

## An Examination of Work Ethics and Ethical Conducts in the Nigeria Police Force

DR IJALANA, EMMANUEL FOLAYAN  
LLB HONS, BL (HONS), LL.M, M.Phil. (Law), PhD (Law)  
Dept. of Jurisprudence and Private Law  
Faculty of Law, Obafemi Awolowo University  
Ile-Ife, Osun State.  
Email: [efijalanaef@oauife.edu.ng](mailto:efijalanaef@oauife.edu.ng)

DR FAYOMI, OLUTOMIWA SAMSON  
LLB HONS, BL (HONS), LL.M, M.Phil. (Law), PhD (Law)  
Dept. of Jurisprudence and Private Law  
Faculty of Law, Obafemi Awolowo University  
Ile-Ife, Osun State.  
Email: [ofayomi@oauife.edu.ng](mailto:ofayomi@oauife.edu.ng)

### Abstract

The paper examined the professional practices and the legal framework on ethical conduct in the Nigeria Police with its service discipline and institutional procedures, as applicable in Nigeria. These were with a view to undertaking a holistic review of the nature and meaning of associated terms and various ethical instruments in the Nigeria Police.

The study adopted doctrinal methodology and placed reliance on both primary and secondary sources of information. The primary source included the successive Constitutions of the Federal Republic of Nigeria, international laws and conventions, and various statutes in Nigeria relating to regimentary institutional ethics, unstructured interviews, and judicial decisions. The secondary source of information included books, journal articles, conference proceedings, newspaper and magazine publications and the internet. Data collected were subjected to content analysis.

The study found that damning past image remains the greatest of all the challenges which continue to haunt the police. The study also found that, if the police must fulfil the accomplishment of its noble objectives, in Nigeria, it needs the citizens' support through an effective and selfless service. The study further found that, though there is enough legal framework or provisions in the Nigerian law for enhancement of sound moral values in the Police Force, individual officers' greed, psycho-social imbalance and eco-political dilemma continued to play a counter-productive role in the attainment of sound ethical standards. In conclusion, the various constitutional and statutory provisions prescribing an ethical code are emplaced to impact police officers positively in the service of the nation.

**KEY WORDS:** Work Ethics; Ethical Conduct; Police officer; the Nigeria Police; Ethical Standard; Service

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### 1.0 INTRODUCTION

Given that the Nigeria Police is a creation of the Nigerian Constitution,<sup>1</sup> it is nonetheless found with high incidence of ethical misconduct and disciplinary delinquencies resulting in misuse of powers and abuse of rights. The possibility of corruptibility, coupled with adverse influence which social interaction often engages, propels the need to institute certain work ethics/code, indicative of ethical norms or conduct that may compel those conferred with so much extensive powers, as its members are, to subject their conducts to regulated norms. This would ensure police personnel work within the limits of the law in their operational work environment.

In this discourse, police work environment is presented broadly, to accommodate other law enforcement agencies with a view to promoting an enduring right-based policing in Nigeria. The burden of this paper is the evaluation of extant statutory laws governing work the maintenance of enviable ethical conducts in the Nigeria

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\*\* Dr OS Fayomi, a lecturer in the Department of Jurisprudence and Private Law, Faculty of Law, Obafemi Awolowo University Ile-Ife, holds a Doctoral Degree in Law. +2348038166088 [ofayomi@oauife.edu.ng](mailto:ofayomi@oauife.edu.ng)

<sup>1</sup> See the Constitution of Federal Republic of Nigeria 1999 as altered [CFRN 1999] at s 214.

Police Force while enforcing law in Nigeria. The essay therefore, is divided into six segments, apart from the introductory which is the first segment. In its second segment, the paper examines the conceptual meaning and definitions of terms just as it considers, in its third segment, the legal frameworks for ethics in the Nigeria Police. In the fourth segment, sundry extant ethical codes are evaluated while, in the fifth segment, the paper analyses disciplinary offences and sanctions for the breach of ethical codes of conduct for members of the Nigeria Police. In its concluding part, the sixth segment, the paper proffers some suggestions that would promote efficiency and instil discipline in the Force.

## 2.0 CONCEPTUAL MEANINGS AND DEFINITION OF TERMS

For effective understanding of the concept of work ethics in the Nigeria Police, it is imperative that a thorough construction of the key words be made. The terms demanding clarification include work; police officer; the Nigeria police; code; ethics; and ethical; standard; and ethical standard; and conduct, and ethical conduct.

### i. Police, and the Nigeria Police

The word, police, according to the *Webster's Universal Dictionary*,<sup>1</sup> is construed as the government department responsible for keeping order, detecting crime, law enforcement, etc; members of such department or any similar organisation.<sup>2</sup> The same word is defined, in the *Black's Law Dictionary*,<sup>3</sup> as the governmental department charged with the preservation of public order, promotion of public safety, and the prevention of crime.<sup>4</sup> In Nigeria, the phrase, "the police", when used in its restrictive sense, refers only to members of the Nigeria Police but, in its broad sense, it accommodates both the members of the police established by the Nigeria Police Act [NPA 2020]<sup>5</sup> and the officers of any law enforcement agency established by Law or an Act of the National Assembly.<sup>6</sup> Similarly, the phrase, police officer, means any member of the Nigeria Police established by the police enabling law and, where the context so admits, it includes any officer of any law enforcement agency established by an Act of the National Assembly.<sup>7</sup>

### ii. Code, and Ethical Code

*The Black's Law Dictionary*<sup>8</sup> defines a 'code' as a 'a complete system of positive law, carefully arranged and officially promulgated; a systematic collection or revision of laws, rules, or regulation. In its strict meaning, a code is a compilation, not just of existing statutes, but also of much of the unwritten law on a subject which is newly enacted as a complete system of law'.<sup>9</sup> Ethical code is construed as a synonym of code of ethics which is defined by same dictionary as an 'officially adopted statement of the principles of acceptable conduct relevant to the activities of an occupational group, especially, a professional one'.<sup>10</sup>

### iii. Ethics, Standard, Ethical Standard

While ethics is a system of moral tenets or principles, the collective doctrines relating to the ideals of human conduct and character, ethical, ordinarily,<sup>11</sup> means what is connected with ethic. Ethical is lexically construed as being 'connected with beliefs and principles about what is right and wrong'.<sup>12</sup> The same word is defined in *Black's Law Dictionary* as 'of, relating to, or involving moral obligations that one person owes another; especially in law, pertaining to legal ethics'.<sup>13</sup> The word, standard, is defined by *Black's Law Dictionary* as a model accepted as correct by custom, consent, or authority.<sup>14</sup> It is further construed as a criterion for measuring acceptability, quality, or accuracy.<sup>15</sup> The term typifies 'a level of quality, especially one that people think is

<sup>1</sup> *The Webster's Universal Dictionary and Thesaurus* (Geddes & Grosset 2010).

<sup>2</sup> *Ibid* at p. 370.

<sup>3</sup> Bryan A. Garner, *Black's Law Dictionary* (Eighth Edition, Thomson West 1998).

<sup>4</sup> *Ibid* p. 1196.

<sup>5</sup> Particularly, the Nigeria Police Act 2020 [NPA 2020] s 3. Under the Administration of Criminal Justice Act, 2015 [ACJA 2015], the word "police" is defined to mean the Nigeria Police established by the Constitution or, where the context so admits, it includes any Law Enforcement Agency established by an Act of National Assembly.

<sup>6</sup> See the Administration of Criminal Justice (Repeal and Re-enactment Law) Laws of Lagos State, 2011, s 371.

<sup>7</sup> See ACJA 2015 [n 6] s 494.

<sup>8</sup> Bryan A. Garner, (n 4).

<sup>9</sup> *Ibid* at 312.

<sup>10</sup> *Ibid* at 313.

<sup>11</sup> *Ibid* at p. 670.

<sup>12</sup> A. S. Hornby, *Oxford Advanced Learner's Dictionary of Current English* (10<sup>th</sup> Edition, Oxford University Press 2020) at 528.

<sup>13</sup> Bryan A. Garner (n 4). p. 670.

<sup>14</sup> *Ibid* at p. 1624.

<sup>15</sup> *Ibid*.

acceptable'.<sup>1</sup> Ethical standard, in the same lexicon, is defined as 'a level of behaviour that somebody considers to be morally acceptable'.<sup>2</sup>

#### iv. Conduct, and Ethical Conduct

The word, conduct, is defined by the *Oxford Advanced Learner's Dictionary*, as a person's behaviour in a particular place or in a particular situation.<sup>3</sup> Derivatively, ethical conduct means the expected right or wrong behaviour in a workplace while ethical code is concerned the body of rules installed in a workplace to secure the right professional standard of discipline.

### 3.0 THE LEGAL FRAMEWORKS FOR ETHICAL CONDUCTS IN THE NIGERIA POLICE FORCE

In Nigeria, ethical conducts in the Nigeria Police apply international conventions in the form of various bilateral and multilateral treaties as well as several domestic laws which shall be discussed hereunder.

