

# Community Policing In Nigeria: Imperative Of A Comprehensive Legal Framework

Prof. Obaje Enemaku

Faculty of Law, Kogi State University, Nigeria

*Abstract: In the last two decades, community policing model as a strategy or philosophy that promotes partnership between the community and the police to find solutions to community safety had become very controversial in Nigeria. The model although predates Nigeria Independence yet, has not enjoyed comprehensive legal framework. Adopting a doctrinal approach, this work examines the concept, history, models, challenges as well as the need for laws response to effective community policing in Nigeria. It is the findings of this research that a well-developed community policing philosophy in Nigeria where police officers and private citizens work together in a creative environment will solve contemporary community security related problems. This research reveals that the recent Police Act 2020 is bereft of provisions on structure, training, discipline and funding of community policing. It is further observed that unless a comprehensive legal framework is put in place, a haphazard practise of the philosophy will remain in Nigeria for a very long time. This work recommends a proactive approach through legislative response towards a community policing model with clearly defined structure, training, discipline and funding.*

**Keywords:** Community, Policing, Philosophy and Security

## I. CONCEPT OF COMMUNITY POLICING

Community policing or neighbourhood policing or proximity policing has been variously defined, but they are all mainly different ways of saying the same thing. The word 'community' add to policing (community policing) definitely is referring to a community oriented approach of policing to combat crime. Community policing is in essence collaboration between the police and the community that identifies and solves community crime problems. With the police no longer the sole guardians of law and order, all members of the community become active allies in the effort to enhance the safety and quality of neighbourhoods.

It entails community partnership in creating a safe and secure environment for all in which people take active part in their own affairs (Ikuteyijo and Rotimi, 2012). Community policing involves an interpersonal contract and a management strategy that promotes the joint responsibility of citizens and the police for community safety. It is a philosophy and strategy which is based on a partnership between the community and the police to find creative solutions for

contemporary community problems, crime and other related matters (Rooyen, 2001). According to SAPS Police, community policing is a philosophy that guides police community partnerships and a problem-solving approach responsive to the needs of the community (Reyneke, 1997).

Community policing means making the police more cooperative with those who are not police (Mastrofski, Worden and Snipes, 1995). Adams (1994) defines community policing to mean a shift from a military inspired approach to fighting crime to one that relies on forming partnership with constituents. Consequently, community policing has become a term used by both professionals and scholars alike to replace other terms such as foot patrol, crime prevention, problem-oriented policing, community-oriented policing, police-community relations and more (Friedman, 1992). Therefore, community policing is a policing strategy or philosophy based on the notion that community interaction and support can help control crime and reduce fear, with community members helping to identify suspects, detain vandals and bring problems to the attention of police. In other words, community policing is a philosophy that promotes organizational

strategies that support the systematic use of partnerships and problem solving techniques, which proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder and fear of crime.

Perhaps, the inference that can be distilled from these definitions is that community policing, unlike the authoritarian and autocratic character and top-down approach of traditional policing, is democratic, participatory and consultative, and bottom-top in approach which is why it is referred to as democracy in action. However, no matter how community policing is defined, it represents a paradigm shift away from traditional policing or traditional model of policing. The central theme is the collaboration of efforts between the police and the residence in combating crime and fear of crime. Community policing does not imply that the police are no longer in authority or that the primary duty of preserving law and order is subordinated, rather community policing entails community partnership in creating a safe and secure environment for all (Ikuteyijo and Rotimi, 2012).

Community policing, just as the name implies, requires a unique partnership with the public and police in crime prevention and control within the community. It is a modern policing strategy which allows the police to proactively act beyond mere crime fighting, but to partner with community members in setting the security priorities in the society and fashioning ways of resolving identified problems in the community (Trojanowicz, Kappeler, Gaines, Bucqueroux and Sluder, 1998). This synergy between the police and the public is anchored on mutual trust and respect between both parties, and could be enhanced through adequate community policing training. This partnership will make both the police and the people “co-producers of safety” in the community (Jerome and David, 1998).

Community policing is a paradigm shift that seeks to focus on constructive engagement with people who are the end users of the police service and re – negotiate the contract between the people and the police thereby making the community co-producers of justice and a quality police service.

