

National Study on the » Compliance Levels of Administration of Criminal Justice Act/Law Actors



MacArthur
Foundation

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Executive Summary

The report details the findings of a study carried out by the CLEEN Foundation with the support of the MacArthur Foundation, as part of a consistent organizational effort to continuously update existing knowledge on the implementation of the Administration of Criminal Justice Act/Law (ACJA/L) in Nigeria. The primary objective of this study is to investigate the compliance level of relevant actors in the implementation of the ACJA/L, document stakeholders' opinions on the levels of compliance, and explore strategies for improving compliance by all implementing partners.

Relying on a mixed qualitative and quantitative methodology, the study purposively selected eight states—Cross River, Delta, Edo, Kwara, Sokoto, Bauchi, Jigawa, and Katsina—as focal states. The study adopted a peer-to-peer respondent system to evaluate the performance of ACJA/L actors. Questionnaires were administered to 1,658 respondents, who are all main actors in the criminal justice system: the police, prison officials, lawyers (such as counsels and prosecutors), prison warders, non-governmental organizations (NGOs) that work in the justice sector, judges, and judicial staff. Additionally, eight in-depth interviews were conducted with stakeholders across the focal states.

The study finds that 53.6% of respondents opined that criminal justice actors in the focal states are largely compliant with the provisions of the ACJA/L, while another 13.5% of respondents deem actors to be totally compliant, showing a combined total of 67.1% of respondents indicating that actors comply positively with the provisions of the law. However, close to a quarter (23.1%) of respondents disagree with the majority

view, stating that criminal justice actors in the focal states are mostly non-compliant.

More than half of the polled respondents reported familiarity with the provisions of the ACJA/L. However, there is a noticeable gap between familiarity and perceived compliance levels, suggesting that knowledge of the laws does not translate to compliance. The Nigeria Police Force performed comparatively poorer than other actors on the compliance index, which is compelling given that all the respondents are actors in the criminal justice system. One of the most common themes across all stakeholders is the absolute necessity for increased investment and resourcing to improve the performance of all actors.

In the opinion of engaged stakeholders across the study, the following challenges were commonly identified as hampering the implementation of the ACJA/L: poor, inappropriate, and ineffective law enforcement systems; systemic and design issues with the adjudicatory process that cause delays and other perceived inefficiencies; corruption; external interference that undermines the independence and integrity of actors; and limited awareness about the provisions of the law. Stakeholders largely believe that incidences of noncompliance are concentrated in areas related to the respect for the rights of detainees and people suspected of committing crimes, obtaining confessions, and interagency collaboration among stakeholders.

Thematic problems affecting law enforcement and criminal investigation agencies dominate the study. Respondents highlight the constraining impacts of outdated investigative methods, improper evidence collection and preservation systems, and incompetent investigators. Stakeholders also identify the challenges of corruption and lack of prosecutorial independence. Glaring deficiencies in modern investigative and policing infrastructure and the complete lack of witness support systems were equally identified. The study underscores the need for systemic reforms, better resourcing, and improved training to address these pervasive issues and improve the overall performance of all actors in the Nigerian criminal justice system



Introduction



An effective and efficient criminal justice system is central to governance in a constitutional democracy, where rights and duties are clearly defined. A state's management of this system demonstrably impacts its performance across a wide range of governance metrics. Furthermore, an effective criminal justice system is a cornerstone of the rule of law, it provides a functional mechanism for resolving grievances and holding those who violate established social codes accountable. It is worth underlining that a country with a successful criminal justice system has addressed a significant portion of its governance challenges, given the system's critical role in maintaining order and stability.¹

However, across multiple indexes, the Nigerian criminal justice system is antithetical of the norm, with distinct fundamental flaws observable across all the nodes on the criminal justice process line. Twenty-five years after democratic governance, the basic legislations that defined criminal offences are more similar to what they were a century ago than being reflective of modern Nigerian realities. The court system beyond its poor out-of-sync structural design, faces problems of massive corruption, incompetence and superfluous bureaucratic bottlenecks. Policing actors have combined institutional incompetence with widespread abuse of rights creating a contentious environment between citizens and the police. While the correctional services have undergone a superficial change, the problems of prison overpopulation and poor management subsists.²

Of the five components on the criminal justice line- community, criminal justice legislation, policing actors, courts and correction services- criminal justice legislation

¹ Newman, D. (1978). *Introduction to Criminal Justice*. New York, Lippincott.

² Osasona, T. (2015). Time to Reform Nigeria's Criminal Justice System, *Journal of Law and Criminal Justice*, 3(2), 73; Editorial Board. (January 25, 2024). Time to Revamp Nigeria's Criminal Justice System. *Guardian Newspaper*

serves as the cornerstone of the criminal justice system, delineating rights, duties, obligations, and interactions among the other four components. The Administration of Criminal Justice Act (ACJA), enacted in 2015, is pivotal in this regard. In theory, this legislation is designed to transform the administration of criminal justice in Nigeria, enhancing the efficiency of criminal justice institutions, ensuring the swift dispensation of justice, and safeguarding the rights of all parties involved. All the 36 states in Nigerian have passed their various variants of the law signifying the acceptance in practice across all states for a systemic change.³

The Administration of Criminal Justice Act (ACJA) in Nigeria, with its 495 sections across 49 parts, represents a significant overhaul of the criminal justice system. It amalgamates the old Criminal Procedure Act and Criminal Procedure Code, applying exclusively to criminal trials for offenses established by an Acts of parliament at the national and subnational level across Nigeria. This scope includes trials at the Federal High Court, State High Courts, National Industrial Court, High Court of the FCT, Magistrates' Courts across Nigeria, and the Area Courts of the FCT.

