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The Paradoxical Police: Perspectives from Nigeria and the United States

Snigdha Agarwal Srinivas¹ & Ritisha Gupta²

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¹ *Political Science, Lady Shri Ram College For Women, University of Delhi, India*

² *Political Science, Lady Shri Ram College For Women, University of Delhi, India*

Abstract

*“Under the rule of law, people are equals; under the rule of police, we are not.” - Markus
Dubber*

Occurrences of police brutality have been escalating across the globe. If one were to circumnavigate the world today, it would be hard to find a country bereft of violence at the hands of the police. In particular, the United States of America and Nigeria have the highest count of extrajudicial killings in their respective regions. This is in spite of stark differences in the modus operandi of their regimes. This paper, therefore, seeks to draw a comparison between the nature of police brutality prevalent in both countries. It uses the following parameters to analyse prevailing patterns of violence: economy, legislation, press freedom, community relations and minority prejudice. The research found that the recurrence of police brutality can be attributed to the underlying organizational culture of the police. According to this theory, the culture within which the police function, shapes their perception of the outside world, ultimately influencing their actions. Potential solutions have also been identified to tackle the issue of police brutality. This includes engaging with the education and training of officers, reforming legislative systems and most importantly, increasing inclusivity by integrating the community with the policing mechanism.

Keywords: *Police brutality, culture, legislation, minorities, force*

1.0 Introduction

The essence of the government is a monopoly on the non-punishable use of force, and modern governments delegate that monopoly to police officers (Sherman, 1980). Unfortunately, this has led to an abuse of power by those who are given the duty to uphold the law; in spite of an international consensus on regulating the use of force by authorities. Thus, several regions across the globe have increasingly experienced violence at the hands of the police.

Police brutality can be defined as the unlawful and excessive use of force, resulting in damage, destruction and even death. Historically, police forces would use violence against individuals from socially and economically marginalised communities. It was also often used to suppress labour strikes in the late 1800s and early 1900s. This trend has continued in the 21st century as well, with authorities violating fundamental human rights such as the right to liberty, security, and life.

While police personnel are licensed to use force to maintain law and order, they have repeatedly crossed the fine line between defensive and offensive actions, with justice seldom being served.

In the North Atlantic region of the world, the United States of America holds the highest rank in police violence. And similarly, in the African continent, Nigeria takes this position (World Population Review, 2021).¹ These countries are diametrically opposite in their approach to the economy, the polity and society; yet somehow, they have similar ratings in the number of police killings in their respective regions. The first section of this paper gives a brief overview of the history of policing which is then followed by a deeper insight into the causes of police violence in the United States and Nigeria. The last segment analyses patterns and commonalities in the nature of police brutality experienced in both countries and suggests potential solutions to prevent this practice.

2.0 United States

While the modern police force came into existence only in the 1830s, its origin can be traced back to the colonial era. The American colonies in the 1630s were initially protected by ‘night watchmen’, citizens who had volunteered to stand guard.² Boston was the first state to follow this system in 1636, closely followed by New York in 1658 and then Philadelphia in 1700 (Waxman, 2019). However, it was largely ineffective as watchmen would either sleep, socialise or drink while on duty. Also, the position was not very highly sought after, particularly because it was used as a form of punishment for offenders. Similarly, getting citizens to supervise the ‘night watch’ was difficult as many did not want to be associated with such people. The fact that bodyguards to the wealthy would ironically be criminals themselves further worsened the situation (Olito, 2020).

The nature of the police in the South was completely different, particularly because of the widespread support of slavery. The driving force of law enforcement in this region was to shield the institution of slavery from revolt. Thus, in 1704, slave patrols were introduced in the colonies of Carolina.

¹ According to the World Population Review, there were 1099 police killings in the United States and 841 police killings in Nigeria in a year.

² This is similar to the English ‘kin police’ where people kept a look out for their family members.

They were an organised group of white men tasked with locating and returning slaves to their ‘masters’. On the suspicion of sheltering a wanted slave, members of these patrols were authorised to forcefully enter any individual’s home, regardless of their stature in society.

As immigrants (particularly from Germany, Ireland, and Italy) began to settle in major American cities, the population began to rapidly expand till the mid-1800s. Increasing urbanisation created social tension, often leading to unrest, crime and disorder. The colonial police were not equipped to deal with such large scale disruption and as conflicts began to arise between original inhabitants and the incoming residents³, the need for a formalised policing system emerged.

In 1838, the first official, publicly funded police force with full-time employment was instituted in Boston. It was a large commercial hub with active shipping ports to transport goods. For a long time, businesses had to bear the additional costs of protecting their property. In order to save money, merchants found a way to transfer these costs to the citizens. They decided to create a police department that would be maintained using citizens’ money, by claiming that it was for the ‘collective good’ (Waxman, 2019). And with New York, Chicago, New Orleans, and Cincinnati closely following suit, almost every major American city had instituted a formal police force by the 1880s.

However, these police forces were far from equal. Officers were predominantly white men in charge of responding to disorder rather than crime (Hassett-Walker, 2020). And thus, in spite of slavery being officially abolished in the country⁴, African Americans in the southern region continued to be victims of extreme policing. The institutionalisation of the Black Codes followed by the Jim Crow laws further entrenched hostilities; not only did they prevent the community from fully integrating with society, but the laws also led to the formation of extremist groups like the Klu Klux Klan (KKK). KKK members essentially took over the role of the slave patrols, terrorising African Americans across cities, with many also joining law enforcement and other government agencies. Violators of these laws became victims of police brutality, with judicial authorities rarely intervening in cases.

³ The most targeted communities were the European immigrants (Nodjimbadem, 2017).

