
REVIEW OF STATE POLICE BILL

Examining the Case for Decentralized Police Control in Nigeria

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ABSTRACT

Despite the country's federal constitutional structure, policing remains exclusively vested in the Federal Government through the Nigeria Police Force (NPF). The adequacy of Nigeria's centralized policing architecture has increasingly come under scrutiny amidst escalating insecurity across the country, which includes terrorism, banditry, kidnapping, communal conflicts, and farmer-herder clashes. To address this, the Nigerian Senate recently passed a bill amending the Constitution to accommodate the creation of a legal architecture for state policing, aiming to enhance the effectiveness of the country's security system.

This article argues that the establishment of state police in Nigeria is both constitutionally desirable and practically inevitable. It reviews the current State Police Bill, examines its loopholes, and proposes constitutional safeguards to mitigate them. It further provides comparative lessons from the federal policing systems in India — being a fellow Commonwealth nation and a post-colonial, multi-ethnic federal state with a history of central-state tensions — Brazil, and Germany.

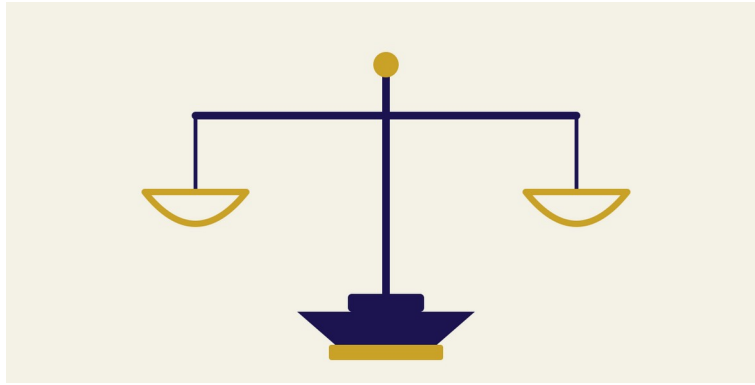
INTRODUCTION

Security is the bedrock upon which every democratic society is built. Without assured security, human productivity, economic development, political stability, and the protection of fundamental human rights would be increasingly difficult to achieve. The Nigerian Constitution¹ provides that the security and welfare of the people shall be the primary purpose of government.

“The security and welfare of the people shall be the primary purpose of government.” — Section 14(2)(b), CFRN 1999

Yet, despite this constitutional mandate, Nigeria continues to grapple with terrorism, banditry, kidnapping, communal conflicts, farmer-herder clashes, armed robbery, and other forms of organized crime, with state governors at the mercy of directives given to their states' police Commissioners by the Inspector General of Police. Communities across the federation have increasingly resorted to self-help mechanisms through vigilante groups and regional security outfits such as Amotekun in the South-West, Ebubeagu in the South-East, and various similarly established groups at other cardinal points of the country.

¹Section 14(2)(b) of the Constitution of the Federal Republic of Nigeria (CFRN), 1999 (as amended).



The constitutional mandate: security and welfare as the primary purpose of government.

These developments expose a fundamental weakness within Nigeria's centralized policing framework. At the heart of this article lies a fundamental constitutional question: *can a federation truly function as a federal government when one of its most critical governmental functions — policing — is exercised exclusively by the central government?*

The recently passed State Police Bill therefore presents one of the most significant constitutional reforms currently under public discourse, seeking to decentralize policing and strengthen sub-national responsibility for internal security. In the excitement of it all, however, meticulous consideration must be given to the overall and proper establishment of the new regime to avoid discrepancies in its enforcement.

THE STATE POLICE BILL

The Bill seeks to fundamentally redesign the constitutional framework governing policing by amending Section 214 (among other provisions) of the Constitution, replacing the centralized Nigeria Police Force with a dual policing system comprising the Nigeria Police Service² and independent State Police Services.

The House of Representatives passed the bill seeking to alter the Constitution of the Federal Republic of Nigeria, 1999 (as amended), to provide for the establishment of State Police, while the Senate, considering the same proposal, referred it to its Committee on Constitution Review for further consideration.³

The Bill, sponsored by Senator Surajudeen Ajibola Basiru, represents one of the most comprehensive legislative attempts to restructure Nigeria's policing architecture since the return to democratic governance in 1999.⁴

The central objectives of the State Police Bill are:

- Decentralize policing, permitting each state to establish a state police service;
- Redefine the constitutional allocation of respective jurisdictions of federal and state police;

²One of the reforms contained in the Bill is the change from 'Nigeria Police Force' to 'Nigeria Police Service'.

