

# KNOW YOUR RIGHTS

A concise version of the Nigeria Police ACT 2020 in accordance with the Administrative Criminal Justice Act/Law in the North Central zone of Nigeria.

*(November 2024)*

## NORTH CENTRAL ZONE

The following states are: Benue, FCT, Kogi, Kwara, Nasarawa, Niger, and Plateau states.

## About

### Partners West Africa Nigeria (PWAN)

The Rule of Law and Empowerment Initiative also known as Partners West Africa Nigeria (PWAN) is a women-led, non-governmental organization dedicated to enhancing citizens' participation and improving security governance in Nigeria and West Africa broadly, achieved through its Rule of Law, Citizens Security and CSO Strengthening program areas.

PWAN has operated in Nigeria since 2016 and currently employs 36 staff, including lawyers and 62 citizen observers. The head office is based in Abuja with two sub-offices in Kano and Borno states. The organization maintains a robust pool of 30 consultants and facilitators with expertise across various sectors including justice and security sector reform, gender mainstreaming, peacebuilding and conflict resolution, developing creative ways to prevent/counter violent extremism and research.



#### Vision:

Robust good governance  
& accountable institutions  
in Nigeria and West Africa.



#### Mission:

Enhances citizens'  
participation and improves  
security governance in Nigeria  
and West Africa.



#### Values:

Integrity, Trust, Inclusion,  
Humility, Accountable  
collaboration, Courage of  
Conviction, Innovation.

## About the Project

### Enhancing Police Governance: Deepening Understanding of the Police Act 2020 and Regulations Across Nigeria

PWAN with support from the Foreign Commonwealth and Development Office (FCDO) is implementing the project "Enhancing Police Governance: Deepening Understanding of the Police Act 2020 and Regulations Across Nigeria" 'Specifically across the 6 geopolitical zones, focusing on Kano, Plateau, Lagos, Edo, Enugu, Borno states and the FCT.

The project seeks to address critical gaps in the understanding and application of the Police Act 2020 and accompanying regulations within the Nigerian Police Force (NPF). The project uses a multifaceted approach to tackle these identified issues, including targeted workshops for police officers at various levels and public town hall meetings to raise awareness among citizens. These efforts will ensure that the principles of the Police Act 2020 are understood and integrated into daily policing practices, thereby promoting a culture of lawfulness and respect for human rights within the NPF.

This initiative is necessary due to the documented challenges in policing standards, practices, and community relations in Nigeria. The Police Act 2020 aims to reform these issues through enhanced legal frameworks and enforcement standards.

As part of the project, PWAN is conducting this **Media Townhall Meeting on Human Rights, The Police ACT 2020 and Regulations**. This town hall meeting aims to educate the media on mainstreaming the Police Act 2020 into their reporting and its impact on police-citizen interactions. This meeting is an essential step to strengthening trust, transparency, and accountability between law enforcement and the community.

## Snapshot of the Nigeria Police ACT 2020

### 1. Interrogation

A) **The presence of lawyers regarding the person's choice [Sec. 35(2)(b)]:** Consult a legal practitioner of his own choice before making, endorsing, or writing any statement or answering any question put to him after the arrest.

B) **Video Recording [Section 60(1)]:** This requires that the police electronically record any confessions or statements made by a suspect during an interrogation. It includes both audio and video recording. It aims to maintain transparency and ensure that any statement given by a suspect is voluntary and free from coercion or undue influence.

C) **Possible presence of family members [Section 35]:** Protection of Vulnerable Persons: This section specifically addresses the treatment of vulnerable individuals, including children, women, and persons with disabilities. It requires that these individuals have access to support, which can include the presence of family members, guardians, or legal representatives, particularly during interrogation or detention.



### 2. Arrest

A) **Mode of Arrest [Section 33]:**

- Reason for Arrest: The police must tell the arrested person why they are being detained unless doing so would stop the arrest.

B) **Rights of a Person Being Arrested [Section 35]:**

- Right to Remain Silent: The arrested person can stay silent and not answer questions until they talk to a lawyer or someone they trust.
- Right to Inform Family or Legal Representative: The arrested person must be allowed to tell a family member, friend, or lawyer about their arrest.

C) **Recording of Arrests [Section 44]:**

- Recording Arrest Details: The police must record every arrest, including the reason, time, date, and details of the person arrested. They must also log it in the station diary when the person arrives at the station



## D) Humane Treatment of Arrested Persons [Section 37]:

- Humane Treatment: People who are arrested must be treated with dignity and not be tortured or treated in a cruel or degrading way.

