

A Comparative Analysis of Police Accountability in Nigeria and United States

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Abstract

The police all over the world are becoming more accountable in the performance of their primary responsibility of crime prevention and control. The paper is an exploratory study and examines the various mechanisms of police accountability in United States and Nigeria while also highlighting the importance of police accountability in a democratic society. Through a comparative analysis, the paper argues that police accountability mechanisms are more effective at controlling police power and improving police-community relations in United States compared to Nigeria. The paper posits that the decades of military rule and the overall lack of accountability in all facets of public life in Nigeria have all combined together to weaken the mechanisms for police accountability. The paper therefore concludes that it is important that there should be clear, concise or established standards which should guide the conducts and operation of police in Nigeria.

Introduction

Despite the fact that police accountability mechanisms differs from one country to another (Stone 2007), yet accountability has become an important element in the discourse of the ground rules for the governance of nations and corporate entities. One of the most rigorous yet broad, definitions of accountability that this paper leans on has been provided by Schedler (1999). According to him, the term accountability explains the continuing concern for checks and oversight, for surveillance and institutional constraints and on the exercise of power and authority. Accountability is not intended to eliminate or undermine power but rather control it from becoming an instrument of repression and exploitation and to ensure that power is exercised in a transparent manner, and according to rules.

Over the time, the public in every society has demanded more personal attention from police and control over police activities in their community, while police at the same time realized that their effectiveness is highly depended on the amount of cooperation and support received from the community. The United States policing philosophy of community police and the Nigeria police recent introduction of community police programs with the support of the British government after the enthronement of democratic government in 1999 were designed to overcome the lack of trust and cooperation between marginalized racial or religious communities and the police.

Police accountability is therefore concerned with holding police officers responsible for their actions and inactions and for effective performance of their primary duties of crime prevention and control while at the same time treating individuals fairly and within the confine of the law. Accountability is vital to policing all over the world (both democratic and non-democratic) and this is the reason that accountability procedures are essential if police agencies are to achieve their goals of lawfulness and legitimacy (Walker, 2007) and to ensure effective police-community relationship. It is important to note that police accountability is necessary because if the powers of the police are not controlled it can be jeopardized. Democratic societies have thus devised mechanisms to hold agencies of government, including police, accountable for their performance, actions, and management of resources.

To establish an effective and accountable system of policing, democratic societies need multiple mechanism of controls-internal, external and social control. This paper thus examines the different mechanisms for police accountability in both United States and Nigeria with the aim of making a comparative analysis.

It also seeks to analyze the effectiveness of these mechanisms with regards to the performance of police duties and in ensuring cooperative police-community relationship. The United Nations International Police Task Force (1999) set forth seven basic principles that policing in every democratic society should be guided with and, from which policing standards and behaviors can be inferred: police must be oriented and operate in accord with the principles of democracy, consistent with the constitution and with law; polices, as recipients of public trust, are professionals whose conduct must be governed by professional code of conduct; Police must have as their highest priority the protection of life, fundamental human right; police and serve the public and are accountable to the public; protection of life and property is the primary function of police operations, and a central focus of police activity must be on measure of preventing crime; police must conduct their activities with respect for human dignity and basic human rights of all person; and police must discharge their duties in a non-discriminatory manner.

Methodology

This is an exploratory research and the intent is to explore the mechanisms of accountability of policing in both United States and Nigeria. This is because no known study has been carried out to compare policing accountability in both countries. This study like most exploratory studies relies on qualitative techniques of data collection. Information for this paper was gathered through interviews with City of New York Police Department personnel and officers of Nigeria Police supported with both traditional and computer-based criminal justice literature; and the analysis of historical and current issues, trends, and insight to the mechanisms of police accountability in both Nigeria and United States through a comparative analysis which has not been fully utilized by past studies (Babbie, 2007).

Overview of Policy System in both Nigeria and United States

The Police in Nigeria have grown from the policing system instituted during British colonial rule, although there were local police forces, which were phased out between 1968 and 1972 (Alemika, 1988). Since 1972, there has only been the single National Police Force, 264 police officers per 100,000 persons (Nigeria Police Force, 2007a). The history of Police in Nigeria is “a legacy of arbitrariness, ruthlessness, brutality, vandalism, incivility, low accountability to the public, and corruption” (Alemika, 1988; 161).

