
INTERNATIONAL HUMAN RIGHTS LAW AND POLICE BRUTALITY: A COMPARATIVE STUDY OF UNITED STATES AND NIGERIA*

Abstract

Police brutality is a widespread issue globally, prompting the international community to enact human rights legislation to safeguard citizens from such misconduct. This comparative investigation evaluates the efficacy of international human rights law in addressing police brutality in the United States and Nigeria. By scrutinizing legal frameworks and case studies, this study reveals that both nations have adopted international human rights standards, yet their enforcement has been inconsistent. In the United States, the absence of a national human rights institution and the reluctance of law enforcement agencies to hold themselves accountable hinder progress. Conversely, in Nigeria, incomplete implementation of international human rights treaties, coupled with police force inadequacies, leads to abuse. Despite these obstacles, the study identifies promising approaches, such as the deployment of body cameras and the establishment of civilian oversight boards, which have the potential to enhance police accountability. Furthermore, it underscores the pivotal role played by civil society organizations in advocating for human rights and pressuring governments to be accountable for their actions. Ultimately, the study concludes that the effectiveness of international human rights law in combatting police brutality hinges on robust national institutions and the political determination to enforce these standards.

Keywords: Police Brutality, International Human Rights Law, United States, Nigeria, Accountability, Community Policing.

1. Introduction

Police brutality is a pervasive problem in many countries around the world, with countless occurrences of racial profiling, excessive force, and other violations of human rights.¹ The issue has garnered increased attention in recent years, fuelled by the ubiquitous accessibility of smartphones and social media, which have made it possible for people to record and share proof of police misconduct. The international community has responded to this problem by enacting human rights laws and treaties that protect citizens from abuses at the hands of law enforcement. This comparative study examines the role of international human rights law in combatting police brutality in two countries, Nigeria and the United States. These two countries were selected because they both have significant human rights challenges, and because they have adopted international human rights standards, but with varying degrees of implementation and success. The study analyses the legal frameworks and implementation mechanisms in both countries, identifies challenges to implementation, and examines promising practices that have been used to combat police brutality. The study concludes that while international human rights law has the potential to address police brutality, its effectiveness depends on strong national institutions and political will to implement and enforce these standards. The study also highlights the critical role that civil society organizations play in promoting human rights and making governments responsible for their deeds. Ultimately, the study offers policy recommendations for improving the implementation of international human rights law and combating police brutality.

2. Background and Context

Over the years, countries have struggled with the persistent issue of police brutality. For instance, excessive force by police enforcement has long been a problem in the United States, especially when it comes to people of colour and other oppressed groups.² Recent Black American killings at the hands of police, including George Floyd and Breonna Taylor, have spurred large-scale demonstrations and calls for change.³ In a similar vein, human rights violations and police brutality have a history in Nigeria. The use of disproportionate force, arbitrary detention, and torture by the nation's police force has drawn harsh criticism. Protests calling for the disbandment of the Special Anti-Robbery Squad (SARS), a notorious police unit famed for its brutality and corruption, and an end to police brutality broke out across Nigeria in October 2020.⁴ In response to these and other incidents of police brutality around the world, the international community has developed human rights treaties and standards to protect citizens from such abuses. The Universal Declaration of Human Rights (UDHR),⁵ the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or

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¹ RG Lawrence and AV Richardson, *The Politics of Force: Media and the Construction of Police Brutality* (Oxford University Press 2022).

² SA Schwartz, 'Police Brutality and Racism in America' (2020) 16(5) *Explore* 280.

³ Thu T Nguyen and others, 'Progress and Push-Back: How the Killings of Ahmaud Arbery, Breonna Taylor, and George Floyd Impacted Public Discourse on Race and Racism on Twitter' (2021) 15 *SSM - Population Health* 100922.

⁴ Amnesty International, '#EndSARS Movement: From Twitter to Nigerian Streets' (*Amnesty International* 8 February 2021) <<https://www.amnesty.org/en/latest/campaigns/2021/02/nigeria-end-impunity-for-police-violence-by-sars-endsars/>> accessed 20 May 2023.

⁵ UN General Assembly, Universal Declaration of Human Rights, 217 A (III), 10 December 1948.

Punishment (CAT),⁶ and the International Covenant on Civil and Political Rights⁷ (ICCPR) are a few examples of these norms. Police brutality is still a major issue in many nations even after these conventions have been widely adopted, and there are significant differences in how well international human rights law addresses this issue. In order to better understand how international human rights law might be used to stop police brutality in the US and Nigeria, this study will specifically look at the legal frameworks, enforcement strategies, and accountability systems.

