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Police Use of Firearms and Civilian Protection: Legislative Measures for Accountability and Oversight

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Introduction

The use of firearms by law-enforcement personnel is an essential component of policing where necessary to protect life and prevent serious threats, but it carries significant implications for the rights to life, dignity and personal security. In Nigeria, the Nigeria Police Act 2020 establishes accountability, transparency and protection of human rights as core principles of policing, while requiring police operations to uphold fairness, justice and equity.[1] International standards similarly require the use of force and firearms to comply with the principles of legality, necessity, proportionality, precaution and accountability, with non-violent means preferred wherever they can achieve the lawful policing objective.[2]

Despite these legal and normative safeguards, concerns surrounding excessive use of force, police misconduct and weak accountability mechanisms continue to make the regulation of police firearms and civilian protection important areas for legislative attention. The Police Act 2020 provides for a Police Complaints Response Unit (PCRU) to receive complaints concerning misconduct, including cases involving death, serious injury and gross human-rights violations, and requires investigation reports to be submitted within 21 days.[3] However, strengthening the independence, transparency and effectiveness of investigation and oversight mechanisms remains relevant to ensuring meaningful accountability and access to remedies for victims. Accordingly, this Issue Brief examines the legal and operational framework governing police use of firearms; assess existing mechanisms for police accountability and oversight; and propose legislative measures to strengthen responsible use of force, civilian protection, investigation of alleged abuses and access to justice and remedies.

Regulation of Police Firearms Use and the Application of Force

The legal framework governing police use of force in Nigeria is anchored principally in the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the Nigeria Police Act, 2020. Section 33 of the Constitution protects the right to life, while section 33(2) recognises limited circumstances in which death resulting from force may not constitute a violation of that right, including defence against unlawful violence, effecting a lawful arrest or preventing escape, and suppressing riot, insurrection or mutiny, provided that the force used is reasonably necessary.[4] The Nigeria Police Act further establishes accountability, transparency and protection of fundamental rights as principles of policing and requires the Police Force to uphold the rights and dignity of persons in the course of

[1] Nigeria Police Act, 2020, No. 2, Laws of the Federation of Nigeria

[2] United Nations Office of the High Commissioner for Human Rights. (2020). Resource book on the use of force and firearms in law enforcement. *United Nations.*

[3] Nigeria Police Act, 2020, No. 2, Laws of the Federation of Nigeria

[4] Constitution of the Federal Republic of Nigeria, 1999 (as amended).

its operations.[5] These provisions should be read alongside the Revised Force Order 237, which provides operational guidance on the use of force and firearms, including the principle that firearms should not be used merely because an officer is armed and that lethal force is subject to strict conditions relating to protection of life.[6]

Legislative attention is therefore required to ensure that the statutory framework is translated into consistent operational practice. The Nigeria Police Act, 2020, particularly its provisions on humane treatment, unnecessary restraint and police conduct, provides a foundation for limiting arbitrary or excessive force. The Anti-Torture Act, 2017 also reinforces the prohibition of torture and cruel, inhuman or degrading treatment by public officials, including law-enforcement personnel.[7] Accordingly, the National Assembly may consider strengthening statutory requirements for comprehensive firearms training, mandatory reporting and independent review of firearm discharges, clear recording of the justification for force used, and effective sanctions for unlawful or excessive use of firearms. Such measures would reinforce the constitutional protection of life while ensuring that legitimate police functions can be performed within the principles of legality, necessity, proportionality and accountability.

Accountability, Investigation and Oversight of Police Misconduct

Accountability for police misconduct is supported by the Nigeria Police Act, 2020, which establishes the Police Complaints Response Unit (PCRU) at Force Headquarters and in all State Commands and the Federal Capital Territory. The Unit is empowered to receive complaints from members of the public and police personnel, including allegations involving death, serious injury, gross human-rights violations, criminal conduct and professional misconduct. The Act further requires investigation reports to be submitted to the Unit within 21 days and provides for the forwarding of findings and recommendations to the appropriate police or oversight authority for disciplinary action where misconduct is established.[8]

External oversight is also important to ensure that investigations of police misconduct are credible and that disciplinary decisions are not confined solely to the institution being investigated. The Police Service Commission (PSC) has constitutional and statutory responsibilities relating to police discipline and maintains structures for handling pending disciplinary matters, appeals, petitions and public complaints.[9] Legislative attention should therefore focus on strengthening the independence and capacity of complaints mechanisms, ensuring timely and transparent investigation of alleged abuses, improving coordination between the PCRU, PSC and other relevant oversight institutions, and requiring systematic reporting on complaints, investigations and disciplinary outcomes. These measures can enhance institutional accountability, strengthen public confidence and provide more effective remedies for victims of police misconduct.