³Policy and Legal Advocacy Center, "State Police Bill Passes House of Representatives, Senate Refers Proposal to Committee" published on 11th June 2026, available at <https://placng.org/i/state-police-bill-passes-house-of-representatives-senate-refers-proposal-to-committee/> (Accessed 21st July 2026).

⁴Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2020 (SB. 248), sponsored by Senator Surajudeen Ajibola Basiru.

- Provide constitutional regulation for recruitment, discipline, funding, oversight and appointment of State Police Commissioners;
- Improve response to local security challenges;
- Strengthen intelligence gathering at the grassroots level.

The Bill proposes a dual policing structure in which federal and state police co-exist with clearly defined constitutional responsibilities.



A dual policing structure: the Nigeria Police Service alongside independent State Police Services.

Limitations of the Centralized Nigerian Policing System

Nigeria's centralized police structure has ushered in several structural deficiencies, frustrating the realization of Section 14 of the Constitution. A few of these are:

- Slow Operational Responses — every significant operational decision frequently requires approval through federal command structures, delaying interventions during state emergencies.
- Poor Local Intelligence — officers are regularly posted outside their home states, limiting their familiarity with local dialects, community leadership structures, geographical terrain and criminal networks, all of which slows intelligence-led policing.
- Over-centralization — with over 220 million citizens served by one centralized police institution, operational efficiency becomes increasingly difficult.

Most federal democracies similar in size to Nigeria do not exclusively rely on a single national police service.⁵



Decentralized policing: distributing operational authority across the federation's states.

⁵See for instance the Policing Structure in India and Germany.

IDENTIFIED LOOPHOLES IN THE BILL

This constitutional reform has been long coming, and it offers a sigh of relief especially to States' Governors whose states have had intense security issues. However, the Bill is riddled with a number of constitutional shortcomings. Its principal weakness lies in the absence of sufficient constitutional safeguards to ensure that decentralized policing remains independent, accountable, and professionally administered — without which it would only continue the pattern of there being no person or office truly held accountable or responsible. Stated below are some of the identified loopholes in the Bill:

1. Lack of Genuine Independence of the State Police Council

From the face of it, the Bill establishes a State Police Service Council to abate political interference; however, the Council is chaired by the State Governor, who also exercises considerable influence over its membership. Though SB 248 establishes a State Police Service Commission, it does not guarantee State Police independence. Consequently, this makes the broader governance body intended to oversee the State Police susceptible to executive control.

RECOMMENDATION The governor should not chair the Council⁶; instead, the chairperson should be a retired judge, the chairperson of the State Police Service Commission, or another independent person appointed through a bipartisan process (majority and minority parties as usually constituted in the States' Houses of Assembly)⁷. Appointments to the council may be subject to nomination and confirmation by the States' Houses of Assembly. Additionally, the COP, a serving or retired CJ, security experts, and representatives of the NBA, the NHRC, and civil society should be included in the proposed State Security Councils. Members must not belong to any political party, must be screened by the DSS before appointment, and must be guided by established regulations as to their conduct. Their term must also be tenured to avoid creating “kings” in office.

2. The Constitutional Dilemma of the Powers of State Governors

The Bill limits gubernatorial directives to those necessary for public safety, order and Community Policing.⁸ On its face, this provision appears consistent with democratic accountability, as Governors are elected by the people and constitutionally bear political responsibility for the security of lives and property within their states. However, the Bill does not define these parameters or establish a clear constitutional mechanism to resolve disputes where the lawfulness of a directive is contested. Without adequate safeguards, a governor could potentially direct the State Police to disrupt opposition rallies, intimidate political rivals, interfere with peaceful protests, or selectively enforce criminal laws — exposing Commissioners of Police to conflicting obligations between the elected executive and fidelity to the Constitution.

RECOMMENDATION The definition of “necessary directives” and the establishment of a clear constitutional mechanism — through the State Police Council — to review such directives before implementation are important. Such directives could also be limited through judicial review, as is done in the United

⁶See India's Supreme Court approach where they established a State Security Commissions.

⁷This practice would cause a shift from political gridlock to cooperation for a common good/ideology.

⁸Para. 4 (iii), CFRN (Alteration Bill), 2020 (SB. 248).

Kingdom. An Independent Council, as suggested above, could also provide balance where a State Commissioner of Police is conflicted as to lawfulness: Council members may be required to vote, with the outcome binding on the Commissioner unless the Court intervenes to the contrary.