3. International Human Rights Law and Police Brutality

The framework for combating police brutality and encouraging responsibility for law enforcement personnel who violate human rights is provided by international laws pertaining to human rights. A number of international treaties and accords, such as the Convention Against Torture, the UDHR, and the ICCPR, serve as the foundation for international human rights legislation. Everyone has the right to be free from torture and other cruel, brutal, or degrading treatment or punishment under international human rights law. This involves defence against disproportionate force and abuses by law enforcement. Furthermore, states are required by international human rights legislation to offer adequate redress to victims of human rights abuses, such as police brutality. One important mechanism for promoting accountability for police brutality under international human rights law is through the establishment of independent oversight bodies.⁸ These bodies can investigate complaints of police brutality, hold law enforcement officials accountable for their actions, and make recommendations for reform of the legal framework. In addition, international human rights law recognizes the importance of promoting transparency and accountability in law enforcement activities. This includes ensuring that law enforcement officials are properly trained and equipped to respect and protect human rights, and that there are effective monitoring and reporting mechanisms in place to track incidents of police brutality and hold law enforcement officials accountable. Finally, international human rights law recognizes the importance of promoting civil society participation in efforts to combat police brutality. Civil society organizations and human rights groups can play an important role in raising awareness of police brutality, advocating for legal and policy reforms, and providing support and resources to victims of police brutality. Overall, international human rights law provides a crucial framework for addressing police brutality and promoting accountability for law enforcement officials who commit human rights violations. By promoting transparency, accountability, and civil society participation, international human rights law can help ensure that law enforcement officials are held accountable for their actions and that the rights and dignity of all individuals are protected.

4. Legal Frameworks in the United States and Nigeria

Legal frameworks in the United States and Nigeria provide a framework for addressing police brutality and promoting accountability for law enforcement officials who commit human rights violations. In the United States, the Fourth Amendment to the Constitution protects individuals from unreasonable searches and seizures by law enforcement officials.⁹ The amendment requires that searches and seizures be based on probable cause and that any warrants issued be supported by specific information. In addition, the Due Process and Equal Protection Clauses of the Fourteenth Amendment require that law enforcement officials respect the rights of all individuals and not engage in discrimination based on race, ethnicity, or other characteristics.¹⁰ The United States also has federal laws, such as the Civil Rights Act of 1964,¹¹ which prohibits discrimination in law enforcement based on race, ethnicity, or other characteristics.¹² The Violent Crime Control and Law Enforcement Act of 1994,¹³ which was passed in response to the Rodney King beating, provides funding for police training and requires the collection of data on police use of force.

In Nigeria, the Constitution provides for the protection of human rights and the rule of law.¹⁴ Section 34 of the Constitution prohibits torture and other forms of inhuman or degrading treatment, while section 35 and 36 provides for the right to a fair hearing and the protection of personal liberty. Nigeria also has specific laws, such as the Anti-Torture Act of 2017, which criminalizes torture and other forms of cruel, inhuman, or degrading treatment or punishment. The Police Act of 2020, which was signed into law in September 2020, provides for the establishment of community police and aims to improve police accountability and professionalism.¹⁵ Both the United States and Nigeria have independent oversight bodies tasked with investigating complaints of police brutality and holding law enforcement officials

⁶ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85.

⁷ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

⁸ Ishmael Mugari, 'Civilian Police Oversight: A Contemporary Review of Police Oversight Mechanisms in Europe, Australia and Africa' (2023) 18(1) *Journal of Applied Security Research* 106.

⁹ US Constitutional Amendment IV 1791.

¹⁰ Fourteenth Amendment of the United States Constitution, s 1 (Due Process and Equal Protection Clauses, 1868).

¹¹ Civil Rights Act of 1964, Pub L 88-352, 78 Stat 241.

¹² ME Guy and VM Fenley, 'Inch by Inch: Gender Equity since the Civil Rights Act of 1964' (2013) 34(1) *Review of Public Personnel Administration* 40.

¹³ Violent Crime Control and Law Enforcement Act of 1994, Pub L 103-322, 108 Stat 1796.

¹⁴ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

¹⁵ CR Agu and OS Kazeem, 'Policing in West Africa: An Overview Of Nigeria's Legal Rigmarole for State Police' (2020) 10(1) *Arts and Social Science Research* 18.

accountable for their actions. In the United States, this includes the Department of Justice's Civil Rights Division, which investigates cases of police brutality, and the Police Misconduct Initiative, which provides training and technical assistance to law enforcement agencies to prevent police misconduct.¹⁶ In Nigeria, the Police Service Commission is responsible for investigating complaints against police officers and recommending disciplinary action where appropriate.¹⁷

Overall, legal frameworks in the United States and Nigeria provide important protections against police brutality and human rights violations. However, both countries still face challenges in enforcing these laws and ensuring accountability for law enforcement officials who violate human rights.

