SYNERGY OF THE LOCAL VIGILANTE GROUP AND THE POLICE IN ANAMBRA STATE: A PROACTIVE STEP TO COMBAT CRIME¹

Abstract

In Nigeria, the prevalence of crime has become a worrisome issue just like in some other jurisdictions. This is based on the fact that crime is a threat to public safety, growth and development of a nation. Crime rates vary in different jurisdictions, and the mechanisms put in place to check the trend and incidence also vary. In Nigeria, the police have been saddled with the responsibility to combat crime, along with other law enforcement agents established by law to carry out similar duties in different capacities. However, with the increase in crime in different communities, the enormous duty on the police, the inadequacies in accomplishing this task and the expectation of the masses for government to ensure security and peace, it became imperative that the community security services be adopted to complement and assist these law enforcement agents to combat crime in Nigeria, hence the existence of the local vigilante group in Anambra State and some other States in Nigeria. This study examines the legal duties of these vigilante groups and the manner they carry out their duties with a view to finding out the necessity or otherwise of this group to combat crime in collaboration with the other law enforcement agents.

Key words: Synergy, Vigilante, Police, Anambra State, Crime.

1. Introduction

Urban migration, unemployment, corruption, bad economy, poor parental upbringing, poverty, lack of education, have, among other factors, escalated the prevalence of crime in Nigeria. Crime has become a huge threat to public safety, national growth and development. There is no society that is totally devoid of crime and criminality but the degree varies from one society to the other and this also depends on the mechanisms put in place to checkmate the trend and incidence. Crime is rife in Nigeria, with certain criminal acts being rampant in different communities. In Anambra State, for instance, kidnapping was in vogue at a certain period, and the high incidence caused a serious feel of insecurity in the State. However, presently, it has reduced drastically or even not heard of any more, due to the right step that was taken by the government to address the situation. The eradication of the menace was possible courtesy of the joint action of the police and other law enforcement agents and security personnel working directly in various communities (now known as the vigilante group). In various communities in the past, some able bodied men were usually selected from members of the community to act as security agents for the community. They are usually selected by the community head and his cabinet. These people are usually youths that are indigenes of the area and who also reside in the community as well. They protect members of the community from hoodlums or enemies that may attack from within and outside the community both at night and during the day. They safeguard the markets, churches, schools and other places in their community. They ensure orderliness and safety of properties during festivals, marriages, funerals, and other celebrations and fish out the miscreants that terrorise the community. In various communities currently, this practice still exists. These groups are usually funded by the community through contributions. Their presence in the community scares and deters people who are nursing any intention of committing any crime. This group of people are usually indigenes and residents of these communities, and are thus familiar with the members of the community and environs. This feature is a good factor in accomplishing the required task, because it is usually easier for an insider to detect a criminal within than an outsider. That also is a good advantage with respect to rapid response to emergency calls.

2. The Local Vigilante Groups: What are they?

Vigilantes is defined as constituting members of a group of people who try to prevent crime or punish criminals in their community; especially because they think the police is not doing this.² A

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² A S, Hornby, *Advanced Learners Dictionary of Current English*, (8th Edition, London, Oxford University Press, 2010) p.1658

vigilante was also defined as a person who seeks to avenge a crime by taking the law in his hands.³ A vigilante is also a civilian who undertakes law enforcement with or without legal authority. These definitions are classical descriptions of the activities of the defunct *Bakassi* boys that operated in the Southeast, precisely Abia, Imo and Anambra States, as well as the O'odua People's Congress (O.P.C), a Yoruba ethnic group militia active then in the Southwest formed to fight alleged criminals and the Hisbah Islamic vigilante group that operated in some northern states. These mentioned groups actually took laws in their hands in their operations. They did not work with the police or any other law enforcement agent and thus were feared more than the police by citizens of the State. While carrying out their operations, they exhibited unlawful acts, and took drastic measures. They conduct investigations, arrest suspects, detain people for long period of time, torture them, conduct summary trials, and even execute judgement on the roads, market places etc. The Bakassi boys for instance were extremely brutal, ruthless, and callous in their actions. Their actions were manifestly unlawful as they punish those arrested without legal trials. Though they succeeded in reducing the incidence of crime to a reasonable extent, and were applauded by many people and groups for killing notorious criminals, they have however ceased to exist following constructive criticisms arising from the way and manner with which they carried out their operations, which lacked due process and fair hearing as well as led to the death of some innocent citizens and thus unconstitutional.

