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## Accountability Brief

*A review of structural changes in the Nigeria Police Force Criminal Investigation and Intelligence Department FCIID, March 2021*

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# CODE OF CONDUCT AND PROFESSIONAL ETHICS WITHIN THE NIGERIA POLICE FORCE (NPF)



## Executive Summary

Over time, instances of Police misconduct, such as Police brutality, harassment, extortion, torture, murder, impunity, and inhumane treatment, perpetrated against the citizens across the Police spectrum have elicited continuous public outcry. Specialized units like the Specialized Anti-Robbery Squad (SARS) readily come to mind in this regard, which underscores the recent #EndSARS protests in the country. It is against this backdrop that it has become imperative to examine professionalism and code of conduct that exist within the Police institution, with a view to strengthening it, to be fit for purpose and effective.



## Background/Context

The Nigeria Police leadership attempted an effort to commence internal process at improving professionalism in the organization in 2012, when the then IGP, MD Abubakar launched a code of conduct for the Nigeria Police Force. Though a lofty idea, it was not harmonized with the existing set of code of conduct and professional ethics enshrined in the police regulations, so was not mainstreamed, and embedded into the organizational structure. It was not also backed by a Force Order that could have made it enforceable.

## NPF CODE OF CONDUCT

The public hearings conducted recently in respect of human rights violations by the now defunct Special Anti-Robbery Squad unit (SARS) was quite revealing as there were increased dimensions to police misconduct, impunity, and abuse of power, such as confiscation and auctioning of suspects property without due process, enforced disappearance of suspects, sexual exploitation, refusal to release corpse of victims killed extra judicially, disobedience to court orders, etc. Considering these revelations and more, it has become imperative to understand the level of impunity surrounding these incidents, despite the fact that the Police has its code of conduct and professional ethics enshrined in its Regulations. This has elicited the following questions:

- Are Police Officers, especially, the rank and file aware of the existing Police code of conduct?
- Does the code of conduct meet international best practices and human rights declarations on the conduct of law enforcement agents?
- Is it fit for purpose considering the Nigeria context, emerging problems, and experience?
- Is there a strategy in place to communicate the professional ethics and code of conduct continuously and periodically across police formations and cadres?
- Are the codes actually in practice, well known, clearly understood and tracked?
- How is it enforced and assessed by the Police leadership?
- What are the consequences of violating the professional ethics and code of conduct?
- How will the Police be made more accountable without impeding the legitimate pursuit of their duties?

## UNITED NATIONS CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS

The UN general assembly adopted a resolution during its sitting in December 1979 on the code of conduct for law enforcement officials, with eight schedule articles meant to guide member nations.

*Article 1- Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.*

*Article 2- In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.*

*Article 3- Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.*

*Article 4- 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.*

*Article 5- No law enforcement official may inflict, instigate, or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, 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.*

*Article 6- Law enforcement officials 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.*

*Article 7- Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.*

*Article 8- Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them. Law enforcement officials 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.*

## COMPARISON BETWEEN THE UN CODE OF CONDUCT AND THE NPF CODE OF CONDUCT

The Nigeria Police code of conduct as enshrined in the police regulations (Part XV), does not adequately capture the UN resolution, as was done by other police organisations compared. There is a noticeable absence of human rights frameworks including treatment of persons in custody, discrimination, sexual harassment amongst others.

The police code of conduct published by IGP M.D Abubakar in 2012 captured some principles in the UN resolution but does not address two articles (5 & 6), which are fundamental to addressing police misconduct in Nigeria. This version was launched but was discovered not to have been mainstreamed or institutionalised in the police through regulations or force order, so could not be said to be in use as a police document.

## RECOMMENDATIONS

These key observations should set in motion discussions as to the best approach that will be adopted in addressing the gaps noticed with the Nigeria Police code of conduct, in order to strengthen and make it functional and effective.

The findings from the report of the 2018 Presidential panel on SARS reform, indicates that the Nigeria Police code of conduct as enshrined in the Police regulations, falls short of functional and effective ethical standards that addresses some emerging issues raised and reported during the panel sittings.

A four phased process is proposed in reviewing the code of conduct of the NPF:

1. *Assessment, review, and revision of the police regulations*- The NPF will be required to conduct an internal process of assessment of the current code of conduct to determine level of compliance, factors influencing non-compliance, and areas that require review. The extant Police code of conduct provisions and publications will have to be assessed, to check if they are fit for purpose and captures relevant principles and provisions in the UN resolution on the code of conduct for law enforcement agents, relevant laws in Nigeria (Police Act 2020, ACJA, Police regulations, Public Service rules, electoral law etc.)
2. *Validate, adopt, and communicate*: A critical stage will include concerted steps to institutionalize the document, by way of capturing it in the police regulations (presently under review) or developing a force order on it. This is pertinent, considering that the police regulations and force orders guide the day-to-day operations of the police, deriving it powers from the Police Act. There will be a need to advocate that the IGP set up or select and assign responsible persons (senior Police Officer of a rank not below Commissioner of Police) or unit

to ensure effective communication, dissemination, application, and compliance to the code of conduct. They will periodically report on, discipline and challenges, collaborating with stakeholders and external oversight bodies.

3. *Enforcement and discipline*: Internal and external accountability mechanisms are to be utilized in achieving this. The Police Service Commission (PSC), as well as the National Human Rights Commission (NHRC) have significant roles to play in ensuring external accountability and implementation of the revised code of conduct. Internally, the police management should establish or leverage on existing structures for accountability to ensure enforcement and discipline.
4. *Evaluate Impact*: Periodic evaluation mechanism need to be set up by the police leadership to evaluate application of the code of ethics. It will be more effective if this mechanism is designed to collaborate with external oversight organizations or platforms (NHRC Police Accountability Forum). This will provide independent evaluation matrix as to how the police is fairing with respect to application, enforcement, and discipline. Perception surveys should be utilized and baselines establish before its undertaking.

## CONCLUSION

Communication is a key challenge of the Nigeria Police in disseminating information and internal legal documents effectively. The revised code of conduct needs to be published and produced in a booklet form and hard copies sent to police commands and formations; as well as uploaded to the Force's website for easy accessibility, with an accompanying signal directing strict application and compliance. The signals will also bear the units or officers responsible for compliance and enforcement at the Federal, Zones, State and Divisions.

Communication in the police is usually linear, but in this process, the Police leadership will need to create feedback mechanisms. This will help them in assessing and evaluating acceptance, buy-in or rejection and the reasons behind them.

Capacity building that will serve as a re - orientation programme should be undertaken to ensure understanding by the officers of every cadre and guide the application of the code of conduct.