## 3. Warrant

1. **Arrest Without Warrant [Section 43]:** Police may arrest a person without a warrant if the person is caught committing a crime, suspected of a recent offence, or believed to be about to commit one
2. **Arrest with Warrant [Section 44]:** For certain offences, police must obtain a warrant from a court to legally arrest a person, ensuring due process.
3. **Execution of Warrants [Section 45]:** Police executing a warrant must show it to the individual and explain its purpose, following proper procedure.
4. **Power to Search with Warrant [Section 46]:** Police may conduct searches with a court-issued warrant based on reasonable grounds for locating evidence.
5. **Procedure for Obtaining and Executing Warrants [Section 47]:** Police must follow clear guidelines to request and execute warrants, ensuring respect for rights and minimal disruption.

Arrest In Lieu : Section 7(3) - Prohibition of Arrest in Lieu: This section of the Nigeria Police Act 2020 clearly states that no person should be arrested in place of another person. This means the police are prohibited from detaining family members, friends, or associates of a suspect as substitutes or "hostages" when the actual suspect is not available.

## 4. Use of Force

### 1. Use of Force [Section 33]:

- Police can only use force when it's necessary.
- The amount of force must match the level of threat.
- Force is allowed to protect life or prevent injury.

### 2. Protection Against Abuse of Power [Section 34]:

- Police must not use excessive or unnecessary force.
- Torture or cruel treatment is prohibited.

### 3. De-Escalation and Non-Violent Methods[Section 35]:

- Police should try to calm situations without using force first.
- They must use communication or negotiation before violence.

### 4. Accountability and Reporting

- Any use of force must be reported and recorded.
- Officers must justify the use of force.



## 4. Detention

### 1. Powers of Detention [Section 35]:

- Police can detain someone if they have a good reason.
- The person must be told immediately why they are being arrested.

### 2. Period of Detention [Section 36]:

- After arrest, a person must be brought to court within 24 hours.
- They can only be detained longer if a court allows it.

### 3. Detention of Minors [Section 37]:

- Minors (under 18) should not be detained with adults.
- Minors should have a guardian or parent with them during the process.

### 4. Conditions of Detention [Section 38]:

- Detainees must be treated with respect and kept in safe, clean, and humane conditions.
- They should not face physical punishment or abuse.

### 5. Right to Inform a Relative or Legal Practitioner [Section 39]:

- Detainees can tell a family member or lawyer that they've been arrested.

### 6. Review of Detention [Section 41]

- If someone is detained for too long, the police must review the detention.
- If the detention is unlawful, the person must be released.

## 5. Search

**1. Power to Search Without a Warrant [Section 41]:** Police can search a person without a warrant if they believe a crime has been committed or if there's reasonable suspicion of criminal activity.

**2. Search with a Warrant [Section 42]:** Police can obtain a search warrant from a court if they have grounds to believe the evidence is in a specific location. The search must be conducted with proper documentation.

**3. Search of Persons [Section 43]:** Police can search people if they suspect they carry weapons or evidence of a crime. The search should respect privacy and be done by officers of the same sex.

**4. Search of Premises [Section 44]:** Police can search premises with a warrant or if they believe a crime is happening or evidence is being destroyed. The search must be conducted respectfully and with documentation.



## 6. BAIL

- 1. Right to Bail[Section 31]:** Arrested individuals have the right to apply for bail unless there are strong reasons to deny it, such as the seriousness of the offence.
- 2. Duty of Police to Grant Bail [Section 33]:** Police must grant bail for bailable offences, following the law.
- 3. Bail Conditions[Section 34]:** Bail may be granted with reasonable sureties or security to ensure the person's appearance in court.
- 4. Denial of Bail[Section 35]:** Bail may be denied if necessary for the investigation or if there's a risk of fleeing or re-offending, but reasons must be provided.
- 5. Appeal against Denial of Bail[Section 38]:** If bail is denied, the individual can challenge the decision in court.





## The Administrative Criminal Justice Act/Law in accordance with the Nigeria Police ACT 2020 in the North Central zone of Nigeria.

