FROM ENFORCEMENT TO MEDIATION: EVALUATING THE NIGERIAN POLICE'S ROLE IN ADR UNDER THE NIGERIAN POLICE ACT 2020

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Abstract

Police establishments around the world are undergoing a resolute shift from a policing model defined by coercive and enforcement-based forms to a mediative and collaborative model. This shift is necessary to reform the age-old narrative of the police being henchmen to those in power. Accordingly, this reform is set out in the Police Act, 2020. The Police Act represents a legislative attempt to tailor this shift; the world as we know it is marked by transformations, and the law is no exception. Thus, a major innovation procured to replace a 'force-centred' approach in enforcing the resolution of disputes is mediation. The Act's provisions ascertain the legal basis, scope, and the police's role in Alternative Dispute Resolution (ADR). The Act also implicitly establishes a statutory groundwork for police involvement in ADR, primarily through its community policing framework. Furthermore, while this Act is an attempt to placate the public's trust in the police as a legal alternative for enforcement, it fails to provide a clear regulatory structure, creating risks of abuse and inconsistency. Thus, an imminent proposal for a normative framework of

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safeguards and procedures to legitimate and regulate this emerging function.

Keywords: Alternative Dispute Resolution, Mediation**,** Police Act

1.0 INTRODUCTION

Before the Police Act 2020, the Nigerian Police Force (NPF) had a deep colonial culture. This culture emerged as policing agents were posted into communities as representatives of the colonial government, serving as a visible presence of the colonial occupation of these communities.[1] In accounting for their overall comportment, the colonial approach to policing entailed an aggregation of military and civil policing powers in the enforcement of domestic social control.[2]

For a long period after colonialism, this culture was preeminent in the identity of the Force, being linked to the power of the badge, the handcuff, the baton and the charge sheet. The optics of the police in the mind of the average Nigerian was that of a brutal enforcer with the tools of prosecution, arrest, torture, extortion and detention.[3] This reputation fostered a deep-seated distrust, eroding the belief in police as friends and undermining the very essence of effective policing. However, the enactment of the Nigeria Police Act 2020 marked a vantage point,

[1] Ọláolúwa Òní, *'Understanding the Failure of Police Reform in Nigeria: A Case for Legal History Through Literature' Rapoport Center Human Rights Working Paper Series No. 3/2024* (Austin, TX, University of Texas School of Law, 2024) https://law.utexas.edu/wp-content/uploads/sites/31/2023/04/WPS_Oni2024.pdf (accessed 14 October 2025).
[2] Ibid
[3] *Addressing Police Brutality in Nigeria: A Crisis of Non-Implementation*, *Oxford Human Rights Hub* (Oxford, 2023) https://ohrh.law.ox.ac.uk/addressing-police-brutality-in-nigeria-a-crisis-of-non-implementation/ (accessed 14 October 2025).

indicating legislative intervention to redefine the reputation and functions of the Nigerian Police Force. The Act envisions a police service driven by the principles of accountability, transparency, and, most critically, partnership with the communities it serves.

This legislative shift settles salient questions: What is the legitimate role of a police officer when faced with a community dispute, a minor family or domestic quarrel, or a petty commercial disagreement that is not defined as a criminal offence? These questions are important because, while the instinct may still be to invoke an adversarial process of the law, an alternative, more collaborative approach is suggested by the Police Act. The Act confronts the challenges of the traditional enforcement model by entrenching the principles of community policing and repositioning the Police Force to be responsive and fair, ensuring its operations uphold the fundamental rights of every person in Nigeria.

Furthermore, the police are empowered to effectively prevent crime without infringing on individual liberties and to foster public cooperation to eradicate crime. It focuses on enhancing professionalism through training and ensuring respect for the rights of victims, and crime prevention.[4] It moves beyond creating a statutory regulation for the police to act not merely as law enforcers, but as facilitators and resolvers of conflict. These points directly relate to the sphere of Alternative Dispute Resolution (ADR).

Yet, this transition from enforcement to mediation is fraught with legal and enforcement ambiguity. The Act does not contain an explicit and clear

[4] *The Nigeria Police Act*, 2020 s.2

section expressly empowering the police to mediate. Instead, the authority is ambiguous, implied through a collective reading of provisions on community policing, the prevention of offences, and the duties of police officers. The statutory silence creates this implied reading. On one hand, police-led mediation holds the capacity of enhancing access to justice, resolving cases quickly, de-escalating conflicts, and rebuilding public trust. On the other hand, it carries inherent risks of coercion, abuse of power, and the infringement of fundamental rights, all made reasonable in light of the previous conduct of police officials without procedural certainty.