On the other hand, there is no single centralized police force in the U.S. There are over 18,000 police agencies and just fewer than one million law enforcement officers in the U.S., which translates to the fact that in the U.S. policing is highly decentralized. The U.S. is viewed as a punitive nation, having the highest incarceration in the world (National Master.com, 2006). As compared to other industrialized nations, the U.S. has a high rate of violent crimes (Nationmaster.com, 2006). The City of New York Police Department (NYPD) is the largest municipal police department in the USA. The department employs 40,000 uniformed officers to police a daily transient population of approximately of 11 million (Ramachandra, 2005).

In general, the literature suggests that the majority of the U.S. population has a favorable view of the police (Sims, Hooper & Peterson, 2002); however, there appears to be a degree of distrust of the police by some minority residents (Tyler, 2001; Tyler & Hou, 2002). Although policing is built of differed notions in different communities, ideas surrounding policing in the U.S. have generally been based on principles of individualism, fairness and minimal government intrusion into the lives of citizens (Steverson, 2008).

Literature Review

Studies on police and accountability have established that police in general has a multi-layered internal system that can theoretically be invoked by members of the public that are aggrieved by any act of police misconduct (Alemika, 2003 & Stone, 2007). In the same view, Sholnick & Fyfe (1993) emphasizes the importance of internal accountability, and most especially accountability of supervisors for the misconduct of their subordinates. Peak (1997) and Alemika (2003) detailed the various types of external accountability and their importance to police performance.

In Nigeria, the need to strengthening mechanisms of police accountability through the oversight bodies such as the Police Service Commission(PSC) and also through Community Policing experiment are some of the argument of Alemika (2003) for proper accountability. The ability of police accountability to reduce incidents of racial profiling especially in U.S. was the concern of both Carter (2002) and Stone (2007).

From a different perspective, the importance of police accountability in curbing police corruption, brutality, use of force and improving the code of ethic of the various police department were the main concern of Peak (1997). Police accountability in United States and especially in a democratic setting was the focus of Bayley (1997) who noted that police in a democratic society should be able to respond to the needs of individuals and private groups as well as the needs of government.

The difficulties involves in establishing effective and accounting system of policing in young democratic societies and developing countries was the focus of Perez (2000) who argues that this is so because the police in these countries have been historically known as agents of government-sponsored oppressions. From the same perspective, Pustintsev (2000) emphasizes that attempt at reform in Russia to make the police more accountable for improve police-community relations have not been successful due to the fact that political and social structure of the country have rendered the government incapable of ensuring that rising incidents of police misconduct are curtailed. It is the position of Macovei (2000) that making the police accountable to the civilian system of justice would go a long way toward curbing police misconduct. And to do this, any reform at enhancing police accountability must take into account the societal and institutional problems that lead to police misconduct in the first instance (Silva, 2000). Preventing police misconduct according to Sanders and Young (as cited by Alemika, 2003) should be the emphasis of every police department because a few incidents of police misconduct and ineptitude can undermine public confidence on which community policing relies.

The relationship between police accountability and police performance was the focus of Goldstein (1977). According to Goldstein, through the use of accountability police managers have a range of options for improving the conduct and performance of their subordinates. To many policing scholars, recruiting members of minority groups or groups previously underrepresented can facilitate accountability (O'Rawe & Moore, 1998). This is particularly important because religious, ethnic and gender balance in every police department would enable the police to reflect the population it serves.

Mechanisms of Police Accountability

All over the world there are multiple mechanisms of exerting control over police. These mechanisms vary from place to place, depending on the political structure or the countries involved. In both Nigeria and U.S. these mechanisms can be grouped into three different levels: internal or departmental control; state or governmental control and social control or what is usually known as control by the civil society. The argument of this paper is that these mechanisms are not only necessary but complimentary to each other. These mechanisms should also mesh together in other to be effective (Chukwuma, 2003). Similarly, Bailey (1983) emphasized this point when he argues that the best way to achieve accountability is to enlist the support of the police in disciplinary activities and for processes of external regulation to be taken seriously, the police must become convinced that they will be trusted to bear the active responsibility for ensuring correct performance.