United States Legal Frameworks on Police Brutality

The United States has a complex legal framework for addressing police brutality, which is grounded in federal and state laws, as well as the Constitution. This legal framework has evolved over time in response to changing social and political contexts, and has been shaped by a range of stakeholders, including law enforcement officials, civil rights organizations, lawmakers, and the courts. At the federal level, the Constitution provides important protections against police brutality and human rights violations. The Fourth Amendment to the Constitution, which prohibits unreasonable searches and seizures, has been interpreted by the courts to apply to police use of force. In cases where police use force that is excessive or unreasonable, the Fourth Amendment may be violated, and individuals may be able to bring legal claims against law enforcement officials for violating their rights.¹⁸ The Due Process and Equal Protection Clauses of the Fourteenth Amendment also provide important protections against discrimination and ensure that law enforcement officials respect the rights of all individuals.¹⁹ In addition to these constitutional protections, federal laws such as the Civil Rights Act and the Violent Crime Control and Law Enforcement Act provide additional safeguards against police brutality and discrimination. The Civil Rights Act prohibits discrimination in law enforcement based on race, ethnicity, or other characteristics, and provides for the investigation and prosecution of civil rights violations by law enforcement officials.²⁰ The Violent Crime Control and Law Enforcement Act provides funding for police training and requires the collection of data on police use of force, in an effort to promote accountability and transparency in law enforcement practices. At the state and local level, individual states have their own laws and regulations governing law enforcement practices. These laws can vary widely from state to state, and can include provisions such as mandatory training for police officers, restrictions on the use of certain types of force, and requirements for the collection and reporting of data on police use of force. Some states have also passed laws requiring police officers to wear body cameras and mandating investigations of police shootings, in an effort to increase transparency and accountability in law enforcement practices. For example, Assembly Bill 71 (AB 71) of the US state of California required law enforcement agencies to establish policies for the use of body-worn cameras.²¹ Additionally, Assembly Bill 748 mandates that footage from body-worn cameras be made public within 45 days of an incident, including when cops fired guns or when the use of force resulted in a person's death or serious physical injury.²² Despite these legal protections, police brutality remains a pervasive problem in the United States. A lack of accountability for law enforcement officials who violate human rights, particularly in cases involving excessive use of force against people of colour, has fuelled public outrage and protests in recent years. The killing of George Floyd in Minneapolis, Minnesota in May 2020, and the subsequent nationwide protests against police brutality and racism, brought renewed attention to the issue of police accountability and the need for reform.²³ In response to these concerns, a range of reform efforts have been proposed and implemented at the federal, state, and local levels. One key focus of reform efforts has been the use of body cameras by police officers. Body cameras can provide a record of police

¹⁶ The United States Department of Justice, 'Addressing Police Misconduct Laws Enforced by the Department of Justice' (*Justice.gov* 28 February 2019) <<https://www.justice.gov/crt/addressing-police-misconduct-laws-enforced-department-justice>> Accessed 30 July, 2023.

¹⁷ UA Ojedokun, YO Ogunleye and AA Aderinto, 'Mass Mobilization for Police Accountability: The Case of Nigeria's #EndSARS Protest' (2021) 15(3) *Policing* 1894.

¹⁸ KJP Loor, 'Tear Gas Water Hoses Dispersal Orders: The Fourth Amendment Endorses Brutality in Protest Policing' (2020) 100 *Boston University Law Review* 817.

¹⁹ BL Garrett, 'Wealth, Equal Protection, and Due Process' (2019) 61 *William & Mary Law Review* 397.

²⁰ U.S. Department of Labor, 'Legal Highlight: The Civil Rights Act of 1964' (*Dol.gov* 2019) <<https://www.dol.gov/agencies/oasam/civil-rights-center/statutes/civil-rights-act-of-1964>> Accessed 30 July, 2023.

²¹ David Greenwald, 'Two More Proposed Bills in California Look at Post-Ferguson Reforms Including Police Body Cameras' (*Davis Vanguard* 27 February 2015) <<https://www.davisvanguard.org/2015/02/two-more-proposed-bills-in-california-look-at-post-ferguson-reforms-including-police-body-cameras/>> accessed 8 September 2023.

²² Meaghan Mackey, 'New California Law Requiring Release of Police Body Camera Footage Goes into Effect Monday' (*KRCR30* June 2019) <<https://krcrtv.com/news/local/new-california-law-requiring-release-of-police-body-camera-footage-goes-into-effect-monday>> accessed 8 September 2023.

²³ A Legal-Miller, 'Race, Policing, and Black Lives Matter' in Gillian Peele and others (eds), *Developments in American Politics 9* (Springer International Publishing 2022).

interactions with the public, and can help to deter police misconduct and hold law enforcement officials accountable.²⁴ However, the use of body cameras has also raised concerns about privacy and the potential for misuse of the footage.²⁵

