of a Committee shall not be adversely affected by-

- (a) a vacancy in the membership of the Commission or Committee; or
- (b) a defect in the appointment of a member of the Commission or Committee; or
- (c) reason that a person not entitled to do so took part in the proceedings of the Commission or Committee.

EXPLANATORY MEMORANDUM

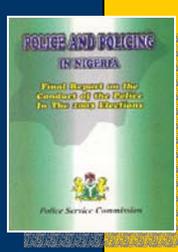
This Act Establishes the Police Service Commission, which is charged with responsibility, among other things to appoint persons to offices (other than the office of the Inspector-General of Police) in Nigeria Police Force and to dismiss and exercise disciplinary control over any person holding office in the Nigeria Police Force (other than the Inspector-General of Police).

I Certify, in accordance with Section 2(1) of the Acts authentication Act, 1961, that this is a true copy of the Bill passed by both Houses of the National Assembly.

IBRAHIM SALIM, CON  
 Clerk to the National Assembly.  
 27<sup>th</sup> day of December, 2000.

**SCHEDULE TO THE POLICE SERVICE COMMISSION BILL, 2001**

(1)	(2)	(3)	(4)	(5)
<b>Short Title of</b> <i>The Bill</i>	<b>Long Title of the Bill</b>	<i>Summary of Contents of the Bill</i>	<b>Date Passed by Sen</b>	<i>Date Passed by House of Representatives</i>



			<b>ate</b>	
Police Service Commission Bill, 2001	A Bill for an Act to Establish the Police Service Commission, which shall be charged with responsibility, among other things to appoint persons to Offices (other than the office of the Inspector-General of Police) in Nigeria Police Force and to dismiss and exercise disciplinary control over any person holding office in the Nigeria Police Force (other than the Inspector-General of Police); and for related Purposes.	A Bill for an Act to Establish the Police Service Commission which shall be charged with responsibility, among other things to appoint persons to offices (other than the Office of the Inspector-General of Police) in Nigeria Police Force and to dismiss and exercise disciplinary control over any person holding office in the Nigeria Police Force (other than the Inspector-General of Police).	11 <sup>th</sup> October 2000	16 <sup>th</sup> November 2000

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act of 1961.

I ASSENT

IBRAHIM SALIM, CON

***Clerk to the National Assembly***

*27<sup>th</sup> December 2000*

CHIEF OLUSEGUN OBASANJO, GCFR

***President of the Federal Republic of Nigeria***

*4<sup>th</sup> January, 2001*