#### 3.1 The International Law and Treaties, and Domestic Laws on Ethical Conduct in the Nigeria Police

There is no obligation in customary international law establishing ethical conducts in the Nigeria Police. However, extant conventional international laws and conventions by way of state parties' contractual relationship to which the Force by reason of the countries acceding their signature in partnership with one another, regulates conducts, primarily of ethical consideration. Such ethical treaties may occur multilaterally or bilaterally. Although most of such obligations were contracted either at pre-colonial and colonial periods by the Britain are applicable in Nigeria by the doctrine of continuing relationship after independence of former colonial states, allowing previous treaties of the coloniser to apply to their independent former colonies as if they entered into those agreements with the affected parties.

Nigeria, also, is a signatory to several various international treaties relating to ethical standards expected of its law enforcement agencies. Additional to the international treaties are national laws which include the Constitution of Federal Republic of Nigeria, 1999 (as altered) and other domestic statutes. These laws or treaties are intended to regulate work ethics and ethical conducts in relation to the performance of duties and respect to human rights and procedural due process of law. Imperatively, some of these laws are for preservation of service discipline while others are for securing of service standard towards clientele protection. The body of these laws and their specific reference to ethical standards are firmly established to enhance work ethics in Nigeria.

##### 3.1.1 International Treaties

Some international treaties relating to preservation of standards in the performance of law enforcement duties in Nigeria include UN Standard Minimum Rules for the Treatment of Prisoners (1977); UN Principle on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989); UN Declaration on the Protection of All Persons from Enforced Disappearances (1992); UN Body of Principles for the Protection of all Persons Under any form of Detention or Imprisonment (1988); and UN Rules for the Protection of Juveniles Deprived of Liberty (1990). Others are UN Convention against Torture Inhuman or Degrading Treatment or Punishment; UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Powers (1990); UN International Covenant on Civil and Political Rights (ICCPR), (1966); UN Declaration on the Elimination of Discrimination Against Women (1967); Africa Charter on Human and Peoples' Rights and Robben Island Guidelines for the Prevention of Torture; and UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).

Professionally, other forms of conventions include the UN Code of Conducts for Law Enforcement Officials,<sup>4</sup> International Association of Chiefs of Police Standards of conducts,<sup>5</sup> which conventionally are international associations protocol prescribing ethical standards for police institutions in the world; and the Sustainable Development Goal, particularly Goal 16. The Nigeria Police is a member of the International Association of Chiefs of Police [IACP]. The IACP Standards of Conduct is applicable to the Nigerian Police Force.

##### 3.1.2 The Domestic Laws

In addition to the above international laws, conventions and treaties which, multinationally, create ethical standards for law enforcements' official, there are extant laws for which ethical standards are founded in Nigeria.

<sup>1</sup> A. S. Hornby (n 13) at 1524.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid at p. 318.

<sup>4</sup> The UN Code of Conduct for Law Enforcement Officials [UN Code of Conduct] was adopted by UN General Assembly resolution 34/169 of 17 December 1979.

<sup>5</sup> The International Association of Chiefs of Police, 'IACP Standards of Conduct' (Model Policy IACP Law Enforcement Policy Central 2019).

The domestic laws are in two folds; these are the Nigerian Constitution and sundry domestic statutory laws. The various provisions of extant laws relating to protection of the people's rights as contained in the Nigerian statutes are of significance to ethical standards in Nigeria. These include the Constitution of the Federal Republic of Nigeria 1999;<sup>1</sup> Child's Rights Act, 2003; the Nigeria Police Act 2020 [NPA 2020];<sup>2</sup> Administration of Criminal Justice Act 2015 [ACJA 2015],<sup>3</sup> as domesticated by various states in Nigeria; or the Criminal Procedure Law [CPL] of states in the southern part of Nigeria which are yet to adopt the ACJA 2015; or the Criminal Procedure Code [CPC] for states in the northern Nigeria which are yet to adopt the provisions of the ACJA 2015; and Torture (Prevention and Prohibition) Act 2017 [TPPA 2017].<sup>4</sup>

#### a. The Nigerian Constitution

The Nigerian Constitution is the organic law in Nigeria which has a binding force on authorities and persons throughout the country.<sup>5</sup> The CFRN 1999 places the police in the exclusive list.<sup>6</sup> On ethical standards in Nigeria, the Constitution is of paramount importance. This arises from numerous reasons. First, the act of the Nigeria Police must conform with the provisions of the constitution, otherwise the act becomes null and void to the extents of its inconsistency.<sup>7</sup> Secondly, the Constitution provides for constitutional protection of fundamental rights for the citizens and residents in Nigeria, which the police are enjoined to protect and respect while performing their duties.<sup>8</sup> These provisions are with a view to ensuring the preservation of the universal ethical standards which are urged upon those saddled with the responsibility of enforcement of the law.<sup>9</sup>

As the primus, in the laws providing for ethical conduct, the constitution provides for code of conduct for public officers.<sup>10</sup> The term, *public officer*, was defined to include all members of the Nigeria Police Force and other government security agencies established by law.<sup>11</sup> Another aspect of constitutional provisions is the Fundamental Rights Enforcement Procedure, 2009 which regulates the procedure for enforcement intervention by the courts in Nigeria, for the breach of fundamental rights.

#### b. Statutory Laws

The enabling law of Nigeria Police<sup>12</sup> is another major law which provides for ethical code for the Nigeria Police. The NPA 2020, in its Part XII, Part XVI, and XVII, makes extensive provisions for matters relating to ethical conduct. Part XII created offences which members of the police are proscribed from committing. The Part covers sections 96 to 104 which are of material importance to ethical conduct in the Nigeria Police. Part XVI establishes the Police Public Complaints Unit and Force discipline in the Nigeria Police. The Part starts from sections 131 to 134 while Part XVII contains the miscellaneous provisions prohibiting certain conducts and creating regulatory legislation. Specifically, sections 135 to 140 of the NPA 2020, are essentially providing for the expected decorum demanded on police officers. The provisions of the TPPA 2017 which proscribe tortuous acts or conducts in the performance of investigatory duties and other operational functions are of immense benefit to this discourse.

#### c. Subsidiary Laws

The foundation of subsidiary legislation relating to ethical conduct can be found in NPA 2020 sections 16, 138 and 140. Section 138 establishes the Police Regulations<sup>13</sup> and section 16, the Standing Order as subsidiary legislations. The Minister of Police Affairs, on the recommendations of the Inspector-General of Police and the Police Service Commission, is empowered to make regulation for the police. Although there are contentions as to the validity of the Police Regulations that was made pursuant to s 46 of defunct Police Act 2004 [PA 2004], now replaced with the NPA 2020, by reasons of the repeal of the said PA 2004, as it were. However, the preservation of the Police Regulation until a new one, in its stead, is put in place by the minister saddled with that responsibility, has been firmly resolved.<sup>14</sup> Although service discipline in the Police Force is regulated by several legal instruments, particularly the basic of which is the constitutional provisions prescribing code of

<sup>1</sup> See the CFRN (n 1) 1999 at ss 33-46.

<sup>2</sup> See the NPA 2020 (n 6).

<sup>3</sup> See the provisions of the ACJA 2015 (n 6).

<sup>4</sup> See the provisions of the Torture (Prevention and Prohibition) Act 2017 [TPPA 2017].

<sup>5</sup> See the CFRN 1999 (n 1) at s 1(1).

<sup>6</sup> Ibid at the second Schedule, Exclusive Legislative List, Item 45.

<sup>7</sup> Ibid at 1(3).

<sup>8</sup> Ibid at ss 33 – 44; see also the NPA 2020 (n 6) at ss2, 4(a), 5 and 32.

<sup>9</sup> Ibid.

<sup>10</sup> See the CFRN 1999 (n 1) at Fifth Schedule, Part 1.

<sup>11</sup> Ibid at the Fifth Schedule Part 2 (Paragraph 9).

<sup>12</sup> See the NPA 2020 (n 6).

<sup>13</sup> See the provisions of the Police Regulations 2004 [PR 2004], a deemed subsidiary legislation to the NPA 2020 (n 6) by virtue of s 140(6).

<sup>14</sup> Ibid.

conduct for public officers in Nigeria, and the Public Service Rules,<sup>1</sup> the Police Regulation, until replaced, extant and we shall, in this paper, continue to refer to it for two main reasons. First, for survival and preservation of service discipline; and two, by reason of the revalidation by the NPA 2020 s 140(6) of its existence, notwithstanding whether or not its operating law was repealed. For the avoidance of doubt, sub-section 6 of s 140 provides that:

Any regulation, order, notice made or issued by or for the purpose of the Police Force existing immediately before the commencement of this Act are deemed, if not inconsistent with this Act, to have been made issued by or for the purposes of Police Force established under this Act shall continue in Force until revoked or amended, subject to such modifications as may, from time to time be applicable to the Police Force established under this Act.