According to Braiden (2015), this concept was really “nothing new under the sun”. Although touted as the “latest and newest thing” in policing. He argued that community policing is actually a re-emergence of the founding philosophy on which Peel built his public police in 1829, and that the philosophy of community policing today can be found in one of Peel’s original principles, thus,

To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police: the police being only the members of the public that are paid to give full-time attention to duties which are incumbent in every citizen in the interest of community welfare and existence (Bittner, 1967).

In historical perspective it will be instructive to note that contemporary community policing could be considered the handiwork of Sir Robert Peel when he established the London Metropolitan police. He set forth a number of principles, one of which could be considered the seed of community policing...“the police are the public and the public are the police” (Bittner, 1967).

## II. BRIEF HISTORY

Historically, African societies of old used their various traditional institutions to achieve and maintain maximum level of public safety, orderliness and conformity. Policing in the pre-colonial era was not uniformed. An organized system was in place within the respective communities in the pre-colonial period. Prior to the advent of the Nigeria Police Force in 1889 by the British colonial administration, there were various groups performing the role of policing the communities in what is today known as Nigeria. In some cases like Igbo pre-colonial societies, the role of policing or protecting lives and property of the people was the responsibility of the entire community even though it was facilitated by the age grade and masquerade societies. It was this model of community policing that colonial police supplanted with the colonial police in 1889 to provide quasi-military assistance to the British colonial administration in Nigeria (Okeke, 2013). Policing in the Northern part of the pre-colonial Nigeria was through the *dogarai* (Rotimi, 2003) who were the bodyguards of the Sarki (Emir or King). This group headed by the *Sarkin dogarai* capture and discipline offenders and guard the community with warders.

In the West was the *ilaki, emese or agunren* depending on which part of the west. They arrest criminals and execute the commands of the chiefs. The structure in the pre-colonial Northern and Western Nigeria was characterized with these individuals been appointed by the chief or king and are directly responsible to them. They may have distinctive dress or hairstyle and may perform diplomatic as well as revenue collecting functions (Nura, 2003).

Historically, the police were intended to identify, investigate and deter criminal behaviours. In the pre-colonial era where the laws were not written and in most cases different from one community to the other, the laws to be enforced differs as well from place to place and the individuals that perform police functions may also use different methods. Some of the methods of law enforcements as well as punishment applied to deviant behaviours includes: Compensation, Restitution, Ritual cleansing, Confinement, Ostracism, Banishment etc.

With the passage of time, these institutions recorded wide-ranging progress and success in curtailing antisocial conducts by forming a synergy with the formal policing agencies, particularly the Nigeria Police Force (NPF) through community policing (Nnam, Agboti and Otu, 2013). However, there was no sustained legal framework as well as formal regulatory institutions or agencies saddled with the structure, recruitment, training of these existing police structures in the various communities. The implication is that a haphazard system became common place today.

## III. STRATEGIES FOR COMMUNITY POLICING

Achieving the goals of community policing requires successful implementation of three essential and complimentary components or operational strategies: community partnership, problem solving, and change management.

#### A. COMMUNITY PARTNERSHIP

Establishing and maintaining mutual trust between citizens of a community and the police is the main goal of the first component of community policing. Police have always recognized the need for cooperation with the community and have encouraged members of the community to come forward with crime-fighting information. Here, the police no longer view community as a passive presence connected to the police by an isolated incident or series of incidents. The community's concerns with crime and disorder become the target of efforts by the police and the community working together (Bohm and Haley, 2002).

The police is also very keenly monitoring and participating in community activities to ensure that the rapport developed between them is sustained and the confidence in the police increases with time. To this end the police attend community/ neighbourhood meetings, participate in these meetings, share views with the community on pressing problems and their solutions as well as providing easy access to citizens who might wish to tender some information that might be useful in law enforcement. The presence of such officers also gives the community a sense of a caring and supportive police organisation.

All these activities are undertaken by the Community Policing Unit thus freeing other police officers to carry on with their day-to-day law enforcement duties (Sadiq and Muhammed, 2008). While this ideal model is fast gaining ground in developing countries and yielding results in crime control and prevention, the Nigerian experience leaves much to be desired as the formal police structure seems distanced from the people.

#### B. PROBLEM SOLVING

Problem solving requires a lot more thought, energy, and action than traditional incidents-based police responses to crime and disorder. In full partnership, the police and a community's residents and business owners identify core problems, propose solutions, and implement a solution. Thus, community members identify the concerns that they feel are most threatening to their safety and well-being. Those areas of concern then become priorities for joint police-community interventions. For this problem-solving process to operate effectively, the police need to devote time and attention to discovering community's concerns, and they need to recognize the validity of those concerns (Sadiq and Muhammed, 2008).