Strengthening Legal Safeguards for Civilian Protection and Access to Justice

Nigeria's legal framework provides important safeguards for civilians through the 1999 Constitution, the Nigeria Police Act, 2020, and the Administration of Criminal Justice Act, 2015, particularly in terms of protections of life, dignity, fair hearing and lawful treatment.[10] However,

[5] Nigeria Police Act, 2020, No. 2, Laws of the Federation of Nigeria

[6] Nigeria Police Force (2019). Revised Force Order 237: Manual of guidance on the use of force, firearms and less lethal weapons by police officers.

[7] Anti-Torture Act, 2017, No. 26, Laws of the Federation of Nigeria.

[8] Nigeria Police Act, 2020, No. 2, Laws of the Federation of Nigeria.

[9] Police Service Commission (2026). Police discipline. *Police Service Commission*.

[10] Administration of Criminal Justice Act, 2015, No. 13, Laws of the Federation of Nigeria.

comparative experience demonstrates the value of stronger, genuinely independent civilian oversight. In Kenya, the Independent Policing Oversight Authority (IPOA), established under *the* Independent Policing Oversight Authority Act, 2011, independently investigates police misconduct, including deaths and serious injuries resulting from police action, monitors police operations and can recommend prosecution or disciplinary action.[11] Similarly, South Africa's Independent Police Investigative Directorate (IPID) is legally mandated to investigate deaths in police custody, deaths arising from police action, complaints concerning the discharge of official firearms, as well as torture and assault by police officers. Police authorities are also required to report specified incidents promptly to IPID and respond to its disciplinary recommendations.[12]

These experiences suggest that Nigeria could strengthen civilian protection by establishing clearer statutory safeguards for independent investigation of deaths, serious injuries and firearm-related incidents involving police officers, alongside accessible complaint procedures, witness protection, legal assistance and timely remedies for victims. In the same vein, Ghana also provides a relevant regional example through its Police Professional Standards Bureau, which investigates public complaints and police misconduct and maintains a database of complaints.[13] Accordingly, legislative reform in Nigeria could strengthen the independence and resources of existing oversight institutions, require automatic referral of specified serious incidents to an independent body, guarantee complainants access to information on case outcomes, and establish enforceable timelines for investigation and disciplinary or prosecutorial action. Such measures would reinforce the constitutional protection of civilians and improve access to justice while strengthening public confidence in policing.

Recommendations

- Senate and House Committees on Police Affairs, Judiciary and Human Rights Assembly may amend the Nigeria Police Act, 2020, to expressly define the circumstances and thresholds for police firearm use, as well as necessity and proportionality; mandatory reporting and independent review of firearm discharges causing death or serious injury; and periodic firearms training and certification. They may engage the NPF, PSC, Ministry of Police Affairs, NHRC and Federal Ministry of Justice in implementing the reforms.

- The Nigeria Police Act, 2020 may be amended to require mandatory independent investigation of police incidents involving death, serious injury, torture or unlawful firearm discharge, with clear investigative timelines and disclosure of outcomes to victims or their families. The Senate and House Committees on Police Affairs, Human Rights, Judiciary and Public Petitions should engage the PSC, NPF, NHRC, Federal Ministry of Justice and NJC to strengthen oversight and disciplinary mechanisms.

- The Nigeria Police Act, 2020, alongside relevant human-rights legislations, should be amended to strengthen complaint procedures, legal assistance, protection of complainants and witnesses, notification of investigation outcomes and access to remedies or compensation for victims of established police misconduct. The Senate and House Committees on Human Rights, Judiciary, Police Affairs and Public Petitions should engage the NHRC, Legal Aid Council,

11 Independent Policing Oversight Authority (2011). Independent Policing Oversight Authority Act, 2011 (No. 35 of 2011). *Republic of Kenya.*

12 Independent Police Investigative Directorate (2011). Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011). *Republic of South Africa.* *IPID Act*

13 Ghana Police Service (2026). Police Professional Standards Bureau. *Ghana Police Service*

PSC, NPF, Federal Ministry of Justice and NJC to ensure effective implementation.

Conclusion

Effective regulation of police use of firearms is essential to balancing legitimate law-enforcement responsibilities with the constitutional protection of life, dignity and fundamental rights. Strengthening the Nigeria Police Act, 2020, independent investigation mechanisms and civilian access to justice would promote greater accountability, professionalism and public confidence in policing. The National Assembly, therefore, has an important role in closing legislative gaps, strengthening oversight and ensuring that the use of force remains lawful, necessary, proportionate and subject to effective accountability.

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