

P S C 2 0 0 8 R E T R E A T

on

UNDERSTANDING THE MANDATE AND OPERATIONS OF THE POLICE SERVICE COMMISSION IN THE CONTEXT OF THE RULE OF LAW

held at MicCom Golf Hotels and Resort, Ada, Osun State
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BEING A PAPER ON

IMPLEMENTING THE MANDATE OF THE POLICE SERVICE COMMISSION FOR APPOINTMENT, PROMOTION AND DISCIPLINE

presented by

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Distinguished Chairman of the Session

The Hon. Chairman, Police Service Commission, *Mr. Parry Osayande, CFR, mni.*

Honourable Members, Police Service Commission

The Inspector-General of Police, *Sir Mike Okiro, CFR, mni*

Distinguished Participants

Ladies and Gentlemen

INTRODUCTION

I am glad to be here with you to deliver this paper on the August occasion of this retreat, which is the first since the inauguration of the new Members of the Commission.

This retreat is important for three basic reasons:

- i. It provides opportunity for the first time for the Members of the Commission to interact with the generality of the Police hierarchy in a very cordial and conducive environment provided by the good people of Osun State and the hospitality of the Government of the State;
- ii. It provides opportunity for the Commission to articulate in unmistakable terms its mandate, and its commitment to implement the mandate to the letter;
- iii. It provides opportunity for the Commission to come to grips with problems and prospects for the Nigeria Police Force and the way forward.

I am speaking on the topic *"Implementing the Mandate of the Police Service Commission for Appointment, Promotion, and Discipline"*. To be

able to do this effectively, I have arranged my presentation into four parts as follows:

- i. The Commission and its Mandate;*
- ii. Implementing the Mandate;*
- iii. Attaining the Mandate; and*
- iv. Conclusion.*

1. The Police Service Commission and its Mandate

The Police Service Commission (PSC) was re-established by the 1999 Constitution of the Federal Republic of Nigeria, under Section 153(1) (M) as elaborated by Paragraph 30 of Part 1 of the Third Schedule of the Constitution as a Federal Executive Body with powers to:

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

Similarly, the Police Service Commission (Establishment) Act 2001, which came into force on 4th January, 2001 elaborates the constitutional provisions on which the PSC is based. Section 6 (1) of the Act provides that the Commission shall among other things:

- a) Be responsible for the appointment and promotion of persons to offices (other than the office of the Inspector-General of Police) in the Nigeria Police Force;
- b) Dismiss and exercise disciplinary control over persons (other than the Inspector-General of Police) in the Nigeria Police Force; and

- c) Formulate policies and guidelines for the appointment, promotion, discipline and dismissal of officers of the Nigerian Police Force

The Provisions of the Act vest in the Commission the power for appointment, promotion as well as ensuring the discipline and efficiency of the Nigeria Police Force.

2. Implementing the Mandate

I would want to observe that the Commission is dealing with a fairly well organized and disciplined organization – the Nigeria Police Force, which today with an estimated strength of 377,000 is the largest body of unified manpower in the Federation. Naturally, implementing the mandate of the Commission begins with the processes of appointment of persons into the Police Force.

2.1 Appointment/Recruitment

The Commission will continue, in line with its constitutional and statutory mandate, to recruit applicants into the Nigeria Police Force, through open, fair and competitive selections, while ensuring operational balance, gender, equity and national representation without sacrificing merit.

In carrying out this mandate, the Commission may delegate any of its powers to any of its Members or to the Inspector-General Police or any officer or committee of officers in the service of the Nigeria Police Force, as it may prescribe, in line with Section 216 of the Constitution, and as elaborated by Clauses 8(a) and (b) of the Police Service Commission Act 2001.

To this extent, and in view of the prevailing situation in 2002, the Commission delegated some of its powers to the IGP (2002-2004) to recruit 40,000 youths annually into the Force, in line with the government decision, which was executed from 2002 to 2004. The exercise, unfortunately, was inundated with serious criticisms, ranging from enlistment of persons of questionable character, low quality personnel, nepotism to lack of transparency and professionalism. At a point, the recruitment exercise had to be halted by the President for it had compromised the established standards for enlistment, thereby denting the image of the Nigeria Police.