⁴ The slave patrols were also officially disbanded after the American Civil War (1861-1865).

In an attempt to escape racial violence and find opportunities to sustain their livelihoods, millions of African Americans fled to the North in the early 20th century. This came to be known as the Great Migration. However, the large presence of this community was met with fear and hostility, especially by local police departments.

The situation worsened during the Prohibition era (1920-1933). To stop the manufacture, sale and transportation of alcohol, the Department of Treasury created 'T-Men', a federal-state police force of 4000 men, responsible for enforcing Prohibition laws. State governments also started establishing separate police forces to aid the maintenance of law and order (Olito, 2020).⁵ This was particularly because local police forces were increasingly unable to contain the rise in organised crime. Unfortunately, the war on alcohol overwhelmingly impacted the poor, immigrants, and African Americans, who were selectively targeted by law enforcement agencies, the KKK and other hate groups (Eschner, 2017). For instance, the Illinois Crime Survey published by the Illinois Association for Criminal Justice in 1929 highlighted how despite African Americans constituting just 5% of the total population in Chicago and Cook County, they accounted for 30% of police killings (Nodjimbadem, 2017).

Racial bias became more apparent during the 1960s. As the Civil Rights Movement gathered momentum, the police increasingly clashed with African Americans who were protesting on the streets. The police were using tear gas, dogs, and high-pressure water hoses to suppress dissent (*The History of the Police in America*, n.d.). And as demonstrations were being televised and reported, people started witnessing the unjust violent treatment meted out to the community.

The beating of Rodney King in 1991 is considered to be one of the first instances of police brutality being caught on live footage. And today, with advanced information and communication technologies, incidents like these have flooded mainstream and social media. Eric Garner, Alton Sterling, Philando Castille and George Floyd are a few victims of police brutality whose deaths have been caught on camera, prompting activists across the world to protest against this injustice.

⁵ This period also witnessed the first overt cases of police corruption. Local political leaders, who often owned bars, would bribe police officers to permit the illegal consumption of alcohol in their clubs. Gambling and prostitution also became rampant. It prompted President Herbert Hoover to set up the Wickersham Commission in 1929 to investigate corruption in police departments across the nation (Longley, 2020).

(i) The Cost of Police Brutality

According to the Centre on Foreign Relations, the United States spends almost 1% of its GDP on maintaining and upgrading police departments (Cheatham & Maizland, 2020). This is partly because of the 1994 crime bill passed by the Clinton administration, which not only increased federal aid for policing but also permitted cities to continue funding departments even when budgetary resources were insufficient; the war on terror led to a further increase in funding for the police (Badger & Bui, 2020). Such an allocation of finances has continued despite a lack of funds in areas that can contribute to the development of an individual.

An index of 12 cities and their police budgets was assembled by Law for Black Lives, the Center for Popular Democracy, and the Black Youth Project 100. The report highlights the amount of spending by each department along with its share of the total budget received. Thus, for instance, while the New York Police Department has the highest expenditure at \$5.6 billion, it only accounts for 7.7% of the city's general fund⁶ (McCarthy, 2020). Milwaukee, on the other hand, spends only \$297.3 million, but this amounts to 46.6% of the total budget received (CPD Action, 2020); about one in every ten dollars spent by the local government is for the police (Badger & Bui, 2020)⁷. The continuous provision of large discretionary funds⁸ further heightens this spending as around 20% to 45% of the amount goes exhausted in the policing system alone⁹.

Furthermore, through the 1033 program, the Secretary of Defence can relocate unused military gear stored with the Pentagon to police departments. Data from the RAND Corporation shows that since 1997, 8000 out of 17000 law-enforcement agencies, have received more than \$6 billion worth of surplus military equipment from the Pentagon (Lepore, 2020) - with a half a billion-dollar rise from August 2017 alone (Penzenstadler & Chen, 2020). Thus, it has raised concerns of police departments becoming increasingly militarized over the years, a factor that contributes significantly to the mindset of the police.

⁶ The general fund supports services like the police and fire department along with other services like parks, community planning and administration.

⁷ After successful protests from groups like Liberate Milwaukee, Milwaukee's budget for law enforcement agencies is significantly lower as compared to previous years.

⁸ It refers to funds that are used for items that are not essential but can come to use later.

⁹ However, one must keep in mind that part of this budget is also spent on salaries and other benefits, including steps to hold police actions accountable. For instance, the report does not mention whether a police department spends funds on acquiring riot gear or purchasing body cameras.

Research by the Action Center on Race & the Economy (ACRE) also shows that the cost of police brutality settlements and judgements are borne by the city's general fund rather than the police officers involved. And more often than not, to meet this cost, funds for other areas are transferred to law enforcement agencies, shielding the department and the officers from financial liabilities.

Interestingly, institutions like Wells Fargo, Goldman Sachs, and the Bank of America also profit from police brutality. As the number of cases of police violence rises, cities are increasingly unable to generate sufficient funds to meet their legal cost. They resort to issuing bonds from financial firms, often getting caught in a debt trap. These firms are able to profit because they charge a fee for their services, with investors collecting interest as well. Moreover, these bonds have the potential to nearly double the cost of the original settlement or judgement. Thus, banks and investors are able to profit immensely in cases of police brutality (Goodwin et al., 2020). However, at the end of the day, irrespective of whether a city issues bonds or uses its general budget to meet the cost of police brutality, the money comes from a taxpayer's pocket (Mock, 2020).

(ii) Treatment of Minorities

More than 1,000 civilians are killed by law-enforcement officers in the United States every year. These deaths follow a certain pattern, typically that of race. Race is central to the decisions that the police take in terms of whom to target and how much force to use while interacting with them. Black, Latino, American Indian and Alaska Native women and men are significantly more likely to be killed by police officers as compared to white women and men (Edwards et al., 2020).