The vigilante groups presently in existence in Anambra State are totally different from the above groups. Though the present groups existing now are also referred to as vigilante, their approach and manner of operation are different, because they have a legal mandate to work with other law enforcement agents, the police precisely, to achieve the desired goal. They are accordingly vested with powers which include the power to arrest, but are required under the law to hand over such suspects to the police for investigation and prosecution. In some States like Anambra, Enugu, Imo and Abia, the local vigilante groups have been accorded legal recognition as local vigilante services working in the communities for the State. They are to assist or collaborate with the Nigerian Police in maintaining law and order in their communities of operation. Some of these local vigilante groups adopted by these States have been in existence in various communities as security personnel working for the community, patrolling the community both during the day and at night in order to protect the members of the community from miscreants. They were formerly financed by the community through community contributions and their activities were not recognised by the State as at then. However, with the recent passing into law of various framework establishing them in Anambra State and some other states, they are currently elevated to the status of law enforcement agents working for the State while still carrying out their operations within their communities. Having been established by law of a State, they are now funded by the State though they may still be receiving support from members of the community in some places. The vigilante groups and their heads can employ security personnel, and the newly recruited personnel are to be trained and placed on duty posts. They are to be legally recruited with proper identification by stakeholders from their town of origin and supervised by a properly constituted body empowered to administer their affairs and check their operations. The members of the vigilante groups are required by law to assist and collaborate with the police. They have roles provided under the law establishing them and are not permitted to derogate from them.

3. The Meaning of Crime

Crime is defined as activity that involves breaking the law, an illegal act or activity that can be punished by law.⁴ A crime is also defined as an act committed or omitted, in violation of a public law, either forbidding or commanding it, a breach or violation of some public right or duty owed

³ B A, Garner (ed), *Black's Law Dictionary* (USA, West Thompson Reuters Business, 2004) p. 1705

⁴ A,S, Hornby , *Oxford Advanced Learner's Dictionary*(7th Edition, New York: Oxford University Press,2006) p.347)

or due to a whole community. ⁵ In the Nigerian legal system, a crime is an act or omission designated to be a crime or an offence under a written law. ⁶ Thus, a characteristic of crime in Nigeria is that such act or omission is prescribed in a written law as a crime, the punishment for the crime also prescribed and it is committed against the State. Consequent upon these, no one is presumed to be ignorant of the law, as that will not be an excuse. In order to ensure compliance, mechanisms were put in place to prevent commission of crime and ensure that those who commit crime are sanctioned. The police and law enforcement agents are saddled with this enormous duty to ensure compliance of the law as well as maintain peace and security in Nigeria. In this duty, the local vigilante groups play a vital role in assisting them. We shall go ahead to look into the impetus and the legality of the duties of the vigilante group in Anambra State.

4. The Legality of the Vigilante Groups and their Duties

The impetus for the work and services of the Anambra State vigilante group derives from government and this is embedded in the powers given to the legislature to make appropriate laws for the enhancement of good governance. If a particular agency, establishment, group, is not empowered by law to carry out a particular assignment, its duties in that regard are unlawful and attract sanction. The House of Assembly of every State in Nigeria has been empowered by the constitution to make appropriate laws that will help in governing the States; thus the constitution provides as follows:

The legislative powers of the State of the federation shall be vested in the House of Assembly of a State....., the House of Assembly of a State shall have the power to make laws for the peace, order and good government of the State or any part thereof with respect to the following matters:

- a. Any matter not included in the Exclusive Legislative List set out in part 1 of the second schedule to this constitution:
- b. Any matter included in the concurrent legislative list set out in the first column of part 11 of the second schedule of this constitution to the extent prescribed in the second column opposite thereto: and
- c. Any matter with respect to which it is empowered to make laws in accordance with the provision of this constitution.⁷