Accordingly, this work seeks to critically evaluate the legal basis, scope, and limitations of the Nigerian Police's role in Alternative Dispute Resolution under the Police Act. This paper argues that while the Act provides a legitimate, albeit implied, statutory mandate for police involvement in mediation, primarily through its community policing architecture, it fails to provide the necessary regulatory framework to guide this practice. Consequently, to realize the transformative potential of this shift and prevent its descent into arbitrariness, this implied power must be recognized, defined, and entrenched by a clear set of procedural safeguards. This article will also detail the statutory scope for police-mediated ADR, identify the attendant risks, and ultimately propose a normative framework to legitimate and regulate this important, yet precarious, aspect of modern policing in Nigeria.

2.0 LEGAL STRUCTURE FOR POLICE-MEDIATED ADR UNDER THE POLICE ACT, 2020

On 15 September 2020, the former President, Muhammadu Buhari signed to law the Police Act, 2020. This Act repealed the previous Police

Act[5] which was the overriding framework for decades. The Police Act 2020 reflects a structural overhaul of the existing functions and duties of the Nigerian Police Force (NPF). It seeks to modernize the operations of the Force by replacing a brutal means of enforcement, to a humane means through mediation. To bring to fore this revision, one must look beyond an express search for "power to mediate" and instead look at a holistic interpretation of its provisions, which were the intentions of the draftsmen?

It is submitted that the draftsmen envisaged an alternative. A choice between one of two or more possibilities, a choice between the traditional enforcement and mediation.[6] The preliminary sections of the Act set a new tone, establishing a normative framework that permeates the entire enactment. The Nigeria Police Force, established by the Constitution,[7] is saddled with the enormous responsibility of maintaining law and order in society.[8]This responsibility is duly contained in the objective of the Act, which is to provide for a police service based on accountability and transparency, and the protection of human rights and fundamental freedoms.[9]

Importantly, it includes partnership with other security agencies, a phrase which, when read with the rest of the Act, extends to partnership with communities.[10] This provision is further solidified with the outlines of the

[5] *Police Act* Cap P19 Laws of the Federal of Nigeria, 2004.
[6] *Essien v. Eskott* (2020) 11 NWLR (Pt. 1734) 177; *Gov.*, *Ekiti State v. Ojo* (2006) 17 NWLR (Pt. 1007) 95
[7] Constitution of the Federal Republic of Nigeria, 1999 (As Amended) s.214
[8] Sambo v. Nig. Army Council (2017) 7 NWLR (Pt. 1565) 400
[9] *Nigerian Police Act* 2020, s. 1
[10] Ibid s.1(c)

specific objectives and principles of the Act, including creating a police force that is responsive to the needs of the general public, upholds fundamental rights, and ensures that the police performs its functions by creating the enabling environment to foster cooperation and partnership between it and the communities.[11]

These principles are beyond aspirational; they are envisioned as operational directives. Thus, the emphasis on terms like "partnership," "responsiveness," and "cooperation" signifies a move away from a state-centered, brutal enforcement model towards a collaborative and synergetic approach to public safety. A police force that is truly in partnership with its community cannot limit its interaction to merely arrests and prosecutions.[12] It must be equipped to engage in a less adversarial and confrontational approach, to a more conciliatory method that communities use to manage conflict, prominent among them being mediation. Therefore, these foundational principles provide the ideological justification for integrating ADR into the police's standard protocol.

2.1 THE CORE FUNCTIONS: PREVENTION AND COLLABORATION AS STATUTORY DUTIES

The general duties of the police, as provided in the Act, establish the concrete functions and the procedures the police are to follow. Their primary function includes: to prevent and detect crimes, and protect the

[11] Ibid s.2

[12] United Nations Office on Drugs and Crime (UNODC), '*Policing Is Nothing Without the Community:* Strengthening Police and Community Partnerships in Nigeria' *UNODC Stories* (Nigeria, 2024) https://www.unodc.org/conig/en/stories/policing-is-nothing-without-the-community_-strengthening-police-and-community-partnerships-in-nigeria.html (accessed 14 October 2025).

rights and freedom of every person in Nigeria.[13] The highlighting of prevention is critical. While detection and investigation are attendant and reactive, prevention is inherent and proactive. It requires addressing the root causes and early stages of conflict before they escalate into criminal activity. Mediation serves as an effective tool for such preventative action, allowing officers to address conflict between neighbours, family members, or traders that, if left unresolved, could lead to assault, breach of peace, or damage to property.