The third District Department in the Cuyahoga County, down town Cleveland, Ohio (USA) present a good example on problem solving model. Officers in the service are encouraged to use problem solving models to develop customized responses and solutions in addressing issues. One of the most beneficial models of problem solving utilized by the Cleveland 3<sup>rd</sup> District of the Cuyahoga County Police Department is a process involving Scanning, Analysis, Responding and Assessing, S.A.R.A for short. The four steps of the process are as follows:

✓ Scanning: The police in collaboration with members of the community identify what problems need attention.

This scanning focuses on perceptions of the community more than that of the police. On identifying the problem the next step is.

- ✓ Analysis: where everything about the problem is learnt in terms of casual factors, victims, perpetrators and best techniques of tackling the problem.
- ✓ Response: This aspect involves applying the techniques that have been worked out between the police and the community towards achieving both short-term and long-term solutions to the problem.
- ✓ Assessment: After the response has been implemented, the situation is then assessed to evaluate the progress made thus far in terms of resolving the problem. This will allow the necessary adjustments to be made in order to achieve better results and reduce spill-over effects and other down sides.

#### C. CHANGE MANAGEMENT

Forging community policing partnerships and implementing problem-solving strategies necessitates assigning new responsibilities and adopting a flexible style of management. Traditionally, patrol officers have been accorded lower status in police organizations and have been dominated by the agency's command structure. Community policing, in contrast, emphasizes the value of the patrol function and the patrol officer as an individual. It requires the shifting of initiative, decision making, and responsibility downward within the police organization. The officer must become responsible for managing the delivery of police services to the community. Patrol officers are the most familiar with the needs and concern of their communities and are in the best position to forge the close ties with the community that lead to effective solutions to local problems.

### IV. THEORIES OF COMMUNITY POLICING

There are many theories on community policing. The idea of community policing is in itself a new theory, departing already from policing as a role of the state whose primary responsibility is to provide and guarantee security for the entire citizens. Being a new area of scholarship, there are no much theories seeking to provide explanations for the scientific and logical steps and new direction of the new area. However, Scholars have made significant efforts in coming up with logical explanations, two of such theories are the Democratic Theory of Community Policing and the Communitarian Theory of Community Policing.

The Democratic theory of community policing is premised on the fact that community policing is based primarily on democratic principle, implying that "anyone who exercises authority on behalf of the community (like the Police) is accountable to the community for the exercise of that authority". The Democratic Theory of Community Policing is based on the belief that community policing involves the empowerment of a new level of social organisation to generate work for the police, namely, neighbourhood, communities, businesses, civic groups among others. The theory equally maintains that the success of a

democratic government largely depends on the voluntary compliance of citizens with society laws and norms of conduct.

“Communitarism”, a term coined by the prominent sociologist, Amitai Etzioni and other scholars who argued that we have gone too far towards extending rights to our citizens and not far enough in asking them to fulfil responsibilities to the community as a whole. They further maintain that there is a need to make people understand that they need to actively participate, not just give their opinions but instead, give time, energy and money (Peak and Glensor, 1996). Communitarian Theory of community policing believes that the deteriorating trend of the quality of community life is not just because the elected political representatives have done a bad job but also because they have not attended to what citizenship is all about.

Therefore, communitarians support processes such as problem solving, where neighbourhood have taken matters into their own hands, closing and working to overcome other criminal activities within the community (Peak and Glensor, 1966).

## V. WHY COMMUNITY POLICING

Policing strategies that worked in the past are not always effective today. The desired goal, an enhanced sense of safety, security, and well-being, has not been achieved. Practitioners agree that there is a pressing need for innovation to curb the crises in many communities. Both the level and nature of crime in this country and the changing character of Nigerian communities are causing police to seek more effective methods. Many urban communities are experiencing serious problems with illegal drugs, gang violence, murders, muggings, and burglaries, hostage taking (kidnapping), electoral violence and all forms of cybercrimes. Suburban and rural communities have not escaped unscathed. They are also noting in crime and disorder.