In Nigeria, the most visible mechanism of police control is the department or internal control exercise by supervisors, commandant, office of the Inspector General of Police, Public Complaints Bureau (PCB) in the police- public relations department of every state command, and the provost department of every state command and at the Force Headquarters (it is important to note that police is a federal government responsibility in Nigeria and a result it has unitary command structure). Generally, citizens do not have absolute confidence in the police internal control. This is because they have on many occasions proved to be non effective and "it is usually only when the police are being vilified by the press for egregious violations of human rights such as extra-judicial killing or when the victim is a prominent person that you mostly hear about their internal disciplinary systems" (Chukwuma, 2003:46). For example, the death of 52 years old Mr. Ismail Quadri, an innocent citizen of Nigeria who was arrested and beaten by a policeman and later died in Lagos did not attract any punishment for the policeman despite the fact that he was identified (The Nation, September 24, 2011).

Another form of internal control is the code of police conduct which stipulates adherence to rules, rewards or punishment for compliance or non-compliance (Alemika, 2003). The code of police conduct in Nigeria requires every police officer to have a thorough understanding and knowledge of the laws, and of police orders and instructions, and to develop among others the attributes of courtesy, forbearance and helpfulness in his dealings with members of the public; patience, tolerance and control of temper in trying situations; integrity, in refusing to allow ethnic or personal feelings or other considerations to influence him in the exercise of his/her duties and strict truthfulness in his handling of investigation; and in the giving of evidence.

In the United States, most police departments have a more effective internal system for identifying, investigating, adjudicating, and punishing individual instances of police misconduct. For example, some police departments have started using early warning systems to identify potential dangerous officers. Computer data base which is able to track variables such as officers age, education, arrest rates, reprimands, disciplinary issues and civilian complaints are increasingly being relied upon by supervisors to intervene to ensure that every police officer is made accountable for his actions or inactions. CompStat program of the City of New York Police Department (NYPD) is a form of internal police accountability. CompStat goal is to reduce crime and enhance the community's quality of life. The components of the process are the collection and analysis of crime data, the development of strategies to address problems, the rapid deployment of resources, and follow up and accountability (Goeghegan, 2006). The NYPD holds biweekly CompStat meetings. Goeghegan noted further that at each meeting, commanders are required to present an overview of police activities under his/her command as well as the strategies for addressing crime and quality-of-life issues. This approach emphasizes accountability and monitoring.

One major problem associated with internal control system is that it is often distrusted by the public because of its perceived secrecy and suspected biased towards officers. There is also the criticism that they are never the subject of well funded reform efforts. In Nigeria, internal mechanism of police accountability is seldom trusted by the public because of the perceived culture of corruption in the police (Alemika, 2003 & Chukwuma, 2003). Despite the criticisms of internal control, it is a viable mechanism of accountability in the police because strict internal discipline is a useful tool for accountability and a vehicle for improving police-community relationship. It is important to note that in most cases, it is only the department itself that can respond swiftly to violations. In the U.S. accountability or investigation can cover wide issues such as the deadly police shooting resulting in the death of 23-year-old Mr. Sean Bell by the officers of the City of New York Police Department (NYPD). It could also covers such areas as police corruption and the conduct of integrity test of all police officers who are deployed to corruption-prone assignments.

The Nigeria constitution established two principal organs for the control of the Nigeria Police. In essence, the police external control is that exercise by the Nigeria Police Council and the Police Service Commission (PSC). The 36 state governors of the country and the President of the country constitute the Police Council and they are the highest organ of the state responsible for the police on organization and administration of police in the country and can be important organ of police accountability (Alemika, 2003). The Council is vested with the responsibility of approving one of the nominees recommended for the post of the Inspector General of Police while the Police Service Commission (PSC) is responsible for the budget, recruitment, training, promotion and disciplining of police officers. Others forms of state control include the judiciary and through the Fundamental Human Rights Provisions of the Constitution. The 1999 Constitution of the country guaranteed the rights of life and dignity, prohibited torture and unusual punishment and guaranteed rights to be presumed innocent until adjudged guilty by a competent court.