Discriminatory policing contributes to high rates of incarceration among minorities, often resulting in disenfranchisement, generational poverty, and the tendency to recommit crimes (Cheatham & Maizland, 2020). The possibility of being killed by police violence is 2.5 times higher for Black men than White men. Furthermore, black people who were fatally shot by the police seemed to be twice as likely as white people to be unarmed (Peoples, 2020).

In ‘Punishing Race: A Continuing American Dilemma’ (2011), Michael Tonry’s research found that Whites are more likely to excuse police brutality against Blacks because of the ‘racial animus’ that they hold against Blacks (Schlesinger, 2013). To a certain extent, Black men and women are viewed as deserving of the harsh treatment that they face in the criminal justice system. An extensive body of literature suggests that Black males are viewed as the ‘prototypical criminal,’ and this notion is reinforced by the media and the general public. It was also found that Black males having more Afrocentric features (e.g., dark skin, broad noses, full lips) tend to receive longer sentences than those with less Afrocentric features (Schlesinger, 2013).

August Vollmer (considered the father of modern policing in America) observed that third-degree techniques of interrogation, which are known to be very aggressive, are tolerated when they're applied against minorities, the poor, as well as immigrants but, are criticised when applied against the middle and upper classes (NPR, 2020).

Shaun Gabiddon in ‘Criminological Theories on Race and Crime’, discussed the concept of ‘Negrophobia’. This was defined as an irrational fear of Blacks, which includes a fear of being victimized by Blacks, which can result in Whites shooting or harming an African-American based on racial stereotypes. This ‘fear’ can be extremely damaging to social harmony. This has been actualized in the various police killings where Black men were killed under the suspicion of having a gun, without any proper verification.

Policing also further perpetuates existing inequalities between different races. For example, scholars have found that police contact directly contributes to health inequality and leads to early mortality for the black community. The media's portrayals of Black men are often extremely antagonistic, which has a general negative effect on how these men are regarded by others. These portrayals feedback to the pre-existing stereotypes that are held in the minds of many Whites across America (Chaney & Robertson, 2013). Critical race theory is a useful theoretical approach when examining the situations that are faced by marginalized groups in a hierarchical society. Kimberlé Crenshaw, one of its founding scholars, describes it as an approach that deals with the history of white supremacy and its current ramifications, rejecting the belief that “what’s in the past is in the past” (Lang, 2020, “What is critical race theory?”, para. 3).

It is insightful to view police brutality in America through the lens of critical race theory because it explains that race is rooted deep within institutional structures, especially in law enforcement. It shows how these structures augment existing White hegemony, increasing the likelihood of differential treatment of African Americans in order to keep them subjugated (Chaney & Robertson, 2013).

(iii) The Legality of Police Brutality

Police officers in America are authorised to use force only if it is required to:

- i) protect their own life or that of another
- ii) prevent a suspect from escaping if they believe that the individual is a danger to others.

However, many have argued that such discretion gives too much power to the police. There have been several instances where officers have used unwarranted force against civilians. Moreover, they are rarely prosecuted for any misconduct on their part. This is primarily on account of the following reasons.

First, in the 1960s, the Supreme Court issued the doctrine of qualified immunity which protects government officials from lawsuits against any constitutional violations undertaken while on duty.¹⁰ However, such legal protection is only applicable if the officer has not violated 'clearly established' statutes. In practice, this poses an obstacle to delivering justice because victims or their representatives are required to provide past cases with a similar form of misconduct. Thus, even if law enforcement agents have violated a citizen's right, the chances of availing a legal remedy are low.

Second, as prosecutors work closely with police officers, many are unwilling to bring charges against them; success requires a high rate of convictions, a majority of which depend on police testimonies. And thus, law enforcement agencies are able to walk away from any criminal proceedings initiated against them (The Economist, 2020). Even if a prosecutor decides to take the case, they will be required to prove that the police officer was acting with a specific intent in addition to providing evidence of a constitutional right violation (Lumsden, 2017).

¹⁰ In the 1967 *Pierson vs Ray* case, the Supreme Court maintained that government officials cannot be held personally liable for committing violations of rights in 'good faith', and hence they would be entitled to qualified immunity.

Third, in many states, the public has limited access to information about police violence - both in terms of encounters with civilians as well as subsequent investigations into the case. Even though the Department of Justice has the authority to compel agencies to provide data concerning the use of force, it has not exercised this power. To date, only Utah has taken steps to increase transparency - it requires police departments to report any incidents of forcible entry and deployment of tactical teams (Stoughton et al., 2020).

Fourth, more than three-fourth of the total state statutes in the United States have been established during or before the 1970s. As many of these have not been amended since then, regulation of police misconduct falls on the judiciary. Courts rely on the Fourth Amendment¹¹ to issue judgments, but when compared with state law, it has a much narrower scope of protection for civilians (Stoughton et al., 2020). Furthermore, when cases of excessive force are brought to the jury's notice, there is a tendency to believe the defendant more than the victim of police violence (Lumsden, 2017).

Recently, the New York State Legislature took a decision to repeal Civil Rights Law 50-A; the 44-year-old statute protected documents like disciplinary records of police departments from being disclosed. Because of this, victims of police brutality often could not even learn the identity of the police officer. Barring certain personal information like social security numbers, the public and the press now have more access to data on police functioning (Merkl, 2020).

(iv) The Police and the People

From May 29 to June 2, just after the killing of George Floyd, the Wall Street Journal and NBC News jointly conducted a poll to find out whether voters were unsettled by police violence or the protests that ensued after. Out of 1000 respondents, 59%¹² claimed that they were more troubled by the actions of the police (Murray, 2020).

