

Enhancing Nigeria's National Security Through State Policing: Lessons from the United States of America

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Abstract

The Neighbourhood Principle presupposes that everyone in the vicinity knows each other and this makes it easier to monitor deviants in the society. Hence, the case for state policing in Nigeria in view of the upward surge in crime wave in this country. Data was obtained from secondary sources which include books, periodicals, journals, newspapers, the internet etc. Data was analyzed using the method of content analysis. The theory of social conflict (Coser, 1956) was adopted as the theoretical framework of the study. Results revealed that the success story of state policing in the United States was as a result certain factors-technology advancement, level of motivation, institutions and infrastructures, psychological and intellectual disposition of officers and even the acceptance of state policing by the society. These are all lacking in Nigeria. Thus, it was suggested in this study that the idea of state policing should be rested for now while the society works on her vital infrastructures, institutions, etc.

Keywords: *State policing, Federal police, National security, Deviants, Inevitable apparatus*

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Background to the Study

Provisions in the Nigerian constitution clearly stipulate that the security of lives and property of the nation's populace is a primary responsibility of the government in power. Thus, on voting an administration into power, the onus revolves around such an administration to guarantee and ensure the safety of human lives and property, territorial integrity and sovereignty of the nation at large. Unfortunately, the situations which play out within Nigeria as a country, over the past years, reveal a state of insecurity that places a question mark on the ability of the state to fulfil this basic responsibility enshrined in the constitution (1999 Constitution). This calls to question the issue of the effectiveness and efficiency of state security apparatus.

Nigeria obtained her independence from the British in 1960. Ever since, the nation had hardly known peace as it has always been involved in social upheavals that threaten her corporate existence. Such upheavals have manifested in the forms of religious riots, indigene/settler conflicts, inter/intra tribal wars, communal clashes, political conflicts, insurgency, militancy, and recently, the issuance of quit orders to one ethnic group or the other. The latest of these crises are the frequent herder/farmer clashes and indeed the invasion of the herdsmen south and eastward which leaves behind a cloud of suspicion and imminent danger across the nation. Ordinarily, one would expect that the security apparatus can contain the situation.

In a paper presentation in Abuja titled, “towards efficient and effective policing in Nigeria, Kasamu (2017), a chief superintendent of police, had the following revelations to make.

The Nigerian Police Force (NPF) is the principal law enforcement agency in Nigeria with a staff strength of about 371,800 and plans to increase the force to 650,000. It is a large organisation consisting of 36 state commands grouped into 12 zones and 7 Administrative Organs. The constitution of Nigeria makes provision for a single police force, meaning for now, no other similar security agency is allowed to be established by the Federation or any of the component parts.

Inyang and Abraham (2013), observe that, “the NPF is statutorily therefore, responsible for the “detection and prevention of crime, apprehending and prosecution of offenders, protection of lives and property of citizens, enforcement and maintenance of law and order”. Lending credence to the statement by Inyang and Abraham (2013), Inyang and Brown (2011), assert that, “these statutory functions have guided policing activity within the country, without regards to any other informal groups”. Considering the spate of insecurity bedeviling the socio-economic development of this country, it then becomes worrisome and clear that the Nigeria Police Force as currently constituted, has failed to live up to its constitutional responsibility. This brings to the fore the issue of alternative policing which may easily be located in the context of 'state policing', an experience that is working out in the United States of America. This paper, therefore, seeks to ascertain the lessons which Nigeria may stand to learn from the US experience of 'state policing'.