Pursuant to the above stated powers vested on the house of assembly of a State, the Anambra State House of assembly enacted the Anambra State Vigilante Group Law 2004, which established the local vigilante group in Anambra State. Similar scenario took place in Enugu State in 2006 with the enactment of Enugu State Neighbourhood Association and Watch Group Law establishing the vigilante group in that State. We have similar law in some other states like Imo and Abia States. This law in Anambra State establishes the vigilante group and also makes provisions for its recruitment, trainings, remuneration, administration, etc. The law provides for administrative committee at the State level comprising of the special adviser to the Governor on security matters who shall be the chairman, director of operations, two deputy directors of operation from zones other than that of the Director, a secretary who shall serve as a legal adviser to the group, a permanent representative of the commissioner of police, chairman of the security committee of the house and any other member as may be appointed by the governor. There is also a committee at the town/village level comprising of the chairman to be appointed by the governor, the president of the town union, a member appointed by the traditional ruler of the town in consultation with the Igwe-in-council, and one person from each village of the town appointed by the village. The law also established in every market in the State a market vigilante committee comprising the chairman to be appointed by the governor, the president of the market union and one person to represent each

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⁵ http://thelawdictionary.org/crime/htmlaccessed 20th February , 2012.

⁶ The 1999 Constitution of the federal Republic of Nigeria (as amended) section 36(12)

⁷The 1999 Constitution of the Federal Republic of Nigeria (as amended) Section 4(7)

association of article of trade in the market. All these committees are legally constituted committee established to pilot the affairs of these vigilante groups and take every necessary step in ensuring that they act within their powers and duties, and ensure proper management. It then follows that the local vigilante group in Anambra State is legally established and as such is saddled with the responsibility of achieving a safe, and a crime-free State in collaboration with the police. It is therefore worthy of note that there is actually a need for this assistance in order to combat crime in Anambra State considering the fact the police alone could no longer carry out these duties effectively without local assistance.

5. Functions and Powers of the Vigilante Group in Anambra State

The Anambra State Vigilante Law has provided definite functions for the vigilante group and made it a requirement that they are to form a synergy with the police. In other words, they must assist the police in the work and must not choose to take laws into their hands as the defunct Bakassi boys did before now. They are also to adhere to these functions and deter from the abuse of power. The vigilante groups invariably serve as the eye of the police in their various communities and their proximity to the people in the community is indeed a proactive step to combat crime. This provides a quick and rapid response to crime scenes and chaos in the community before the arrival of the police. The Anambra State Vigilante Group Law provides that the vigilante group should assist the police with these functions:

- 1. To prevent and detect crimes
- 2. To make available relevant information on criminals
- 3. To make measures to ensure that criminals don't operate in their communities
- 4. To preserve law and order
- 5. To recruit and train security personnel
- 6. To protect lives and properties
- 7. To arrest criminals and hand them over to the police for investigation and prosecution when necessary
- 8. To give further assistance to the police where required in the production of witnesses⁹

The Law empowers the group to arrest any person who commits a crime before them, patrol the streets or villages at any time of the day especially at night, maintain security barricades at night in appropriate place, in self-defence or to prevent the commission of a crime, arrest or prevent the escape of a person presenting danger and to maintain public order and security within the neighbourhood. The force used shall be proportionately commensurate with the circumstances leading to the use of such force. The Law empowers the Vigilante Group to question and handover to the police any person of questionable character or of suspicious movement and to enter and search any compound into which a questionable person runs while being pursued. ¹⁰ Similar provisions were made in the Enugu State Law where, for instance, the law provides that the watch group shall work in partnership with the divisional police officer in the area they are registered in, justice of peace, town union and other stake holders to perform the following functions:

- 1. To prevent crime through improving security through: joint patrols/vigilante with the police, reducing opportunities for crime by increasing crime prevention awareness campaigns, developing neighbourhood crime prevention programmes, assisting the police in identifying and finding solutions to prevalent crimes.
- 2. To assist the police in detecting crime through: promoting effective communication with the police, prompt reporting of suspicious and criminal activities to the police, providing

⁸Anambra State Vigilante Group Law, 2004, Section 5,10, and 13

⁹ The Anambra State Vigilante Group Law 2004, Section 8

¹⁰ The Anambra State Vigilante Group Law, Section 9

- information/intelligence to the police on suspicious persons and prevalent crimes, alert the community about types of crimes prevalent and especially emerging crimes.
- 3. To reduce the fear of crime through: providing accurate information about crime risks, promoting a sense of security and community spirit particularly amongst the more vulnerable, encouragement of mutual assistance and concern amongst neighbourhood members.¹¹