As such, the Police Force is mandated to adopt community partnership in the discharge of its responsibilities under this Act.[14] The wording of the Act is clear and unambiguous, section 4(h) reproduced, provides:

> *The Police Force shall—*
> *(h) adopt community partnership in the discharge of its responsibilities under the Act or any other law*

It is argued that the provision envisages not a passive suggestion but an active duty. The use of "shall" by the draftsmen here imposes a mandatory obligation, it imports that the duty must be done.[15]

Accordingly, adopting community partnership in crime prevention logically entails adopting the community's methods of internal conflict management. In many Nigerian communities, this means mediation and dialogue as statutorily obligated by the Act. The Act obligates the Police to engage in the collaborative problem-solving that defines ADR, moving

[13] *Police Ac*t, 2020 s. 4
[14] Ibid s. 4(h)
[15] *Onwuakpa v. Onyeama* (2022) 17 NWLR (Pt. 1858) 97; *Ekanem v. Regd. Trustees, CCGS* (2023) 6 NWLR (Pt. 1879) 43; *Onochie v. Odogwu* (2006) 6 NWLR (Pt. 975) 65.

beyond their traditional role as brute enforcers of state law. The Supreme Court had given this position judicial backing, when it observed that policemen are to be properly trained to perform their duties, to adopt suitable means to serve and protect members of the community, and not to cause them harm without any legal excuse.[16]

Furthermore, the most compelling proof of a statutory mandate for police-mediated ADR is found in Part XIV of the Act, which establishes the Community Policing Committee framework.[17] The Community Policing Committee and its attendant structure is not merely a programme, but a fundamental philosophy entrenched across all levels of the Force.[18] The Deputy Inspector-General of Police (DIG) in charge of Finance and Administration, Yahaya Sahabo Abubakar, speaking on the need for community policing, admonished collaborative effort as important for building symbiotic relationships with communities, leveraging local intelligence, and solving problems collectively.[19]

While Part XIV outlines the structure of various committees, its most poignant provision for this analysis is section 117(1), which provides for the duties of community policing officers. This section lists duties that fall

[16] *Ekum v. State* (2022) 13 NWLR (Pt. 1847) 241 Per OGUNWUMIJU, J.S.C. at page 268, paras. D-E
[17] *Police Act*, 2020 s.113
[18] Bolaji Ogundele, '*Community Policing, Only Path to Lasting Security — DIG Abubakar' The Nation* (Abuja, 14 September 2025) https://thenationonlineng.net/community-policing-only-path-to-lasting-security-dig-abubakar/ (accessed 14 October 2025).
[19] Ibid

squarely within the sphere of ADR. These include: conflict resolution, and dealing with minor offences and social vices.[20]

Conflict resolution, which is the process of ending a dispute and reaching an agreement that satisfies all parties involved,[21] is a term of art that is traditionally synonymous with mediation, negotiation, and conciliation. Its inclusion as a core duty of police officers operating under the community policing model is a clear and direct statutory mandate for mediation. Similarly, the authority to deal with minor offences provides a legal ground for handling certain categories of crime outside the formal adversarial criminal justice system. This also involves, potentially, restorative justice conferences or mediated agreements that focus on reparation and reconciliation rather than punishment. Thus, this section effectively embeds ADR into the formal responsibilities of the police, transforming it from a purely civil and informal, extra-legal practice into one provided as a duty-based function.

Beyond community policing duties, the Act grants powers that can reasonably be interpreted to include mediation. The Act empowers the police to intervene for the purpose of preventing, and shall, to the best of their ability, prevent the commission of an offence.[22] While the term "intervene" is not defined in the Act. It could be argued that it presupposes instances of petty dispute. As such, the most effective form of intervention may not be the threat of arrest, which is the prevailing method resorted to

[20] *Police Act*, 2020 s. 117(1)(b) & (g)
[21] '*Why is Conflict Resolution Important?*' *North Central College News* (Naperville, 13 September 2022) https://www.northcentralcollege.edu/news/2022/09/13/why-conflict-resolution-important (accessed 15 October, 2025)
[22] *Police Act,* 2020 s. 84(1)

by the Police, but reconciliation through dialogue. Thus, when police officers gather disputing parties, help them communicate, and guide them towards a mutually acceptable solution, they are directly intervening to prevent a breach of the peace, an assault, or other criminal offences.