Except where its provisions are inconsistent with that of NPA 2020, the provisions relating to code of conduct for members of the Police Force and procedures for exercising disciplinary control and punishment contained therein remain valid. Bearing this in mind from the very beginning, copious use and references, in this part of the discourse shall be examined in the light of Police Regulation pending its modification.

Section 16 of the NPA 2020 identifies two main authorities on standing order. First, on operational control of Police, the Inspector-General of Police is empowered to make standing orders which are binding upon all police officers.<sup>2</sup> Such standing orders must be published in the Federal Government Gazette and, at least, one national daily.<sup>3</sup> Aside from the Inspector-General of Police, the Police Service Commission is empowered to make standing order on personnel matters relating to appointment promotion and disciplinary control; and appeal against dismissal or other disciplinary measures.<sup>4</sup> Additionally, the Force Order and State Order are information dissemination supplemental protocols or processes for Force and the Commissioner of Police for the state command makes state order for dissemination of information and promulgation of order within the command, and for the control of personnel within the state while the area commanders, formational and other unit heads, the DPO and the officers in charge of police stations or village police posts are empowered to make daily order which significantly dominates preservation of ethical standards in the Nigeria Police.

Other administrative legislations include extant provisions of the Force Administrative Instruction and Force Order which all make extensive provisions on various prescriptive orders demanding compliance by persons appointed into the Nigeria Police Force. Also available are the provisions of the Nigeria Police Code of Conduct,<sup>5</sup> a domesticated version of the IACP Standards of Conduct for Police Officers and the domesticated provisions of the UN Code of Conduct for Law Enforcement Officials all of which are supplementary ethical code for members of the Nigeria Police in addition to Code of Conduct and Rules of Engagement for Security Personnel on Electoral Duty.<sup>6</sup> These provisions contain prescriptive, prohibitive or punitive measures on acceptable conducts necessary for the survival of service discipline.

Senior officers in the Nigeria Police, in addition to the code of conduct set out in Part XV of the Police Regulations, shall, where applicable, be subject to the discipline prescribed by the PSR 2021 for officers holding offices in the public service of the federation except that, where provisions are made in respect of the same matter by both the said PSR 2021 and Part XV of the Police Regulations, Part XV of the Police Regulation shall apply.<sup>7</sup> The regulations<sup>8</sup> further provide that, where a senior police officer is charged with any misconduct contrary to Part chapter XV of Police Regulations, or of PSR 2021, the conduct of any disciplinary proceeding shall be in accordance with the rules specified in PSR 2021 and the competent authority shall be the Nigeria Police Council of the Federation<sup>9</sup>. By the application of the Constitution of Nigeria 1999, the competent authority is now the Police Service Commission.

Chapter XV of Police Regulations contains the code, which sets out explicitly the ethical rule of conduct guiding members of the Police Force. They are special rules which members of the Nigeria Police are bound to observe,

<sup>1</sup> Public Service Rules 2021 [PSR 2021].

<sup>2</sup> See the NPA 2020 (n 6) at s 16(1).

<sup>3</sup> Ibid at s 16(2).

<sup>4</sup> Ibid at s 16(3)(a) & (b).

<sup>5</sup> See the Nigeria Police Code of Conduct [Police Code].

<sup>6</sup> See the Code of Conduct and Rules of Engagement for Security Personnel on Electoral Duty, 2020 [Code of Conduct and Rules of Engagement, 2020] which set our Standard Operational Guidelines and Rules for election security.

<sup>7</sup> See the PR 2004 (n 34) Regulation 369(1).

<sup>8</sup> Ibid at Regulation 369(2).

<sup>9</sup> The competent authority by virtue of paragraph 29 of part 1 of the Third Schedule of the CFRN 1999 (n 1) and the provisions of Police Service Commission Act Cap P 20 Laws of Federation of Nigeria 2004 is now vested in the police service commission.



in addition to the general code of conduct for public officers contained in the CFRN 1999 and the provisions contained in the IACP Standards of Conduct<sup>1</sup> and the UN Code for Law Enforcement Officials.<sup>2</sup>

#### 4.0 SUNDRY ETHICAL CODES AND LEGISLATIONS

The purpose of an ethical code in the police is to prescribe to all members of the Nigeria Police Force, a set of guiding principles and standards of behaviour while on or off-duty. It is intended to be used by police officers in determining what is right and proper in all their actions. The code should set an outline which every member of the Force can easily understand.<sup>3</sup> It enables police personnel to know what type of conduct is right and what is wrong. The code encompasses the following:

##### 4.1 Vision, Mission and Values of the Nigeria Police

The vision of the Nigeria Police is to make Nigeria safer and more secure for economic development and growth; and to create a safe and secure environment for everyone living in Nigeria.<sup>4</sup> The vision endeavours to build an enduring capacity for police personnel in nation building. The vision can best be achieved by partnering with other relevant security agencies and the public in gathering, collating and sharing of information and intelligence for ensuring the safety and security of the country;<sup>5</sup> participating in efforts to address the root causes of crime while ensuring that any criminal act is investigated to bring the criminals to justice in a fair and professional manner.<sup>6</sup> These are with a view to harnessing the cultural values of working together with people<sup>7</sup> irrespective of religious, political, social or economic affiliations to deliver quality service, accessible to the generality of the people; building a lasting trust in the police by members of the public; protecting and upholding the rights of persons, while being impartial and respectful in the performance of police duties;<sup>8</sup> continuously evaluating and improving police services; and providing equal opportunities for career development for all members of the Force. Other values are cooperating with all relevant government agencies and other stakeholders; and liaising with the Ministry of Police Affairs and the Police Service Commission to formulate and implement policies for the effective policing of Nigeria.<sup>9</sup>

##### 4.2 Official acts should be in furtherance of the good name of the Force

Ethical code demands from every police officer the use of best endeavours to uphold the good name of the Force, and the furtherance of good relations with the public.<sup>10</sup> This aspect is otherwise referred to as the primary responsibilities of a police officer.<sup>11</sup> The police officers are required to diligently represent the police organisation as good ambassadors of the Force before the general public.<sup>12</sup> This demands that they should not be

<sup>1</sup> IACP Standards of Conduct (n 21).

<sup>2</sup> The UN Code of Conduct (n 20).

<sup>3</sup> See paragraph 4 of the Vision of the Nigeria Police as contained in the Police Code (n 40).

<sup>4</sup> See the Vision of the Nigeria Police as contained in the Police Code (n 40).

<sup>5</sup> See the Mission of the Nigeria Police as contained in the Police Code (n 40), Mission 1.

<sup>6</sup> Ibid at Mission 2.

<sup>7</sup> The Police Code (n 40) prescribes cooperation with other police officers and agencies as a key tenet for police personnel. It provides that the police officers will cooperate with all legally-authorized agencies and their representatives in the pursuit of justice. An officer or agency may be one among many organisations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assists colleagues fully and completely with respect and consideration at all times.

<sup>8</sup> The value of impartiality is encapsulated in ethics of performance of duties as a police officer as prescribed by the Police Code (n 40) which provides that a police officer shall perform all duties impartially, without favour or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity. Officers should never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and in carrying out their responsibilities, and officers should strive to obtain maximum cooperation from the public. They should conduct themselves both in appearance and composure, in such a manner as to inspire confidence and respect for the position of public trust they hold.

<sup>9</sup> See the Values the Nigeria Police as contained in the Police Code (n 40).

<sup>10</sup> See the PR 2004 (n 34) at Regulation 338.

<sup>11</sup> See the Police Code (n 40) which provides that a police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace and ensuring the rights of all to liberty, equality and justice.

<sup>12</sup> Ibid.

involved in any act that would dampen its public image.<sup>1</sup> Thus, the Police Code extends this requirement to police personnel's private life. This preservation hinges on the compact doctrine of the police officer which distinguishes police officer from other public servants. By compact doctrine, a police officer, whether on duty or not, is regulated by the Force's ethical conduct; his private life notwithstanding, he is at all times bound to comply with the ethics of the Force. It is, therefore, provided that police officers will behave in a manner that does not bring discredit to the Force or themselves. A police officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behaviour must be beyond reproach.<sup>2</sup> Acts or omissions contrary to the prescribed norms, which demean the corporate image of the Force are always viewed with extreme seriousness, be they committed within official hours or outside the officer's official capacity.

This informs why decisive disciplinary actions are usually taken against officers whose act is adjudged as unbecoming of a police officer. The punishments, to which such erring officers may be exposed, after undergoing disciplinary action under administrative liability, are dismissal, suspension, interdiction, reduction/demotion of rank,<sup>3</sup> removal/transfer from office and withholding of increment. In vicarious liability, by reason of neglect of duties or failure to undertake adequate supervision of subordinate staff or neglect of official duties relating to giving appropriate direction or inadequate direction to warrant a better conduct from the officers' subordinate staff, such senior officer may be exposed to grievous punishment. This becomes very compelling, if the provision of TPPA 2017,<sup>4</sup> which prescribes criminal sanction is applied, thereby exposing him to the full wrath of the law. It is noteworthy that several police officers have been made to face dismissal, in the full glare of the public and the press, based on their misconduct<sup>5</sup> resulting from sheer brutalisation of civilians,<sup>6</sup> extortion,<sup>7</sup> bribery and corruption,<sup>8</sup> and varying acts of gross misconduct. Police officers are required to act as the mirror of the society by showing emulative decorum and reputable behaviour that would enlist the confidence of members of the public for effective performance of their official duties.