In Anambra State, to carry out these earlier on mentioned functions effectively, the local vigilante group and its administration have the power to recruit, if need arises in accordance to the law, security personnel who shall also join in the operation to do the needful. In so doing, there are laid down rules on recruitment in order to ensure that the purpose which is geared at employing indigenes who are well informed and are conversant with the terrain and which are readily available at the right time to fight crime without any form of delay is achieved. This in turn will ensure proper identification of the group by stakeholder to check personality, decorum and good attitude to work. The provisions of the Law are to be complied with while recruiting. Section 15 provides that "the chairman of the group in consultation with the members of the group shall recruit security guards who are of Anambra State origin for operation at the State level, and effective liaison with the town and market committees, and that every security guard will be thoroughly screened which will involve completion of application form to be designed by the group; the application form shall make provision for proper identification of the guards by (a) The traditional ruler of his town, and (b) The president of the town union or (c) The honourable member representing the constituency".

Upon recruitment, the group shall issue identity cards to the security guards who shall carry them at all times, and each identity card shall contain the thumbprint of the guard, his signature and his photograph. The identity card shall bear the stamp of the registering office placed in such a way that that part of the stamp shall be on the photograph and counter-signed by the divisional police officer in the area. This provision is a very important one, in the sense that a person when properly identified by the traditional ruler, town union president, and honourable member representing his constituency, is assuredly a person known in that community and he would in turn give his best to serve his community and State at large.

6. The Duties of the Vigilante Group in Assisting the Police

The Nigerian Police has been established by the constitution which confers upon them duties and powers under the law. The constitution thus provides as follows:

- 1. There will be a police force for Nigeria, which shall be known as the Nigerian Police Force, and subject to the provisions of this section no other police force shall be established for the federation or any part thereof.
- 2. subject to the provisions of the constitution:
- a. the Nigerian Police Force shall be organised and administered in accordance with such provisions as may be prescribed by an act of the National Assembly
- b. the members of the Nigerian Police shall have such powers and duties as may be conferred upon them by law
- c. the National Assembly may make provisions for the branches of the Nigerian police Force forming part of the armed force of the federation or for the protection of harbours, waterways, railways and air fields¹²

¹¹ Enugu State Neighbourhood Association and Watch Group Law, 2006, section 14

¹² Section 214 (1) of the 1999 constitution (as amended)

The Police Act which is an Act of the National Assembly establishing the police provides also that 'there shall be established for Nigeria a police force to be known as the Nigerian Police Force.....'¹³

The Police Act has thus conferred several duties and powers on the Nigerian Police in order to ensure peace, order and security of lives and properties. The Act provides that the police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or outside Nigeria as may be required of them by, or under the authority of this or any other Act. Thus the Police has been vested with powers to arrest, investigate, conduct prosecution, search etc. The Act provides as follows:

Subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999 (which relate to the power of the Attorney General of the Federation and of the State to institute and undertake, take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria), any police officer may conduct in person all prosecution before any court whether or not the information or complaint is laid in his name¹⁵.

The Act provides that a superior police officer may by authority under his hand authorise any police officer to enter any house, shop, warehouse, or other premises in search of stolen property, and search therein and seize and secure any property he may believe to have been stolen, in the same manner as he would be authorised to do if he had a search warrant, and the property described in such search warrant. A police officer may detain and search any person whom he reasonably suspects of having in his possession or conveying in any manner anything which he has reason or otherwise unlawfully obtained. In addition to the powers of arrest without warrant conferred upon a police officer by section 10 of the Criminal Procedure Act, it shall be lawful for any police officer and any person who he may call to his assistance, to arrest without warrant in the following cases;

- a. Any person whom he finds committing any felony, misdemeanour, or simple offence, or whom he reasonably suspects of having committed or of being about to commit any felony, misdemeanour or breach of the peace.
- b. Any person whom any other person charges with having committed a felony or misdemeanour
- c. Any person whom any other person suspects of having committed a felony or misdemeanour or charges with having committed a simple offence, if such other person is willing to accompany the police officer to the police station and to enter into a recognisance to prosecute such charge.¹⁶