Police officers are undergoing such tasks already they are often the first call whenever disputes arise. Therefore, mediation can be construed as a legitimate, and often the most effective, method of exercising the power conferred by the Act. This aligns with the purposive reading of the Act, which would allow courts to interpret statutes by implication to give effect to the true intention of the lawmakers.[23] In this scenario, it is submitted that where a statute grants a power (to prevent offences), it implicitly grants all necessary and reasonable means to execute that power effectively.

Moreover, a holistic reading of the Police Act unravels a consistent and intentional statutory design that supports mediation as a form of conflict resolution for the Nigerian police. This is laid step by step, from the extensive principles of partnership and rights protection,[24] to the rudimentary duties of prevention and collaboration.[25]These provision finds manifest expression in the conflict resolution mandate for community policing officers.[26] This framework is further reinforced by the implied power to use mediation as a form of preventative intervention.[27] While the Act may not use the express word "mediate" in a

[23] *Olowe v. Aluko* (2025) 13 NWLR (Pt. 2003) 51
[24] Ibid (n.9 &11)
[25] *Police Act,* 2020 s.4
[26] *Police Act*, 2020 s. 117
[27] Ibid s. 84

whole section, it strikes a powerful legal string through the Act that not only permits, but encourages the police to transition from being mere enforcers to becoming active mediators and conciliators within their communities. However, a critical challenge exists, which poses limitations and which will be addressed subsequently. This structure remains a shell without the necessary component fittings of training, procedure, and oversight to prevent arbitrariness.

3.0 A CRITICAL ANALYSIS OF THE POTENTIAL, CHALLENGES AND LIMITATIONS OF POLICE-LED MEDIATED ADR

While it has been submitted that the Police Act provides a legal structure for police-mediated Alternative Dispute Resolution (ADR), it is also essential to evaluate the implications of this newfound role. The move from a purely enforcement-centred identity to one that incorporates mediation is not easy, and it does not promise a risk-free procedural shift. Thus, while it is argued that a police-mediated ADR holds the potential to kindle police-community relations and enhance access to justice. Its successful implementation is also critically threatened by various elements like risks to fundamental rights, deep-seated operational and cultural barriers within the institution, and inherent constitutional limitations.

The integration of ADR into policing, if properly implemented, offers enhanced access to justice for many Nigerians. The formal court system is usually expensive, slow, and geographically inaccessible.[28] Police

[28] Emmanuel Agbo, *'How to Reduce Delays in Criminal Cases in Nigeria's Courts – CSLS'* *Premium Times* (Abuja, 3 February 2025)

stations, by contrast, are ubiquitous. Police-mediated ADR can provide a platform for resolving minor disputes that is quick, inexpensive, procedurally simple, and geographically convenient. This empowers individuals who would otherwise forego justice to have their grievances addressed, thereby democratizing access to conflict resolution.[29]

Moreover, it eases the major function of the police, which entails active crime prevention.[30] Mediation is important here, as it serves as a powerful preventative tool by addressing conflicts at their formative stage. Mediation gives parties the opportunity, in a constructive way, to satisfy some of the emotional needs that arise before or even after a crime has been committed, especially the need for information or clarification that is considered valuable in the processing phase.[31]A successfully mediated dispute between neighbours over disturbance or property boundaries, for example, prevents it from escalating into a criminal assault or breach of public peace. This proactive approach is more efficient and socially beneficial than reactive arrest after a crime has been committed.

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https://www.premiumtimesng.com/news/top-news/771343-how-to-reduce-delays-in-criminal-cases-in-nigerias-courts-csls.html (accessed 16 October 2025).

[29] Frederick Chirote Odo, Nnamdi Casmir Ugwuonu, Angela U. Iloh, Hyacinth O. Eze & Fidelis C. Nwagbara, '*Understanding Community Policing in Nigeria' International Journal of Research and Innovation in Social Science (IJRISS)* vol. 9(4), 2025, pp. 929–935 https://rsisinternational.org/journals/ijriss/articles/understanding-community-policing-in-nigeria/ (accessed 16 October 2025).

[30] *Police Act,* 2020 s.4(a)

[31] Fatima Ali and Therése Liljenmalm, *'Voluntary Mediation for Crime Prevention – A Qualitative Study of Professionals Working for the Council for Crime Prevention in Gävle' DiVA Portal* (Linnaeus University, 2018) https://www.diva-portal.org/smash/get/diva2:1257355/FULLTEXT01.pdf (accessed 16 October 2025).