### ACJA in the FCT:

1. **Interrogation:** The Administration of Criminal Justice Act (ACJA) outlines critical protections and procedures for individuals involved in the criminal justice system. During interrogation, suspects have the right to remain silent and consult with a legal practitioner of their choice (Section 6(2)) and must be informed of their right to legal representation (Section 17(2)). Interrogations must also be electronically recorded (Section 15(4)). While the ACJA does not explicitly provide for family members' presence, suspects can communicate with anyone of their choice, including family members (Section 6(2)).
2. **Arrest:** Arrests can be made with or without a warrant, but individuals must be informed of the reason for their arrest (Section 3). Arrests should be humane, with no unnecessary restraint applied (Section 4), and arresting a person in place of the actual suspect is prohibited (Section 7).
3. **Use of Force:** Regarding the use of force, arrests must not involve unnecessary force unless the suspect resists or evades arrest (Section 4).
4. **Detention:** Detention is limited to 24 hours unless a court order extends it (Section 32(1)). Police must report to a court if they need to detain a suspect beyond 24 hours, with an application for remand (Section 33).
5. **Search:** Searches require a warrant before inspecting private property, including electronic devices, unless there is immediate evidence of a crime (Section 37). Searches must respect gender sensitivity, with females searched only by female officers (Section 98). Although the ACJA does not explicitly address stereotypes like appearance-based profiling, discriminatory practices violate broader constitutional rights (e.g., Section 42 of the 1999 Constitution).

### ACJL in Niger State:

1. **Interrogation:** The Niger State Administration of Criminal Justice Law (ACJL) protects individual rights during criminal proceedings. During interrogation, suspects have the right to consult with a lawyer of their choice.
2. **Arrest:** Arrest warrants and processes are governed by Section 7, which prohibits arresting individuals in place of suspects.
3. **Use of Force:** The ACJL states that force is justified only when necessary, proportionate, and accountable, as outlined in Sections 10(2) and (3).
4. **Detention:** Detention periods are capped at 24 hours and extendable only by court order. Remand renewals are limited to 14 days.
5. **Search:** Search operations, detailed in Section 11, prioritize privacy and legality, including gender-specific searches when applicable.
6. **Bail:** Suspects have the right to bail unless restricted by specific circumstances, as stipulated in Section 86, with women protected from discrimination as sureties.

### ACJL in Nassarawa State:

1. **Interrogation:** While the Nasarawa ACJL does not specifically detail provisions about the presence of lawyers or family members during interrogation, it is guided by the ACJA's emphasis on protecting suspects' rights. For example, ensuring legal representation falls under Section 6, which upholds fundamental rights and fair treatment of suspects.
2. **Arrest:** Section 7 of the Nasarawa ACJL prohibits arrest in lieu, meaning a third party cannot be arrested in place of a suspect. This section aligns with constitutional safeguards against unlawful detention.
3. **Use of Force:** The ACJL aligns with the principle that force during arrest should only be used when necessary and must be proportionate to the situation. Specific accountability mechanisms for excessive force are also grounded in legal doctrine under this law.
4. **Detention:** The law limits pre-trial detention to 24 hours unless extended by a court order. Provisions for remand proceedings are found in Sections 291-296 of the ACJA, which are typically incorporated into state laws like Nasarawa's.
5. **Search:** Unlawful or intrusive searches are restricted under Section 37 of the Constitution and corresponding provisions in the ACJL. This includes the prohibition of searching individuals without proper cause or gender consideration.
6. **Bail:** Section 158 of the ACJA (similarly adopted in Nasarawa) establishes the presumption of bail for offences, except where public safety is at risk. The procedures for applying for bail and the conditions are also outlined.

### ACJL in Plateau State:

1. **Interrogation:** Suspects have the right to consult with a lawyer and remain silent until after such consultation (Section 27 (2)). Also, Notification of a suspect's rights and informing their next of kin of their arrest at no cost are mandatory (Section 27).
2. **Arrest:** Arrest must be conducted with a warrant unless the suspect is caught in the act or pursued after committing an offence (Sections 23). Arrest in place of a suspect ("arrest in lieu") is prohibited (Section 28). Humane treatment is required during and after arrest, without unnecessary restraint, unless there's a risk of violence or escape (Section 29).
3. **Use of Force:** Force can only be applied when necessary and proportional, aligned with the principles of legality and accountability (Sections 26).
4. **Detention:** Detention should be at most 24 hours without a court order, ensuring timely judicial oversight (Sections 49).
5. **Search:** Searches must be conducted with gender considerations and only under lawful suspicion, mainly when dealing with personal devices (Section 30(2)). Articles found on a suspect during a lawful search must be safely stored unless needed as evidence (Section 31(1)).
6. **Bail:** Bail provisions require that the accused be informed of their rights and released on reasonable conditions unless charged with a severe offence (Section 47). Judges are encouraged to consider alternatives to detention, especially for minor offences, in line with non-custodial measures implemented in the state.



