

Responses to Information Requests - Immigration and Refugee Board of Canada

Nigeria: Documents issued by the police during criminal investigations or in response to a complaint, including their appearance and security features; procedure to obtain a copy; the nature and extent of communications between police stations in the country, including the computer networks available to them and the information they share (2018–October 2020)

1. Documents Issued by the Police During Criminal Investigations or in Response to a Complaint [1]

Sources indicated that a victim or witness who reports a crime to the police gives a ["documented" (Senior Advocate of Nigeria 21 Oct. 2020)] statement (Senior Advocate of Nigeria 21 Oct. 2020; Principal Partner A 22 Oct. 2020). In correspondence with the Research Directorate, a principal partner of a law firm with offices in Lagos and Ekiti states, which provides pro bono legal services on human rights violations, added that when the police investigate the matter, a police report is generated (Principal Partner A 22 Oct. 2020). In correspondence with the Research Directorate, a Nigeria-based law firm with branches in Lagos state, Edo state and Abuja, whose practice areas include criminal litigation, stated the following:

In Nigeria, when cases are reported to the police, investigation commences, and an officer known as the Investigation Police Officer (IPO) is charged with the responsibility of carrying out the investigations and obtaining statements from the victims, witnesses and suspects. The IPO reports to the team leader in charge of the case – usually the Division Crime Officer (DCO) of the police division. (Nigerian law firm 22 Oct. 2020)

In correspondence with the Research Directorate, the Principal Partner of a Lagos-based law firm that provides legal and consultancy services to NGOs stated that the Nigeria Police Force (NPF), as a public institution, is mandated by law to keep the following records:

- petition by complainant or witnesses
- police report on the incident[t] reported
- witness statements
- medical report
- exhibits recovered
- record of all exhibits
- search warrant
- arrest warrant
- search report
- record of detainees' belongings
- detention orders
- bail application
- bail bond
- charge sheets, etc. (Principal Partner B 23 Oct. 2020).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

For additional information on documents issued by the NPF, including legislation on police record keeping, see Response to Information Request NGA106379 of November 2019.

2. Appearance and Security Features

In correspondence with the Research Directorate, a Senior Advocate of Nigeria and chartered arbitrator at a Lagos-based law firm whose practice areas include criminal law indicated that "the [police] reports are issued on the regular police letterhead of the police division or office" (Senior Advocate of Nigeria 21 Oct. 2020). The same source further stated that the police report format will differ from state to state and from station to station, depending on who writes the report and what its purpose is (Senior Advocate of Nigeria 21 Oct. 2020). In contrast, the Principal Partner of the law firm with offices in Lagos and Ekiti states indicated that police reports have "a uniform standard nationwide" (Principal Partner A 22 Oct. 2020). Similarly, the Principal Partner of the Lagos-based law firm reported that, as an agency of the federal government, the NPF is expected to have a standardized format for reporting, with possible small variations (Principal Partner B 23 Oct. 2020). The same source specified that "[s]uch variations include the difference in the names of the [p]olice [d]ivision from which the report emanated; however, the content is substantially the same. There is a uniform letterhead paper on which such reports are to be documented" (Principal Partner B 23 Oct. 2020).

The Nigerian law firm likewise stated the following:

The police report is written in a standard police form but the content varies depending on the nature of the case. The [NPF] ... uses a standard form approved by the force headquarters in Abuja. A typical police report has the police force logo printed on the letterhead of the first page, the issuing unit's 'telegraphic address' on the left side of the first page, the issuing unit's address on the right side of the page, a reference or file number, date and the signing authority. The police investigation report will contain a description of the offence, the name of the complainant, the name of the suspect and will be addressed to the applicant. (Nigerian law firm 22 Oct. 2020)

Sources indicate that there are no security features on police reports (Nigerian law firm 22 Oct. 2020; Principal Partner B 23 Oct. 2020; Principal Partner A 22 Oct. 2020), except "the stamp by the issuing office" (Principal Partner A 22 Oct. 2020) or the signature "of the issuing officer and the stamp of office [along] with the stamp identifying the document as a certified true copy" (Principal Partner B 23 Oct. 2020).