Police-community relations have increasingly started deteriorating. On one hand, the people, particularly minorities, criticise the police for using unwarranted force against their communities. They claim that authorities purposely target socially and economically marginalised groups.

¹¹ The Fourth Amendment protects the public from unreasonable or arbitrary government seizures/searches.

¹² In this group, 54% were Whites, 65% were Latinos and 78% were African Americans.

On the other hand, police officers state they are not receiving the respect they deserve, especially with the press negatively portraying their actions (Johnson & Gregory, 1971). Thus, relations between both groups have become strained.

Part of the reason for this lies in the excessive stock of military equipment maintained by police departments. Research has found that there exists a positive relationship between militarization and public safety - as more military equipment is acquired, the number of civilian deaths at the hands of the police also increases. This is especially because the equipment tends to create a sense of being at war with civilians (Brooks, 2020).

Another factor that contributes to deteriorating police-community relations is the training that law enforcement agencies receive. According to the latest report published by the Bureau of Justice, police officers spend around 131 hours training in firearms and self-defence, with only 43 hours devoted to community policing measures, cultural diversity, conflict management and human relations (Brooks, 2020). Thus, when more emphasis is given to the use of force, trust between the two groups is hard to foster.

Finally, there is also a constant pressure of uncertainty which stimulates fear in the police. Research conducted by Erin C. McCanlies and her team highlights how rates of PTSD in officers are as high as 15% (McCanlies et al., 2017). Often, this leads to pre-emptive shooting because the police fear for their lives and those of others. And unfortunately, to deal with this surrounding, officers often distance themselves from this vulnerability, threatening to completely depersonalise relations with civilians.

(v) Policing the Fourth Estate

In 1839, Edward Bulwer-Lytton claimed that the pen was mightier than a sword, for it outlives and outpowers physical violence. However, this power is increasingly being recognised by law enforcement agencies and journalists are being targeted as a result of it. How the news covers issues is of profound importance to democracy because the media can influence public sentiment (Jackson, 2020).

During the protests against George Floyd's death in June 2020, the reporters were tear-gassed and arrested by the police. In fact, the U.S Press Freedom Tracker recorded more than 279 cases of abuses to press freedom during just 10 days of the Black Lives Matter protests.

(Aguilera, 2020) Many reporters expressed that although they understood the dangers of reporting in conflict zones, they never expected to be directly attacked by the police in America. The troubling part is that this makes a journalist think twice before reporting a ‘sticky situation’ (Noor, 2020, para. 30).

A part of the onus lies with the government. At several points, President Trump claimed that the press was a part of the problem, rather than a tool to arrive at a solution. He made statements implicating that the journalists were complicit in the destruction that ensued in the protests. Pulitzer Prize-winning photojournalist, Barbara Davidson says, “When the president declares you an enemy of the state ... Well the police, their job is to protect the state, right?”(The Guardian, para. 14, 2020) She went on to say that the reason for the protests was ultimately the video of the brutality against George Floyd. The fact that visuals could have such a large scale impact on the country thus becomes even more worrisome for the authorities.

Although the ‘press badge’ does make the police take a step back, this caution does not extend to everyone. A journalist named Alzo Slade gave his account of being detained for 45 minutes just for being outside past curfew. The cops made him and his crew lie on the ground. He points out that “being a journalist makes no difference if you are a black man” (The Guardian, para. 27, 2020).

On the other side of the coin, the press can also be accused of being a perpetrator of racial stereotypes. Recent investigations of post-civil-rights-era protests uncovered that media coverage continues to reinforce stereotypes of black incivility and questions the legitimacy and safety of black outrage (Jackson, 2020). Douglas McLeod, a Journalism professor, shed light on the ‘protest paradigm’ that the press holds. The paradigm tends to dismiss protesters and undermine their social-movement agendas by projecting that any challenge to the status quo is sinister or ill-intended. Public opinion polls show that this sort of reporting has an adverse effect on how the public evaluates the validity of protests and activism (McLeod et al., 2012). For example, the coverage of Black Lives Matter protests has often focused on the destruction of property and the word riot has repeatedly been used instead of protest. This has led to an increase in support for law-enforcement agencies to contain protestors, rather than an increase in awareness about the root causes of the protest.

Passive and ambiguous language also fails to reflect the real situation, particularly the power imbalance in cases of police brutality. Coverage ignores the fact that the police benefit from increased mayhem in these situations by way of an increase in public support (Jackson, 2020). Journalists must realize the impact of their words and should focus on transparent reporting if they want to create a more democratic society.

3.0 Nigeria

Nigeria became an official British colony in 1861. Before this, the people followed customary policing methods that were grounded in the spirit of community responsibility. These traditional customs and beliefs were enforced by the community such as age grades¹³, secret societies or vocational guilds (for example, of hunters, farmers, or fishermen). Through these people-based systems of crime control, law and order were maintained largely without the need for coercion and violence (Maldar, 2005).

The British began to set up localized police structures to expand their control across the territory of Nigeria. The first police force was created in their most lucrative colony in the area, Lagos, in 1861. Different systems were maintained in different locations according to the needs of the colonizers. The forces were used to fight colonial wars on behalf of the British, and back home was responsible for the exploitation of the native labour force. This repressive attitude of the police during the colonial era soured relations between them and the community, perhaps irreversibly so.