Following the concern expressed by the general public and the President, the Commission decided to review its delegated powers to the IGP. The review, moreover, became necessary; in view of the fact that the Commission had already improved its manpower capacity, office automation and infrastructure to exercise its full constitutional mandate for the appointment of persons to offices in the Nigeria Police Force.

Accordingly, the delegated powers of appointment were eventually reviewed in 2005, conferring the following delegated powers to IGP:

- i. Recruitment and appointment of junior ranks (Constables to Inspectors) will be undertaken by the Nigeria Police Force in conjunction with the Police Service Commission; and
- ii. Recruitment and appointment of Cadet Inspectors and Cadet ASPs would be jointly handled by the PSC and NPF. Under this arrangement, the NPF screens and recruits qualified candidates in the State Commands and processes them to the Zonal AIG Offices where they are further screened. The Zonal AIGs later forward

the lists of successful applicants from their respective Zones to the Force Headquarters where final phase of selection would be done by NPF in conjunction with the PSC. At the end of the exercise, successful candidates are forwarded to the Commission which will in turn deliberate on the submission and give its approval and issue letters of appointment to the successful candidates to start training at the Police Academy.

2.2 Promotion

In the exercise of its mandate, the Commission will be guided by the following principles:

- i. Merit*
- ii. Recognition of a hierarchy*
- iii. Decentralization*
- iv. Regularity (annual)*
- v. Committee-based (establishment of Appraisal and Promotion Committees)*
- vi. Fairness*
- vii. Openness (a candidate is entitled to request the details of his/her appraisal)*
- viii. Provide opportunities for redress*

For details, refer to the approved Promotion Guidelines Sections 2.2, 2.2.1 to 2.4.2 attached as ***Annex I***.

In carrying out this mandate, the Commission has delegated some of its powers to the IGP to process promotion and discipline of all Constables to Inspectors.

However, other promotions up to the rank of the AIG will be on normal promotion guidelines, while promotion for DIG rank will entail political consideration to ensure geopolitical representation.

2.3 Discipline

In discharging its disciplinary responsibilities over the members of the Nigeria Police Force, the Commission is bound by the principles enumerated in the 1999 Constitution and is also mindful of the relevant and prevailing international statutes and standards which are fast bringing police and policing out of the exclusive ambit of domestic law. Our formulation of new guidelines will recognize and be developed from such universal instruments as the International Convention on Human Rights and the Covenant Against Torture and Inhuman or Degrading Treatment or Punishment.

The Commission has been soliciting and drawing from the wealth of knowledge and experience of Ministries of Justice across the Federation and from similar oversight bodies towards our formulations of the guidelines for the discipline of members of the Police Force. The Nigeria Police Force itself and the Nigeria Bar Association as repositories of history and experience have also been of invaluable assistance in evolving a new set of disciplinary guidelines. I believe that with the pragmatic drive of civil society groups, donor agencies and non-governmental organizations, the Commission will come out with a document that will not only be responsive to the disciplinary needs of the Nigeria Police Force but also make for more diligent performance and efficiency.

3. Attaining the Mandate

In order to attain our mandate, the following eight key points are critical:

3.1 Restructuring

Recently the Commission has restructured its Departments in line with its mandate to reposition it for more effective service delivery and to ensure maximum productivity and efficiency. The restructuring is consistent with the on-going. The new Departments handling the Commission's work are:

- i. The Department of Finance and Administration*
- ii. The Department of Police Recruitment*
- iii. The Department of Police Promotion*
- iv. The Department of Police Discipline*

The Departments operate alongside the Units of the Commission.

3.2 Using ICT

The Commission is committed to using Information Technology (ICT) in the conduct of its operations. Accordingly, its website is being upgraded to make it dynamic and to cope with the demands of the Commission and to provide adequate information to the Police Force and the general public on the workings of the Commission.