#### 4.3 Standards of conduct of Police Officers

The ethical codes further set out the standard of conducts of police officers.<sup>9</sup> Law enforcement officials shall at all times fulfil the duty imposed upon them by law,<sup>10</sup> serving the community and by protecting all persons against illegal acts, and be consistent with the high degree of responsibility required by their profession.<sup>11</sup> The standards of conduct required of police officer are those who promote prompt obedience to lawful orders;<sup>12</sup> and

<sup>1</sup> This is an aspect of integrity as contained in the Police Code (n 40) which provides that a police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers. The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and undercut the confidence reposed by the public, in the police. Officers will refuse to accept any gifts, presents, subscriptions, favours, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

<sup>2</sup> See the Police Code (n 40) on its aspect of private life.

<sup>3</sup> See the *Independence* publication of August 10, 2020 captioned 'Policeman Dismissed for Brutalising Woman Over ₦50 Bribe' <<https://Independent.ng/policeman-dismissed-for-brutalising-woman-over-n-50-bribe/>> Accessed on August 5, 2024.

<sup>4</sup> TPPA 2017 (n 25).

<sup>5</sup> See *The Nation* newspaper publication of July 21, 2023 captioned <PSC Dismisses three senior officers for serious misconduct, demotes five> <<https://www.thecable.ng/PSC-Dismisses-three-senior-officers-for-serious-misconduct-demotes-five/amp/>> Accessed on August 5, 2024.

<sup>6</sup> See the *Premium Times*' publication of August 8 2022 captioned 'Police Dismissed Personnel over Brutality' <<https://premiumtimesng.com/news/more-news/547610-police-dismissed-personnel-over-brutality.html?tztc=1>> Accessed on August 5, 2024.

<sup>7</sup> See the *TVC News Nigeria* publication of December 21, 2023 captioned Two Constables Dismissed for Attempting to Extort Dutch Tourist <<https://youtu.be/ASrCKnoViMi?sicoEYaNUospaAFqT3v>> Accessed on August 5, 2024.

<sup>8</sup> See the *TVC News Nigeria* video publication of August 1 2022 captioned 'Trending video: Police Inspector Dismissed for Justifying Extortion in Viral Video' <<https://youtu.be/AoVXqcDYoLc?WnYyV3QVHmPntO->> Accessed on August 5, 2024.

<sup>9</sup> See the PR 2004 (n 34) Regulation 339.

<sup>10</sup> See the IACP Standards of Conduct (n 21) Paragraph 5.

<sup>11</sup> See the UN Code of Conduct (n 20) Art. 1. The UN Code of Conduct (n 20) was adopted by UN General Assembly resolution 34/169 of 17 December 1979.

<sup>12</sup> This is in consonance with the provisions of Police Code (n 40) Principle 1 which provides that police officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the Federal Republic of Nigeria and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

determinate incorruptibility in the exercise of their powers or in the performance of official duties. Police personnel should have a strict regard for correctness of their general behaviour; and maintain a proper pride in their daily appearance, both in uniform and out of uniform. Thus, police personnel should not commit any act of corruption. They shall also rigorously oppose and combat all such acts.<sup>1</sup> Police officers should not, whether on or off duty, exhibit any conduct which discredits themselves or the Force or otherwise impairs their ability or that of other officers or the Force to provide law enforcement services to the community.<sup>2</sup>

#### 4.4 Building of dignifying attributes of a Police Officer

Police officers are further required to build good attributes that would enable them develop a thorough understanding and knowledge of the laws, and extant police orders and instructions.<sup>3</sup> Particularly, they are expected to develop the attributes of efficiency and thoroughness by paying meticulous attention to details in the performance of their duties.<sup>4</sup> They should possess the attributes of courtesy, forbearance and helpfulness in their dealings with members of the public;<sup>5</sup> tact, patience and tolerance, and the control of their temper in trying situations;<sup>6</sup> integrity, in refusing to allow religious, racial, political, or personal feelings, or other considerations to influence them in the execution of duties;<sup>7</sup> impartiality, in the avoidance of feelings of vindictiveness,<sup>8</sup> or the showing of vindictiveness towards offenders;<sup>9</sup> and strict truthfulness in handling of investigations, and in the giving of evidence.<sup>10</sup> Thus, in *Queen v The African Press Limited & L. k. Jakande*, J. L. C. Taylor affirmed that:

The police in any country are the guardians of the public and their property. They are the keepers of the peace. They are also part and parcel of the administration of justice. They are, and must always be, impartial to politics and to personalities.<sup>11</sup>

Justice is giving to a person his or her due reward. The police duty of maintenance and securing of public safety and public order squarely fits in the administration of justice. This duty has always been identified by Nigerian courts as the most-fundamental role of the police. Thus, in *A.G. Federation v Atiku Abubakar*,<sup>12</sup> the Supreme Court affirmed that:

...the primary duty; indeed, the most fundamental duty of Nigeria Police Force is the maintenance and securing of public safety and public order within the state.<sup>13</sup>

It was in the light of this realisation that the court, in the above case<sup>14</sup>, counselled the Nigeria Police Force on the need to project its focus on fairness and impartiality which are the twin determinants of justice. In the words of Justice Adekeye, JSC:

In the performance of its duty, the police must not lean on one side against the other; it must be apolitical; it must not take part in any disputation which has political colouration. These qualities are *sine qua non* to the enhancement of public respectability to it, having regard to the nature of the function which the Nigeria Police also performs, that body must also insulate itself, such that impartiality and fairness may at all times be ascribed to it.<sup>15</sup>

#### 4.5 Liabilities for Misuse of Powers

<sup>1</sup> See the UN Code of Conduct (n 20) at Art. 7.

<sup>2</sup> See the Police Code (n 40), Principle Four.

<sup>3</sup> See the PR 2004 (n 34) Regulation 340.

<sup>4</sup> Ibid at Paragraph (a). on its part, the **Police Code (n 40)** amplified building of personal professional capabilities, providing that police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level or knowledge and competence. Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

<sup>5</sup> Ibid at Paragraph (b).

<sup>6</sup> Ibid at Paragraph (c).

<sup>7</sup> Ibid at Paragraph (d); see also UN Code of Conduct (n 20) (Articles 1,2,5).

<sup>8</sup> Ibid.

<sup>9</sup> Ibid at Paragraph (e).

<sup>10</sup> Ibid at Paragraph (f).

<sup>11</sup> *The Queen v The African Press Ltd. & L. k. Jakande* reported at p. 254 of the book J. L. C. Taylor through the Cases p. 258 quoted with approval in J. O. Ige, Cases and Materials on Criminal Law and Procedure (Crown Goldmine Communication Ltd. 2010) p. 64.

<sup>12</sup> *A.G. Federation v Atiku Abubakar* (2007) 6 SCM 1.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid at p. 13.

<sup>15</sup> Ibid, p. 14.



Police personnel should always bear it in mind that they are accountable and responsible for their acts.<sup>1</sup> Police personnel's liability is direct and personal;<sup>2</sup> except in circumstances when vicarious responsibility is invoked. In the individual exercise of his powers as a police officer, every personnel is personally liable for any misuse of his powers, or for any act done in excess of his authority.<sup>3</sup> Police officers shall not knowingly exceed their authority in the enforcement of the law. It appears from the usage of the word knowingly, that in advertence in exceeding one's power may be condoned, if such increased exercise of power is done in good faith and without any element of *mala fide*. Police officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants and preservation of evidence.<sup>4</sup>

They should not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitution and laws of the Federal Republic of Nigeria.<sup>5</sup> Police officers, whether on or off duty, shall not knowingly commit any criminal offence under any laws of the Federal Republic of Nigeria or any state or local jurisdiction in which the officer is present, except where permitted in the performance of duty under proper authority. Police officers shall not knowingly exceed their authority in the enforcement of the law.

#### 4.6 Compliance with and Obedience to Law

Police officers are directed to conduct themselves, whether on or off duty, in accordance with the Constitution of the Federal Republic of Nigeria and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.<sup>6</sup> Police officers shall not knowingly disobey the law<sup>7</sup> or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants and preservation of evidence. Police officers, whether on or off duty, shall not knowingly commit any criminal offence under any laws of the Federal Republic of Nigeria or any state or local jurisdiction in which the officer is present, except where permitted in the performance of duty under proper authority. Police officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitution and laws of the Federal Republic of Nigeria.<sup>8</sup>

#### 4.7 Prohibition of Degrading Treatment or Torture

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment,<sup>9</sup> nor may any law enforcement officer invoke superior orders or exceptional circumstances such as a state of war or a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.<sup>10</sup>

#### 4.8 Protection of Mental and bodily Welfare of Persons in Police Custody

Police personnel shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.<sup>11</sup>

#### 4.9 Confidentiality

This aspect prescribed by the Nigeria Police Code forbids divulgence of official information. Whatever a police officer sees, hears or learns which is of a confidential nature, will be kept secret unless the performance of duty or legal provision requires otherwise. Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.<sup>12</sup> Thus, police officers should observe the confidentiality of information available to them due to their status as police officers.<sup>13</sup> They should also not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or

<sup>1</sup> See the IACP Standards of Conduct (n 21) Paragraph 6.