In 1930, the Nigeria Police Force was established as a central body and local forces were instituted to reflect the federal nature of the polity. The same structure was retained post-independence in 1960. The public perception of the police remained negative as they were seen as an instrument of colonial domination. The military governments that came into power soon after independence further entrenched a culture of violence that undermined the rule of law in the country. The colonial policy was seen as a ‘civilizing force’, yet the structure of the police force that the British had established was deeply rooted in ethnic differences and ‘othering’ (Mbaku, 1992).

¹³ Formal organizations whose membership is based on predetermined age range

The military governments that took control of the country in the first four decades of independence led to the further deterioration of the police. Military leaders felt threatened by the large numbers of the police, thus the NPF was purposefully made to be chronically underfunded and marginalized.

In 1979, Nigeria was preparing to return to civilian rule. While the government embarked on a massive police recruitment campaign, they largely discarded recruitment and training standards (HRW, 2010). Thus, for instance, despite increasing the size of the NPF to around 80,000 officers, they were “ill-trained, ill-motivated and ill-equipped men” (HRW, 2010, “Marginalization and Police Corruption under Military Rule: 1966 to 1999”, para. 2).

By the early 1990s, the Nigerian police had earned a reputation for being “consistently repressive, corrupt, and ineffective” (HRW, 2010, “Marginalization and Police Corruption under Military Rule: 1966 to 1999”, para. 4). Military governments had little incentive to keep a check on the functioning of the police. The deteriorating quality also discouraged quality candidates from joining the Force.

The second military regime came to an end in 1999. At this time there were close to 140,000 police officers in Force, which only gave 1 police officer for 820 citizens, way below the UN-mandated 1:400 ratio. In the face of this, the government organized another massive recruitment drive. The screening process was subpar, many being successful in bribing their way into their positions. The government even failed to provide suitable funds for training. The 2008 Presidential Committee on the Reform of the Nigeria Police Force concluded that Nigeria was now “saddled with a very large number of unqualified, under-trained and ill-equipped officers and men, many of whose suitability to wear the respected uniform of the Force is in doubt” (Siollun, 2020, para. 8).

Many Nigerian police officers have exemplary conduct and work hard for the protection of citizens. However, for most Nigerians, the police force has failed to provide public security. Indeed, 90 years after its birth, members of the force are viewed more as predators than protectors (HRW, 2010), and the Nigeria Police Force has become a symbol of limitless corruption and abuse.

(i) An Economy of Extortion

A very common argument regarding the Nigerian Police Force is that they also are victims of the general trend of economic dispossession in the country. The dismal economic condition of most of the population has resulted in unemployment and a rise in criminal activities. However, this has pushed the police beyond its capacity. The Force severely lacks funds to the extent that it remains without the equipment required to properly carry out its duties. The officers complain of a lack of welfare facilities that they should ideally be able to access as public servants. It is perhaps from this depravity that stems the widespread indulgence in corruption and consequently, police misconduct and violence.

The Nigerian Police has remained largely unanswerable to the citizens that it is meant to serve. In the process of extorting money, the police have caused innumerable human rights violations, which has deeply affected the psyche of the Nigerian population.

Ironically, the place where most of the extortion takes place is at police roadblocks, where officers routinely demand bribes from cars that pass by. These bribes have become so common that they are often treated as a standardized toll. Drivers and passengers have also often been detained till their family members came and paid for their release. These confrontations have repeatedly escalated into more serious situations such as beatings, sexual abuses or even gunshots. This extortion stooped to the point where the police would randomly round up citizens in public places such as restaurants, markets, and bus stops and demand money for their release (HRW, 2010).

The conduct of the police also severely neglects the rule of law in Nigeria. Although police corruption affects every Nigerian, it has a disproportionate impact on the poor. Those who cannot afford to pay these bribes do not have any access to justice. On the other hand, those that are guilty can escape conviction by simply offering a bribe, thus upending the entire criminal investigation system. Moreover, the police also engage in the sale of personal police protection to the elite class. In 2009, up to 100,000 police officers were working as personal guards (HRW, 2010). There also exists an entire system of corruption run by senior police officers. They siphon off scarce police funds, simultaneously enforcing a scheme of collecting 'returns' from the money that is extorted by other officers during their duty.

They often set 'targets' for officers at lower posts and punish them when they are unable to meet these targets. This not only incentivises police officers of lower seniority to partake in misconduct but also singles out those who refrain from engaging in such activity.

With persistent complaints of inadequate funding for the police over the years, resulting in inefficiency and escalating insecurity, the National Assembly adopted the Police Trust Fund Act in 2019. It established a fund for accelerating the training process of police personnel, also including a provision for other related equipment and facilities for the Police. One of the sources of money for the fund will be a 0.005 per cent charge on the profits of companies in Nigeria. Though the bill was passed in April 2019 and signed by the President in June 2019, its commencement remains pending with no Board in place to administer the Fund as of January 2020.

In 2020, N 403 billion was allocated to the Nigerian Police Force, the highest budget allocation ever given to the police. However, as a percentage of the total budget, it was significantly lower when compared to the past 5 years; in 2015, 7.2% of the national budget was spent on the police, but in 2020, it reduced to 3.81% (PLAC, 2020).

(ii) Polarities in Police Brutality

According to Aborisade and Obileye (2018), it is possible to highlight two theories to explain the causality of police violence.

In the framework of social theory, the state is viewed as an apparatus in the hands of the dominant class. This group can be economically, politically, or socially powerful. Police authorities, which form a subset of the state, are therefore given the responsibility to preserve the prevailing status quo, preventing any kind of resistance in society. In the case of Nigeria, the police force was instituted by the colonial powers to enforce laws that would ensure that civilians did not have the power to retaliate. According to a report by the Human Rights Watch (2005), this period witnessed brutal abuse and corruption. A similar trend can be observed in present-day Nigeria as well. Ruling classes and communities are increasingly using economic and political power as instruments of oppression. A study conducted by Aborisade and Obileye (2018) highlights how Nigerian citizens from lower strata of society experience more abuse from the police as compared to those who are privileged and powerful.