Noteworthy innovations include the introduction of a clearly defined purpose for the criminal justice system, emphasizing efficient management, speedy dispensation of justice, crime protection, and the safeguarding of rights for suspects, defendants, and victims. The Law introduces several progressive changes aimed at humanizing and streamlining the criminal justice process. Notably, it shifts focus from punitive measures to restorative justice, prioritizing societal needs and the dignity of individuals. This shift is reflected in the language changes, such as using 'defendant' instead of 'accused' and ensuring humane treatment during arrests. The Act and its variants prohibit criminal arrests for civil wrongs, aiming to prevent malicious prosecutions, and mandates that arrested individuals be informed of their arrest reasons and treated with dignity. Additionally, plea bargaining is now central to the criminal justice regime, allowing for quicker resolutions and conserving judicial resources. Non-custodial sentences and suspended sentences are encouraged, considering prison congestion and the rehabilitation of offenders, thereby preventing minor offenders from mingling with hardened criminals.

Furthermore, the Act and its variants enforces non-discriminatory practices by allowing women to stand as sureties and mandates compensation for crime victims, thus addressing long-standing gender biases and providing support to victims. The laws also set custodial limits during trials, ensuring that suspects are not indefinitely remanded without legal advice or just cause, and promotes expeditious trials by

³ Partnership for Justice (2024). ACJL TRACKER. <https://www.partnersnigeria.org/acjl-tracker/>

limiting adjournments and ensuring timely assignment and notification of trial dates. The CLEEN Foundation (formerly the Centre for Law Enforcement Education), a non-governmental organization, established in January 1998, has the mission of promoting: public safety, security and accessible justice, through the strategies of empirical research, legislative advocacy, demonstration programmes and publications, in partnership with government, civil society and the private sector. The CLEEN Foundation, with the support of MacArthur Foundation, is committed to the continuous empirical assessment of the performance of criminal justice stakeholders, utilizing the implementation of the Administration of Criminal Justice legislations as a key evaluative metric. Previous initiatives have focused on diverse thematic areas related to the enactment of these criminal justice laws. These include live court monitoring of corruption cases in relation to the ACJA, analysis of inter-agency cooperation among principal criminal justice entities, and studies measuring compliance levels among interstate justice actors, among other administration of criminal justice related interventions.

The general objective of this study, consistent with a series of past research undertakings, is to examine the adherence levels of key stakeholders in the implementation of the ACJA/L. The study's specific objectives are to:

- Explore the perspectives of stakeholders on the challenges encountered in implementing the ACJA/L in cases involving Politically Exposed Persons (PEPs) within the focal states;
- Document stakeholders' views on the degree of compliance among all actors responsible for the implementation of the ACJA/L; and
- Identify contextual and appropriate strategies for enhancing the compliance of all implementing partners with the ACJA.

The general objective of this study which is inline of other series of iterated studies is to investigate the compliance level of relevant actors in the implementation of the ACJA/L. The specific objectives of the study are to;

- Explore the opinion of actors on the challenges associated with the implementation of the ACJA/L on cases involving Politically Exposed Persons (PEPs) in the focal states;
- Enumerate actors' opinion on the level of compliance from all implementing partners of the ACJA/L; and
- Explore strategies for improving compliance of the ACJA by all implementing partners

Methodology



Based on the study objectives as outlined in the Terms of Reference, the methodology employed for the study comprised of two key components: a comprehensive desk review and the collection of qualitative and quantitative data across the focal states.

A. Desk Review

The main objective of the desk review is to identify key provisions within the ACJA/L that impact on the functioning of the various actors in the criminal justice system, summarize relevant and extant research on ACJA/L compliance by policing actors, prosecutors, defence attorneys, judges and corrections officials among other, highlighting recurring themes and identifying areas where further research is needed.

The study reviewed project documents from CLEEN Foundation on administration of criminal justice in Nigeria, academic Journals and public policy journals focusing on criminal justice in Nigeria, reports from national and state government agencies dealing with justice sector reform, law enforcement oversight, and court administration. Reports by Civil Society Organizations focused on criminal justice issues, human rights, and legal aid in Nigeria and books, conference proceedings thematically related to the administration of the CJ Act/Law.

B. Qualitative and Quantitative Component

To fully address the objective of the study, the quantitative and qualitative research techniques were adopted using a face-to-face personal interviewing approach and In-Depth Interview (IDIs). The study was conducted across eight states (8 states) in Nigeria, which are Cross River, Delta, Edo, Kwara, Sokoto, Bauchi, Jigawa and Katsina. The states were purposively selected for the following reasons: the selected states are mostly early adopters of the ACJA with the exception of Bauchi, but there is a gap in

literature⁴ on the levels of ACJL compliance in these states. Purposively selecting these states provides the opportunity to update national knowledge base on the impact of ACJL on the administration of criminal in these respective states. Secondly, four of the selected states -Sokoto, Bauchi, Jigawa and Katsina- have distinct legal systems, with the strong influence of the Sharia Court system on the local jurisprudence, this provides an opportunity to understand if local legal context impacts on the implementation of the ACJL. Thirdly economic variations, with the selected states on the extreme ends of poverty spectrum in Nigeria, this provides opportunity to understand how economic considerations influence compliance and finally including Katsina and Sokoto States, both currently experiencing banditry helps to understand the impact of security challenges on the administration of criminal justice.

Data collection exercise was conducted between May 7 and May 21, 2024 simultaneously across all the focal states, with questionnaires administered to 1,658 respondents with the following breakdown

Table 1: Selected States and Number Respondents

State	Total
Bauchi	213
Cross-River	195
Delta	191
Edo	195
Jigawa	238
Katsina	222
Kwara	215
Sokoto	189
Total	1,658

⁴ Ugwuoke, O and Eze, O. (2021). Criminal Justice System in Nigeria in Essentials of Criminology. Kogi State University Press, Anyigba, 41-52

Eight (8) in-depth interviews (IDI)s were conducted with stakeholders across these locations shown in Table 2.