Conceptual Clarification

Constitution: Most modern constitutions define the fundamental principles of the state, its structures, processes as well as the basic rights of citizens in a higher law which cannot be changed single-handedly by an ordinary legislative act. It is this higher law that is referred to as a constitution. There is no universally accepted constitution as the nature and content of a constitution differs from one country to another. However, a broad definition of constitution is likely to incorporate a number of features as; it must be binding on all persons in the state including ordinary law-making institutions; rights of citizens, political principles, structure and operation of institutions of government of the state must be incorporated in such a constitution, it must be based on widespread public legitimacy; difficult to change than ordinary laws (e.g. a two thirds majority vote or referendum is needed); meet the internationally recognised criteria for a democratic system, as a minimum, in terms of representation and human rights. Paine (1809) had this to say:

A constitution is a Thing antecedent to Government, and a Government is only the creature of a constitution. The constitution of a country is not the act of its government but of the people constituting a government. It is the Body of Elements to which you can refer and quote article by article; and which contains the principles upon which the government shall be established, the manner in which it shall be organized, the powers it shall have, the mode of elections, the duration of parliaments, or by what other name such Bodies may be called, the powers which the executive part of the government shall have; and, in fine, everything that relates to the complete organization of a civil government, and the principles upon which it shall act, and by which it shall be bound. A constitution, therefore, is to a government what the laws made afterwards by that government, are to a court of judicature. The court of judicature does not make the laws, neither can it alter them; it only acts in conformity to the laws made; and the government is in like manner governed by the constitution.

In the words of Machiavelli (1611);

There is nothing more difficult to arrange, more doubtful of success, and more dangerous to carry through than initiating change in a state's constitution. The innovator makes enemies of all those who prospered under the old order and only lukewarm support are forthcoming from those who could prosper under the new. Their support is lukewarm partly from fear of their adversaries, who have the existing law on their side, and partly because men are generally incredulous, never really trusting new things unless they have tested them by experience.

Insecurity: “An approach to the explanation of insecurity should best emanate from the definition of security. Thus, while Albert (2003) views security as, involving the survival of the state and the protection of individuals and groups within the state”, Mcfarlane (1994) defines the term as, “the protection of assets including people against damage, injury or loss from internal and external causes”. Thus, when a person is vulnerable to damage, injury or loss

from internal and external forces, such a person is insecure. This again implies that insecurity has to do with a state of fear of the unknown or a state of being unable to protect lives and property.

National Security: In the contemporary world, national security has assumed a new dimension which includes social, economic, cultural, political, environment and even technological factors. Hence, Obasanjo (1999) views national security as, “the aggregate of the security interest of all individuals, communities, ethnic groups and the entire political entity”. His argument is that the preservation of the safety of Nigerians at home and abroad as well as the elimination of corruption, pursuit of development, progress and the improvement of the welfare and quality of every Nigerian citizen's life, constitute the concern of our national security. For him, national security is:

The aggregation of security interest of the National political entities, human association and ethnic groups, that make up a nation. The security interest includes safety of life and property, economic, psychological, mental well-being and freedom to pursue the attainment of legitimate objectives without hindrance.

Mroz (1991), conceives national security as, “the relative freedom from harmful threats”. According to Babangida (2011), national security is, “the physical protection and defence of our citizens and our territorial integrity and also the promotion of the economic well-being and prosperity of Nigerians in a safe and secure environment that promotes the attainment of our national interests and those of our foreign partners”. The United Nations Development programme (1994; 1996) posit that summarily, national security may be viewed as, “protection from the threat of disease, hunger, unemployment, crime, social conflict, political repression and environmental hazards”.

Sovereignty: This is a concept used to explain the inalienable political, legal property of a state which is a necessary and constant attribute. It is a very basic concept of modern international law, which is to say that the notion of “state sovereignty is unimaginable without international law itself. Boutros-Ghali (1994) observed that, “the main demand of the day is to rethink the problems of sovereignty”. A soviet legal scholar Manelis (1966), gave his understanding of the term sovereignty as he writes:

Sovereignty should be considered a social phenomenon which is closely connected with the state, its role in international relations and the regularities of its development. Just as the very international law, sovereignty arose with the emergence of states.