It also reveals how laws, particularly those dealing with human rights are enacted differently for different classes of people. The symbolic interactionist theory on the other hand focuses more on the individual. It uses a more subjective approach to explain why only certain police officers engage in violence. The theory states that personal identities impact behaviour and hence social interactions. This occurs primarily because an individual assimilates a certain role into their identity which then influences the way in which they perceive and approach their surroundings. Thus, as people have actively taken part in constructing their environment, they do not merely react to circumstances. This theory can be used to analyse the relationship between civilians and police officers. Both groups conform to prevailing societal norms. For instance, minority communities are more likely to be viewed as potential offenders and violators of the law. On the other hand, police authorities are then regarded as authoritative oppressors rather than guardians or protectors of the people. The degree to which the two groups internalise these perceptions determines the severity of their interaction. The institutionalisation of these identities further entrenches hostilities.

For example, in the colony of Lagos, a strategy that was often used by authorities was to post police officers in a region populated by a different ethnic community. This alienated the police from the residents, creating further discord in the relationship between both groups (HRW, 2005).

(iii) Legislative Safeguards Against Misconduct

The Nigeria Police Force is solely responsible for the security of lives and property in Nigeria. Section 4 of the Police Act(1990), explicitly lists the duties of the police force towards the Nigerian people, however, this section is often misinterpreted in favour of police excesses.

In *Onagoruwa vs Inspector General of Police*, a case where Dr Olu Onagoruwa had filed an appeal in the Court of Appeals against the police, it was cautioned that:

“Because of its large and apparently volatile language, which is generally inimical to the rights of the citizen, Section 4 should be interpreted whenever possible liberally in favour of the rights of the citizen" (Abati, 2008, p. 3).

Police regulation is conducted by the Nigeria Police Council and the Police Service Commission. The Police Council, chaired by the President of Nigeria, has administrative and supervisory functions. The Police Service Commission, on the other hand, constitutes members of civil society and acts as a watchdog to the police force to ensure their accountability. However, this framework hides many circumventions in its fine print. Section 33 of Nigeria's Constitution, lists many exceptions to the provision of the Right to Life. The Nigeria Police Force Order 237 (Amnesty International, 2013) provides lenient grounds for using lethal force which goes against the international mandate. The Force Order permits police officers to shoot suspects and detainees who attempt to escape or avoid arrest, "provided the offence is such that the accused may be punished with death or imprisonment for 7 years or more" (Amnesty International, 2020, p. 7). Since feeling in custody entails 7 years of incarceration, this order technically means that any person can be fired without legal ramifications if they try to evade custody.

The Police Service Commission is underfunded and over the years it has developed a reputation for being somewhat spineless and even when it asserts itself, the intervention is immediately politicised (CLEEN Foundation, 2010).

It is argued that the Nigeria Police Force suffers from a problem of its institutional making (Abati, 2008). According to Section 215 of the Constitution, it is only answerable to the President a section that lies outside the purview of the courts. This centralized accountability structure leaves very little space for transparency. Many have argued for the creation of state police. Thus, it is this absolutism that has been inculcated in the exercise of police functions, resulting in official tyranny and public agony (Abati, 2008).

(iv) Police-Community Relations

The use of force has been the most controversial issue regarding policing in Nigeria and has resulted in a complete loss of public trust in the police. Not only is this unethical and illegal, but it also creates a lose-lose situation. The ineffectiveness of the Nigerian police discredits them in the eyes of the public which in turn alienates police from the public, increasing hostility between both groups.

The history of authoritarian governance was taken as license by the police to violate the rights of citizens as they saw fit. However, the Nigerian Police are also often victims of abuse by criminals and sometimes the community as well. They face hostility and violence from individuals aggrieved by government policies and those who have faced police repression when they have expressed dissent. In a few cases, they also have been involved in inter and intra community conflicts (Alemika & Chukwuma, 2000).

The roots of this psychological and structural distance as well as disparity in values and interests stem from the colonial origins of the Federal Police. Violent and repressive conduct of the colonial police created deep dissociation between the police and the communities, which has plagued the relationship ever since (HRW, 2005). Colonial policing subjugated the interests of the people to the whims of the colonizers. The police were tasked with ensuring a pliant working class who would fulfil the economic interests of the colonizers (Alemika & Chukwuma, 2000).

As the Lagos Standard once reported:

“The soldiers of the Lagos Government... have ceased to keep the peace, on the contrary, they have turned themselves loose upon the people, filling the role vacated by kidnappers, and rioters... marauders and freebooters... there is one painful cry echoing from town to town, from city to city of the evil deeds of the Lagos Constabulary” (Alemika et al., 2000, p. 19).

The cruel and oppressive training and orientation they were given, and still continue to receive, contribute to their negative behaviour towards the people (Johnson, 2013).

(v) The Quelling of Free Speech

In the 2020 annual World Press Freedom Index, Nigeria was ranked 115 out of 180 countries; arbitrary arrests of journalists who openly criticised the government was one of the main obstacles to press freedom (Majid & Cobus, 2020). Under the administration of President Muhammadu Buhari, journalism that is critical of the government is not only logistically challenging but potentially dangerous (Majid & Cobus, 2020). The Media Foundation for West Africa stated that Nigeria was among the top countries in the region where journalists are attacked, or have their equipment seized and destroyed (Castiel, 2020).