Thus, in carrying out these duties, it is obviously clear that in order to do it effectively, there is need for assistance by an insider who is actually conversant with the area. There have been instances of where armed robbers must have fled the crime scene before the arrival of the police, and this could be as a result of several factors like distance, logistics, not being familiar with the environment, not knowing the shorter routes to the venue and so on. For instance, not every town in Anambra State has a police station located therein, and even where located in any town, it will be sited in one of the communities within that town and this could be a hindrance to immediate response to calls. But with the assistance rendered by the vigilante groups which have their check points in every community within a town, it will be easy to ensure proper prevention and detecting of crime. The

¹³ Section 3, of the police Act

¹⁴ Section 4, of the police Act

¹⁵ Section 23 of the police Act

¹⁶ See sections 24, 28 and 29 of the police Act.

members of the vigilante group reside in the community where they operate and as such are familiar and closer with the community members and environs; their check points are located in the community and they work within a community only. They are notified of every activity going on in the community as quickly as possible and are called upon to address every situation that may give rise to chaos or insecurity without delay. Their duty to prevent and detect crime has more rapid response as they patrol the community morning and night, and the community members can communicate with them at all times to inform them of any crime or any miscreant in the community. They carry out these functions in collaboration with the police who may not always be at that community at all times and who may be difficult to reach if the incident occurred at night. Their patrol in the community also acts as a deterrent to those who were forming the intention to perform any unlawful act and through investigations and interactions; buildings used for illegal purposes are located and found out. Their familiarity with the entire environ in the community serves as an edge over the police in detecting crime venue and spots and apprehending the people involved. During the kidnapping incidence in Anambra State, the vigilante groups in various communities played significant role in discovering buildings that were used for the crime, as well as the individuals involved, and thereby informed the police and the state government and necessary actions were taken. Partnering with the vigilante group, the police will be able to get on the spot relevant information on criminals, because they are better positioned to get that information from community members and could find out their hide outs easily. Eliciting or acquiring information will be better achieved by the vigilantes who work closely with the community members and then the suspect will be handed over to the police who take it up from there and act accordingly. The local vigilante groups have a duty of creating measures to ensure that criminals do not operate in their communities. The mere knowledge that a check post is situated in the village scares criminals who are immediately aware that their activities are monitored. Secondly, the prompt and rapid response by the vigilante groups when criminals attack by night or during the day is another positive step in the right direction. Their patrol during day and night and their presence during every activity in the village/community, market places, schools, churches, mini markets, business premises etc are proactive measures to minimise or diminish the operation of criminals in the communities.

They also carry out their duty of preserving law and order in their communities through settling disputes, and ensuring peace and order during various public occasions in the community, preserving people's properties which includes cars, thus minimising the rate at which people lose their cars and other valuables during funerals, marriages, festivals, etc. They are also empowered to recruit and train security personnel who shall work with them and whom shall be properly identified and recommended by stakeholders from their community. They also have a duty to preserve life and property so that community members can sleep well at night knowing that the groups are at their post watching over the area.

In all these duties, they work alongside the police who can hardly be everywhere, thus they arrest criminals and then hand them over to the police for investigation and prosecution. When necessary, they give further assistance to the police where required in the production of witnesses. In solving the difficult task of getting witnesses, the vigilante who works in the community will be in a better position to find out people who can give direct evidence of how the incidence transpired. As members of the community also working in the community, they are conversant with hide outs of criminals; they personally know majority of persons living in various houses in the community and those living outside the community who are indigenes. They liaise with members of the community and communicate with them in order to gather relevant available information. They take position at the entrances or gates to streets, village, and community in order to check and fish out criminals. Though the members of the group have the power to arrest any suspect, they are not to prosecute or torture; in that case they are to hand over to the police to continue the next step. They also have power to interrogate and hand over to the police any person of questionable character or of suspicious movement. This is a very good measure as that will serve as deterrent to criminals who

roam the streets and villages snatching phones, money, cars and other valuable items at night. They go to suspicious joints, restaurant, lounge, eateries, guesthouses, parks, situate in the community to monitor activities and gather information, thus scaring hoodlums away from such places. They have the power to enter and search any compound into which a questionable person runs into while being pursued. Their presence in the communities and proximity enables them to be at any scene of crime in their community at the right time, thus reducing the incidence of escape by criminals. The vigilante groups not only assist the police as stated in the law establishing them, they also assist other law enforcement groups in achieving the common goal. For instance, any person who commits any offence under any law handled by any enforcement agent, like the Drug law enforcement agents, the EFCC, Customs, etc, and runs back to his village to hide could be apprehended by the vigilante and handed over to the police who will then do the needful.