Similarly, other ICT facilities are being provided, while others are being upgraded to really take advantage of the information technology in the conduct of the Commission business.

3.3 Establishing a Police Databank

In line with its computerization drive, the Commission has decided to establish a databank of Police men and women, newly enlisted and those in the service. In this connection, the Commission had recently undertaken a country wide tour during which it verified and collected, collated and updated its police personnel records to facilitate the modernization of its operations.

3.4 Decentralization

The Commission is committed to decentralization of its operations or delegation of its responsibility to facilitate prompt and effective service delivery. In this regards, the Commission has decentralized and delegated some of its powers on recruitment, promotion and discipline to various committees at local, State and national levels to ensure speedy service delivery. Details of these Committees are given below.

On recruitment, there are three selection Committees with their membership as follows:

3.4.1 Area Command Selection Committee (ACSC)

Composition of ASCS

- i. Area Commander as Chairperson
- ii. All divisional Police Officers in the Area Command
- iii. All Divisional Police Officers drawn from the Divisions to be nominated by the Area Commander
- iv. 2 Senior Police Officers drawn from the Divisions to be nominated by the Area Commander

- v. 2 members from the Zonal Office of the PSC where the Division is located
- vi. 3 community members of whom at least one should be a woman nominated by the voluntary basis after full consultation with the communities in the Area Command, to serve on a voluntary basis for a single term of three years
- vii. There shall be a Secretary to the committee, who is not a member of the Committee who shall be appointed by the Chairman

3.4.2 State Command Selection Committee (SCSC)

Composition of SCSC:

- i.* State Commissioner of Police as Chairperson
- ii.* All Area Commanders in the State Command
- iii.* 3 DPO'S once from each Senatorial Zone of the State nominated by the state Commissioner of Police
- iv.* 3 member of the public nominated by PSC of whom at least one should be a woman to serve on a voluntary basis a single term of three years
- v.* 2 members from the PSC
- vi.* There shall be a secretary to the committee who is not a member of the committee who shall be appointed by the Chairperson

3.4.3 National Selection Committee (NSC)

Composition of NSC

- i.* Inspector General of Police as the Chairperson
- ii.* 2 representatives of the Police Service Commission
- iii.* 1 DIG nominated by the IG
- iv.* 2 AIGs who are in charge of Zonal Commands should be appointed by the IG
- v.* 3 representatives of civil society organizations nominated by the PSC of whom at least one should be a woman to serve on a voluntary basis for a single term of three years
- vi.* There shall be a secretary to the committee who is not a member of the committee Who shall be appointed by the chairperson

Similar Committees are established for promotion and discipline. In this connection, the Commission developed some guidelines on recruitment, promotion and discipline, the objectives of which are:

- i.* Ensure that police appointment, promotion and disciplinary processes are clearly defined, fair and transparent
- ii.* Ensure that appointment, and promotion in the Nigeria Police Force are based on merit and equity.
- iii.* Promote fair representation of the federating units of Nigeria and the gender in the Nigeria Police Force
- iv.* Ensure a reduction of human rights in the violation in the Nigeria Police Force and by the officers of the Nigeria Police Force
- v.* Ensure that a transparent, open and fair disciplinary mechanism exists within the Nigeria Police Force

- vi.* Entrench democratic principles within the Nigeria Police Force
- vii.* Promote integrity and merit within the Nigeria Police Force

3.5 Partnerships

The Commission is determined to enhance its partnership with the Police Headquarters in the conduct of its work and in doing so, to be making input to improving the efficiency of the Force. Furthermore, the Commission is resolved to collaborate with other government agencies and network with individuals and organizations for cooperation and assistance to attain its mandate. Notable among these agencies on the domestic front are the National Human Rights Commission, Public Complaints Commission, CLEEN Foundation and the Open Society Justice Initiative (OSJI). On the international front are the Independent Complaints Directorate (ICD) of the Republic of South Africa, and the British Department for International Development (DFID) and our bilateral technical assistance agreement on Police modernization with the United States.