A sample of a 2019 police report issued by the Nigeria Police Divisional Headquarters in Ikenne-Remo in Ogun state, provided by the Senior Advocate of Nigeria, is attached to this Response (Attachment 1). A sample of a 2020 police investigation report issued by the State Criminal Investigation Department in Yaba in Lagos State, provided by the Nigerian law firm, is attached to this Response (Attachment 2). For additional samples of police reports, see Response to Information Request NGA106379 of November 2019.

3. Procedure to Obtain a Copy of a Police Report

Sources stated that since police statements, reports and court documents are considered public record, these documents are available to "any interested party" (Nigerian law firm 22 Oct. 2020) or "any member of the public" (Principal Partner B 23 Oct. 2020).

3.1 Documents Issued to a Defendant

The Nigerian law firm stated that

[i]f the suspect is charged to court, the charge sheet and the Proof of Evidence, which is a bundle of the statement[s] and all other documentary evidence obtained during the investigation, will be served on the defendant or his counsel (if any). (Nigerian law firm 22 Oct. 2020)

The Senior Advocate of Nigeria similarly stated that when a case goes to court, the defendant or defendants are provided with the statements made by victims and witnesses as well as the documented statements and report of the Investigating Police Officer, which are collectively "known as the 'Proof of Evidence' or court documentation" (Senior Advocate of Nigeria 21 Oct. 2020).

3.2 Documents Issued to a Victim or a Witness

The Senior Advocate of Nigeria indicated that a victim or witness can obtain a copy of the police report by applying in writing with "sufficient" details for the police to retrieve the statement from their records and by paying a "small administrative fee" (Senior Advocate of Nigeria 21 Oct. 2020). The Principal Partner of the law firm with offices in Lagos and Ekiti states reported the following procedure to obtain the police report:

Information needed will be information concerning the complainant/applicant as to name, age, occupation and tribe/religion. It usually doesn't take much time, depending on the availability of the applicant to do the necessary follow up. There are no standard fees. (Principal Partner A 22 Oct. 2020)

The Nigerian law firm described the following procedure:

A victim or witness can obtain the certified true copy([ies]) of the statement and police report by writing to the DPO [Divisional Police Officer] in charge of the police station through the IPO. In making the application for the copy, the requestor will have to provide basic information like name, address, [and] the reason for the request. (Nigerian law firm 22 Oct. 2020)

The same source added that

where such crimes are yet to be prosecuted and still within the police station, the fees for obtaining the documents are largely unofficial, which always depends on the relationship between a particular requestor and the police officers involved.

On the timeline, certified true copies of documents of this nature can be obtained within one week of the requestor's application. (Nigerian law firm 22 Oct. 2020)

The Principal Partner of the Lagos-based law firm indicated that when the crime reported is "not yet a subject of litigation," complainants or witnesses can obtain the police record by applying in writing under the *Freedom of Information Act, 2011 (FOI Act)* (Principal Partner B 23 Oct. 2020). A complete copy of the *FOI Act* could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources reported instances of police refusing to release their reports upon application by a requestor, because of vested interests (Nigerian law firm 22 Oct. 2020; Principal Partner B 23 Oct. 2020). The same sources explained that, upon the police's refusal, complainants or witnesses can apply for a court order to require the police to fulfill the demand for the requested documentation (Nigerian law firm 22 Oct. 2020; Principal Partner B 23 Oct. 2020).

The Nigerian law firm indicated that when the case has proceeded to the court, the "victim or witnesses can apply for certified true copies of the court papers from the registry of the court" (Nigerian law firm 22 Oct. 2020). The same source added that "it costs an average of one hundred Naira [(NGN)] [C\$0.34] per page to obtain certified true copies of court processes" (Nigerian law firm 22 Oct. 2020). The Principal Partner of the Lagos-based law firm similarly stated that if the case is "pending before a court, the complainant or witness can apply to the court (either orally or in writing) for an order commanding the prosecution to provide him with the proof of evidence which contains all such documents" (Principal Partner B 23 Oct. 2020).