3. No Constitutional Policing Recruitment Standards



Accountability and oversight: the missing constitutional safeguard.

The Bill needs to contain constitutional minimum standards for the recruitment, training, use of firearms and force, forensic capacity, discipline and removal of its members and officers. Although the Bill provides for a transition period of 24 months from becoming an Act for officers to transition to federal or state service (subject to that state's recruitment requirements), it is hoped that the Council to be established would provide the required framework.

4. Poor Constitutional Division of Functions & Coordination Framework

Constitutional uncertainty surrounding the jurisdiction, responsibility and limitations of the two police organizations would inevitably create clashes. For instance, which organization investigates crimes such as cybercrime, terrorism, interstate kidnapping, pipeline vandalism, electoral violence, and financial crimes? Where crimes are committed interstate, questions arise as to which organization takes custody, who leads investigations, and who prosecutes. The Bill provides very little in the way of resolving these problems.

RECOMMENDATION Interstate or international crimes, treason, riot and serial murder should fall within the jurisdiction of the Federal Police Service, and may be handled by the State Police Service where the Federal Police Service is not investigating or has given permission for the state to proceed. State prosecution can be limited to state laws, while federal prosecution would apply to federal laws or multi-state offences.

5. Funding of State Police

While the Bill empowers states to establish police services, it provides limited guidance on sustainable financing. This omission is significant, especially as the fiscal capacities of Nigerian states vary considerably.

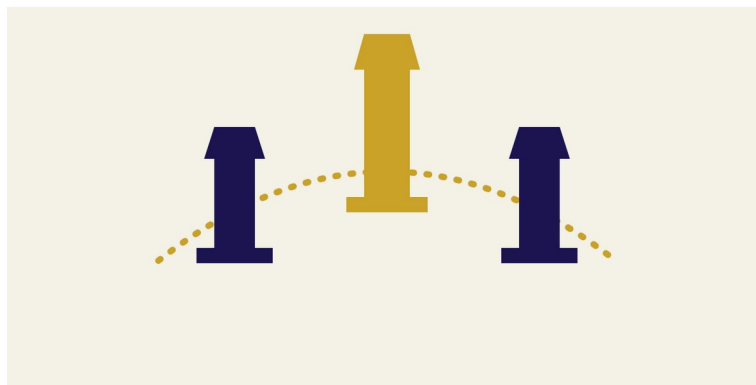
RECOMMENDATION A security fund may be established, with the Federal Government allocating a percentage of the revenue or allocation due to each state into its respective fund.

6. Police Ethics and Rules

While not contained in the available Bill, we believe there ought to be a general standard, applicable throughout the federation, to checkmate the conduct of police officers — whether federal or state — to avoid states picking and choosing which standard they wish to uphold. Police officers who unjustly kill or harm any citizen should risk losing pension benefits, which could instead compensate the family of the deceased or victim. Such a mechanism would put an end to the days of officers acting without effective statutory consequence.

States with stronger internally generated revenue may establish modern, technologically equipped police organizations, whereas financially weaker states could struggle to provide adequate salaries, operational equipment, forensic facilities, training, or welfare. The resulting disparities may create unequal access to security across the federation. A constitutional reform of this magnitude should therefore be accompanied by minimum funding standards and, where appropriate, intergovernmental financial support mechanisms, to ensure that the quality of policing does not depend solely on the economic fortunes of individual states.

Other loopholes identified include: silence on intelligence sharing and database management; absence of an independent civilian complaints commission; no constitutional protection against politicized recruitment; no human rights oversight; unclear appointment and removal procedures for Commissioners; and no transitional framework upon enactment of the Bill.



Federal and state police, working in coordination rather than in competition.

CONCLUSION

The greatest achievement of SB 248 is its proposal to relocate policing from the Exclusive Legislative List to the Concurrent Legislative List. This long-awaited constitutional reform finally and properly reflects the federal character of the country in its security architecture. However, it requires further review and proper redrafting before being officially passed into law.

While the Bill establishes a decentralized policing system, it additionally needs to create a sufficiently decentralized accountability system. Creating robust state police institutions that enjoy their own autonomy, as opposed to being vulnerable to executive influence and pressure⁹, would remove the necessity for further reform on

⁹Executive pressures cannot be totally avoided; however, closing the identified loopholes would reduce how much “executive pressure” can be exerted on States’ Commissioners of Police.

this matter, and the need for a multiplicity of — and, inevitably, collision between — laws that treat the same subject.