








FORCE ORDER NO 20 AS AMENDED

FREE LEGAL SERVICES TO ARRESTED AND/OR DETAINED PERSONS
IN POLICE FORMATIONS AND MEMBERS OF THE FORCE
UNDER THE POLICE DUTY SOLICITOR SCHEME:



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1. This force order presents the essence of the Police Duty Solicitor Scheme as a mechanism for the provision of free legal services in Police formations, in fulfillment of the legal and constitutional obligations concerning procedures for arrest, detention and trial of suspects by the Nigeria Police Force with a view to enhancing democratic policing in the country as well as rendering the needed legal assistance to members of the force.
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2. The Police Duty Solicitor Scheme as captured in this Force Order, aims to contribute to the realization of the ongoing reform programme of the Inspector General of Police. This Force Order will:
- i. Foster community policing and strengthen service delivery by the Police,
 - ii. Increase protection and promotion of the legal and human rights of suspects and detainees,
 - iii. Improve accountability and transparency in the Police Force.
 - iv. Promote access to justice for the poor, vulnerable and marginalized persons.
 - v. Improve the quality of legal assistance and justice delivery in Nigeria.
 - vi. Increase Nigeria's compliance with her international human rights obligations.
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3. PROCEDURES

- i. Legal services are to be available to all arrested and detained persons at all reasonable times in all Police formations in Nigeria.
- ii. Police Duty Solicitors where available, are to be posted to every Police formations in Nigeria.
- iii. Police Duty Solicitors shall first be posted to the State Criminal Investigation Department and then to other Police Formation within the state.
- iv. Police Duty Solicitors are to work closely with the Human Rights Desk Officer (HRDO) in each Police formations.
- v. Police Duty Solicitors are to be provided by either individual or institutional legal aid service providers.
- vi. The Human Rights Desk Officer in all Police formations, is to ensure that suspects access the services of Police Duty Solicitors.
- vii. Police Duty Solicitors are to maintain a schedule, on an 8 hour rotation basis in each Police formation where they operate.
- viii. The Officer in Charge of the Police formation or his designation shall provide the Police Duty Solicitor with access to arrested and/or detained persons and complainants at the Police formations.







4. **ADVISORY COMMITTEE:**

- a. There shall be constituted a Duty Solicitor Advisory Committee made up of the following:
 - i. Deputy Inspector General of Police, Force CIID,
 - ii. CP Legal of the Nigeria Police Force.
 - iii. Legal Aid Council of Nigeria
 - iv. Open Society justice Initiative.
 - v. Rights Enforcement and Public Law Centre.
 - vi. Nigerian Bar Association.
 - vii. Police Service Commission.
 - viii. National Youth Service Corp.
 - ix. National Human Rights Commission.
 - x. Attorney General of the Federation/States.
 - xi. National Orientation Agency
 - xii. Chief Judge of the State
- b. The Advisory Committee shall meet periodically (every three months) with the Deputy Inspector-General of Police or the Commissioner of Police in the states and the DC Legal Aid Council or its Supervisor in the states to review, advise and resolve any outstanding issues affecting the effective implementation of the Scheme.
- c. The services of the Advisory Committee shall be on a pro-bono basis.
- d. The Advisory Committee shall be replicated at state levels.
- e. The Advisory Committee shall compile annual reports to be submitted to the Inspector General of Police





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- f. The Advisory Committee shall engage in advocacy and training activities for both the Police Duty Solicitors and the Police Force.
 - g. The Advisory Committee shall prepare regulations to guide its operational activities.

5. LEGALITY OF THE SCHEME:



Section 36(5) of the Constitution of the Federal Republic of Nigeria 1999 (1999 Constitution) provides for presumption of innocence of a person charged with a criminal offence. This provision entitles all accused persons to be treated with the utmost dignity and respect as an innocent person until such a person is proven guilty by a court of law. Section 36(5) of the 1999 Constitution provides that every person who is charged with a criminal offence shall be entitled to the following:

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- a) Be informed promptly in the language that he understands and in detail of the nature of the offence.
 - b) Be given adequate time and facilities for the preparation of his defence;
 - c) Defend himself in person or by legal practitioner of his own choice;
 - d) Examine in person or by his legal practitioner, the witness called by the prosecution before any court or tribunal and obtain the attendance and carry out the examination of witness to testify on his behalf before the court or tribunal on the same conditions as those applying to the witnesses called by the prosecution;
 - e) Have, without payment, the assistance of an interpreter if he cannot understand the language used at the trial of the offence;
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6. The Police Duty Solicitor Scheme is in tandem with the provisions of the 1999 Nigerian Constitution, the 2015 Administration of Criminal Justice Act, African Charter on Human and Peoples Rights, CAPA11 Laws of the Federation of Nigeria, 2004. The Luanda Guidelines on policing in Africa and all other principles of human rights and access to justice.

7. This scheme which based on partnership between the Nigeria Police Force, the Legal Aid Council of Nigeria and the Open Society Justice Initiative is built on cooperation, openness, mutual respect and above all respect for the rule of law, due process and constitutional rights of citizens and duties of government.