3.3 Obtaining a Copy of a Police Report from Abroad or by Proxy

The Principal Partner of the Lagos-based law firm stated that the police response to a request for a police report from an overseas requestor

may vary depending on their perception of the purpose for the request of such documents. ...

It is also possible however, that the police in many instances may decide to turn down the request. ...

The *FOI Act* does not limit the persons that may request for information under the Act to Nigerian citizens, or persons based in Nigeria. Section 31 of the *FOI Act* describes an applicant as 'any person who applies for information pursuant to the Act'. This is wide and may cover persons making application from abroad. The said applicant does not need to demonstrate that he has any specific interest in information sought.

It is therefore my opinion that applicants for criminal records who are based outside Nigeria may make application for such records upon the authority of the *FOI Act*. (Principal Partner B 23 Oct. 2020)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Senior Advocate of Nigeria added that "the same procedure [as for an applicant in Nigeria] applies" to those applying from abroad and that the requestor can use an "agent or a third party" (Senior Advocate of Nigeria 21 Oct. 2020). Similarly, sources

indicated that overseas requestors can apply for the police report through a lawyer (Principal Partner A 22 Oct. 2020; Nigerian law firm 22 Oct. 2020) or through "any individual" (Nigerian law firm 22 Oct. 2020).

4. Nature and Extent of Communication Between Police Stations [2]

According to the Nigerian law firm, the NPF

has a communication system whereby information is shared among the various units in the force. For example, if officers from a different division are to carry out an operation in another division, the divisional head of that division will be notified accordingly. (Nigerian law firm 22 Oct. 2020)

Without providing further details, the Senior Advocate of Nigeria similarly noted that the police have "a way of sharing information and tracking persons of interest amongst their various formations where and when it is required" (Senior Advocate of Nigeria 21 Oct. 2020).

The Principal Partner of the law firm with offices in Lagos and Ekiti states indicated that "[i]nformation sharing [between police stations] is not as robust as it should be" (Principal Partner A 22 Oct. 2020). Without providing further details, the Principal Partner of the Lagos-based law firm similarly stated that although "forensic departments exist in some police formations, tracking persons of interest [is] not yet as seamless as would be desirable" (Principal Partner B 23 Oct. 2020). In correspondence with the Research Directorate, a senior lecturer at Northumbria University in the UK, who has conducted research on the Nigerian police, indicated that

[p]olice records are recorded and kept manually in hard copy, though some are kept electronically at the state commands or headquarters of the police. Police do not have a viable inter-state communication or information sharing system. Though, in rare cases, there could be information sharing on matters of national or political interest. In some situations, the police do work together to share information and/or assist another state to investigate or resolve crimes. (Senior Lecturer 10 Oct. 2020)

The same source added that the "records of crimes are not up-to-date and most reported cases are [also] not recorded due to officers' fatigue and nonchalant attitude" (Senior Lecturer 10 Oct. 2020).

4.1 Police Computer Database

According to the Nigerian law firm, the NPF "presently do not have an effective e-sharing system for information tracking and sharing" (Nigerian law firm 22 Oct. 2020). The Principal Partner of the law firm with offices in Lagos and Ekiti states similarly noted that the "use of [the] computer network and electronic database is still very low among police formations in Nigeria" (Principal Partner A 22 Oct. 2020). The Senior Lecturer indicated that

there is a computer network and electronic crime database, but they are not in all the police commands and this has a major effect on information sharing and tracking of persons of interest across Nigeria. The crime database is still at the

developmental stage and the police resources (both human and financial) cannot be deployed to make this work effectively. ... [T]he police can only work effectively with a viable national database. As [of] today, the Nigerian government isn't committed to the development of the national database and this has also affected the way and manner the police do their job. (Senior Lecturer 10 Oct. 2020)