<sup>2</sup> *Eyemi v Onah* (2021) LPEIR 55842 (CA).

<sup>3</sup> See the PR 2004 (n 34) at Regulation 341.

<sup>4</sup> See the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment at Principles 2, 8, 10, 11, 12, 20 and 29, UN Standard Minimum Rules for the Treatment of Prisoners at Rule 55, and UN Convention relating to the Status of Refugees at Article 31.

<sup>5</sup> See the NPA 2020 (n 6) s 4(e).

<sup>6</sup> See Police Code (n 40), Principle One; See also IACP Standards of Conduct (n 21) Para. 1.

<sup>7</sup> See the IACP Standards of Conduct (n 21), Paragraph 3.

<sup>8</sup> See the CFRN 1999 (n 1) s 4(e).

<sup>9</sup> *Ibid* at s 34; see also the ACJA 2015 (n 6) at s 8; and the TPPA 2017 (n 25) at ss 2 & 9.

<sup>10</sup> See the TPPA 2017 (n 25) at s 3; see also the UN Code of Conduct (n 20) at Art. 5 see also UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions at Principles 1 and 3; and UN Declaration on the Protection of All Persons from Enforced Disappearances at Preamble and Article 6.

<sup>11</sup> See the UN Code of Conduct (n 20) at Art. 6.

<sup>12</sup> See the Police Code (n 40) at Principle Three.

<sup>13</sup> See the PR 2004 (n 34), First Schedule, at Paragraph (b)(i)-(iv).

embarrass victims, witnesses or complainants.<sup>1</sup> They should, for no reason, divulge the identity of persons giving confidential information<sup>2</sup> except as required by law or Force policy.<sup>3</sup> The UN Code of Conduct for Law Enforcement Officials also provides that matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.<sup>4</sup>

#### 4.10 Conduct of Police Officers Generally

Ethical code reverberates certain conducts that police officers should be separated from personal bias.<sup>5</sup> A police officer shall not conduct himself in such manner as to bring his private interests into conflict with his public duties or in a manner likely to cause suspicion in the mind of any reasonable person that he has allowed his private interests to come into conflict with his public duties; or used his public position for his private advantage.<sup>6</sup> Police personnel should, at all times, be truthful,<sup>7</sup> and ensure their conduct conforms with that of a decent police officer.<sup>8</sup>

#### 4.11 Discretion

A police officer will use responsibly the discretion vested in his position and exercise it within the law.<sup>9</sup>

#### 4.12 Use of Force

Police personnel are prevented from using force and may only use force when strictly necessary and to the extent required for the performance of their duty.<sup>10</sup>

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty, as is reasonable in all circumstances. The use of force should be employed only after dialogue, discussion, negotiation and persuasion have failed or have been found to be inappropriate or ineffective.<sup>11</sup> While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.<sup>12</sup> Although it may not be possible to deal with all circumstances in which it may be necessary for a police officer to use firearms, Force Order 237 prescribes a working principle of consideration on its deployment. The Force Order 237, though a norm, does not attempt to override the law and, where an officer is charged with an offence arising from use of firearms, the court is the lawful institution for deciding the lawfulness of such deployment of force and deciding whether, in the circumstances, the officer's action was justified.

The need for officers to guard against the misuse of firearms is of utmost importance. The officer's first obligation is exhaustion of other milder forms of force before resorting to the use of a lethal weapon as the last lawful option. The officer should always bear in mind that the legality of force, in every occasion, resulting in injury to life from the use of force, should be discreetly investigated by the courts and he or she is liable to be held responsible for his or her action under criminal law, if the court finds that his or her use of firearms was unreasonable in the circumstances.<sup>13</sup> This provision emphasises that the use of force by law enforcement officials should be exceptional. National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is notable that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorise the use of force which is disproportionate to the legitimate objective to be achieved. The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against

<sup>1</sup> UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Principles 4, 14, 15, 16 and 17).

<sup>2</sup> *Gani Fawehinmi v IGP & Ors.* (2002) 23 WRN 1 at 24; see also *Keyamo v the Director State Security & Anor* (2020) 14 NWLR (Pt 1744) 306.

<sup>3</sup> *Akpoyibo v State* (2014) LPELR-22345(CA), pp. 41, Paras. C-C; see also *Olatinwo v State* (2013) 4 SCM 178 at 187, Paras E-I.

<sup>4</sup> See the UN Code of Conduct (n 20) at Art. 4; See also IACP Standards of Conducts (n 21) Paragraph 10.

<sup>5</sup> *A.G. Federation v Atiku Abubakar* (n 80).

<sup>6</sup> See the PR 2004 (n 34) at Regulation 353.

<sup>7</sup> See the IACP Standards of Conduct (n 21), B Paragraph Two.

<sup>8</sup> *Ibid* at Paragraphs 2 and 10.

<sup>9</sup> *Gani Fawehinmi v IGP & Ors.* (n 98).

<sup>10</sup> UN Code of Conduct (n 20) (Article 3); see also the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials [UN Basic Principles on the Use of Force and Firearms] (Principles 4, 5, 6 and 9).

<sup>11</sup> See the Code of Conduct and Rules of Engagement (n 41) at section 13(1)(b).

<sup>12</sup> See the Police Code (n 40). See also Force Order 237 which lists out circumstances under which force may be lawfully used in the course of performance of duty.

<sup>13</sup> See the UN Code of Conduct (n 20) at Art. 3.

children.<sup>1</sup> In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

To this end, the Force Order provides for the following circumstances as a lawful warrant for use of force:

- a. When attacked and his life is in danger and there is no other way of saving his life.<sup>2</sup> In this circumstance, the officer would have to prove that he was in danger of losing his life or of receiving an injury likely seriously to endanger his life.<sup>3</sup> It would be most difficult to justify the use of firearms if attacked by an unarmed man.<sup>4</sup>
- b. When defending a person who is attacked and he believes on reasonable grounds that he cannot otherwise protect that person attacked from death.<sup>5</sup>
- c. When necessary to disperse rioters or to prevent them from committing serious offences against life and property. Although this is self-explanatory and does not require further elucidation, the force, would need be directed at the knees of the rioters. Any ring-leaders in the forefront of the mob should be singled out and fired on. Only the absolute minimum number of rounds necessary to suppress the riot should be used to make it reasonable. Under this circumstance, 12 or more people must remain riotously-assembled beyond a reasonable time after reading of the proclamation before the use of firearms can be justified. If force is indispensable, for example to secure the safety of others, it must be restricted to the minimum extent necessary and in compliance with the other provisions of UN Code of Conduct for Law Enforcement Officials<sup>6</sup> and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>7</sup> Firearms should not be used in the policing of non-violent assemblies. The use of firearms is strictly limited to the objectives contained in UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>8</sup> In the dispersal of violent assemblies, police officers may use force only if other means remain ineffective or without any foreseeability of achieving the intended result. When using force, police officers must comply with the above provisions.<sup>9</sup>
- d. If he cannot by any other means arrest a person, who being in lawful custody but escapes and takes to flight to avoid re-arrest, provided the offence with which he or she is charged or has been convicted of, is a felony or misdemeanour. This part requires that firearms may be used to arrest a person who escapes from lawful custody if the offence with which he is charged, or of which he has been convicted, is a felony or misdemeanour. This power is conferred by Sections 271 and 135 of the Criminal Code. A person charged with a felony or misdemeanour who escapes from lawful custody, by his escape commits a felony punishable by imprisonment of 7 years, this brings him within a class of persons who may be fired on even if he or she has only been charged with stealing. The use of firearms must only be as a last resort. The accused must have escaped from lawful custody and he or she must take to flight to avoid re-arrest. A person charged with or convicted of a simple offence who is escaping from lawful custody shall not be fired upon.
- e. If he or she cannot by any other means arrest a person who takes to flight to avoid arrest, provided the offence is such that the accused may be punished with death or imprisonment for 7 years more. This provision covers the case where a fugitive has not been in lawful custody if the offence with which charged or of which he or she has been convicted is a felony or misdemeanour. This power is conferred by Section 271 and 135 of the Criminal Code. This provision covers the case where a fugitive has not been in lawful custody and takes to flight to avoid arrest in the first instance. The fugitive may then only be fired upon when the offence is punishable by 7 years or more. As in the previous case of escaping from lawful custody, firearms should only be used if there are no other means of effecting arrest, and the circumstances are such that subsequent arrest is unlikely.

<sup>1</sup> Ibid.