In his “Law Code” dated 1184, (i.e. 12th Century), a famous Armenian social and political elite and lawyer named Gosh (1954), gave his interpretation of the concept of “sovereignty” as follows: “kings are those who sovereignty exercise dominion over their peoples and tribute from other people, or if do not tribute then (at least) are not themselves taxed tribute to others (Kings)”. This by implication suggests that as early as the 12th Century the concept of sovereignty was perceived in terms of supremacy of imperial power within the state and its independence beyond its boundaries.

State Police: Nwolise (2004), was quite precise as he summed up policing as involving, “conflict resolution”. In his contribution, Alemika (1995) writes that, “policing involves coercive and/or ideological regimentation of social life through the activities of police and sundry state intelligence and security forces, and through other measures aimed at deducting and suppressing behaviours, actions and orientations that threaten the prevailing social order”.

The Committee of the American Institute of Criminal Law and Criminology conceives state police as, “a specially organized and highly trained body, acting under state rather than local authority, and constantly employed in the prevention of crime, the apprehension of criminals, and the protection of life and property generally throughout the state and especially in the rural and sparsely settled districts” (Corcoran, 1924:544).

Territorial Integrity: In its condemnation of the Italian invasion of Ethiopia, and the broad support for China over the creation of Manchukuo in Manchuria and eastern inner Mongolia, the league of Nations was manifesting its intention to uphold territorial integrity and other principles of international law. This stems from the fact that political units have always layed claim to definite territories. The intrusion into these territories is always considered an act of aggression/war and often results to war. Territorial integrity therefore, may be viewed as the principle under international law that prohibits states from the use of force against the “political independence” of another state”. According to Corten (2011), this principle is “enshrined in Article 2(4) of the UN Charter and has been recognized as customary international law”.

Empirical Review

Past and current works on Nigeria's National Security and state policing are hereby reviewed in a tabular format as follows:

Table 1: Empirical Literature

Surname of Researcher, Year, Title of Study	Scope	Methodology/Findings and Recommendations
Alozie (2019) Critical assessment of the Nigeria Police and National security in Nigeria’s Fourth Republic	Nigeria: Nigeria police and National Security.	The paper examined the constitutional role of the police as an important agency of the state that plays a key role in the enhancement of national security. The qualitative approach was carried out with secondary data as well as primary data. The Marxian approach to the theory of post-colonial state was employed for analysis. It was found that despite current reforms to rightly reposition and refocus the Nigeria Police Force, some members of the command have continued to indulge in acts that constitute serious threats to the Nigeria national security.
Odeh&Umoh (2015) State Policing and National Security in Nigeria.	Nigeria: State Policing and National Security.	The study observed the efforts of governments to reform and reposition the Nigeria Police Force (NPF). It also noted that all efforts have failed to achieve the desired results. The study employed secondary data and found that the current NPF may never be adequate to curb the menace of insecurity in Nigeria. Hence it recommended the decentralization of the force.
Nwogwugwu and Kupoluyi (2015). Interrogating the Desirability of state policing in Nigeria.	Nigeria: Desirability of state policing.	The study used secondary data in this qualitative study. It observed that decentralization encourages specialization and efficiency. The paper concluded that there is need for state policing in Nigeria.
Haruna (2019).State police and police – operational efficiency: footing for strengthening national security in Nigeria: A scrutiny of OJO in Lagos State.	Nigeria state police, Operational efficiency and national security	The paper assessed the Creation of state police and police operational efficiency as footing for strengthening national security in Nigeria. It applied theoretical and quantitative methods. Data was sourced from secondary material. The quantitative data was obtained through questionnaire administration on 250 residents in OJO Local Government Area. Results showed that most residents favour the introduction of state police. The study recommends the introduction of state police with strict judicial control and deployment of smart security technologies.
Nwogwugwu and Odedina (2018) Policy framework for community and state policing in combating	Nigeria: Community and state policing and security challenges	A qualitative research which leveraged on secondary data. The paper argues that the traditional security agencies have failed in

Theoretical Framework (Theory of Social Conflict) COSER, 1956)