Table 2: Selected Stakeholders for Key Informant Interviews

State	Respondents Category	Total
Bauchi	NPF	1
Cross-River	Lawyer	1
Delta	EFCC	1
Edo	ICPC	1
Jigawa	DPP	1
Katsina	Magistrate/Judge	1
Kwara	Court official	1
Sokoto	Correctional service official	1
Total		8

The study adopted a peer-to-peer respondent system to evaluate performance of ACJL actors. The respondents for the study were all service stakeholders who are main actors in the criminal justice system- the Police, Prison officials, lawyers such as counsels and prosecutors, prison warders, NGOs that work in the justice sector, judges and judicial staffs.



PERCEPTION ON PERFORMANCE OF ACJA/L ACTORS

This section examines how satisfied actors (police officers, prosecutors, defence attorneys, judges, correctional service officials, and NGOs working in the justice sector) in the Nigerian criminal justice system are with the performance of other key actors across the eight focal states.

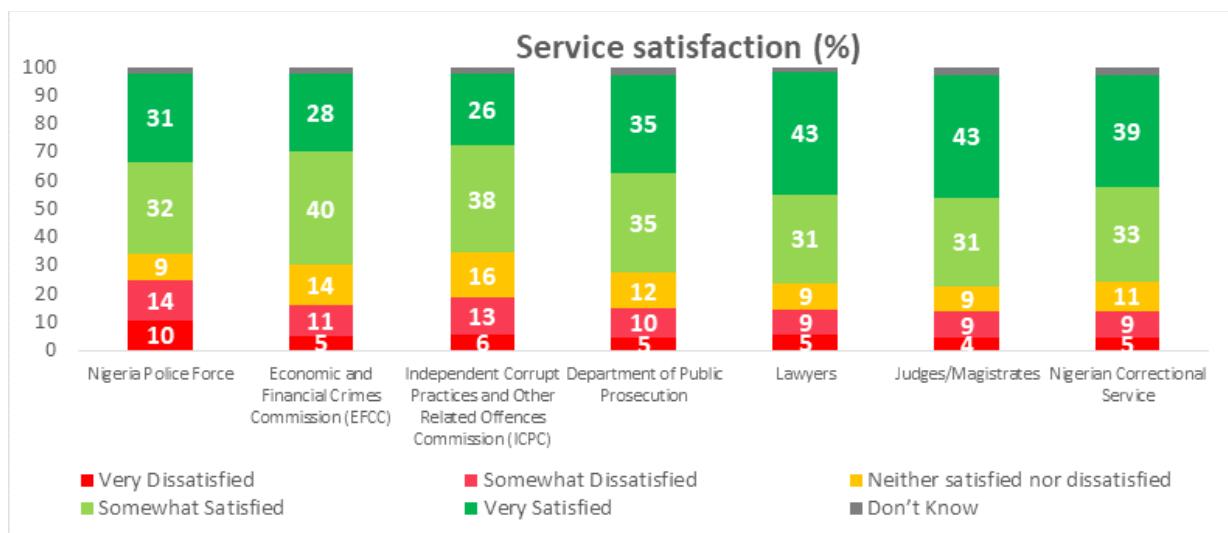


Figure 1: Level of satisfaction with performance of Criminal Justice Actor

There seems to be a neutral to positive perception regarding the services provided by various actors. Lawyers received the highest satisfaction rating (43% very satisfied), followed by Judges/Magistrates (43% very satisfied) and Correctional Services (39% very satisfied). The Nigerian Police Force had the lowest satisfaction rating (31% very satisfied).

Table 3: Compliance Levels of ACJA/L Actors

	Frequency	Percent
Totally Non-compliant	51	3.1
Rarely Compliant	383	23.1
Hard to tell	111	6.7
Mostly Compliant	889	53.6
Totally Compliant	224	13.5
Total	1658	100.0

The compliance level of actors within the Criminal Justice System to ACJA/L reveals a mixed but generally positive adherence. The data indicates that majority (53.6%) of respondents believe that the actors are largely compliant with the ACJA/L. Furthermore, 13.5% of respondents consider the actors to be totally compliant, resulting in a combined total of 67.1% perceiving the compliance as predominantly positive. However, there remains a notable portion of respondents, (23.1%) who report that the actors are mostly noncompliant. Additionally, 6.7% of respondents found it hard to assess the compliance level, and a small minority of 3.1% believe the actors are totally non-compliant. These findings suggest that while there is a substantial adherence to the ACJA/L among the actors, however, there are still areas requiring significant improvement to achieve full compliance.

Table 4: Cumulative Familiarity of Actors with ACJA/L

	Frequency	Percent
Not Familiar	64	3.9
Somewhat Familiar	258	15.6
Refuse to Respond	29	1.7
Familiar	865	52.2
Very Familiar	442	26.7
Total	1658	100.0

Over half (52.2%) of the respondents reported being familiar with ACJA/L, with 26.7% of the actors indicating they are very familiar. The findings suggest a gap between

familiarity with ACJA/L and perceived compliance levels. This strongly indicates a need for improved resourcing and implementation strategies, as a unanimously agreed fact by all stakeholders engaged in the qualitative component of the study. According to a senior police officer interviewed '*Government does not provide any technology at the state level, talk less in the city, not to talk of at the police station situated in the rural area [...] If not in Abuja we don't have investigating room. If you are watching American films – you will see investigation and interrogation room, it encompasses all these facilities. Whereby a police officer will sit down with a suspect comfortably, you will have the time to question him at least, that is when the timeframe plays its part [with] the technology, and play back the video that way the suspect answers a question – the body language of the suspect will tell you if he is telling the truth or not. Not the way we are doing it over here, you have to chase the suspect up and down and then catch him, and then sit down with the suspect to ask him questions while you are there breathing hard, (Laughs).*'





CONSTRAINTS ON IMPLEMENTATION OF ACJA/L

This section highlights institutional, structural and infrastructural barriers impeding the implementation of ACJA/L across the focal states, comparing quantitative findings with the opinions of stakeholders to highlight critical gaps.