The press does not have substantive control over the police, however, Section 22 of the 1999 Constitution states that "*the press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this chapter and uphold the responsibility and accountability of the Government to the people*". Thus, the freedom of the press is a responsibility as much as it is a right.

Socrates had argued that "an unexamined life is not worth living" (Abati, 2008, p. 11). The Nigerian media has always championed the rights of the people, addressing their grievances, and forwarding their interests; the aggrieved have also always found willing support in the media. The media shines the light of scrutiny on society, and the police have not been exempted from this. This scrutiny has the potential to improve police functioning. However, the relationship between the police and the press in Nigeria has remained hostile.

The police accuse the media of a lack of patriotism for publishing stories that 'threaten' national security or portray Nigeria in a bad light (Abati, 2008). The press, therefore, becomes an easy target for law enforcement agencies to blame their fallacies. Journalists thus have been victims of police brutality. According to Amnesty International (2019), 19 press employees have been victims of police brutality in 2019. These range from physical attacks, verbal assaults, death threats, surveillance, indiscriminate detention to pressure to reveal sources. Many journalists were also prosecuted under laws such the cybercrime and terrorism which prescribe the death penalty for those found guilty, making journalism a dangerous venture.

4.0 Analysis

"A system cannot fail those it was never built to protect."

— Vann Newkirk, via Time (November, 2014)

Law enforcement agencies in the United States of America and Nigeria have come under scrutiny for a surge in the number of extrajudicial police killings. Increasing visual evidence of such violence has also sparked movements across both regions. In the USA, the killing of George Floyd reinvigorated the Black Lives Matter movement, with protests being held across continents in solidarity.

At the same time, in Nigeria, the EndSars¹⁴ movement erupted in response to videos of brutal police conduct against civilians. According to the National Human Rights Commission (2020), in March 2020 the number of police killings even exceeded the deaths caused by COVID-19.

What is intriguing is that the occurrence of police brutality is almost similar in spite of jarring differences that can be observed in both countries. For instance, the GDP of Nigeria stood at \$0.448 trillion in 2019. The US, on the other hand, retained its position as the largest economy in the world with a GDP of \$21.43 trillion in the same year. Politically as well, Nigeria has a history of authoritarian and military governments, whereas the US, having established the earliest democracy, is regarded as the leader of the free world.

Differences can also be observed in the structure and nature of policing in both countries. Firstly, in Nigeria, the police are considered to be severely underfunded, with many existing funds being siphoned off by higher officials. A common response to this dilemma is that an increase in funding will boost the efficiency of the police. On the other hand, the US spends a large amount of money on maintaining and upgrading police forces. In fact, a recurring demand has been to defund police departments across the state to divert more resources to other areas. Secondly, a major reason for the unaccountability of the police in Nigeria is excessive centralisation. During the first military regime, the local police were abolished and the entire system was united under the Nigerian Police Force. Conversely, in the US each police department falls under the control of a state government, and though the Department of Justice does oversee the overall functioning of police forces, primary jurisdiction lies with the city.

Therefore, the question that arises is how both countries are able to have similar graphs when it comes to police brutality, even with disparities prevalent in different spheres of functioning. Often, one searches for the answer in individual, community, and social conflict theories.

¹⁴ The Special Anti Robbery Squad (SARS) was set up in 1984 to counter the increase in robberies in the country. However, the Squad has been involved in numerous extra-judicial killings since its inception, with visual evidence surfacing during the pandemic. The online #EndSars campaign has been in motion since 2017, and it culminated in widespread protests across the nation. On 11th October 2020, President Muhammad Buhari disbanded the notorious group under pressure from the citizens.

However, while personality traits, interpersonal relations, legislative protection and socio-economic/political gains are factors that fuel police violence, they fail to analyse why such incidents are recurring.

For instance, according to the social conflict theory, law enforcement agencies are an instrument of the state, which in turn is controlled by the dominant class. Thus, when examining police brutality with this lens, it appears that the entire police force would actively take part in subordinating lower classes as they are considered to serve the interests of the elite. However, this negates the fact that sometimes it is only a minority of policemen who indulge in violent behaviours.

The symbolic interactionist theory therefore took one step further by including micro-level factors to account for contextual and behavioural differences. The theory posits that interactions between two groups creates identities, roles and norms that then dictate future exchanges. Thus, it resolves the issue arising in the social conflict theory by considering variations in police conduct, but it does not address why some police specifically target minorities, nor does it consider cognitive influences in decision making; the sole focus of individual-level theories. This theory suggests that personal disposition drives conduct, however it is unable to highlight whether violent traits were already prevalent in police officers before employment or if they developed over the course of their careers. Similarly, it does not acknowledge the role played by the organisation in influencing individual rationality and choice (Armacost, 2004) And often it also leads to individual actors being made scapegoats to mask larger organizational flaws.

Thus, while each theory does provide a distinct insight into the causality of police brutality, they must be taken together to provide a comprehensive analysis of the same. Research suggests that the core issue of police brutality lies in the organisational culture of police forces (Brooks, 2020). They are trained in an environment that accepts certain levels of abusive behaviour, perhaps even considered necessary for efficient functioning. And even though people may join law enforcement agencies to serve the people, constant exposure to aggressive police tactics reinforces authoritative attitudes towards citizens.

Thus, it creates a set of norms and expectations that get passed down through generations of police forces, especially because such conduct is indirectly rewarded by police departments due to the fact that performance is rated on the number of arrests rather than appreciating efforts to resolve conflicts peacefully (Armacost, 2016).