Another area of focus for reform efforts has been the establishment of independent civilian oversight boards to investigate complaints of police misconduct and hold law enforcement officials accountable. According to Brewster, civilian oversight boards can provide a critical check on law enforcement practices and promote transparency and accountability in law enforcement agencies.²⁶ However, the effectiveness of civilian oversight boards can vary widely depending on their mandate, powers, and level of independence from law enforcement agencies.²⁷ Efforts to address police brutality in the United States have also focused on addressing systemic issues such as racial bias in policing. Studies have shown that people of colour are disproportionately impacted by police violence and harassment, and that racial bias can play a role in police use of force.²⁸ In response, some states and localities have implemented implicit bias training for law enforcement officials, and have taken steps to increase diversity and cultural competency within law enforcement agencies.²⁹

Analysis of the United States Framework

The legal framework for addressing police brutality in the United States is a complex and multi-layered system that includes federal and state laws, as well as international human rights treaties. While these laws and treaties provide a framework for protecting citizens from police brutality, their implementation and enforcement have been hindered by a number of factors. Firstly, the lack of a national human rights institution in the United States is a significant obstacle to enforcing international human rights standards. Without a centralized institution to oversee and enforce these standards, enforcement falls to individual states and law enforcement agencies, which can lead to inconsistencies and inadequate enforcement. Secondly, the reluctance of law enforcement agencies to hold their own accountable has also been a significant barrier to progress. Police unions have a powerful influence on local and state politics, and often resist reforms that would increase transparency and accountability.³⁰ Thirdly, the use of qualified immunity, a legal doctrine that shields law enforcement officers from civil lawsuits, has also been a contentious issue. This doctrine has made it difficult for victims of police brutality to hold law enforcement officers accountable for their actions.³¹ Despite these challenges, there have been some promising developments in recent years. The widespread adoption of body cameras by law enforcement agencies has increased transparency and accountability, and the establishment of civilian oversight boards has provided a mechanism for reviewing police conduct and making recommendations for reform. However, more needs to be done to ensure that international human rights standards are fully implemented and enforced in the United States. This includes the creation of a national human rights institution, the restriction of qualified immunity, and stronger political will to hold law enforcement agencies accountable for their actions.

Nigerian Framework on Police brutality

In Nigeria, police brutality has been a longstanding issue, with a history of excessive use of force, torture, and extrajudicial killings by law enforcement officers. The legal framework for addressing police brutality in Nigeria includes both domestic laws and international human rights treaties to which Nigeria is a signatory. The Nigerian Constitution of 1999 guarantees the fundamental rights of all citizens, including the right to life, dignity of human person, personal liberty, and fair hearing. However, despite these constitutional protections, cases of police brutality continue to occur in Nigeria, often with impunity. One of the primary legal frameworks for addressing police brutality in Nigeria is the Police Act (2020), which governs the conduct of law enforcement officers in the country. The Act outlines the duties and powers of the police, as well as the procedures for disciplinary actions and criminal investigations against officers who engage in misconduct.³² However, there have been concerns that the Act is outdated and inadequate in addressing the scale and severity of police brutality in Nigeria.

In response to ongoing concerns about police brutality, the Nigerian government established the Police Service Commission (PSC) in 2001 to oversee the recruitment, training, and discipline of law enforcement officers. The PSC has

²⁴ RJ Coleman, 'Police Body Cameras: Go Big or Go Home?' (2020) 68 *Buffalo Law Review* 1353.

²⁵ Katelyn Ringrose, 'Law Enforcement's Pairing of Facial Recognition Technology with Body-Worn Cameras Escalates Privacy Concerns' (2019) 105 *Virginia Law Review Online* 57.

²⁶ Michael Brewster, 'Policing the Police: Establishing the Right to Record and Civilian Oversight Boards to Oversee America's Police' (2023) 88(3) *Brooklyn Law Review* 993.

²⁷ *Ibid.*

²⁸ Tricia Bent-Goodley and others, 'Police, Violence, and Social Justice: A Call for Research and Introduction to the Special Issue.' (2022) 12(4) *Psychology of Violence* 195.

²⁹ Evi Taylor and others, 'The Historical Perspectives of Stereotypes on African American Males' (2019) 4(3) *Journal of Human Rights and Social Work* 213.

³⁰ Abdul Nasser Rad, David S Kirk and William P Jones, 'Police Unionism, Accountability, and Misconduct' (2022) 6(1) *Annual Review of Criminology*.

³¹ Katherine Crocker, 'Qualified Immunity, Sovereign Immunity, and Systemic Reform' (2022) 71 *Duke Law Journal* 1701.