Table 5: Compliance Level of the ACJA/L Actors

	Frequency	Percent	Cummulative Percent
Totally Non-compliant	51	3.1	3.1
Rarely Compliant	383	23.1	26.2
Hard to tell	111	6.7	32.9
Mostly Compliant	889	53.6	86.5
Totally Compliant	224	13.5	100.0
Total	1658	100.0	

The data highlights several challenges that impedes the effective implementation of the ACJA/L in across the eight focal states. These challenges can be broadly grouped into three categories:

- Weak law enforcement practices: A significant number of respondents across stakeholder categories (Lawyers, magistrates, CSOs, Police etc.) indicated issues with law enforcement practices. This includes areas like unlawful arrest, poor investigation techniques, and lack of respect for defendants' rights. Based on engagement with stakeholders, the highlighted issues were attributed to poor resourcing of the force. According to a police officer '*government does not*

provide any technology at the state level, talk less in the city, not to talk of at the police station situated in the rural area'

- Systemic issues: There are inherent systemic constraints in the criminal justice system that affect ACJA/L implementation. These include delays in case review by the DPP, inadequate resourcing, infrastructural deficits, and corruption among actors within the system. A magistrate in one of the focal states highlighting the systemic issues across different service points noted '*The police they don't have the manpower and the equipment to comply with that act [...] Technology as tools for compliance is very necessary. Because we cannot fully operate the ACJA/L without the use of technology [...] Like I told you from the beginning, our hands are tied. We [are] not fully equipped with the necessary equipment we required. Like now if we fully want to implement this, we have to provide satellite at the prison. If we provide for them at the top, you provide for them internet connection, as well as providing the same thing at the court. And the government is not really doing what it is supposed to be doing, to provide all this. In this country, which... apart from Lagos State where would you go and find internet facility in the correctional facility? I don't think there is any other state that I have seen if not only in Lagos.'*
- Depth of awareness and understanding: The data suggests a lack of adequate awareness and understanding of the ACJA/L provisions among law enforcement officers and the general public.
- Specific observations from the data can be aggregated into the following clusters:
- Compliance with ACJA/L by Law Enforcement Agencies: While a majority of respondents (54.5%) reported that the Nigeria Police Force (NPF) and other policing actors are compliant with the ACJA/L regarding arrest procedures, a concerning number (18.9%) indicated non-compliance and 26.7% reported indifference. A respondent validating this thematic finding stated that '*the magistrate court now visit EFCC facility to know how many persons are been detained and to know why they have not gone to court and this they do unannounced. Which does not happen before. Not just the EFCC but also visit the police stations, the civil defence facility, the immigration, NDLEA and prisons to be sure they are even going to court at all*';
- Respect for Detainees Rights: There are mixed views on how the NPF treats defendants and people accused of crime. Over half (50.2%) of respondents reported that the NPF is respectful or very respectful of suspect rights, but 40.1% of the actors indicated varying degrees of disrespect. According to a stakeholder, '*from personal experience, I will say there's no full compliance yet and I will suggest that more awareness be done, more training and more orientations be done to the police officers.*';
- Obtaining Confessions: The data suggests that the NPF may not be fully

compliant with ACJA/L provisions regarding obtaining confessions. While 43.4% reported mostly compliant practices, a sizeable (37.8%) indicated either rare compliance or total non-compliance.

- Police Understanding of ACJA/L: There seems to be a need to improve knowledge of ACJA/L among law enforcement officers. Only 12.7% of respondents said police officers have a very adequate understanding, while 27.9% noted understanding remains inadequate.
- Cooperation Among Stakeholders: The data suggests that cooperation between law enforcement and suspects is not optimal. While 46.7% reported adequate cooperation, a combined 37.7% indicated inadequate or very inadequate cooperation.
- Police Use of Criminal Registry and Female Sureties: The data suggests positive aspects in these areas. Over 84% of respondents reported the police have a criminal registry and nearly half (49.2%) said they allow female sureties

COMPLIANCE WITH THEMATIC ACJA/L INNOVATIONS BY THE POLICE

This report analyses data on police practices in Nigeria, specifically focusing on questions regarding accepting female sureties, submitting arrest records to the Magistrate, and providing notification of arrest.

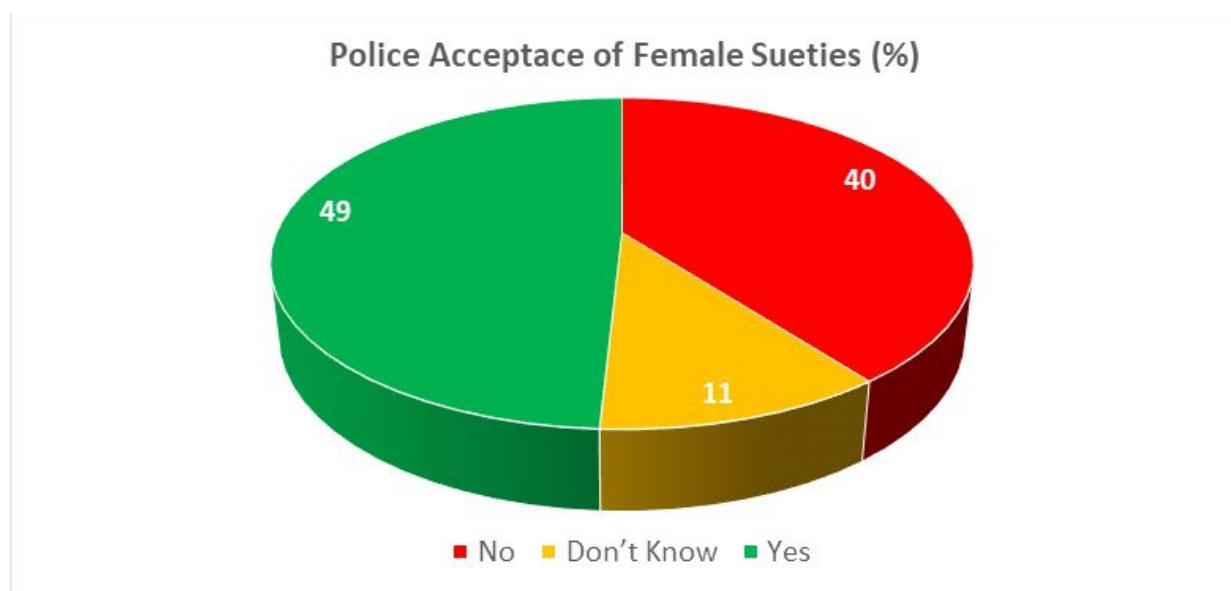


Figure 2: Police Allowing of Female Sureties

■ Acceptance of Female Sureties

Based on respondents' experiences, more than a third (39.6%) suggest that the police do not currently accept female sureties across the focal states, indicating the wide existence of gender-based restrictions to access to the criminal justice system. Also,