The organisational culture of police departments also explains why there exists a collective solidarity when it comes to protecting police officers accused of violent conduct (Wood et al., 2019). A sense of 'us vs them' characterizes relations among the police. The 'work groups' norms' provide powerful incentives to the police to conform to the existing police culture and also encourage resistance to change (Marenin, 1985). Thus, for instance, it explains the increase in attacks against journalists and protestors in both the US and Nigeria during the recent outrage against police violence. Besides acting on orders, a part of the reason why the police may be assaulting journalists is also due to fear of prosecution of the people in their workgroup.

Another factor that contributes to this police culture is the legislation that regulates police conduct in both countries. Section 4 of the Police Act in Nigeria and Qualified Immunity in the US have both been criticised for being vaguely worded. This makes it harder to convict, let alone indict police officers in cases of police brutality. This reinforces their perceived license to kill, thus perpetuating the culture of excessive authority. Moreover, even if an officer is removed from their post, they are often rehired in a different department. For example, Tamir Rice, a 12-year-old boy, was shot by a police officer in Cleveland, Ohio. Despite being deemed unfit to serve, the officer was re-hired in another department. A study by the New York Times also showed that rehired officers were more likely to commit offences in the future as compared to those who had never been fired in the first place (Peeples, 2020).

One way to tackle the problem is through education and training. Research shows that there exists a positive relationship between education and force - the more educated officers are, the less likely they are to use force (Baggini, 2020). August Volmer was not only the father of modern policing in America, but he was also the first police chief to make officers acquire college degrees.

Even though the requirements for hiring police officers in Nigeria have increased, the criteria for educational achievement remains minimal. Most officers have either a primary education or less (Marenin, 1985). There have been efforts to upgrade the educational standard by increasing the number of police training colleges¹⁵ and the expansion of training opportunities while in-service.

In the US, studies found that in many states the training for barbers and plumbers is more extensive than police training. Every state has a different mark of the number of required training hours. However, on average, police departments require new officers to complete 672 hours of basic training¹⁶. It was also found that while some states require associate degrees, exams, and interviews, up to 36 states allow officers to start working for the force even before attending basic training (McLaughlin, 2020).

Holistic education also has the power to bridge gaps between theory and practice. Police officers constantly learn different tactics to deal with conflict, however, very few courses are taught on human conditions and moral concepts like justice and equality. Providing this insight can help transform police culture from the inside. Detective Ed Gillespie, an instructor at the Baltimore Police Academy teaches Plato, Steinbeck, Dostoevsky, and Baldwin to recruits for he believes that literature offers an opportunity to delve into the depths of moral reasoning and intent. Thus, for example, Gillespie makes his students analyse instances of police conduct with Plato's tripartite soul to determine whether actions are motivated by appetitive, spirited or rational urges (Dagan, 2017).

The importance of sensitivity training is extremely important, especially in the case of the US. Studies show that the increases in police sensitivity training, higher educational requirements for officer recruits, and other progressive approaches have not produced a measurable decrease in police brutality against Black males because barely any of these initiatives specifically address larger societal issues of white supremacy.

¹⁵ The number of training colleges across the country have increased and are governed by the Department of Training. On 12th August, 2020 the police commissioned the newly constructed and 'ultra modern' Police Mobile Force Training College in Nasarawa State.

¹⁶ This is according to data collected by the Institute for Criminal Justice Training Reform (ICJTR) a California-based organization run by Randy Shrewsbury, a former police officer and forensics investigator.

Legal recourse can also be taken. First, a public registry that tracks police officers' disciplinary history can be created to ensure transparency in police conduct and accountability to the public. Second, while certain information needs to be kept confidential, maximum accessibility to public records must be ensured. Records could include the number of police equipment, the allocation of funds and recruitment procedures to name a few. Third, laws regulating police conduct can be made more explicit to ensure that cases are not entirely left to interpretation. This will reduce the chances of justice being antagonistic to the rights of the citizens. Lastly, there is a need to streamline national laws with international conventions like the UN Universal Declaration of Human Rights. Even though both countries are signatories to such conventions, the adherence to them has been woefully slack. For example, Section 33 of the Nigerian Constitution as well as the Nigerian Police Force Order 237, have provisions that go against the mandated police conduct.

Law enforcement cannot be truly effective if the police act unilaterally; proactive support from the community is paramount to any success in countering crime. Community policing is an emerging solution to fostering trust between the police and the people. Nigeria has already taken steps towards this. Over the years the Nigerian Police has created internal mechanisms to engage the public with its functions. They established the Public Complaints Bureau and sponsored many programmes on radios and televisions depicting the police as 'the friends of Nigerians'. To deal with increasing levels of crime, the Nigerian government put into operation a project of community policing in September 2020 (Campbell, 2020). N13 billion has been set aside to fund the project and 10,000 constables will be recruited. Officials have hinted that the new constables will operate in the areas from where they belong so that they can smoothly develop ties with the community leaders and ensure security for the people.

Thus, community policing can help tackle the organizational culture of the police by inculcating collective responsibility towards a secure, peaceful future.

5.0 Conclusion

This research has explored patterns and commonalities in the nature of police brutality prevalent in Nigeria and the United States. While the two countries differ in terms of their political, social, and economic regime, they converge in the occurrence of police violence. The theory of organizational culture was found to be the most comprehensive when compared with individual, community and social-conflict theories. It highlights the instrumentality of police culture in determining their conduct. Community policing has emerged as a potential solution to deal with this issue. It has the power to completely transform police culture by targeting the roots of hostility between the police and the community.

This paper is not bereft of limitations. First, the research was conducted solely based on secondary sources, therefore it lacks first-hand experiences of police conduct. Second, in addition to restrictions in the access of information, the amount of material was also limited for a complete understanding of the nature of police in the United States and Nigeria. Finally, while the latest statistical data related to police brutality has been provided, it is not static and therefore subject to change.

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