All these duties and powers surely enhance the fight against crime in various communities in Anambra State, and with this swift collaboration so many criminals who would have escaped during the period the police will be on their way, or not available at all will be apprehended by the vigilante group and then handed over to the police on arrival or at the police station. It is observed in Anambra State that the services of the vigilante group cannot be dispensed with as their collaboration or assistance to the police is of immense importance. It is indeed right to say that a person who is very conversant with a particular environment and group of people living in that environment will be in a better position to work effectively in order to achieve the required goal, and will serve as an eye to others not within. The escalation of crime in our communities is as a result of people escaping sanctions and punishments when they commit crime. But once drastic measures are taken to curb the menace, it will serve as a deterrent to others. Thus, with the presence of the vigilante group members who are assisting the police in every community in Anambra State, crime rate will be reduced to a reasonable extent. In an attempt to facilitate the duties of the group, the law provides that any person who victimises, assaults, aids, abets, incites, intimidates or obstructs any member of the group, town and market communities or security guards in the performance of his duty under this law is guilty of an offence and liable on conviction to a fine of ten thousand naira, imprisonment for two years or to both such fine and imprisonment.¹⁷

Having outlined the benefits of the synergy, it is also expected that the shortcomings of the vigilante group be mentioned. The vigilante group like the police and other law enforcement agents in Nigeria sometimes abuses power. Some members of this group occasionally indulge in some unlawful acts by intimidating some members of the community with their gun, and exhibiting acts of torture before handing over the culprit to the police. They even perpetrate acts of extortion and bullying. Thus, if there are complaints against the vigilante by members of the public, such allegations should be looked into and addressed by the appropriate authority. Where a member (or members) of the vigilante group derogates from his statutory duties, the aggrieved persons can institute legal proceedings against the group. The law provides that in any of such suit, the group shall be represented in court by a counsel in the State Ministry of Justice or by any other legal practitioner nominated in that behalf by the Attorney General. The law also provides that any person who intends to sue any member or staff of the group shall first give to the member or staff three months pre-action notice.¹⁸ This is because in communities where duties are properly carried out by the vigilante group in assisting the police, a peaceful and crime free zone is achieved.

7. Conclusion

The services of the vigilante group are helpful and encouraging. The fact that members of the group reside in such communities and are acquainted to the environs and people is a good factor to accomplish the tasks. They are usually in a better position to fish out criminals operating in their

¹⁷ Anambra Stateb Vigilante Law, 2004, section 29

¹⁸ Anambra State Vigilante Law, 2004, sections 31

communities faster than the police and other law enforcement agencies. They offer prompt and rapid response to emergency calls and then relate to the police afterwards. As a matter of fact, it is wise to recruit indigenes of a place to prevent crime and protect lives and property as it will be carried out with good conscience, bearing in mind that they are working for their people and for the good of their own community. On another note, creating employment for youths in the state through this means is another way of combating crime in the society. Thus, these men recruited by the state now have employment and are no longer idle thereby constituting nuisance to the society. Consequent upon these findings, it is recommended that government of various States in Nigeria should emulate the Anambra State government and make laws to establish and recognise these local vigilante groups existing in the communities, and employ more security personnel if there is need to partner with and assist the police to curb crime in the society. Adequate training should be given to them during and after recruitment from time to time in order to properly and better equip them for the task ahead and to the changes and new trends in the society. The issue of proper identification and recommendations by village heads and stakeholders during recruitment should be strictly complied with as it will go a long way to check the personality of the individuals recruited, and as such corners should not be cut in the training and recruitment exercise. Proper equipment and logistics should be made available to the groups to enhance their duties, and adequate and strict supervision should be carried out in order to check excesses. Creating awareness and giving information to the public concerning the duties of the vigilante group is also recommended.