11.3% of the respondents were unsure about the policy. Impliedly, there is a progression towards a change. However, currently more than a third of stakeholders suggests experiences of restrictions, highlighting a potential area for policy clarification and public education.

■ Submission of Arrest Records

Around two-thirds (68.4%) of stakeholders believe that the police submit arrest records to the supervising magistrate as required by law. This high percentage suggests a strong stakeholder perception of police compliance with extant supervisory protocols. Contrariwise, 19.6% of stakeholders are of the opinion that the police do not submit these records. An additional 12.0% were uncertain about the practice. The cumulative response suggests a degree of procedural adherence, though the substantial dissenting and uncertain responses indicate definite needs for improvements and transparency by the police.

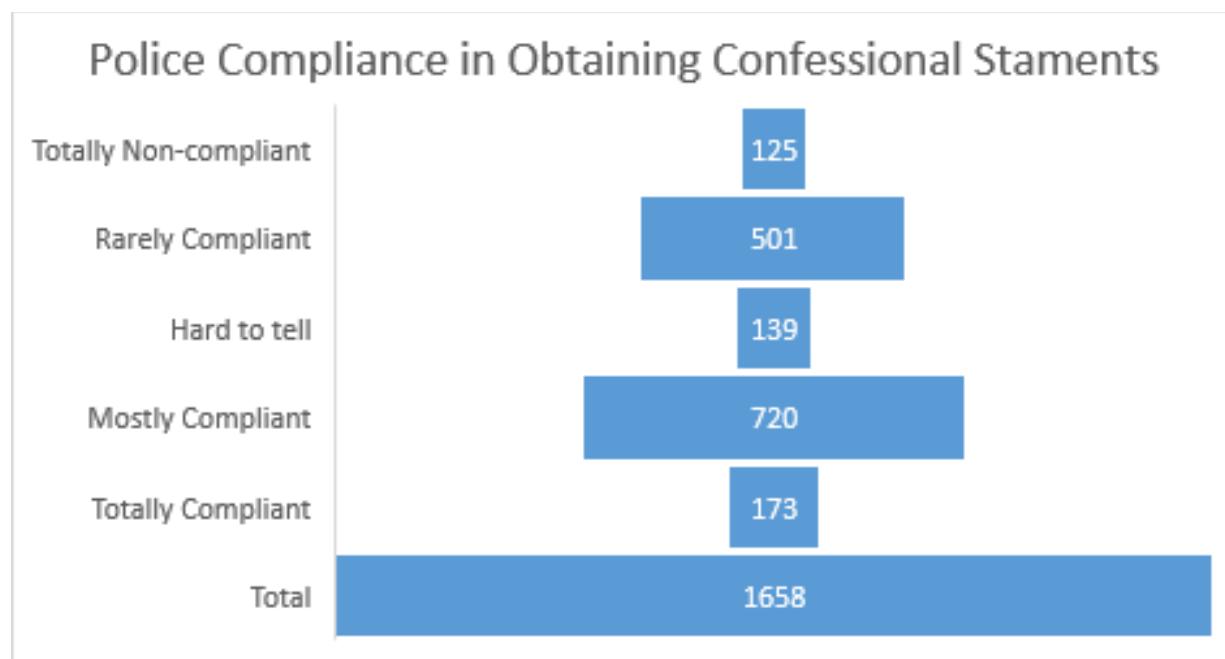


Figure 3: Police Compliance with ACJA/L in Obtaining Confessional Statements

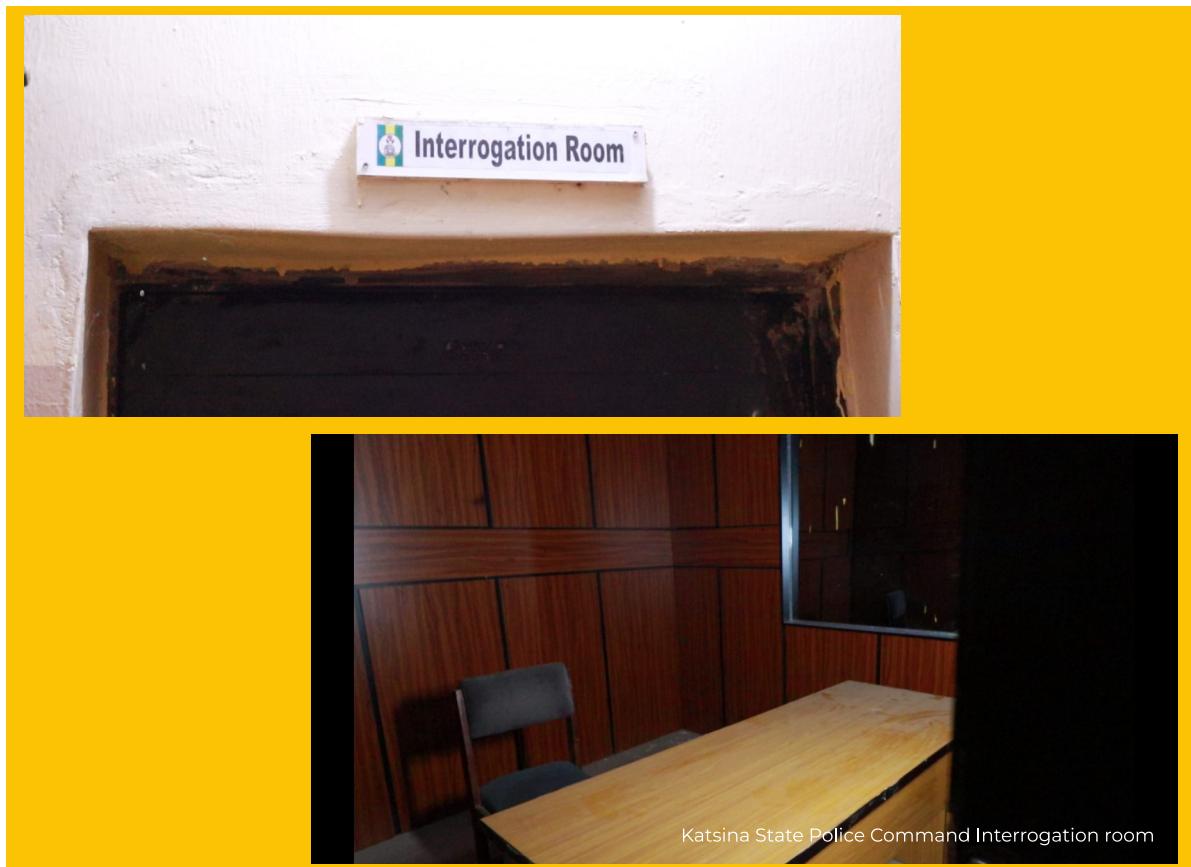
■ Notification of Arrest

The responses indicate a divided perception on the propriety of current arrest practices by the police. While 28.5% of participants stated that the police routinely issue arrest notifications as demanded by the law, a larger group (44.9%) disagree stating the police do not provide any notifications. Also, another 22.6% opined that notifications are given erratically and 4.0% were unsure. The cumulative distribution of responses indicates considerable variability and inconsistency in the practice of

arrest notification, unequivocally pointing to the need for improved consistency and communication in police procedures to enhance transparency and trust in right based-law enforcement

- **Treatment of women at Police stations**

Across stakeholders engaged under the study, there is a near unanimous concurrence on the compliance of police with respect for rights of women at police stations. According to a stakeholder, '*searching is strictly between female police and female offenders. In a police station here there is no female police officer, the police will go to the house of the traditional ruler, pick a woman in the house, bring her to the police station to search the female offender. A male police officer cannot search a female offender, that is her right and no one will temper with that, because we don't want anything to happen. If there are no females in the police station, they must improvise to look for a woman whether she is a traffic warden or a female Hisbah; or the wife of the traditional leader to come and search the female offender, because the wife is a female authority that is why I said we have to improvise. The police are doing the best it could. If you notice when a child is lost, and someone picked him on the street or whatever at night, and people don't know where he lives, the child will be taken to the house of a traditional leader in the community to spend the night in his house, isn't it, before the traditional ruler knows what to do with the child the next day.*





CRITICAL PROBLEMS AFFECTING LAW ENFORCEMENT/CRIMINAL INVESTIGATION AGENCIES