Furthermore, it helps in building public trust and legitimacy, which are not attributes associated with the Nigerian Police. The legacy of the Nigerian Police is marred by a deep public trust deficit, quite understandable from the side of the citizens. To exacerbate this point, according to Afrobarometer 2023 survey, 73% of Nigerians admit to the view that most or all police officers are corrupt, the worst rating for any public institution in the country.[32] When the police act solely as enforcers who detain and prosecute, they are often viewed with fear and suspicion. Perhaps, when they act as facilitators and problem-solvers, they can foster a perception of fairness and partnership. This aligns with the clamour for procedural justice, which posits that citizens are more likely to view an institution as legitimate if they feel they have been treated fairly and given a voice. Successful mediation experiences can, over time, rebuild this crucial trust. Police are visible enforcers of law and important representatives of the state. Thus, the legitimacy of the police is most often influenced by state activities and the public assessment of the state.[33]

Also, it helps in reducing institutional overload, often replete in the formal criminal justice system, and the reason why our courts are notoriously overburdened. This it does, by diverting minor disputes and non-serious

[32] Ndi Kato, **'**Citizens, Not Customers: *A Lesson in Self Awareness for the Nigerian Police' Daily Times Nigeria* (Lagos, 14 October 2025) https://dailytimesng.com/citizens-not-customers-a-lesson-in-self-awareness-for-the-nigerian-police/ (accessed 16 October 2025).

[33] Oluwagbenga Michael Akinlabi, '*Young People, Procedural Justice and Police Legitimacy in Nigeria'* https://www.researchgate.net/publication/283183294_Young_people_procedural_justice_and_police_legitimacy_in_Nigeria/link/5796de9808aeb0ffcd059774/download (accessed 16 October 2025).

offences away from the courts and into mediation, police-mediated ADR can significantly reduce the overload on prosecutors and magistrates. This allows the formal system to focus its limited resources on prosecuting serious crimes, thereby improving the overall administration of justice.

In the contrary despite the numerous potentials it poses to reform the Nigerian Police Force, the informal and non-descriptive context of police mediation creates significant risks that, if left unmitigated, could undermine its benefits and violate fundamental rights. An example is coercion mistaken for voluntariness. A police force compatible with the use of force as a means of enforcement would find it hard to adopt persuasion as a means of resolving conflicts. The core element of ADR is voluntary participation, which is hardly obtainable where there is an inherent power imbalance between a citizen and a uniformed police officer armed with the power of arrest is immense. Requesting to mediate can easily be perceived as a command. Parties, although feeling compelled to participate, may agree to unfavorable terms under the guise of threat of arrest or prosecution if they refuse. This coercive environment strips mediation of its legitimacy and transforms it into a form of extra-judicial coercion.

It could also be submitted that this coercive nature directly threatens several constitutional guarantees. The right to a fair hearing, which includes the right to be heard by an impartial tribunal, is jeopardized when a process that feels adjudicative is conducted by a police officer without legal training.[34] Moreover, the courts are clear on the right to fair hearing, it is submitted that a police officer does not come within the

[34] *Constitution*, 1999 s. 36

contemplation of those empowered to adjudicate cases. If they do, it has no legitimacy. In *Primeview Hotel Ltd. v. Hotel Presidential Ltd*,[35] the Supreme Court observed:

> *Section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides that in the determination of a person's civil rights and obligations, including any question or determination by or against any government or authority, the person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality. Section 36 of the Constitution is very explicit and paramount on the concept of fair hearing which must be given to all the contending parties before a court.*

Furthermore, the right to personal liberty is at risk if individuals are effectively detained until they agree to a settlement, which is the common practice amongst police officers.[36] The informal nature of the process can also circumvent established rules, potentially compromising the integrity of any subsequent decision, especially where there is detention without bringing the party to court.[37]

Also, a lack of training and expertise makes mediation, which is a skilled practice requiring training in neutrality, active listening, and negotiation, particularly ineffective.[38] Without the requisite training, police officers

[35] (2025) 5 NWLR (Pt. 1984) 167
[36] Ibid s. 35
[37] *Oshinaya v. COP* (2004) 17 NWLR (Pt. 901) 1
[38] Harvard Program on Negotiation (PON), *'Mediation Skills' PON Harvard* https://www.pon.harvard.edu/tag/mediation-skills/ (accessed 7 September 2025).

may lack the neutrality and skill to manage the process effectively. They may, often unconsciously, impose their own solutions, favour one party, or fail to manage power imbalances between the disputants, leading to unjust outcomes that entrench grievance rather than resolve it.