<sup>2</sup> See the CCA 2004 s 286; see also, CFRN 1999 (n 1) s 33(2)(a).

<sup>3</sup> *Odujami v The Nigeria Navy* Vol. 7 CAC 212.

<sup>4</sup> See the UN Basic Principles on the Use of Force and Firearms (n 106) (Basic Principles 9, 10 and 11).

<sup>5</sup> See the CCA 2004 s 287; see also, CFRN 1999 (n 1) s 33(2)(a).

<sup>6</sup> UN Code of Conduct (n 20) at Art. 3.

<sup>7</sup> See the UN Basic Principles on the Use of Force and Firearms (n 106) at Principles 4, 5, 6 and 9.

<sup>8</sup> Ibid at Basic Principles 9, 10 and 11.

<sup>9</sup> Ibid at Principles 9, 12, 13 and 14.

In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardises the lives of others and less-extreme measures are not sufficient to restrain or apprehend the suspected offender.

#### **4.14 Conducts Towards Building of Public Trust**

Conducts of police personnel should be directed towards the building of public trust and confidence in the Nigeria Police. Police officers should, therefore, refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system. They are to carry out their duties with integrity, fairness and impartiality. Police officers should take no action, knowing it will violate the constitutional rights of any person. Police officers should, therefore, obey lawful orders, but must refuse to obey any orders they know would require them to commit an illegal act. If in doubt as to the clarity of an order, the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.<sup>1</sup> Building public trust demands from police officers the performance of their duties and application of the law with the virtue of impartiality and without prejudice or discrimination.<sup>2</sup>

Securing public trust demand good conduct and moral decorum from police personnel. They should be chaste, and not brawly. They are precluded from consumption of alcoholic beverages or chemical substances, while on duty,<sup>3</sup> except as permitted in the performance of official duties, and under no circumstances should they consume alcohol while in uniform, except as otherwise exclusively permitted by an enabling authority; neither should they consume alcoholic beverages to the extent of rendering them unfit for duty.<sup>4</sup> While on duty, no police officer should bear the stench of an alcoholic beverage on his or her breath.

Police personnel should restrain from persistent associations with persons of illicit background known for engaging in criminality. Undoubtedly, such associations will undermine the public trust and confidence in the affected officer or the Force.<sup>5</sup> This rule does not prohibit those associations that are necessary to the performance of official duties, or where such associations are unavoidable because of the officer's personal or family relationships. They should also abhor any acts which constitute sexual assault or indecent exposure.<sup>6</sup> Sexual assault does not include a frisk or other search done in accordance with proper police procedures.<sup>7</sup>

#### **4.15 Courteous Respect for Members of the Public and Fellow Police Officers**

Police officers should, at all times, treat all members of the public courteously and with respect.<sup>8</sup> They should also exercise reasonable courtesy in their dealings with the public, fellow officers, superiors and subordinates. To enhance public support, police officer should not ridicule, mock, deride, taunt, belittle, wilfully embarrass, humiliate, or shame any person to do anything reasonably calculated to provoke a person to violence. Collaborative offices are established in all police state commands and formations as complaints units for discreet investigation of reports from aggrieved members of the public as well as granting prompt advice to any inquiring citizen on the department's complaint procedure and the established departmental policy for processing complaints.<sup>9</sup> Police personnel should also conduct themselves in a manner that fosters cooperation and teamwork with one another, showing respects, courtesy and professionalism in their dealings with one another. The use of demeaning, harassing, and intimidating language should never be condoned.<sup>10</sup>

#### **4.16 Ethical Duty for Protection of rights**

In the performance of their duty, police personnel are directed to respect and protect human dignity.<sup>11</sup> They are to maintain and uphold the human rights of all persons.<sup>12</sup> In all actions, police personnel should observe the principles of legality, necessity, non-discrimination, proportionality and humanity.<sup>13</sup>

#### **4.17 Standard of Incorruptibility and Abuse of Authority**

<sup>1</sup> See the Police Code (n 40), Principle Two.

<sup>2</sup> Ibid at Principle Three.

<sup>3</sup> See the PSR 2021 (n 36) Rule 100301 Paragraph (a)(iii) listed among scandalous offences but styled drunkenness).

<sup>4</sup> See the PR 2004 (n 34), First Schedule, Paragraphs (g) & (h)(i)-(ii).

<sup>5</sup> See the Police Code (n 40), Principle Three.

<sup>6</sup> See the Police Code (n 40), Principle Four.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid at Principle Five.

<sup>9</sup> Ibid.

<sup>10</sup> See the IACP Standards of Conduct (n 21) Paragraph Seven; see also the PR 2004 (n 34), First Schedule, at Paragraph (l)(i) - (iv); see further the PSR 2021 (n 36) Rule 100301 Paragraphs (a)(iv) listed among the scandalous offences styled foul language; and Paragraph (n) styled insubordination.

<sup>11</sup> See the CFRN 1999 (n 1) s 34. See also the NPA 2020 (n 6) ss2, 4(e) & 7.

<sup>12</sup> See the UN Code of Conduct (n 20) at Art. 2.; see also the NPA 2020 (n 6) at s 4(a).

<sup>13</sup> UN Code of Conduct (n 20) (Preamble and Articles 1, 2, 8); see also the UN Basic Principles on the Use of Force and Firearms (n 106) (Preamble).

Law enforcement officials shall not commit any act of corruption.<sup>1</sup> They should also rigorously oppose and combat all such acts.<sup>2</sup> Police officers should not compromise their integrity nor that of the Force, by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments, or by using their status as police officers for personal, commercial, or political gain.<sup>3</sup> Police officers should not use their official position, identity for personal or financial gain, either for themselves or for another person; or for obtaining privileges not otherwise available to them except in the performance of duty; and for avoiding consequences of unlawful or prohibited actions. They should not lend to another person their means of official identification or permit those items be photographed or reproduced without approval of the Inspector-General of Police except as required by supervising government ministries, or for recognised public authority.<sup>4</sup> They should refuse favours or gratuities which could be reasonably interpreted as capable of influencing official acts or judgments either from subordinate officer or from members of the public.<sup>5</sup> Neither should they authorise the use of their names, photographs or titles in a manner that identifies the person as an employee of the Force in connection with advertisements for any product, commodity or commercial enterprise. They should maintain a neutral position with regard to the merits of any labour dispute, political protest, or other public demonstration while acting in an official capacity neither should they make endorsements of political candidates, while on duty, or in official uniform.<sup>6</sup>

Police officers should not compromise their integrity, nor that of the Force, by taking or attempting to influence actions when a conflict of interest exists.<sup>7</sup> Police officers shall, unless required by law or policy, refrain from becoming involved in official matters, or influencing actions of other police officers in official matters, impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.<sup>8</sup> They should also, unless required by law or policy, refrain from acting in or influencing official actions of other police officers in official matters impacting persons with whom the officer has or has had a private relationship, neither should they use the authority of their position as police officers, or information available to them due to their status as police officers, for any purpose of personal gain including, but not limited to, initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty nor should they engage in any off duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

The Nigerian Police Code of Conduct prescribes that the principles of the code be given the widest possible publicity and translated into the major national languages to enable public participation in the monitoring of police conduct across the country. Two decades after its promulgation, however, several police officers remain ignorant of its existence. The code also recommends the establishment of mechanism for ensuring the internal discipline and external control, as well as undertaking an effective supervision for the receipt and processing of complaints made by members of the public against police officers. The outcomes of such procedures will not be considered classified.<sup>9</sup> This becomes necessary when considered from the stand-point that the fundamental duty of every police officer and indeed every law enforcement official is to serve mankind; to safeguard lives and property; to protect the innocent against oppression or intimidation, and the peaceful against violence or disorder and to respect the constitutional rights of all men to liberty, equality and justice.

This is to ensure that police personnel, in the performance of their duty, will keep their private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint and be constantly mindful of the welfare of others. Honesty in thought and deed, both in their personal and official life

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<sup>1</sup> See the PSR 2021 (n 36) Rule 100301 Paragraph (c)(i)-(viii); see also UN Code of Conduct (n 20) Art 7.

<sup>2</sup> See the UN Code of Conduct (n 20) at Art. 7.

<sup>3</sup> See Police Code (n 40), Principle 6; See also the IACP Standards of Conduct (n 21) Paragraph Nine.

<sup>4</sup> Ibid.

<sup>5</sup> See the PR 2004 (n 34) Regulations 354 & 355.

<sup>6</sup> See Police Code (n 40), Principle Six.

<sup>7</sup> Ibid at Principle Seven.

<sup>8</sup> Ibid at Principle Eight.