This section reviews specific role-based problems affecting key criminal justice actors, drawing on perspectives from various stakeholders, a group that includes lawyers, civil society groups, policing actors- NPF, ICPC and EFCC, correctional services, judges/magistrates, the DPP and court officials.

- **Lack of Modern Investigative Methods**

Based on the responses of stakeholders, a significant challenge identified is the lack of modern investigative method and system by the police. Across all service groups on the criminal justice line, stakeholders emphasize this problem, with more than two-thirds (67%) respondents acknowledging it. Precisely, 77% of court officials, 69% of correctional services and 64% EFCC personnel identifying it as a critical problem. This indicates a deeply systemic issue where investigative approaches are not predictive in context of dominant crime pattern, thus undermining the ability of policing agencies to prevent crime before commission.

- **Lack of Modern Exhibit/Evidence Collection and Preservation System**

The problem of outdated evidence collection and preservation system was highlighted as an area of concern by stakeholders. Thus, 62% of correctional service personnel and 59% of court officials consider this an important problem which points to the need for substantial public investments in modernized and efficient evidence-gathering tools and crime processing techniques. However, the acuity of this problem was not shared by lawyers and police officers. Incompetent Investigators.

The competence of investigators was considered by a huge percentile of respondents as a serious problem. 64% of NPF personnel and DPP respondents identified it as a significant performance issue, raising the questions about the adequacy of the current training and capacity-building systems within law enforcement agencies. Training and capacity is key to performance and integrity of criminal investigations.

■ **Corrupt Investigators/Prosecutors**

Engagement in corrupt practices by investigators and prosecutors was identified by 56% of respondents as one of the most critical problems with the performance of the criminal justice system. 61% of judges/magistrates and 61% of correctional services particularly consider corruption a prime issue. This finding buttresses the direction in literature on the worrying dimensions of public corruption in the judiciary, which negatively impact on public confidence in sector as the last resort of the citizenry.⁵

■ **Prosecutorial Independence**

Responses from stakeholders raises worrying concern about the independence of prosecutorial office. Overwhelmingly, 82% of judges/magistrates and 78% of ICPC personnel consider lack of independence as a huge constraint to service delivery. The question is therefore, what level of decision from DPP offices across the focal states are products of impartial and independent decision and which are products external interference?

■ **Lack of Witness Support**

Stakeholders across the focal states highlight the lack of a functioning support ecosystem system for witness support and protection. This particular issue was considered a serious problem by 68% of engaged police officers and 66% of court officials. This lack of systemic support discourages willingness to participate and exposes such witnesses to risk, thereby reducing the deterrent impact of public prosecution and impede justice for victims.