Similar to the situation in Nigeria, police departments in U.S. are accountable to multiple agencies of the state including legislative, judicial and executive bodies. There are many instances that police chiefs have had to answer directly to elected officials such as mayors, governors, or president or to someone appointed by an elected official such as mayors, governors, or president. It is important to note that these officials attempt to influence police strategies and tactics, while others exercises their control through the budget. The amount of executive control depend on the personalities and political traditions as some political office holders prefer to use the police department as a political wheel to further their political ambition.

The control exercise by the judiciary through the court also known as judicial oversight is an importance mechanism of accountability in both Nigeria and U.S. and it is meant to keep police accountable to the rule of law (Chukwuma, 2003). Courts around the world are regularly being used to check police abuses especially in the areas of confessions that are extracted through the use of force. This has been credited with the elimination of force interrogation by the police in United States. In Nigeria, the judiciary is known for initiating criminal proceeding against police officers who have been found to have used their position to commit crimes. Despite the involvement of courts in curbing police abuses in Nigeria, force interrogation and brutality during interrogation remains a feature of the police due to many factors such as police attitude and poor training in techniques of interrogation.

Effective court control of the police demand a determined judiciary and an effective legal representation which is still is not feasible in the Nigeria because of the developing nature of its democracy after more than three decades of military rule. Whereas most people have access to legal representative in the United States, this cannot be said of Nigeria. Such factors as poverty and lack of education have hampered the effectiveness of judiciary in exercising control over the police. Most Nigerian citizens are usually afraid of the police because of their possessions of weapons and the fact that they use it against people at will.

A major disadvantage of external mechanism of control is that police are always hostile to external control because of some factors which include the fear that it undermines police supervisor's authority and the confidence of the subordinates, the possibility of using it as an avenue of revenge for arrest and prosecution and the fear that those who do not understand the peculiarities and danger of police work will sit in judgment over their conduct (Alemika, 2003).

The most visible forms of social control mechanism are the control exercise by the media to curtail abuses and misconduct by police officers. The media in Nigeria have been credited with highlighting police abuses such as extra judicial killing, illegal detention and corruption which were rampant during the military regime (Chukwuma, 2003) and which continue to be prevalence more than 10 years after the enthronement of democratic government. In United States, apart from the control exercise by the media on the police, other pronounced forms of social control mechanism include neighborhood safety councils, community-based organizations, policing research and policy institute. The civilian complaint review, external auditors and human rights monitor are also important social control mechanism of police control. These various types of social mechanisms if fully utilized can bring about improvement in police-community relations and effective performance by the police. One of the major reasons for the lack of cooperation between the police and public in Nigeria is because most citizens are ill informed about police duties and the importance of citizen's involvement in policing.

This has made Goldsmith (2005) to conclude that it is important that accountability mechanisms address a number of performance areas such as ensuring a range of different substantive and procedural outcome. Getting the institutional arrangements right however, should also be considered as entrenching good habits in public practices, contributing to its character and reputation over time.

Findings

One major findings of this study is that different countries have evolved pro-active and reactive mechanisms for police accountability. Among such are constitutional guarantee of fundamental human rights, which serves as limitation on exercise of police power. Such provisions may be construed as proactive or preventive measures to the effect that they are intended to control the abuse of power by the police and other organs of the state. There is statutory provision on procedures for policing law enforcement. One of such potent provision is the exclusionary rules in respect of evidence obtained from suspects through torture and deception. These provisions may also be construed as both proactive and reactive as they seek to create disincentive for police abuse of their powers.

Another widely used mechanism of police control is the internal administrative review that focuses on the intake, investigation and review of complaints against another. This mechanism is reactive because it focuses on investigation and review of complaints against the police by members of the public or by a police officer against another. It is also reactive because it focuses on conducts that are abusive before they occur. Others include judicial mechanism-criminal and civil liability of police for abuse of power, special investigation commissions and civilian complaints review board.