In addition, the social fabric of our country has changed radically. Governments at all levels are having increased difficulty balancing budgets, which frequently forces police departments to allocate dwindling resources to growing problems. In this rapidly changing environment, where police cannot cope with an epidemic drug problem, gang activity, and increased levels of violence, the concept of community policing is taking hold. Police leaders using this common-sense approach to the problems of crime and disorder, an approach that may very well enhance and maximize performance and resources, have struck a responsive chord in both national and local governments and in communities across the Nation.

## VI. CHALLENGES OF COMMUNITY POLICING IN NIGERIA

The conceptual clarification earlier outlined in this work as well the strategies for effective community policing in Nigeria is yet to be realised. Some of the issues for lack of synergy between the people and the Police include:

### A. MUTUAL MISTRUST AND DISTRUST BETWEEN THE POLICE AND THE COMMUNITY

Often, the communities through their vigilantes or other informal police structures will arrest a suspected delinquents and hand them over to the Police, the suspected criminals easily find their ways back in the sheets terrorizing people and even in extreme cases unleashing vengeance on those people that landed them over to the Police or masterminded their arrest by the Police. The Police is also accused of revealing the identity of their informants to the suspected criminal after being released by the Police in questionable circumstances, who later go after the informants.

### B. LACK OF FORMAL TRAINING

The increased incidence of crime since the end of military regime has resulted to the proliferation of all kinds of vigilantes group in nearly every corner of Nigeria. Most of the personnel for this operation lack basic training on security matters and so often exceed known operational guidelines for optimum performance.

### C. PROBLEM OF FUNDING

In recent times some states in Nigeria seem to have recognized some of the volunteer groups paraded as community policing, some of them have some measure of support in the areas of logistics and operational tools. There is no uniform system of funding for the personnel to really attract experience, skilled and well educated recruits. A security outfit without a well-defined budget will lack the morale for effective performance.

### D. POLITICAL INTERFERENCE

The fear of full authorization of community policing stems from the possibility of politicians and rich men using them as tools of intimidation of opponent's during elections. This fear is not out of place in the absence of a comprehensive national legislation on structure and functions of community police.

### E. POLICE BRUTALITY

Brutality is one of the major obstacles to the prospect of the Nigerian police being a positive factor in pro-poor change initiatives. The police in Nigeria, with the backing of autocratic leaders and repressive laws - frequently acted outside the rule of law. Often, they were laws unto themselves, maiming, killing and detaining persons arbitrarily and with impunity. In Nigeria, police repression had been institutionalized since colonial rule. However, police repression became increasingly intensified under the successive military regimes after 1966. As has been observed, police repression has persisted, and in most cases intensified. For instance:

The Nigeria Police Force is still largely vicious and corrupt. Political opponents of governments and military administrations – usually workers, students, radicals and



human rights activists – continue to suffer excessive and recurrent waves of brutalities, abductions, unwarranted searches and violations of privacy and private family life. Extra-judicial killings, bodily injury, intimidation, harassment and loss of personal liberties in the hands of the police and sundry state “intelligence” and security agencies in the country (Alemika, 1993).

The recent societal reaction in the call for the disbandment of the mobile outfit of the Police through the ENDSARS protest buttresses this point.

## VII. LEGAL FRAMEWORK

Police are one of the most ubiquitous organisations of the society. The policemen, therefore, happen to be the most visible representatives of the government. In an hour of need, danger, crisis and difficulty, when a citizen does not know, what to do and whom to approach, the police station and a policeman happen to be the most appropriate and approachable unit and person for him. The police are expected to be the most accessible, interactive and dynamic organisation of any society. Their roles, functions and duties in the society are natural to be varied, and multifarious on the one hand; and complicated, knotty and complex on the other. Broadly speaking the twin roles, which the police are expected to play in a society are maintenance of law and maintenance of order. However, the ramifications of these two duties are numerous, which result in making a large inventory of duties, functions, powers, roles and responsibilities of the police organisation.

Police inefficiency dated back to history. Lord Curzon observed in 1902 about Indian police. Thus:

The police force is far from efficient, it is defective in training and organisation, it is generally regarded as corrupt and oppressive and it has utterly failed to secure the confidence and cordial cooperation of the people.