■ **Lack of Modern Tools**

The absence of modern criminal justice tools was flagged as a serious challenge, with 66% of prosecutors and 69% of correctional service staff identifying it. Inadequate facilities were highlighted as a major concern by correctional service personnel (75%) and ICPC personnel (75%). Acute insufficiency of support infrastructure for law enforcement and investigative activities negatively impacts on criminal justice outcomes. A respondent validating this finding stated that '*they (Nigeria Correctional Service) need funding to take care of things in the facility; let say the government provides vehicles, internet facilities, they provide foods, and within the system itself, within the walls, we have toilets, we library, we have the viewing centres, all within the facility. All these are lacking, you see the inmate carrying what they defecate in buckets and they want to throw it away, we should have proper sanitary system. At the medical centres I don't think we have anything more than Panadol and we have what we have Sanshan-Bali, you apply it to wound and it will stop blood. We don't have good facilities in there; we don't have sporting facilities, inmates are inmates, the only thing that is taken away from them is the movement'*

⁵ Punch Newspapers. (August 24, 2023). Uprooting corrosive corruption in the judiciary. <https://punchng.com/uprooting-corrosive-corruption-in-the-judiciary/>

CONSTRAINTS FACED BY THE COURT SYSTEM



This section distils perception of stakeholders and segment into clusters. Each group's responses to the various performance constraints presented in a binary 'Yes' or 'No' format, indicating whether they acknowledge each of the listed constraints as an issue.

■ **Lawyers**

Lawyers identified several impediments to the optimal functioning of the court system. Notably, 64% recognized delays in court proceedings as a major issue and conversely, only 39% consider corruption within the judicial system as a constraint, 50%, also point to inadequate legal representation as a more pressing problem. These findings highlight the divided perspectives by lawyers on the issue of judicial corruption and how weighty, lawyers consider systemic inefficiencies that cause delays in the administration of criminal justice.

■ **Civil Society Actors**

Furthermore, 65% of members of civil society groups highlighted inadequate legal representation and the lack of judicial independence (62%) as the most pressing constraints to the criminal justice system from their perception. This emphasizes the group's strong prioritization of integrity and institutional independence as more concerning than other systemic and functional considerations. Additionally, 49% recognized the inefficiency of court procedures as a constraint, which aligns with broader systemic critique of the system by other stakeholders.

■ **NPF Personnel**

The views expressed by respondents from the Nigerian Police Force aligns with the concerns of other system stakeholders. 65% cited delays in court proceedings as a primary constraint to systemic efficiency, while 55% highlighted inadequate legal representation as another problem. Interestingly, only 39% acknowledged corruption as a problem. There is perhaps the need for further probe to determine whether this perception reflects an internal view of serving police officers on the actual challenges

to performance, contrary to publicly held views on police corruption as a critical problem to the criminal justice system.

■ **ICPC**

Respondents from the ICPC prioritized constraints of judicial independence, with 61% recognizing it as a far more significant issue. 65% of respondents from the organization also identified inefficiencies in court procedures, while another 65% consider inadequate legal representation as a critical constraint. Perhaps this perception is rooted in their organizational mandate vis-à-vis the impact of external influence on the judicial system, which in turn impede their organizational effectiveness as a financial crime fighting organization.

■ **EFCC**

Respondents from the EFCC showed a level of variation in their selection of operational and institutional constraints to their functioning. 69% of respondents from the commission identified inefficiency in court procedures as a major constraint, indicating significant frustration with procedural delays. Additionally, 58% pointed to inadequate legal representation, suggestive of the need for stronger legal representation in cases involving financial and economic crimes.

■ **Correctional Service**

Notably, 67% of respondents from the Correctional Service identified inadequate legal representation and 60% delays in court proceedings as major constraints. Their perspective highlights the systemic impact of poor legal representation on the equity and fairness of the system and the impact on broader criminal justice process, particularly in terms of prolonged detention without trial.

■ **Judges/Magistrates**

59% of polled Judicial officers highlighted delays in court proceedings and another 65% consider inadequate legal representation as significant constraints. Their perceptions are particularly insightful, however does it reflect an internal acknowledgment of role of the judiciary in the current systemic inefficiencies?

■ **Director of Public Prosecutions**

Furthermore, 63% of DPP respondents emphasized inefficiency in court procedures and 59% delays in court proceedings as primary constraints. 41% of respondents from this group also identified the need for enhanced judicial independence as critical. This is suggestive of concerns about external influences on the independence and integrity of the judicial institution.

Across the various functioning group of actors on the criminal justice line, the top four crosscutting commonalities are inadequate funding, lack of manpower, deficiencies in court infrastructure and corruption.

PERCEPTION ON COMPLIANCE BY THE DIRECTORATE OF PUBLIC PROSECUTIONS (DPP)



The detailed responses from various stakeholders per the factors they perceive as responsible for delays in the issuance of legal advice by the Director of Public Prosecutions are analysed below.

■ **Delays Attributable to Police Departments**

A significant proportion of respondents from all the polled group of actors' attribute delays in the issuance of legal advice to the slow transfer of cases by the Criminal Investigation Departments (CID) to the DPP. The percentages of those who agree this is a factor are consistently high across all groups, with slight variations: lawyers (56%), NGOs/CSOs (47%), NPF personnel (55%), ICPC (55%), EFCC (57%), correctional services (57%), judges/magistrates (56%), DPP (61%), and court officials (55%). Summarily, this is indicative of broad consensus among polled stakeholders that delays by the police is a significant contributor to experienced delays in the issuance of legal advice by the DPP.

■ **Gaps in Coordination between DPP and Policing Actors**

Also, the study finds that gaps in communication between the DPP and policing actors, particularly the Nigeria Police Force is identified by respondents as a critical contributing factor in delays, with lawyers (55%), NGOs/CSOs (59%), NPF personnel (55%), ICPC (49%), EFCC (55%), correctional services (64%), judges/magistrates (46%), DPP (44%), and court officials (51%) particularly highlighting this variable. This suggests that better communication and coordination system between these primary stakeholders could potentially reduce delays and improve service delivery.