### ACJL in Kwara State:

1. **Interrogation:** The ACJL in Kwara State outlines critical protections and procedures for individuals involved in the criminal justice system. During interrogation, arrested persons have the right to remain silent and consult with a legal practitioner of their choice, as stipulated in Section 33(2). While video recording of interrogations is not explicitly mentioned, it aligns with modern standards in criminal justice reform for transparency.
2. **Arrest:** Arrests must be made with a warrant, except in cases permitted by law, as outlined in Section 19. The accused must be promptly informed of the reasons for their arrest, as stated in Section 22. Moreover, arresting others in lieu of the actual suspect is illegal and violates constitutional provisions under Section 35(1) of the 1999 Constitution of Nigeria.
3. **Use of Force:** Section 21 emphasizes that only reasonable and necessary force may be used during arrests or while preventing escape. Force must be proportionate to the level of resistance or threat posed.
4. **Detention:** Detention is limited to 24 hours without being brought before a court, as stated in Section 35 of the 1999 Constitution and reinforced by Section 44 of the ACJL Kwara State.
5. **Search:** Searches must respect gender considerations, with women searched only by female officers in appropriate circumstances, as required by Section 25(3). Appearance-based discriminatory searches violate Section 34(1) of the 1999 Constitution, guaranteeing human dignity.
6. **Bail:** Bail conditions, as outlined in Section 172, allow for reasonable conditions such as sureties or bonds to ensure court attendance.

### ACJL in Benue State:

1. **Interrogation:** The ACJL mandates recording confessional statements, preferably in electronic form. It ensures that suspects can have their legal representatives present during interrogation. (Section 10(2) of ACJL Benue State aligns with ACJA 2015 provisions on this matter).
2. **Arrest:** Arrest procedures require proper identification of suspects and warrant use, where applicable. The law prohibits arresting individuals in place of suspects. (Section 9 of the ACJL Benue State).
3. **Use of Force:** The ACJL states that force may only be applied when necessary, proportionate, and as a last resort after negotiation and persuasion fail. This includes accountability for excessive or unlawful use. (Section 7 of ACJL Benue). Also, humane treatment is mentioned in Section 10
4. **Detention:** A suspect cannot be detained for more than 24 hours without being brought before a magistrate or court. Extensions of detention require a court order. (Section 32 (2) of ACJL Benue).
5. **Search:** Search operations must respect personal dignity. The ACJL discourages arbitrary searches, including compelling people to reveal their phone or laptop contents without cause. Officers of the same gender must carry out gender-specific searches. (Section 11).
6. **Bail:** •Bail for minor offences should be granted without unnecessary delay. Conditions for bail must be reasonable, with explicit guidelines on when a suspect can be granted bail at the police station or in court. (Section 32 (1)).

### ACJL in Kogi State:

1. **Interrogation:** Section 17(2) requires the presence of a lawyer or any other person of the suspect's choice during interrogation. Also, Section 20 encourages video recording of interrogations to ensure transparency and accountability.
2. **Arrest:** Section 5 defines the procedure for making an arrest, ensuring that the arrested person is immediately informed of the reason for the arrest. Section 18 states that no person shall be arrested in place of another (arrest in lieu). Section 37 highlights the requirement for a warrant of arrest unless the arrest is permissible without one under specific circumstances
3. **Use of Force:** Section 16 specifies that force during arrest must be necessary, reasonable, and proportionate to the circumstances. It requires accountability for any use of force and provides mechanisms to report and review excessive force.
4. **Detention:** Section 34 stipulates that a person must not be detained for more than 24 hours unless a court order is obtained. Meanwhile, section 36 requires the police to report detention cases beyond 24 hours to a magistrate.
5. **Search:** Section 20 (3) mandates gender-sensitive searches, such as ensuring female suspects are searched by female officers when necessary. It also prohibits the unlawful search of persons or property without a warrant and defines the circumstances under which the police may search without a warrant.
6. **Bail:** Section 33-34 states the conditions under which police officers may grant bail for bailable offences and the entitlement to bail for non-capital offences unless there are compelling reasons for refusal. The sections also provide guidelines for bail conditions for persons charged with capital offences under exceptional circumstances.

# CONTACT US

---



Phone  
**(+234)8091257245**



Email Address  
**Info@partnersnigeria.org**



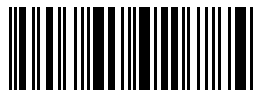
Website  
**www.partnersnigeria.org**



Head Office Address  
**66, Newark Street, Suncity  
Estate, Galadimawa, Abuja.**



Social Media Platforms (LinkedIn, Facebook, X, Instagram, TikTok, and YouTube)  
**@Partnersnigeria**



978-978-59930-6-6