³² PB Aboh and PC Aloamaka, 'COVID-19 Pandemic and Administration of Criminal Justice in Nigeria: A Call for a Better Application' (2022) 14(4) *Cogito: Multidisciplinary Research Journal* 116.

the power to investigate and prosecute officers accused of misconduct, and to recommend disciplinary actions and reforms to improve policing practices.³³ However, the PSC has been criticized for lacking the resources and independence to effectively carry out its mandate.³⁴ Nigeria is also a signatory to several international human rights treaties that provide additional legal frameworks for addressing police brutality. These include the ICCPR, the CAT, and the African Charter on Human and Peoples' Rights (ACHPR).³⁵ These treaties require Nigeria to uphold the fundamental human rights of its citizens, and to investigate and prosecute law enforcement officers who engage in abuses. Despite these legal frameworks, cases of police brutality continue to occur in Nigeria, often with impunity. One of the main challenges to addressing police brutality in Nigeria is the lack of accountability and transparency in the law enforcement system.³⁶ There have been reports of widespread corruption, bribery, and nepotism within the police force, which has made it difficult to hold officers accountable for their actions.³⁷ Another challenge is the lack of resources and training for law enforcement officers. Many officers in Nigeria are poorly trained and equipped, which can lead to the use of excessive force or other forms of misconduct.³⁸ There have also been concerns about the use of torture and other forms of cruel, inhuman, or degrading treatment during interrogations.³⁹

In recent years, there have been calls for reforms to address police brutality in Nigeria. These include the establishment of an independent oversight body to investigate and prosecute officers accused of misconduct, as well as increased training and resources for law enforcement officers. There have also been calls to address the underlying social and economic factors that contribute to police brutality, such as poverty, corruption, and inequality. The legal frameworks for addressing police brutality in Nigeria include both domestic laws and international human rights treaties. However, the implementation of these frameworks has been hampered by a lack of accountability and transparency in the law enforcement system, as well as inadequate resources and training for law enforcement officers. Reforms are needed to address these underlying issues and to ensure that law enforcement officers are held accountable for their actions.

Analysis on the Nigerian Legal Framework

The legal framework for addressing police brutality in Nigeria is also complex and multi-layered, but it differs significantly from that of the United States. The Nigerian legal system is based on a mixture of common law, Islamic law, and customary law, and the country has ratified several international human rights treaties, including the ICCPR and the ACHPR. However, despite these legal protections, police brutality remains a pervasive and widespread problem in Nigeria. The SARS, a unit of the Nigerian police force, has been accused of numerous human rights abuses, including extrajudicial killings, torture, and extortion.⁴⁰ One significant obstacle to addressing police brutality in Nigeria is the lack of accountability and oversight within the Nigerian police force. The police force is highly centralized and is not subject to effective civilian oversight, which makes it difficult to hold individual officers accountable for their actions.⁴¹ Additionally, corruption is a pervasive problem in Nigeria, and police officers are often poorly trained, underpaid, and overworked, which can contribute to a culture of impunity and abuse of power.⁴² Despite these challenges, there have been some promising developments in recent years. Following widespread protests in 2020 against police brutality, the Nigerian government disbanded SARS and promised to implement police reforms.⁴³ However, progress on these reforms has been slow, and there are concerns that without sustained political will and a commitment to holding law enforcement officers accountable, police brutality will continue to be a significant problem in Nigeria.⁴⁴

In summary, while Nigeria has a legal framework for addressing police brutality and has ratified several international human rights treaties, implementation and enforcement of these standards have been hindered by a lack of accountability and oversight within the Nigerian police force, corruption, and a culture of impunity. Addressing these challenges will require sustained political will and a commitment to reforming the Nigerian police force.

³³ Ojedokun (n.17)

³⁴ *Ibid.*

³⁵ African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) OAU Doc CAB/LEG/67/3 rev. 5, 1520 UNTS 217.

³⁶ Tarela Juliet Ike and Dung Ezekiel Jidong, 'Victims' Experiences of Crime, Police Behaviour and Complaint Avenues for Reporting Police Misconduct in Nigeria: An Interpretative Phenomenological Analysis' (2023) 18(2) *Journal of Policing, Intelligence and Counter Terrorism* 213.

³⁷ PC Aloamaka, 'The Role of International Law in Addressing Corruption in Nigeria and Promoting Good Governance' (2023) 1 *Admiralty University of Nigeria, Faculty of Law Journal* 119.

³⁸ Richard A Aborisade, 'Accounts of Unlawful Use of Force and Misconduct of the Nigerian Police in the Enforcement of COVID19 Measures' (2021) 36(3) *Journal of Police and Criminal Psychology* 450.

³⁹ Oluwagbenga Michael Akinlabi, 'Citizens' Accounts of Police Use of Force and Its Implication for Trust in the Police' (2020) 43(2) *Journal of Crime and Justice* 145.

⁴⁰ TS Akinyetun, 'Reign of Terror: A Review of Police Brutality on Nigerian Youth by the Special Anti-Robbery Squad (SARS)' (2021) 30(3) *African Security Review* 368.

⁴¹ Tarela Juliet Ike and Dung Ezekiel Jidong (n.36).

⁴² PB Aboh and PC Aloamaka (n. 32).

⁴³ ET Aniche and VC Iwuoha, 'Beyond Police Brutality: Interrogating the Political, Economic and Social Undercurrents of the #EndSARS Protest in Nigeria' [2022] *Journal of Asian and African Studies*.