According to the theory, where relationships are such that people are very deeply involved, there are bound to be feelings of both 'attraction' and 'hostility'. The theory holds that, “the closer the relationship, the more intense the conflict”. Conflict simply presupposes a relationship and social interaction. Realistic conflicts are often accompanied by distorted sentiments. There is a distinction between realistic reasons for engaging in conflict in one hand and the emotional energies involved during the conflict. Often times, there is always the failure to realise that conflict maybe motivated by these two distinct yet intermingled factors: realistic conflict issues and parties affective investment in the conflict. This is where a police

force that is closer (state policing) becomes necessary. Its function as a mediator will be to eliminate non-realistic elements of aggressiveness to enable the parties involved to address their competing claims more realistically.

Methodology

The study is a qualitative investigation into the extent to which state policing can go in enhancing Nigeria's national security by borrowing a leaf from the US success story on state policing. Data was obtained from secondary sources while synthesis was by the mode of content analysis which proceeded in the following sequence.

Research question one (1): Can state police enhance the security situation in Nigeria?

Answer: Relying on secondary data in evaluating the feasibility of state policing in Nigeria, Odeh and Umoh (2015) in their study titled, “state policing and National security in Nigeria, highlighted the urgency in the need for the establishment of a state police that will be capable of tackling the current challenge of gross insecurity in the country. The analysis in the study centred on variables which include – the reorientation of the force, insufficient budgetary allocation and judicious use of security vote, the practice of true federalism, the creation of employment opportunities, etc. In its findings, the study exposed the fact that the current centralised system of administration in the police force has not been able to lead to the curbing of the menace of insecurity in Nigeria. In the views of Okechukwu and Anyadike (2013) insecurity in Nigeria has assumed a magnitude whereby, “most Nigerians now sleep with one eye open as those who are lucky to escape burglars are kept awake all night by booming sounds of gunshots or dins of bomb explosions by those too powerful to be stopped”. In a related development, Nwogwugwu and Adewale (2015) in their study titled, “Interrogating the desirability of state policing in Nigeria” observed that the sustenance of order, security of life, legality, development and democracy may be difficult without policing, such policing must not be limited to the kind of federal policing currently in place in Nigeria. It was the contention of the paper that, “the inefficiency of the policing arising from over centralization and the use of the police by the Federal Government as an instrument of oppression is some of the reasons that give rise to calls for state police”. The paper also made the point that, “since state police is supposed to be a community-based issue, it is difficult to imagine that efficiency would be served in a centralized system of police in a federal system”. Nwolise (2012), in his support for state policing in Nigeria, asserts that, “the establishment of state police would be an excellent opportunity for Nigerians to recruit committed citizens, who can speak the people's language, understand the people's culture and share their values and aspirations, and therefore have no choice than to be people – friendly”.

Research Question Two (2): What lessons does Nigeria have to gain from the experience of United States Policing?

Answer: In an attempt to state the obvious, Odekunle (2004), lists a number of factors that bedevil the efficiency of the Nigeria Police Force. According to him, these factors include – corruption, poor funding, poor gadgets, psychological problem, poor training and retraining, faulty recruitment processes among others. It is believed that the above impediments have

contributed immensely to the low rating of the Nigeria Police Force amongst the worst performers in Africa (2018).

Table 2: The Ten Worst Performing African Countries in Policing 2018

S/N	Country	Index Score
1	Nigeria	0.26
2	Congo	0.27
3	Kenya	0.3
4	Uganda	0.31
5	Mozambique	0.35
6	Cameroun	0.38
7	Sierra Leone	0.4
8	Ethiopia	0.4
9	Zambia	0.42
10	Madagascar	0.42

Source: International Police Science Association and Institute for Economics and Peace, 2017.

It is heart-warming to observe the success story and experience of state policing in countries like Mexico, United States of America, Canada, Germany, India and Spain. These success stories must be attributable to certain features/factors which Nigeria must learn from. Thus the issue of features of the US State policing should be considered.