<sup>9</sup> See also the IACP Standards of Conduct (n 21) Paragraph 6. Similar provision is also provided by the UN Code of Conduct (n 20) Art. 8, which provides further that law enforcement officers who have reason to believe that a violation of the present code has occurred, or is about to occur, shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.



and exemplary in obeying the law of the land, regulations of the Force and the code of conduct and professional standards as illustrated above.<sup>1</sup>

## **5.0 ENTRENCHING ENDURING ENFORCEMENT MECHANISMS FOR RESOLVING THE BREACHES OF ETHICAL CONDUCTS IN THE NIGERIA POLICE**

All violations of human rights, including any breaches of the basic standards and ethical rules by the police officers are punishable. They are enjoined to be promptly investigated by independent disciplinary body and administrative or public prosecutors. The main objective of these investigations is to establish the facts of such breaches and to bring to justice, those responsible for the breaches of these basic ethical standards.

The essence of investigation, as it were, is to determine the nature and extent of violation of ethical conduct, and of procedural due process; and identify erring officers; assess the varying degree of liability; and evaluate the necessity of investigation on grounds of sufficient admissible evidence.<sup>2</sup> Preliminary to this is the promulgation of ethical rules creating disciplinary offences and prescribing sanction for violation of the rules.

### **5.1 Promulgation of Disciplinary Offences from the Breach of Ethical Conducts for Members of the Nigeria Police Force**

Ensuring the enforcement of ethical code requires the promulgation of disciplinary offences, which illustrates the breach of ethical codes. A disciplinary offence accommodating the key elements of each breach of ethical codes, the breach of which disciplinarily constitutes ethical misconduct on its own backed with the prescribed sanctions. Disciplinary offences are collection of conducts inimical to the image of the Nigeria Police or public interest. Disciplinary offences are proscribed conducts for members of an organisation. Disciplinary process and procedures in the Nigeria Police Force are regulated by PR 2004 and provisions of PSR 2021 which compile the disciplinary offences with which members of the Force may be charged. Administrative intervention against junior police officers, a class which includes inspectors, non-commissioned officers and constables, is not limited to the code of conduct under the Police Regulations; rather, it extends to offences set out in the First Schedule,<sup>3</sup> of the Police Regulations for which disciplinary action could be taken. In the PSR 2021, however, disciplinary norms are dichotomised into misconducts<sup>4</sup> and serious misconducts.<sup>5</sup>

To this end, the underlisted disciplinary offences, contained in the PR 2004, are hereunder listed with a corresponding reference to the PSR 2021.

- (a) Absence from duty or being late for duty<sup>6</sup> without leave or reasonable excuse.<sup>7</sup>
- (b) Breach of confidence, that is to say, if the officer divulges any matter which is his duty to keep secret or otherwise allows an unauthorised person to be availed any privileged communication.<sup>8</sup>
- (c) Corrupt practice, that is to say, if the officer seeks to obtain any advantage in a way that will corrupt the system; receives a bribe; suppresses or conceals account or facts as to things received by him in his official capacity when required to make the disclosure; solicits, accepts, or receives gratuitous reward without approval; places himself or herself in a pecuniary obligation to a person interested in a matter within his or her official capacity; improper use of position to one's advantage;<sup>9</sup> conferring any advantage on other persons without approval.<sup>10</sup>
- (d) Damage to clothing or other articles supplied to him, that is to say, if the officer wilfully or negligently causes any waste, loss or damage in respect of any article of clothing or accoutrements or in respect of any book, document or other property of the or of the Force issued to him, used by him or entrusted to his care; or fails to report any loss or damage to clothing or the articles supplied to him, however caused.<sup>11</sup>

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<sup>1</sup> See also the UN Code of Conduct (n 20) Art. 8, which provides that law enforcement officials should respect the law and the present code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

<sup>2</sup> UN Code of Conduct (n 20) (Preamble and Articles 1, 2, 8); see also the UN Basic Principles on the Use of Force and Firearms (n 106).

<sup>3</sup> Fifth Schedule to the PR 2004 (n 34) made pursuant to Regulation 370.

<sup>4</sup> See the PSR 2021 (n 36) Rule 100301.

<sup>5</sup> Ibid at Rules 100401 & 1000402.

<sup>6</sup> See the PSR 2021 (n 36) Rule 100301 Paragraph (c) styled habitual lateness to work.

<sup>7</sup> See the PR 2004 (n 34) First Schedule, Paragraph (a).

<sup>8</sup> Ibid at Paragraph (b)(i)-(iv).

<sup>9</sup> See the PSR 2021 (n 36) Rule 100301 Paragraph (g) styled dishonesty.

<sup>10</sup> PR 2004 (n 34) at Paragraph (c)(i)-(viii).

<sup>11</sup> Ibid at Paragraph (d)(i)-(ii).

- (e) Discreditable conduct which includes acting in a disorderly manner; assaulting a member of the force; or acting in any manner prejudicial to discipline or unbecoming of a member of the Force.<sup>1</sup>
- (f) Disobedience to orders, which includes where the officer disobeys or without good and sufficient cause, omits or neglects to carry out any lawful order written or otherwise.<sup>2</sup>
- (g) Drunkenness<sup>3</sup> which includes where the officer is unfit for duty through drinking intoxicating liquor;<sup>4</sup> or drinking or soliciting drinks while on duty;<sup>5</sup> entering whilst on duty any premises for the sale of liquor or where liquor is stored and distributed;<sup>6</sup> or keeping a house for the sale of liquor in his own or any other's name or directly or indirectly interested in such house.<sup>7</sup>
- (h) Falsehood or prevarication, where officer knowingly makes or signs a false statement in an official document or book; wilfully or negligently makes any false, misleading or inaccurate statement; or without good and sufficient cause, destroys or mutilates an official document or record or alters or erases any entry therein.<sup>8</sup>
- (i) Insubordinate or oppressive conduct, where the officer insubordinates a superior in rank by word or demeanour; or the officer is oppressive or tyrannical in his conduct relating to an inferior in rank. It includes the use of obscene, abusive or insulting language to a member of the force or wilfully or negligently making a false complaint or statement against an inferior in rank.<sup>9</sup>
- (j) Malingering, where the officer feigns or exaggerates any sickness or injury with a view to evading duty.<sup>10</sup>
- (n) Neglect of duty,<sup>11</sup> which includes where the officer neglects, or without good and sufficient cause, omits promptly and diligently to attend to or to carry out anything which is his duty as a member of the force;<sup>12</sup> withholds a complaint or report against a member of the force; idles or gossips while on duty; fails to work his beat in accordance with orders, or sleeps on beat or other duty,<sup>13</sup> or leaves his beat, point or other place of duty to which he has been ordered without permission or sufficient cause; or otherwise omits or neglects to do anything which is his duty to do; or does anything which is his duty to refrain from doing.<sup>14</sup>
- (o) Improper conduct, which includes lending money to a superior in rank or borrows money from an inferior in rank; failure to pay a lawful debt; carrying on any trade, business or profession or accepts any other paid employment without proper authority;<sup>15</sup> or possession, without proper authority, of a firearm for his own protection or uses a firearm when on duty; making an anonymous communication to the Inspector-General or to a superior police officer; canvassing, without proper authority, the Inspector-General of Police or any superior police officer or other servant of the government with regard to any matter concerning the Force; or signing or circulating a petition or statement with regard to any matter concerning the Force except through the proper channel or correspondence to the Inspector-General.<sup>16</sup>
- (p) Uncleanliness, that is to say, if, while on duty or off duty in uniform in a public place, the officer is improperly dressed or is dirty, if, while on duty or off duty in uniform in a public place, the officer is improperly dressed or is dirty or untidy in his person, clothing or accoutrements.<sup>17</sup>

<sup>1</sup> Ibid at Paragraph (e)(i)-(iii); see also the PSR 2021 (n 36) Rule 100301 Paragraph (a)(i) & (ii) listed among scandalous offences styled unruly behaviour; and Paragraph (o) styled discourteous behaviour to the public.

<sup>2</sup> Ibid at Paragraph (f); see also the PSR 2021 (n 36) Rule 100301 Paragraph (b) styled refusal to proceed on transfer or not accepting a posting; and Paragraph (k) styled refusal to take or carry out lawful instruction from the superior officers.

<sup>3</sup> See the PSR 2021 (n 36) Rule 100301 Paragraph (a)(iii) listed among scandalous offences but styled drunkenness).

<sup>4</sup> See the PR 2004 (n 34), Paragraph (g).

<sup>5</sup> Ibid at Paragraph (h)(i)-(ii).

<sup>6</sup> Ibid at Paragraph (i).

<sup>7</sup> Ibid at Paragraph (j).

<sup>8</sup> Ibid at Paragraph (k)(i) - (ii); see also the PSR 2021 (n 36) Rule 100301 Paragraph (f) styled unauthorised removal of records. The offences here constitute serious misconduct under the PSR 2021 (n 36) Rule 100402 Paragraph (a)(b) & (c) styled falsification of records; suppression of records; and withholding of files respectively.

<sup>9</sup> Ibid at Paragraph (l)(i) - (iv); see also the PSR 2021 (n 36) Rule 100301 Paragraphs (a)(iv) listed among the scandalous offences styled foul language; and Paragraph (n) styled insubordination.

<sup>10</sup> Ibid at Paragraph (m); see also the PSR 2021 (n 36) Rule 100301 Paragraph (m) styled malingering.