Moreover, the informal, unrecorded nature of ad-hoc mediation presents a fertile ground for corruption. Corrupt officers could exploit the process for extortion, demanding payment to mediate a case in one party's favour or to simply make a case "disappear." This could pervert the goals of the Act and further erode public trust.

Beyond the society, looking within the Force, the entrenched crime-fighting culture of enforcement within the police may view mediation as soft or not real police work. Officers may resist this new role due to a lack of understanding, institutional laxity, or a belief that their authority is diminished by acting as a neutral facilitator rather than a decisive enforcer. Widespread implementation requires a massive investment in training and possibly the creation of dedicated units. Without mandatory, standardized, and continuous training in ADR ethics and techniques, the initiative is doomed to be inconsistent and ineffective, varying wildly from one division to another.

3.1 CONSTITUTIONAL AND DOCTRINAL LIMITS FOR POLICE-LED MEDIATION

The police's mediative role must operate within clear constitutional boundaries to remain lawful. In addressing this, the major concept to confront is the separation of powers encapsulated in the Constitution.[39]

[39] *Constitution 1999* s. 4-6

This is instructive because the concept of separation of powers rests on the right that none of the three arms of Government under the Constitution, that is, the executive, legislature, and the judiciary, should encroach into or usurp the powers of the other.[40] Judicial powers, vested exclusively in the courts, is a governmental power, and a judge is said to exercise judicial powers when he is deciding suits between parties.[41]

Police-mediated ADR can only be legitimate if it remains facilitative, not adjudicative. It is facilitative if it seeks to resolve the dispute before the engine of litigation is fired. Such must not be taken as a binding judgment or order, and parties must not activate the process of litigation. Thus, it is arguable that it is only when the civil rights and obligations of a person have been invoked in court, where there is an issue for contention, can the mediation powers of the police be derogated.

In *Emenike v. P.D.P.*[42] the Court observed that:
Section 6(6)(b) of the Constitution encompasses the full extent of the judicial powers vested in the courts by the Constitution. Under it, the courts have power to adjudicate on a justiciable issue touching on the rights and obligations of the person who brings the complaint to court. The courts must operate within the perimeter of the judicial powers vested in them by section 6(6)(b) of the Constitution and they can only take cognizance of justiciable actions properly brought before them in which there is a dispute, controversy and above all, in which the parties have

[40] *Inuwa v. Gov., Gombe State* (2020) 5 NWLR (Pt. 1716) 32; *Amadi v. N.N.P.C.* (2000) 10 NWLR (Pt. 674) 76.
[41] *A-G., Lagos State v. Dosunmu* (1989) 3 NWLR (Pt. 111) 552
[42] (2012) 12 NWLR (Pt. 1315) 556

sufficient interest. Therefore, the court can only take due cognizance of justiciable actions properly constituted before it.

Furthermore, the outcome must be a voluntary agreement between the parties. Voluntary means freely or of one's own accord. When used in its ordinary sense, it entails willingness, without compulsion or coercion.[43] The resolution, as mentioned before, must not be a binding judgment or order issued by a police officer, which is a power exclusively reserved for judicial officers. It is submitted that the very moment the police officer imposes a solution, they unlawfully encroach upon judicial power.

On a doctrinal approach, the doctrine of ultra vires dictates that police action must remain within the bounds of their statutory powers.[44] Thus, a clear distinction must be made between disputes that are appropriate for police mediation and those that are not. For example, cases involving murder, rape, grievous harm, and armed robbery are violent in nature and cannot qualify as "petty disputes" suitable for mediation. This is because these crimes involve myriad rights and interests, which involve state interest. However, appropriate cases like neighbour disputes, minor altercations (without serious injury), petty debts, and certain family conflicts are within the contemplation of mediation since courts do not concern themselves with trifles.[45]

The potential of police-mediated ADR to revolutionize the Nigerian policing landscape is undeniable. It promises a more responsive, efficient, and community-oriented justice mechanism. However, this promise is

[43] *Co-Op. Dev. Bank Plc v. Joe Golday Co. Ltd.* (2000) 14 NWLR (Pt. 688) 506
[44] *Damisa v. U.B.A. Plc.* (2005) 9 NWLR (Pt. 931) 526
[45] *Akpagher v. Gbungu* (2015) 1 NWLR (Pt. 1440) 209

stunted by a shadow of significant risks arising from the coercion of citizens and the erosion of constitutional rights to institutional corruption and cultural resistance. The legal authority derived from the Act does not automatically confer legitimacy or competence. For this shift to be more than a theoretical change, the identified perils must be directly and systematically addressed. It must also stay within the statutory powers of the Police.