Police accountability in the United States varies from internal, external, media and public. Internal control includes training, line commanders, crime statistics reporting, reward structure, line supervisors, integrity units and administrative discipline. The state control involves operational direction by elected and appointed political officials, budget authorities, in United States there is also social control mechanism which include neighborhood safety councils, community- based organizations media, policing research and policy institutes. Others include civilian complaint review, external auditors, media, human rights monitors, policing research and policy institutes. In United States, there are many instances where civil rights organization have provided legal representation and support to victims of police abuse, most especially to members of the minority groups. Some also made attempt to negotiate improvements to departmental policies to reduce tensions with police in poor minority communities (Goldberg, 1998).

The paper discovers that police accountability in the United States is fairly more effective in controlling police behaviors and misconducts and varies from internal, external, media and public. By pioneering community-based policing initiatives and obtaining the support of the rank-and-file organization, NYPD succeeded in reducing overall crime by 44% and murder by 69% by 1997 (Ramachandra, 2005). In Nigeria, there is a widespread concern about the performance, integrity and conduct of the Nigeria Police. For examples, the police are widely criticized for extra-judicial killings, corruption, incivility, brutality, and torture, non-response to distress call by citizens. As attested to by a police sergeant interviewed in Nigeria most police officers in Nigeria are brutal due to lack of motivation and poor condition of service in the country most especially for the junior officers.

It must be emphasized that no police can be accountable if the government lacks accountability, as is the case in Nigeria. The critical issue is how serious is Nigeria in terms of institutionalizing mechanisms and procedures for holding police accountable. Hills (2008) noted that despite decade of police assistance and the recent introduction of reform plans, Nigeria's public police remain notoriously brutal and corrupt and this raises the question of whether even flawed reforms in a relatively democratic environment can make a significant difference to policing standards and practices. Despite the fact that the country has multiple mechanisms for holding police accountable, these mechanisms are weak, ineffective and uncoordinated (Alemika 2003).

There are external and internal mechanisms of police accountability and discipline in Nigeria. The external accountability includes the Fundamental Human Rights Provision, Nigeria Police Council and the Police Service Commission through the provision of the 1999 Constitutions. Others are judicial mechanism and the control of the Federal and the Governors of the thirty-six states. The internal mechanism of police discipline and accountability include the code of police conduct and administrative mechanism.

Discussion

The present study shows that any discussion of police accountability, whether in the context of internal, external and societal mechanisms, demands that there are clear, concise or established standards which would guide the conducts and operations of the police. It therefore becomes necessary that there should be transparency in various aspects of policing such as the administration of police, police procedures in operational matters, police regulations, the power of the police as well as conditions of services and the condition of policemen and officers. At this point in time, there is no doubt that excessive secrecy in police operations tends to breeds corruption and other police misconduct. In addition, a closed system of policing inhibits public participation in policing matters.

It is a common knowledge that the Nigeria police as it is now came out of a military administration that does not favor rule of law and accountability. That is probably the biggest challenge that the agency is facing. They brutally torture and sometimes kill suspects without trial. Extra-judicial killing in the police remains a common occurrence. A good example is the extra judicial murder of six traders in Abuja, Nigeria on June 8, 2005 and June 9, 2005 for which the government later paid \$20,300 compensation to each of the families. However, nearly six years after the murder, the trial is stalled, justifying the argument that there is no structure for accountability nor is accountability taken seriously in Nigeria police and by the government of the country.

However, in New York, on November 25, 2006, Mr. Sean Bell was killed by some officers of the New York Police Department (NYPD). Five months later, on March 16, after three days of deliberations and nearly two months of hearing evidence in an emotionally charged case, a grand jury voted in New York to indict three of the police detectives in the killing. Although, there are internal control mechanisms in Nigeria but cases against police officers are usually swept under the carpet once the officers are well connected with people in important positions in the country or have 'god fathers' within the police. For instance, as confirmed by a Nigeria police inspector interviewed as part the study, most extra-judicial killings by the Nigeria police are never investigated except if the victim was an influential person. This justifies the position of this paper that police accountability is more institutionalized in the United States compared to Nigeria.