Many countries however, have improved the operations of this organisation over the years through reforms. One area of such reforms is by clear prescriptions of what supposed to be the general as well as specific functions and duties of the police in an enabling statute. A comprehensive legal framework for community policing in Nigeria will require and entail in details the followings:

### A. INVESTIGATION

Investigation related duties in the area of crime registration, guarding, protecting visit to the scene of crime, calling witnesses and serving notices to them, arresting criminals and suspects, search and seizure proceedings during an investigation, interrogation of suspects, witnesses and criminals, taking criminals to courts for police/judicial custody and trial, raids for various purposes.

### B. CRIME PREVENTION

This involves patrolling, performing picket and ambush jobs, checking vehicles and frisking passengers, surveillance and checking of bad characters, preventive arrests.

### C. CRIME DETECTION JOBS INCLUDES

Creation of informers and creating contacts with the members of criminal tribes and other segments of society so as to obtain useful information with regard to the detection of various property and other offences like murder, robbery etc.

### D. MAINTENANCE OF SECURITY ENTAILS

Surveillance, watch and action to be taken during peaceful processions, demonstrations and strikes of various type. Others include protection of vital installations during the spate of crimes and emergencies of various types

### E. INTELLIGENCE GATHERING INVOLVES

Intelligence about any incident of law and order, political activities, labour activities, student activities and agitations, communal tensions and events, employees' associations and strikes, criminal activities, miscellaneous activities and events tending to destroy peace and tranquillity.

### F. ELECTION DUTIES INCLUDES

Ensuring the conduct of free, fair and impartial elections, etc.

### G. NATURAL CALAMITIES, DISASTER AND EMERGENCY DUTIES REQUIRES

Saving life and property, providing shelter, rehabilitation, evacuation of people from crisis situations and their transportation during fires, floods, famines, the spread of an epidemic, the breakout of war or external aggression, internal disorders like communal riots, struggle between various classes, castes and sects and other clashes.

### H. PROPER RECORD HANDLING DEMANDS

Proper handling of the record, upkeep and maintenance of the record, preparation, destruction, revision and modification of the record of various police units.

The above specific duties and functions of the police forms the basic societal expectation to guarantee peace and security. The Nigerian Police Act, 2020 which repealed the Police Act, 2004 in its general objectives provides in Section 1:

The objectives of this bill is to provide for a more efficient and effective police service that is based on the principles of (a) accountability and transparency (b) protection of human rights and fundamental freedoms and (c) partnership with other security agencies.

The Act provides for the structure and functions of the formal police but fail to specifically provide for the structure, functions, discipline, training and funding of community policing. The Act merely provides in Chapter 14 for community policing only at the levels of committees at Federal and State levels. Section 116 of the Act provides for objectives of community police committees to include maintenance of partnership between police and community,

communication and improvement of service delivery to the community. The Act spelt out in S.117 the duties of community policing to include crime detection and prevention, conflict resolution, criminal intelligence gathering and maintenance of law and order. The Act is clear that the community policing will only assist the conventional police.

The Act made no clear provisions on mode of recruitment, qualifications, ranking, promotions, and discipline. There are no specific provisions on funding of community policing. S.119(i) provides that committee services are on voluntary basis and shall have no claim to any remuneration solely for services rendered to the committee.

The above provisions leaves no one in doubt that the prescriptions only gave room for a haphazard community police structure been witnessed across the States of Nigeria. A clear legal prescription is a sine qua non for the realisation of the ideals of community policing for community safety. In the area of funding for instance, a voluntary community policing strategy provided by the new law will not only make the philosophy unattractive to skilled and experienced hands but will give room for corruption. Lack of training and discipline will create an atmosphere of excesses and abuse of human rights.

#### VIII. CONCLUSION

The needed synergy between the formal police organisation and the people at the level of informal structures such as vigilante, neighbourhood watch etc. must be specifically provided for in an enabling law. Healthy practices such as police community meeting will need to be properly defined by the enabling Act. The newly amended Act is deficient in terms of a comprehensive provision on structure and functions of community policing. The failure of the Act to provide for funding of community policing in a corrupt society like Nigeria will make the services unattractive to skilled and experienced hands leaving the philosophy to only miscreants with its associated excesses and human right abuses. The call for the review of legislation on community policing is apparent as no legal prescription has defined clearly the philosophical organisational and strategic goals of community policing.

The laws should be comprehensive enough to provide for training on forensic and crime management, including use of ICT. Specific legal guidelines and prescriptions are needed on ethics and professional conducts for community police.

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