Media sources cite an April 2019 statement from the NPF as indicating that it is working on implementing a digital case management solution that will enable the NPF to "enrol, identify and verify individuals, suspects, and persons of interest through a robust and secure biometric database" (*The Guardian* 23 Apr. 2019; *This Day* 28 Apr. 2019). The same sources quote Dr. Agu Osoka, Managing Director of Biosec Solutions and co-leader of the project, as stating that the upgrade will allow the NPF to "integrate with the National Identity Management Commission database" (*The Guardian* 23 Apr. 2019; *This Day* 28 Apr. 2019). For additional information on the National Identity Management Commission, including the Nigerian national identity database, see Response to Information Request NGA106187 of November 2018.

The *Guardian*, a Nigeria-based newspaper (*The Guardian* n.d.) indicates that, in December 2019, President Muhammadu Buhari announced the creation of the Nigeria Police National Command and Control Centre, aimed at enhancing the NPF's operational coordination and real-time situation monitoring, and the launch of the first phase of the Nigeria Police Crime and Incident Data Base, which is to "aid the Nigeria [p]olice in acquiring a credible electronic criminal data base to support criminal investigation and strategic operational and tactical planning", according to the Inspector General of Police (*The Guardian* 21 Dec. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] Information on police reports could not be found among the Nigerian governmental sources consulted by the Research Directorate within the time constraints of this Response.

[2] Information on police communication between stations could not be found among the Nigerian governmental sources consulted by the Research Directorate within the time constraints of this Response.

References

The Guardian [Nigeria]. 21 December 2019. Terhemba Daka and Kanayo Umeh. "[Buhari Commissions Police Database Centres, Operational Vehicles in Abuja.](#)" [Accessed 15 Oct. 2020]

The Guardian [Nigeria]. 23 April 2019. Collins Olayinka. "[Police Undertake Technology Upgrade to Boost Manpower Efficiency.](#)" [Accessed 15 Oct. 2020]

[*The Guardian* \[Nigeria\]. N.d. "About Us."](#) [Accessed 15 Oct. 2020]

Nigerian law firm. 22 October 2020. Correspondence with the Research Directorate.

Principal Partner A, law firm with offices in Lagos and Ekiti states. 22 October 2020. Correspondence with the Research Directorate.

Principal Partner B, Lagos-based law firm. 23 October 2020. Correspondence with the Research Directorate.

Senior Advocate of Nigeria, Lagos-based law firm. 21 October 2020. Correspondence with the Research Directorate.

Senior Lecturer, Northumbria University, UK. 10 October 2020. Correspondence with the Research Directorate.

This Day. 28 April 2019. Kunle Aderinokun. "[Police Upgrade Operations, Personnel Technology](#)." [Accessed 15 Oct. 2020]

Additional Sources Consulted

Oral sources: Basic Rights Counsel Initiative; CLEEN Foundation; Network on Police Reform in Nigeria; Nigeria – Nigeria Immigration Service, Nigeria Police Force; Open Society Foundations – Africa Regional Office; Rule of Law and Accountability Advocacy Centre; three Nigeria-based law firms whose practice areas include criminal law.

Internet sites, including: BiometricUpdate.com; *Business Day*; ecoi.net; *Daily Trust*; Factiva; Freedom House; *International Journal of Innovative Technology and Exploring Engineering*; Nigeria – National Identity Management Commission, Nigeria Police Force; *The Punch*; Premium Times; UK – Home Office; UN – Refworld; US – Department of State; *Vanguard*.

Attachments

1. Nigeria. 12 September 2019. Nigeria Police Divisional Headquarters, Ikenne-Remo, Ogun. Sample of an interim police investigation report. Sent to the Research Directorate by the Senior Advocate of Nigeria, Lagos-based law firm, 21 October 2020.
2. Nigeria. 31 August 2020. Nigeria Police State Criminal Investigation Department, Yaba, Lagos. Sample of an interim police investigation report. Sent to the Research Directorate by the Nigerian Law Firm, 27 October 2020.