⁴⁴ *Ibid*

5. Implementation and Accountability

Implementation and accountability are crucial aspects of any legal framework aimed at combating police brutality. Both the United States and Nigeria have faced challenges in implementing and enforcing their respective legal frameworks.

Implementation in the United States

In the United States, implementation of legal frameworks related to police brutality is a multi-faceted issue. While there are federal laws in place to address police misconduct, the enforcement of these laws is often left to individual states and localities, leading to inconsistencies in implementation. One key issue in the implementation of police brutality legal frameworks is the lack of federal oversight over local police departments. The federal government has limited power to investigate instances of police misconduct and brutality, and the responsibility often falls on individual states and municipalities to enforce laws and regulations. Another issue is the culture of impunity that exists within many police departments. Police unions and elected officials often protect officers accused of misconduct, making it difficult for victims to receive justice.⁴⁵ Police departments may also investigate their own officers, leading to conflicts of interest and a lack of transparency. Efforts have been made to increase accountability and transparency in recent years. The Department of Justice (DOJ) has launched investigations into several high-profile cases of police brutality, resulting in consent decrees that require police departments to implement reforms.⁴⁶ Additionally, many cities have established civilian review boards to oversee police misconduct investigations. For instance, the Civilian Complaint Review Board (CCRB) in New York City is one of the oldest and most well-known civilian review boards in the country.⁴⁷ It investigates complaints against NYPD officers. Despite these efforts, critics argue that more comprehensive reforms are needed. Some have called for the creation of a national police oversight body, while others advocate for the repeal of laws that shield police officers from accountability, such as qualified immunity.⁴⁸ Overall, implementation of police brutality legal frameworks in the United States remains a contentious issue. While progress has been made, there is still a long way to go to ensure that police officers are held accountable for their actions and that victims of police brutality receive justice.

Accountability in the United States

Accountability for police brutality in the United States is also a complex issue, with many factors affecting the ability of victims to seek justice and hold police officers accountable for their actions. One of the main challenges is the legal doctrine of qualified immunity, which shields police officers from being held personally liable for actions taken in the course of their duties, unless those actions clearly violate established constitutional rights.⁴⁹ This has made it difficult for victims of police brutality to hold officers accountable in civil lawsuits. Another challenge is the lack of comprehensive data on police misconduct and brutality. While some states require police departments to report use of force incidents, there is no national database that tracks police misconduct or brutality.⁵⁰ This makes it difficult to identify patterns of abuse or hold departments accountable for systemic issues. There are also issues with the investigation and prosecution of police officers accused of misconduct or brutality. Police departments often investigate themselves, leading to conflicts of interest and a lack of transparency. Prosecutors may also be hesitant to bring charges against police officers due to the close relationships between police departments and the criminal justice system.⁵¹ Overall, accountability for police brutality in the United States remains a contentious issue, with no easy solutions. It will require a comprehensive effort from lawmakers, law enforcement agencies, and communities to ensure that police officers are held accountable for their actions and that victims of police brutality receive justice.

Proposed Solutions for Implementation and Accountability in United States

There are several proposed solutions for increasing implementation and accountability for police brutality in the United States. These include:

1. Repealing qualified immunity: One proposal is to repeal qualified immunity, which shields police officers from personal liability in civil lawsuits unless they have clearly violated established constitutional rights.⁵² This would make it easier for victims of police brutality to hold officers accountable in civil lawsuits.

⁴⁵ Abdul Nasser Rad, David S Kirk and William P Jones, (n. 30)

⁴⁶ LS Goh, 'Going Local: Do Consent Decrees and Other Forms of Federal Intervention in Municipal Police Departments Reduce Police Killings?' (2020) 37(5) *Justice Quarterly* 900.

⁴⁷ Matthew Hanner, 'License & Registration: Addressing New York's Police Misconduct' (2021) 55 *Columbia Journal of Law and Social Problems* 57.

⁴⁸ Joanna C Schwartz, 'After Qualified Immunity' (2020) 120(2) *Columbia Law Review* 309.

⁴⁹ Katherine Crocker (n. 31)

⁵⁰ KB Kahn and KD Martin, 'The Social Psychology of Racially Biased Policing: EvidenceBased Policy Responses' (2020) 7(2) *Policy Insights from the Behavioral and Brain Sciences* 107.

⁵¹ Kristy Parker, 'Prosecute the Police' (*The Atlantic* 13 June 2020) <<https://www.theatlantic.com/ideas/archive/2020/06/prosecutors-need-to-do-their-part/612997/>> Accessed 6 September, 2023.

⁵² Kenneth S Abraham, 'Police Liability Insurance after Repeal of Qualified Immunity, and Before' (2021) 56 *Tort Trial & Insurance Practice Law Journal* 31.