Soon after the establishment of the Commission we have begun the process of reaching out to individuals and organizations both within and outside Nigeria for ideas and possible assistance with the work of the Commission.

3.6 Ethical Conduct

The staff of the Commission must live aboveboard, free from all traces of dubious conduct, duplicity or deceit. Ethical conduct is paramount for attaining our mandate. To this extent, the Commission will be unwavering in encouraging and motivating our staff, including provision

of conducive environment for the conduct of their duties to bring out their best for processing and implementing the decisions of the Commission in line with its mandate. What we do has important bearing not just on the delivery and image of the Commission but on the proper functioning of the Police Force in the country.

3.7 Training

The Commission will continue to providing adequate training and retraining of our staff to ensure professionalism, skill and ethical conduct at work and in their dealings with stakeholders, the target groups and the general public. Serious and significant steps have been taken in this direction especially since 2007 with trainers and training institutions in the country and many of our staff have benefited immensely from this programme.

3.8 Posting Challenges

The Commission has decided and resolved on the following:

- i.* Monitor the performance of Police officers to ensure efficient, effective service delivery and minimize ethical misconduct;
- ii.* That CP posted to Command should not stay for more than two years;
- iii.* That officers at Force Headquarters are given undue advantage over their colleagues at Command/Formation particularly on the posting of CP to State Command. This should be discontinued;
- iv.* Posting of CPs to State Commands should be based on Federal Character;
- v.* That all disciplinary cases must be dealt with within three months of its determination to avoid a perennial situation of

disciplinary cases taking years to conclude at the expense of the officer or a situation where disciplinary decision taken late to make enforcement unjustified in law; and

- vi.* That public complaint mechanism of the Commission will be improved upon to receive complaints from the public and where investigation found officers liable, administrative action will be taken accordingly.

4. Conclusion

In conclusion, the mandate of the Commission is purely to manage the personnel matters of the Nigeria Police Force, and formulating policies and guidelines to successfully perform its statutory functions, I would like to state that ultimately the mandate of the Commission is about ensuring security of lives and property in this country, through the instrumentality of engaging the right people and appropriate manpower for the Police Force; monitoring and encouraging them through promotion to reach the peak of their career, maintaining discipline to prevent abuse of power and authority and ensuring their safe exit for pension benefit when the time comes, so that they give their best for protection of lives and property in the country. Security is certainly a prime item on the 7-point agenda of the present administration and every effort should be made to ensure that our contribution in this direction is absolutely commendable, deeply felt and acknowledged by the people.

I am convinced that the members of our Commission, under the leadership of the Honourable Chairman are committed to the mandate of the Commission and are ready to provide the required leadership to enhance its service delivery and promote the image of the Commission.

The IGP deserves the support of the Commission in his efforts to reposition the Police Force in line with the reforms and to be able to meet the mounting security challenges in the country. The Nigeria Police Force is under the IGP as per Section 215(2) of the Constitution, where the IGP derives his authority to order and direct the Force. Once a person has been appointed and posted by the Commission, the person so appointed or posted comes in relation to the post, under the jurisdiction of the IGP to order and command him as the need arises. Even though nothing in this Section vests him with the authority to appoint, promote or to post other than has been delegated by the Commission, every effort should be made to support and encourage him to excel in his enormous responsibility. We want the IGP to succeed in maintaining law and order effectively to the admiration of all in the country.

May I commend the Officers and men of the Nigeria Police Force for their untiring effort to see to law and order and the security of lives and property in the country. We are proud with the performance of the majority of our police men and women for their gallantry and courage in confronting some of the daunting security problems and the huge and enormous task of policing the country; including their new courteous approach to the general public.

Thank you for your attention.

Being the text of a presentation by Garba Buwai, OON, mni Permanent Secretary/Secretary to the Police Service Commission at the retreat on Understanding the Mandate and operations of the Commission in the Context of the Rule of Law held at MicCom Hotels and Resort, Ada Osun State from 18th to 20th August, 2008.