There is an argument that the reluctance to punish police officers or make them accountable for their actions emboldens other officers to act with impunity. Police misconduct has tainted the relationship between the police and the community in Nigeria. It is expected that the police community initiative (Security Justice and growth program) which is partly being sponsored by the British Government with \$45m (Stone, 2007) will help to improve policing accountability and improve police-community relations as it is being operated in U.S and other democratic countries of the world.

There are few occasions in which police and other law enforcement officers in the U.S. have committed human rights violations. The violations persist nationwide, NYPD officers are also not immune to human rights violation as indicated by a NYPD police officer interviewed. According to the office, some NYPD personnel have engaged in unjustified shootings, excessive beatings, and unnecessary rough treatment. While the proportion of repeatedly abusive officers on any force is generally small, it is expected that responsible authorities, including law enforcement supervisors as well as local and federal government leaders, will continue to act decisively to restrain or penalize such acts.

Recommendations

The study emphasized the increasing need for professional bodies such as Centre for Law Enforcement Education (CLEEN) in Nigeria and the Human Rights, and Association of Chiefs of Police in United States. These bodies are needed as check to end police impunity in both countries. Another important recommendation is the need for the involvement of the business community in police services. It is well documented that a country with high crime rate can threaten the security of investments and signals to investors that government is incapable of enforcing laws. In addition, police misconduct threatens business and creates the impression that the government is unable to hold itself to the high standard that it sets for average citizens.

Community policing programs should be revised in both Nigeria and United States to remain effective and to increase communities' involvement in policing. This is because the inclusion of representatives of various sectors—business men, teachers, farmers, lawyers, and others in community will make the community better equipped to engage with the police and it is less likely that they will need police protection. Police accountability should be a comprehensive view of accountability to cover the entire structure of organizational and policing policies, resource allocation and management, conduct, integrity and performance (Alemika 2003). This has become necessary because some police conduct such as corruption is often perceived as scandal in Nigeria and in some developing countries and not an issue that could be addressed through accountability.

Internal accountability needs to be taken seriously as a means of ensuring police effectiveness in their performance. The exercise of police restraint to avoid unnecessary violence needs to be a focal point of every police operation in order to improve minority-police relationships. There is the need to establish more research centers to address some of the perceived obstacles affecting accountability in policing. An important working recommendation is the need to diversify every police organization in both countries under discussion to reflect their ethnic pluralities as a means of ensuring accountability and improving police-community relations. The unitary structure of police in Nigeria has been claimed to be an impediment to accountability and efforts should be made at diversifying the policing system in the country.

Democracy demands that every country should ensure that international human rights covenant is implemented. The United States and Nigeria are obligated to uphold international human rights and therefore all police departments should be subjected to the same standard to ensure accountability and the protection of citizens against police abuse of power.

Conclusion

This paper has established that there is need for every police department to implement a comprehensive system of external and internal accountability to minimize incidents of police misconduct and to assure citizens that their complaints are taken serious. Improvement in accountability is a right direction in finding solution to the problem of racism and excessive use of force that is widespread in all police department in United States.

There are widespread case of extra judicial killings and police corruption among members of the Nigeria Police which have tainted the perception and the image of the organization. One of the measures needed to curtail these abuses of people power and authority is police accountability. This has made Stone (2007) to argue that police accountability should be a part of governance of police power. Citizens in democratic societies control their police at three fundamental levels; through the department, through the state, and through institutions of civil society. Control at every level must be strong, and the mechanisms that hold police accountable for public safety must be coordinated with those that hold police accountable for corruption and abuse.

One of the conclusions of this paper is that community policing, if fully implemented in both Nigeria and United State will greatly help to curb the police culture of violence and improve its mechanisms of accountability.

Literature has shown that police brutality and killings of ethnic minorities provide some of the main reasons for the distrust and tension that exists between minority members and the police in United States. Therefore, it is expected that with effective utilization of accountability, police will earn the public's respect and cooperation which is needed for the effective performance of their duties.

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