8. **BENEFITS.**

The PDSS is aimed at:

- i. Contributing to the realization of the reform programme of the present Police Administration, by improving the quality of justice delivery in Nigeria.
- ii. Providing to the users of the Criminal Justice System especially the poor, unrepresented or illiterate, basic legal advice and assistance.
- iii. Fostering community policing and strengthening of service delivery by the Police to the citizenry.

9. **DUTIES AND RESPONSIBILITIES OF THE PARTIES**

(a) The Nigeria Police Force shall:

- i. Support Duty Solicitors in the performance of their duties by ensuring for the Duty Solicitors access to suspects in custody through the Police Liaison Officers.











- ii. Assist the Legal Aid Council and the Duty Solicitors with information that would lead to the just and quick determination of a matter and thereby avoid undue hardship to innocent suspects.
- iii. Assist the council generally to implement the Scheme effectively in all states.







(b) The Nigeria legal aid council shall:



- i. Provide the services of lawyers to be known and referred to as Duty Solicitors who shall be responsible for the operation of the Scheme throughout the 36 States of the federation and the Federal Capital Territory Abuja.
- ii. Designation and deploy from time to time, such number of Duty Solicitors in the States as shall be appropriate for the effective implementation of the Scheme. The Director General of Legal Aid Council shall promptly notify the Inspector General of Police and State Police Commissioners of such designation and of their deployment.
- iii. In each state, the PDSS shall operate in the State Criminal Investigation Department and a designated Police Station within the State. Subject to the outcome of an end-of-year review with the state Police Commands, the PDSS may be expanded to other divisions of the Police Force within the state based on the need and availability of resources. The Inspector General of Police and the DC Legal Aid Council will consult with the State Police Commissioners in designating the Police station(s).
- iv. A Roaster will be prepared by the Legal Aid Council supervisor in the state scheduling the Duty Solicitors on a daily eight-hour schedule in the office designated for the scheme within the premises of the State Criminal Investigation Department (CID) or any other office within any Police Division in the State.



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- v. The Roaster will include the names of the lawyers, their mobile phone numbers together with the days and hours they would be on duty at a designated Police Station. There would also be a telephone number of the Legal Aid Council office or an officer of the council co-ordinating the schedule of the scheme, who would contact the lawyers when the need arises where the relatives cannot get through to the lawyer on duty.
 - vi These telephone numbers and other information would be kept at the most conspicuous place at the Police station for use by relatives of suspects when the lawyer is not available.
 - vii The Police shall designate an SPO or INSPECTOR as Liaison Officer in the State Criminal Investigation Department and in all designated Police Stations. The Liaison Officer shall be a lawyer under the supervision of the OC Legal or the OC CID and the Divisional Police Officer respectively.
 - viii The Liaison officer, with the assistance of CROs on duty, will be responsible for ensuring the smooth operation of the scheme by ensuring that the suspects gets the services of the Duty Solicitor within the station.
 - ix The Duty Solicitors shall maintain a 24-hour duty schedule, on an 8-hour rotation, to be supervised by Legal Aid Council in the States. The rotation shall be scheduled and managed by the Legal Aid Council supervisors in the state in consultation with the State Police Command.
 - x The Duty Solicitors would work with the Police Liaison Officer. The office of the Police Liaison Officer would be located within the State Criminal Investigation Department and the designated Police Station(s), where he/she would be able to observe the happenings in the counter.
 - xi The Police Liaison Officer shall provide the Duty Solicitors with access to complaints reported at the Station.
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- xii. There shall be a pre-implementation sensitization training and subsequent periodic training for about forty personnel of the Police Force in the State. The training would involve CROs, Liaison Officers, Divisional Police Officers and Crime Officers in each of the implementing States.
 - xiii. There shall be a periodic training for the Duty Solicitors, who would be responsible for the operation of the scheme.
 - xiv. Monthly reports on the implementation of the scheme from the Duty Solicitors would form the basis of the periodic meetings of the Advisory Committee.

(c) The Open Society Justice Initiative shall

- i. Provide technical assistance such as training of both the Duty Solicitors and personnel of the Nigeria Police Force engage in the implementation of the Scheme.
- ii. Produce a manual for PDSS and monitor the effective implementation of the Scheme.
- iii. Provide co-ordination, convening or such other support as may be considered necessary for the effective implementation of the scheme.
- iv. The parties shall promote and create awareness on the scheme and disseminate information about the scheme to the public through Radio, Jingles, Posters and other promotional materials.
- v. The parties shall work together to mobilize funding for the effective implementation of the scheme.



10. THE DUTY SOLICITORS SHALL:

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- i. MAINTAIN an open and cordial communication with the Police and contribute to public safety and security.
 - ii. REPORT to Police stations regularly at appropriate time and attend to the legal needs in a professional manner and in accordance with the law.
 - iii. WORK with the State Police command Legal Unit, the Divisional Police Officers and Officers and men of the Police Force to realize the highest standards of respect for dignity of detainees and suspects both public and members of the force.
 - iv. WORK with utmost diligence in securing the rights of detainees/suspects when appropriate under the law.
 - v. PROVIDE such reports on his/her activities as may be required for effective monitoring of activities of the scheme.
 - vi. PARTICIPATE in such other activities and case work as may from time to time be assigned to them by the Director General.
 - vii. MAINTAIN the highest standards of professional ethics and conduct in the overall performance of their duties.

Issued by:



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Inspector-General of Police.
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