2. Independent investigations and oversight: There is a need for independent investigations and oversight of police misconduct and brutality. This can be achieved by establishing independent civilian review boards or oversight commissions to investigate complaints of police misconduct.
3. National database on police misconduct: A national database on police misconduct can provide a centralized location for tracking and reporting incidents of police misconduct. This can help identify patterns of abuse or hold departments accountable for systemic issues.
4. Changes to police training and culture: Changes to police training and culture can help prevent incidents of misconduct from occurring in the first place. This can include de-escalation training, implicit bias training, and cultural competency training.
5. Accountability for police departments: Police departments must be held accountable for the actions of their officers. This can be achieved through the use of consent decrees, which require police departments to implement reforms, or through the withholding of federal funding for noncompliance.
6. Restorative justice: Restorative justice can provide an alternative to traditional punitive measures for holding police officers accountable for their actions. This can include community-based mediation and conflict resolution programs.

Implementation in Nigeria

Despite the existence of laws and regulations aimed at addressing police brutality in Nigeria, their implementation has been poor. In practice, police officers are rarely held accountable for their actions, and incidents of police brutality are often ignored by authorities.⁵³ This is due in part to the lack of political will to enforce existing laws and regulations, as well as the inadequate training of police officers. Furthermore, there is a lack of effective mechanisms for reporting incidents of police brutality in Nigeria. The police complaints commission, which is responsible for investigating complaints against police officers, is often ineffective due to a lack of funding and resources. Additionally, there is a culture of impunity among police officers, as many believe they can act with impunity without consequences.

Accountability in Nigeria

The lack of accountability for police officers who engage in acts of brutality is a major issue in Nigeria. While the police complaints commission is supposed to investigate and discipline officers who engage in misconduct, it has been largely ineffective due to a lack of resources and political will.⁵⁴ As a result, police officers who engage in acts of brutality are rarely held accountable for their actions. Additionally, there is a lack of transparency in the disciplinary process for police officers. The process is often opaque, and it is difficult for the public to know if any action has been taken against officers who engage in misconduct. This lack of transparency undermines public trust in the police force and makes it difficult for victims of police brutality to seek justice.

Proposed Solutions for Implementation and Accountability in Nigeria

To address these challenges, there are several proposed solutions for improving implementation and accountability in Nigeria. One solution is to increase funding and resources for the police complaints commission, to enable it to effectively investigate complaints against police officers. Additionally, there is a need for increased political will to enforce existing laws and regulations aimed at combating police brutality. Another proposed solution is to improve police training to ensure that officers are aware of their responsibilities and the consequences of engaging in acts of brutality. This would involve providing training on human rights, de-escalation techniques, and non-violent conflict resolution. Furthermore, there is a need to create a more transparent disciplinary process for police officers who engage in misconduct. This could involve creating a public database of officers who have been disciplined for misconduct, as well as holding public hearings for officers accused of misconduct. Finally, there is a need to involve civil society organizations and the public in efforts to combat police brutality. This could involve creating mechanisms for reporting incidents of police brutality, such as hotlines and online reporting platforms. Additionally, there is a need to engage with communities affected by police brutality to increase awareness and promote dialogue between police and civilians. Overall, improving implementation and accountability in Nigeria will require a multi-faceted approach that involves increased funding and resources, improved training, greater political will, and greater transparency and involvement of civil society organizations and the public.

6. Promising Practices in Combating Police Brutality

There are several promising practices that have been developed and implemented in various countries to combat police brutality. These practices have been developed in response to the recognition that police brutality is a systemic problem that requires a comprehensive approach to address.

1. One promising practice is the use of body cameras. Body cameras are small cameras worn by law enforcement officers that record their interactions with the public. The use of body cameras has been shown to increase police

⁵³ USIP, 'Months after Protests, Nigeria Needs Police Accountability' (*United States Institute of Peace*2021) <<https://www.usip.org/publications/2021/02/months-after-protests-nigeria-needs-police-accountability>> accessed 8 May 2023.

⁵⁴ Agbibo, 'Policing Is Not Work: It Is Stealing by Force': Corrupt Policing and Related Abuses in Everyday Nigeria' (2015) 62 *Africa Today* 95.

- accountability and reduce the use of force by law enforcement officers.⁵⁵ Many countries have adopted the use of body cameras as a tool to combat police brutality, including the United States, the United Kingdom, and Canada.
2. Another promising practice is the establishment of independent civilian oversight boards. These boards are typically composed of community members who are not affiliated with law enforcement and are responsible for overseeing police conduct and ensuring that officers are held accountable for their actions. Civilian oversight boards have been implemented in many countries, including the United States, Canada, and Australia.
 3. Community policing is another promising practice. Community policing is an approach to law enforcement that emphasizes building positive relationships between law enforcement officers and the communities they serve. This approach has been shown to reduce crime and improve public trust in law enforcement, which can help to prevent police brutality. Many countries have implemented community policing programs, including the United States, Canada, and the United Kingdom.
 4. Training and education for law enforcement officers is also a critical component of combating police brutality. This training should include instruction on human rights standards and the use of force, as well as training on cultural competency and de-escalation techniques. Many countries have implemented training programs for law enforcement officers, including the United States, Canada, and the United Kingdom.
 5. Legal Reforms: Legal reforms can help prevent police brutality by changing the legal framework in which law enforcement operates. This can include repealing qualified immunity, which shields police officers from personal liability in civil lawsuits, or reforming the use of force policies to limit the use of deadly force.
 6. Restorative Justice: Restorative justice can provide an alternative to traditional punitive measures for holding police officers accountable for their actions. This can include community-based mediation and conflict resolution programs, which can help repair relationships between police officers and the communities they serve.