In summer 2014 and later on, the US State policing experienced series of difficulties which shook the agency to its foundations. The involvement of the police in the deaths of Eric Garnen in Staten Island, New York; Michael Brown in Ferguson, Missouri, added to several other controversial police use of force that received both national and international attention, made the force realise that, a controversial use of force by a police officer can jeopardize the stability of police department and its relationships with the community overnight. Thus, a number of departments have started to build their use-of-force polices around statements of principle, emphasizing the sanctity of all human lives. In this direction, the Las Vega Metropolitan Police Department must be commended for providing the leadership. Generally, in the US, there is the growing recognition that officers are given the training that more effectively prepares them for the types of difficult situations they will face in the field. The whole emphasis is on minimizing the use of force which must constitute a vital component of the “culture” of policing. This culture of policing has some other components.

Accountability: To ensure that personnel operate in a fair and legal manner, police departments need systems of accountability. A variety of accountability mechanisms should be in place with mapped out procedures to ensure that mechanisms are in consistent use. Accountability mechanisms comprise supervision practices, disciplinary systems, internal audits and investigations, external oversight/review boards, and citizen complaint processes.

Early Intervention Systems: An Early Intervention System (EIS) refers to a computerized database of individual officer performance indicators which supervisors use to identify officers who may be engaging in improper or illegal conduct such as excessive or unnecessary

use of force or abusive behaviour toward members of the community. “Having a robust Early Intervention System (EIS) is recognized as a best practice in policing” (PERF, 2005).

Internal Affairs (IA): This unit investigates complaints and allegations made by members of the community against members of the police team. Such allegations may include misconduct, corruption, inappropriate application of the department's policies and procedures, lack of professionalism, and some other issues.

Citizen Complaint Process: Members of the community should have no difficulty in lodging complaints about any experience with the police. This is to say that the police departments should have an open and accessible complaint process. Complaint data should be tracked, and police departments should provide a way for complaints to follow up and learn the status and disposition of their complaints. Tracking complaints allows police departments to evaluate what types of complaints are most common and trends to analyze them.

Against the background of features of state policing in the United States, the study by Nwogwugwu and Kupoluyi (2015), presents state policing in line with the conception by committee of the American Institute of Criminal Law and Criminology which models state policing in the quotes of Corcoran (1924) as:

A specially organized and highly trained body, acting under state rather than local authority, and constantly employed in the prevention of crime, the apprehension of criminals, and the protection of life and property generally throughout the state and especially in the rural and sparsely settled districts.

State police was necessitated following the experience of the United States of America in which:

The movement responds primarily to the increasing consciousness on the part of dwellers in rural and suburban districts of a need for a greater degree of police protection. The coming of the automobile and improved highways widened the range of crime and rendered its control more difficult. Local sheriffs and constables are not adequate nor specially fitted for this work. State militia is a clumsy and extremely expensive agency and is not trained for police duty. It is designed primarily as a supplement to the standing army for national defence. It is a movement toward centralization of government for the purpose of economy and efficiency (Corcoran, 1924).

Considering the advocacy for the introduction of state policing in Nigeria, this paper holds the view that, modelling the state police in Nigeria along the lines of the US State policing would ensure that the vices bedevilling the effectiveness of the security agency would be brought under control. This is more so as, “the Nigeria Police Force which is centrally controlled, has over the years metamorphosed to a state where it is allegedly characterised by various social vices such as graft, corruption, robbery and indiscipline (Tunde-Awe, 2005). On the whole, one strong view on the need for state policing in Nigeria was advanced by the ex-governor of

Lagos State, Babatunde Fashola who argued that, “every state that has the power and to give judgment through its state high courts and magistrates and make laws through its state assemblies and legislators must have the concomitant powers to enforce its law and police its state (Onwuzuluigbo, 2012). This is in line with the principle of Federalism on which Nigeria is founded.