4.0 COMPARATIVE FRAMEWORK FOR LEGITIMATE POLICE-MEDIATED ADR

It has been established that the mandate for police-mediated ADR in the Police Act is a potentially powerful tool that is too dangerous to utilize without an appropriate regulatory framework. Issues like coercion, rights infringement, and corruption are not mere scholarly concerns, they are predictable outcomes of introducing a mediation process into a traditionally enforcement-based institution without clear guidelines. It is submitted that to successfully transition from enforcement to mediation, the Nigerian Police Force must operationalize its new role through a carefully constructed normative framework. This framework must be built on two pillars:

i. Procedural safeguards that protect fundamental rights and ensure voluntary submission to the process, and
ii. Comprehensive institutional reforms to build capacity and ensure accountability.

4.1 COMPARATIVE MODELS AND LESSONS

A survey of international best practices unravels common elements crucial for the success of police-led ADR and can be adopted as a framework for our local bid to civilize our Police Force:

1.) **The United Kingdom:** The UK has extensively integrated restorative justice conferences and informal resolution schemes into policing. This was done by introducing restorative justice in a bid for neighbourhood dispute resolution. Neighbourhood justice panels emerged through this means of working with local communities using restorative justice to address problem behaviour and low-level offending tendencies, which adversely affect communities, and to repair the harm caused.[46] Neighbourhood justice panels involve the victim, perpetrator, and any wider community interest in agreeing to the details of a restorative justice outcome for anti-social behaviour, which is being dealt with informally or where a conditional caution requires a restorative justice element, which a neighbourhood justice panel can help agree.[47] The key lesson is the strict codification of the process. The Ministry of Justice in the UK also issued detailed guidelines outlining eligible offence types, the necessity of victim consent, and the training standards for facilitators.[48] This, if adopted in Nigeria, would demonstrate the importance of moving from ad-hoc practice to a standardized, nationally recognized policy.

[46] Nottinghamshire Police & Crime Commissioner, 'Restorative Justice & Community Remedy' *Nottinghamshire PCC* (Nottinghamshire, 2025) https://www.nottinghamshire.pcc.police.uk/Our-Work/Supporting-Victims/Restorative-Justice-Community-Remedy.aspx (accessed 17 October 2025).
[47] Ministry of Justice, 'Neighbourhood Justice Panels' *GOV.UK* (London, 27 December 2012) https://www.gov.uk/government/publications/neighbourhood-justice-panels (accessed 17 October 2025).
[48] Ministry of Justice, 'Neighbourhood Justice Panels' (n. 45).

2.) **Kenya**: The National Police Service Act in Kenya established the Community Policing Forums.[49] It details a framework for community policing, much like Nigeria's. Kenya has a community policing model called *Nyumba Kumi*, which is Swahili for "10 households." In this system, household clusters work together to keep watch and report suspicious matters to police.[50] However, its more advanced implementation shows the critical need for formalized partnerships. Kenyan police often work with trained community elders and paralegals within these forums, which mitigates the power imbalance and brings indigenous dispute resolution expertise into the process. This suggests that the Nigerian model should not be purely police-driven but police-facilitated in collaboration with credible community stakeholders.

3.) **South Africa**: South Africa offers a lesson for model oversight. With a crime rate of 74.7, South Africa struggles with a range of violent crimes, including robberies, assaults, and murders.[51]Thus, an experience that highlights the dangers of informality. Early, unregulated attempts at police mediation often led to abuses. In response, structures like the Independent Police Investigative Directorate (IPID) became crucial. The lesson for Nigeria is the non-negotiable need for a strong, independent oversight mechanism to investigate complaints related to the mediation process, ensuring it does not become a shield for misconduct.

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[49] *National Police Service Act, No. 11A of 2011* (Laws of Kenya), s. 96-100

[50] Adf Magazine, 'The Police and the People' *ADF Magazine* (April 2025) https://adf-magazine.com/2025/04/the-police-and-the-people/ (accessed 7 October 2025).

[51] Chisom Michael, '10 African Countries with High Crime Rates in 2025' *BusinessDay* (Lagos, 9 January 2025) https://businessday.ng/news/article/10-african-countries-with-high-crime-rates-in-2025/ (accessed 17 October 2025).