<sup>11</sup> See the PSR 2021 (n 36) Rule 100301 Paragraph (h) styled negligence.

<sup>12</sup> Ibid at Rule 100301 Paragraphs (e) styled failure to keep records; and Paragraph (k) styled deliberate delay in treating in treating official document.

<sup>13</sup> Ibid Rule 100301 Paragraph (i) styled sleeping on duty.

<sup>14</sup> See PR 2004 (n 34) at Paragraph (n)(i)-(vi).

<sup>15</sup> See the PSR 2021 (n 36) Rule 100301 Paragraph (k) styled hawking merchandise within the office premises.

<sup>16</sup> See the PR 2004 (n 34) at Paragraph (o)(i)-(vii).

<sup>17</sup> Ibid at Paragraph (p); see also the PSR 2021 (n 36) Rule 100301 Paragraph (j) styled improper/ inappropriate/

- (q) Unlawful or unnecessary exercise of authority, that is to say, if the officer, without a good and sufficient cause, makes an unlawful or unnecessary arrest; uses any unnecessary violence on any prisoner or other person with whom he may be brought into contact in the execution of his duty;<sup>1</sup> or is uncivil to a member of the public.<sup>2</sup>

The above disciplinary offences may also constitute serious misconduct, depending on the extent of seriousness of these offences, though there is a thin line between the elements constituting some of the above-listed offences and those contained in the offences listed as serious misconduct. It is sufficient, however, to affirm that the PSR 2021 rule 100402 has listed acts of serious misconduct. Such acts include falsification of records; suppression of records; withholding of files; conviction on a criminal charge (other than a minor traffic or sanitary offence or the like); absence from duty without leave; false claims against government officials; engaging in partisan political activities; bankruptcy; serious financial embarrassment; unauthorised disclosure of official information; bribery; corruption; embezzlement; misappropriation; violation of oath of secrecy; action prejudicial to the security of the state; advance fee fraud (Criminal Code 419); holding more than one full-time paid job; and nepotism or any other form of preferential treatment. Other acts of serious misconduct are divided into loyalty; sabotage; wilful damage to public property; sexual harassment; rape; cyber fraud/crime; membership of cults; and any other act unbecoming of a public officer.

### 5.1 Correctional Punishments for Violation of Ethical Rules and Disciplinary Offences by Members of the Nigeria Police Force

Violations of ethical rules or breach of disciplinary offences deserve correctional sanctions as prescribed by extant laws and regulatory rules and laws. These sanctioning regulatory rules are the Police Regulations and Public Service Rules. A junior officer who is guilty of an offence against discipline shall be liable to any such punishment as dismissal, reduction in rank, holding or deferment of increment, reprimand, fine not exceeding ₦10, confinement to barracks for any number of days not exceeding 14 days, fatigues or other duties or punishment drill not exceeding a total of 10 separate hours.<sup>3</sup> A senior officer, guilty of a disciplinary offence, may be liable to similar punishment or as may be imposed by the extant provisions of the PSR 2021 except that no senior officer shall be imposed with a punishment of fatigue.

Other modes of corrective measure include interdiction from office, suspension from office, Demotion in rank, loss of increment, proceeding on compulsory leave or retirement and dismissal with ignominy. In cases of repetitive recurrence of abuse of office or misconduct, the erring police officer may be summarily dismissed. In the case of *Sule v Nigeria Cotton Board*,<sup>4</sup> it was held that, when a servant grows too big to obey his master, the honourable course open to him is to resign in order to avoid unpleasant consequences, should the occasion which calls for obedience be serviced with disobedience. Both common law and statutes brook on disobedience of lawful order from any servant high or low, big or small, such conduct normally and usually attracts penalty of summary dismissal. Disobedience ranks as one of the worst forms of misconduct in any establishment; for cases of repeatable recurrence of abuse of office or any misconduct, the erring police officer may be dismissed.

The laws prescribing punishment for acts also constituting offences as well as criminal offences are Criminal Code, Penal Code, Nigeria Police Act and Torture (Prevention and Prohibition) Act 2017, and the legislations prescribe various punishments ranging from caution and discharge to death penalty. The criminal law jurisdiction commands universality of action in that its provision is extended to the armed forces, the police and the generality of the public with the same vigour of sanction, even though members of the armed forces and the police are subject to special law relating to the Forces which they respectively belong. For avoidance of doubt, section 15 of the Criminal Code provides that members of the armed forces and of the Police Force in Nigeria are exempted from the provisions of the code.

In addition to offences created under the Criminal Code, the Nigeria Police Act 2020 creates certain offences with which a police officer may be charged to court. These offences, among others, include mutinous act; sedition or disturbances; failure to suppress, any assemblages turning to riots having knowledge of any but delaying in giving information relating to mutinous or seditious art to his superior officer; assaulting a superior officer who is in execution of his duty; desertion or aiding of same; concealing at the time of his enlistment any information relating to his previous conviction or previous employment with Federal Government.<sup>5</sup>

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immoral dressing while on duty.

<sup>1</sup> See the PSR 2021 (n 36) Rule 100301 Paragraph (a)(v) & (vi) listed among scandalous offences styled assault and battery).

<sup>2</sup> See PR 2004 (n 34) at Paragraph (q).

<sup>3</sup> See the PR 2004 (n 34) Regulations.

<sup>4</sup> *Sule v Nigeria Cotton Board* (1985) All NLR (Reprint) p. 291.

<sup>5</sup> See Part XII (sections 06-104) of the NPA 2020.

Penal intervention may be taken, considering the serious nature of the allegation against the erring officer where crime is alleged. The penal action is justifiable on two grounds. The first being that, as an officer who enforces the law with requisite skill and knowledge of the position of law on crime who is presumed to possess a high moral decorum ought to face stiffer sanction for any breach of the law to which he has undertaken with an oath to preserve. The second reason has to do with the past image of the police which has been battered by many of its officers' conviction in court for grievous crimes ranging from armed robbery to gruesome murder, rape and allied offences. The cases of Odofin Bello, a Commissioner of Police who was convicted for corruption; DSP Iyamu convicted of armed robbery; Sgt Desmond Ezeja and ASP Ngbabede Itu,<sup>1</sup> ASP John Agbo,<sup>2</sup> Sgt Adegboyega Ibikunle,<sup>3</sup> Sgt Solomon Adekunle,<sup>4</sup> Benjamin Oyakhire,<sup>5</sup> for murder, and Pc. Eze Ibe who was arraigned in court for the death of Dawodu brothers,<sup>6</sup> the Apo killing and a horde of other cases of extra-judicial killing are all fresh in the memory.

Though responsive mechanisms have since been put in place to check the foregoing unwholesome practices, its damning past image continues to haunt the police. For the police to fulfil the accomplishment of its noble objectives, citizens' support by way of effective selfless service is necessary. Although there are extensive legal frameworks for enhancement of sound moral values for the police, its officers' illiteracy, and greed, psycho-social imbalance and eco-political dilemma continue to play a counter-productive role in the attainment of sound ethical standard in Nigeria.

## 6.0 CONCLUSION AND RECOMMENDATIONS

Work ethics code or ethical conduct represents the standard of norms prescribed as acceptable conduct in a workplace. Various constitutional and statutory provisions prescribing ethical code have been identified as impacting officers positively in the service of the nation. The need to prevent administrative lawlessness, especially in an institution conferred with extensive powers and discretions, demands strict adherence to ethical rules. If the needed support of the citizens for police effectiveness in service delivery must be accomplished, the appalling spate of indiscipline, currently associated with the police in Nigeria in the enforcement of law, would need to be put under check. For the realisation of the police noble objectives in Nigeria Police, the underlisted suggestions are apposite. Therefore, to improve its image, the following are required:

- a. recruitment into the Nigeria Police should be from the stock of people with impeccable character and from good parentage;
- b. police training syllabus should be expanded to incorporate modern trend in policing, such as people-oriented policing, respect for human rights, community policing, intelligence-led policing, and procedural due process in law enforcement;
- c. constant training and retraining of officers and men of law enforcement agencies;
- d. motivating welfare in terms of better remuneration and better condition of service;
- e. adequate funding of the police for logistic and operational requirements;
- f. strengthening of the police public complaint units and other monitoring mechanisms in the Nigeria Police; and
- g. the setting up functional monitoring and check mechanisms in the police institution.

It is hoped that the foregoing will immensely promote healthy work ethics as well as harness public confidence in the police system.

<sup>1</sup> *Ezeja v State* (2008) 7 SCM 28.

<sup>2</sup> *John Agbo v The State* (2008) All FWLR (Pt. 309).

<sup>3</sup> *Adegboyega Ibikunle v The State* (2007) & SCM 73.

<sup>4</sup> *Solomon Adekunle v The State* (2006) ALL FWLR (Pt 332) p. 1452.

<sup>5</sup> *Benjamin Oyakhire v The State* (2006) ALL FWLR (Pt. 305) p. 703.

<sup>6</sup> Two children of the same parents allegedly killed by Ex/Pc Eze Ibe in 1986.