Findings

This study revealed the following facts:

1. The centralized system of administration in the Nigeria Police Force has not facilitated the curbing of the menace of insecurity in the country. Insecurity in the country has assumed a magnitude whereby most Nigerians now sleep with one eye open as those who are lucky to escape burglars are kept awake all night by booming sounds of gunshots by those too powerful to be stopped.
2. Adequate policing should not be limited to the kind of Federal Policing currently in place in Nigeria. Thus, the sustenance of order, security of life, legality, development and democracy in Nigeria will be difficult until state policing is introduced.
3. The Federal Government of Nigeria uses the Federal Policing currently in existence, as an instrument of oppression and intimidation against opposition. This is one reason for the advocacy for state policing.
4. The state police is a community based outfit. Thus, its establishment would be an excellent opportunity for Nigerians to recruit committed citizens who speak, understand the people's language, understand their culture, share their values and aspirations, and have no other choice than to be people-friendly.
5. Certain factors are responsible for the inefficiency of the Nigeria Police Force. They include – corruption, poor funding, poor gadgets, psychological problem, poor training and retraining, faulty recruitment processes, etc. These factors have contributed to the rating of the force as one of the least (poor) performing forces in Africa for the year 2018.
6. Some countries have success stories associated with their state policing. They include – the US, Canada, Germany, India and Spain. Their success stories are attributable to certain features/factors which Nigeria should emulate or learn from. Some of the features include – Accountability, Early Intervention System, Internal Affairs (IA), and Citizen Complaint Process.
7. State policing is in tune with true Federalism in which the federating states have their legislatures, high courts and magistrate courts which make and interpret laws at the state level. It therefore, makes a constitutional sense that such states should also have their own police forces.

Conclusion

Nigeria became an independent state on 1st October, 1960. This puts the nation at over fifty-nine years as an independent nation. Again, emerging from a four-regional structure – North West, Mid-West and East, the nation today boasts of a 36 state structure and a Federal Capital Territory. Of great concern is that the population attained an alarming growth rate which is today placed at over one hundred and eighty 180 million. Against the background of the administrative structure and population just given, it is no secret to state that the whole

population and structure has no guarantee in terms of security of the sovereignty as well as lives and property of its citizenry. It is therefore, little wonder why the “issue of insecurity” has always occupied the front burner of every segment of the media within and outside the country. This is clear evidence that its security outfit is grossly inefficient and inadequate.

The Nigeria Police Force is a centrally coordinated outfit which is a colossal failure to a point where it is rated among the “worst performing police forces in Africa for the year 2017” (International Police Science Association and Institute for Peace, 2017). The abysmal performance of the force has triggered the call for state policing in Nigeria. Though it may have its disadvantages, many believe it will lead to a lot of improvement in ameliorating the problem of insecurity in the country. This paper pointed out factors like corruption, poor funding, inadequate training, poor recruitment process, etc. as the bane of the current force which could be remedied by adopting the model of state policing of countries like the United States, Canada, India, etc. The factors accountable for the successful state policing in such countries should be adopted in Nigeria if the desired results should be attained while establishing state policing in this country.

Suggestions

The findings of this study have led to a number of suggestions which include:

1. The rising incidence of insecurity which is obvious should be brought to a meaningful check by the introduction of state policing across the states of the Federation. Government at the Federal level should embark on measures to make state policing a reality in the shortest possible time.
2. The constitution of the Federal Republic of Nigeria which provided for only a Federal Police Force should be revisited to provide for state policing with every necessary powers to make it effective and efficient.
3. Both the Federal and state police outfits should be adequately funded and equipped for effectiveness and efficiency.
4. Training and retraining of police personnel at every level should be in line with the background understanding of the sanctity of life as paramount.
5. Countries with success stories on state policing should constitute the model of the Nigerian State Police Departments. The United States is one such country. They have to be understudied to enable Nigeria learn those attributes/factors which account for the success of state policing in their countries.
6. The fight against corruption must be intensified particularly on the Nigeria Police Force since the menace is one reason for its poor showing.

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