Overall, these promising practices offer a range of strategies for combating police brutality. However, successful implementation will require a comprehensive approach that involves multiple stakeholders, including law enforcement agencies, communities, and policymakers

7. Role of Civil Society in Combating Police Brutality

Civil society plays a crucial role in combating police brutality. Civil society refers to the organizations and groups that are formed by individuals outside of government or for-profit organizations, and they are typically focused on promoting the public good.⁵⁶ Examples of civil society organizations include human rights groups, community organizations, and non-governmental organizations (NGOs). Civil society organizations can be effective in combating police brutality in several ways. One of the most important ways is through advocacy and raising public awareness. Civil society organizations can bring attention to cases of police brutality, and they can work to build public support for policies and programs that hold law enforcement officers accountable for their actions. This can include organizing protests, using social media to spread awareness, and engaging with policymakers to promote reforms. Civil society organizations can also provide support and assistance to victims of police brutality. This can include legal aid, medical assistance, and counselling services. By providing support to victims, civil society organizations can help ensure that they receive the care and resources they need to recover from their experiences. In addition, civil society organizations can work to promote accountability and transparency in law enforcement agencies. This can include monitoring police conduct, conducting independent investigations into cases of police brutality, and advocating for the creation of civilian oversight boards. One example of a successful civil society organization in combating police brutality is the Black Lives Matter movement in the United States. The movement has raised public awareness about police brutality against Black Americans, and it has pushed for policy reforms aimed at holding law enforcement officers accountable for their actions.⁵⁷

In Nigeria, civil society organizations have also played a critical role in combating police brutality. One example is the End SARS movement, which emerged in 2020 in response to widespread police brutality and human rights violations by the Special Anti-Robbery Squad (SARS), a unit of the Nigerian Police Force. The movement brought together young people from across Nigeria who used social media to organize protests, demand accountability, and call for reform.⁵⁸ The EndSARS movement was successful in drawing attention to police brutality in Nigeria and putting pressure on the government to take action. In October 2020, the Nigerian government disbanded SARS, and in its place established the Special Weapons and Tactics (SWAT) unit. The government also set up a Judicial Panel of Inquiry to investigate cases

⁵⁵ NM Sahin and S Cubukcu, 'In Car Cameras and Police Accountability in Use of Force Incidents' (2022) 37 *Journal of Police and Criminal Psychology* 512.

⁵⁶ R Cooper, 'What Is Civil Society? How Is the Term Used and What Is Seen to Be Its Role and Value (Internationally) in 2018? K' (Institute of Development Studies 2018) <https://assets.publishing.service.gov.uk/media/5c6c2e74e5274a72bc45240e/488_What_is_Civil_Society.pdf> accessed 9 August 2023.

⁵⁷ M Mundt, K Ross and CM Burnett, 'Scaling Social Movements through Social Media: The Case of Black Lives Matter' (2018) 4(4) *Social Media + Society*.

⁵⁸ OE Akerele-Popoola, AL Azeez and A Adeniyi, 'Twitter, Civil Activisms and EndSARS Protest in Nigeria as a Developing Democracy' (2022) 8(1) *Cogent Social Sciences*.

of police brutality and compensate victims. Civil society organizations in Nigeria continue to play a critical role in holding the government accountable for implementing these reforms and ensuring that law enforcement agencies respect human rights. They have called for the prosecution of officers who committed human rights violations, the establishment of independent oversight mechanisms, and the implementation of training and professional development programs for law enforcement officers.

8. Conclusion

Police brutality is a global problem that violates human rights and undermines public trust in law enforcement. This comparative study of the United States and Nigeria highlights the importance of international human rights law, legal frameworks, implementation, and civil society in combating police brutality. In the United States, legal frameworks such as the Fourth Amendment, the Civil Rights Act, and the Police Accountability Act have been put in place to prevent and punish police brutality. However, there are still significant gaps in implementation and accountability that leave room for police brutality to continue. Civil society organizations have been successful in advocating for reform, including the use of body cameras and civilian oversight boards. In Nigeria, the EndSARS movement brought attention to widespread police brutality and human rights violations by the SARS. The Nigerian government has disbanded SARS and set up a Judicial Panel of Inquiry to investigate cases of police brutality. Civil society organizations have been instrumental in advocating for accountability, oversight, and reform.