From this analysis, notable lessons include statutory clarity to erase, which is the enemy of legitimacy. Thus, the provision in its written form should not be uncertain, or suffer from want of clearness or definiteness. [52] The process must also be defined in a binding document. Partnerships to enhance legitimacy should also be adopted to involve civil society and community representatives to counterbalance police authority. Finally, an independent complaints mechanism is required to build public confidence.

4.2 CORE PROCEDURAL SAFEGUARDS FOR POLICE-MEDIATED ADR

To mitigate the risks identified, there are non-negotiable procedural safeguards that must be institutionalized:

a.) **Informed Consent**: This is the cornerstone of the entire process. Consent must be explicit, recorded in writing, and obtained only after a full explanation of the process. Parties must be informed that mediation is voluntary and they can withdraw at any time without penalty. Also, that if they choose not to mediate will not affect their right to pursue the matter in court or through other formal channels. Finally, the police officer's role is that of a neutral facilitator, not a judge.

b.) **Strict Neutrality and Impartiality**: The mediating officer must have no prior involvement in the dispute or personal connection to the parties. Procedures must be established to allow for the reassignment of a case if there is any perception of bias. The officer must be trained to manage power imbalances between parties without taking sides.

[52] *Oladimeji v. Trans Nig. Ass. Co. Ltd.* (1998) 12 NWLR (Pt. 576) 44

c.) **Confidentiality:** To encourage open dialogue, all discussions during the mediation must be confidential and without prejudice. Police officers must be reminded that confidential relationships are founded on trust or confidence reposed by one person in the integrity and fidelity of another.[53] The content of the mediation sessions should be inadmissible as evidence in any subsequent court proceeding. The only document that can be referenced is the final, signed settlement agreement.

d.) **Right to Legal Advice:** This is a constitutional right, and parties must be explicitly informed of their right to consult with a legal practitioner before, during, or after the mediation process. While the informal nature of mediation may not always involve lawyers, the right to have one must be unequivocally preserved to protect against the waiver of important legal rights.

4.3 INSTITUTIONAL AND OPERATIONAL REFORMS

To further entrench these reforms, institutional structures are meant to be implemented.

a.) **A Standing Order on Mediation**: The Inspector-General of Police (IGP) must leverage the power under to issue a detailed Standing Order on Police-Mediated ADR.[54] This order would serve as the official manual, incorporating all the procedural safeguards, defining conduct to be mediated and not to be mediated, and standardizing forms for recording consent and agreements across all police formations.

[53] *F.B.N. Plc v. Banjo* (2015) 5 NWLR (Pt. 1452) 253.
[54] *Police Act* 2020, S. 16

b.) **Training, Certification, and Designated Units**: There must be a mandatory and continuous training program for officers. This can also include certificates empowering one to act as a police mediator. This training must cover ADR techniques, ethics, cultural sensitivity, and legal boundaries. Furthermore, the establishment of designated ADR Officers or Units at the divisional level would professionalize the function, ensuring that it is handled by willing and trained personnel, not as an additional burden for all officers.

c.) **Documentation, Monitoring, and Oversight**: Every mediation attempt, whether successful or not, must be recorded in a standardized register. This data is crucial for monitoring and evaluation. The Police Complaints Response Unit (PCRU) must be empowered to receive and investigate complaints regarding the mediation process, providing a critical internal accountability loop.[55]

5.0 CONCLUSION

The struggle from enforcement to mediation is not merely a change of tactic but a fundamental alteration. The Police Act has provided the dream, but there exists no structure to make this dream come true. While this enactment seeks to redefine the very identity and function of the Nigerian Police Force, it still needs definitive objectives. It has been argued throughout this work that at the heart of this reform lies a pivotal transition, a paradigm shift from a model built on coercive enforcement to one that embraces collaborative mediation. It has also been submitted that

[55] Ibid Part XVI.

this shift is not merely a policy preference but is a mandate by the Act, spelt out in its foundational principles of partnership, its core duties of prevention, and its explicit community policing architecture. However, this struggle from statutory intent to legitimate recognition is fraught. As already evaluated, the potential benefits of police-mediated ADR are throttled by significant impediments. The inherent power imbalance of the police, without safeguards, the Police notorious image, threatens to transform voluntary mediation into coerced settlement, derogating the constitutional rights to liberty and a fair hearing. The Act, in its current form, provides but fails to regulate a danger lying in wait.