■ **Process Inefficiencies**

Responses indicate that bureaucratic red tape is considered a notable cause of delays, however it is considered less significant but still notable cause of delays. The percentages of respondents picking this particular factor are lower compared to the first two, with lawyers (45%), NGOs/CSOs (45%), NPF personnel (46%), ICPC (46%), EFCC (53%), correctional services (47%), judges/magistrates (45%), DPP (41%), and court

officials (43%). This calls for the reform of the current system to one that prioritise expediency in its effectiveness and efficiency schematics.

■ **Human Resource Gaps**

Staffing inadequacy is considered a significant issue by some respondents. The percentile of those with these views includes lawyers (36%), CSO actors (34%), police officers (38%), ICPC (38%), EFCC (29%), correctional services (33%), judges/magistrates (39%), DPP (45%), and court officials (36%). This is indicative of how serious stakeholders consider inadequate personnel a constraining issue for the court and the DPP office

■ **Corruption**

In the opinion of stakeholders, corruption is considered less weighty as a causative factor in delays, with less number of respondents across all groups pointing to it as a primary cause of delays. Lawyers (20%), NGOs/CSOs (23%), NPF personnel (17%), ICPC (20%), EFCC (21%), correctional services (17%), judges/magistrates (27%), DPP (33%), and court officials (18%) acknowledged its presence, however indicating that while corruption is an issue, it is not viewed as the leading cause of delays.





HIGHLIGHT OF ACJA/L ACTORS PERFORMANCE ACROSS STATES



Lensman
MULTIMEDIA

The analysis of stakeholders' perception across the eight focal states — Bauchi, Cross-River, Delta, Edo, Jigawa, Katsina, Kwara, and Sokoto — shows a subtly nuanced perspectives on the performance of the main criminal justice actors across the focal states. The key differences and commonalities are highlighted below:

I. COMMONALITIES

- **Overall Satisfaction with The Performance of Judges/Magistrates**

Across states, Judges/Magistrates and legal officers received high satisfaction rankings. A high percentage of respondents are either 'Somewhat Satisfied' or 'Very Satisfied' with the performance of actors in this category. For instance, in Bauchi and Edo, over 50% of respondents are 'Very Satisfied' with Judges/Magistrates. Similarly, there is high satisfaction with legal officers in Bauchi, Edo, and Kwara.

- **Positive Perception of the Nigerian Correctional Service**

Across the focal states, respondents showed a consistent level of satisfaction with the performance of the Nigerian Correctional Service. The highest ratings are in Bauchi, where 57% of respondents are 'Very Satisfied', and this sentiment is mirrored, although to a lesser degree in Edo and Katsina States.

- **High Dissatisfaction with the Performance of the Nigeria Police Force**

A common thread across all the focal states is a significant level of dissatisfaction with the performance of the Nigeria Police Force as a primary criminal justice actor. Cross-River, Delta, and Jigawa have higher percentages of respondents who indicated 'Very Dissatisfied' or 'Somewhat Dissatisfied' benchmarks, reflecting a widespread sentiment of discontent with the services provided by NPF as one of the key entry points into the criminal justice system.

II. DIFFERENCES

- **Variations in Perception of EFCC and ICPC**

There is considerable variation in the perception of the EFCC. For instance, Jigawa shows a high level of satisfaction, with 56% of respondents stating that they are 'Very Satisfied' compared to Bauchi, where only 34% held this view. Cross-River also shows a relatively high satisfaction level at 45%, indicating regional variations in the perceived effectiveness of the EFCC.

Satisfaction with the ICPC varies significantly. In Cross-River, 50% of respondents are "Very Satisfied," contrasting sharply with Bauchi, where the figure is only 39%. This divergence suggests variation in experiences engaging with ICPC.

- **Department of Public Prosecution**

The satisfaction levels on the performance of the Department of Public Prosecution vary across states. Jigawa has a high satisfaction rate, with 56% posting 'Very Satisfied' while states like Delta and Kwara have posted lower satisfaction levels, indicating varied levels of public trust and confidence in the department.

- **Satisfaction with Lawyers and Judges/Magistrates**

Although there is a generally high satisfactory posting for this particular group of criminal justice actors, there are state specific variations, indicating differing levels of confidence. Edo and Kwara posted considerably higher satisfaction levels for Lawyers (62% and 50% respectively), while Sokoto shows a more moderate satisfaction level with Judges/Magistrates (36% "Very Satisfied").

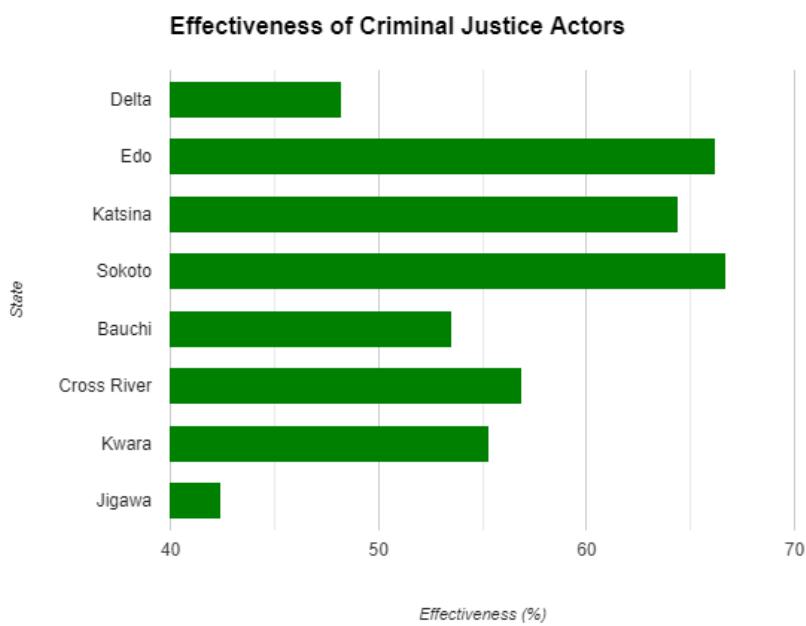


PERFORMANCE RANKING ACROSS FOCAL STATES



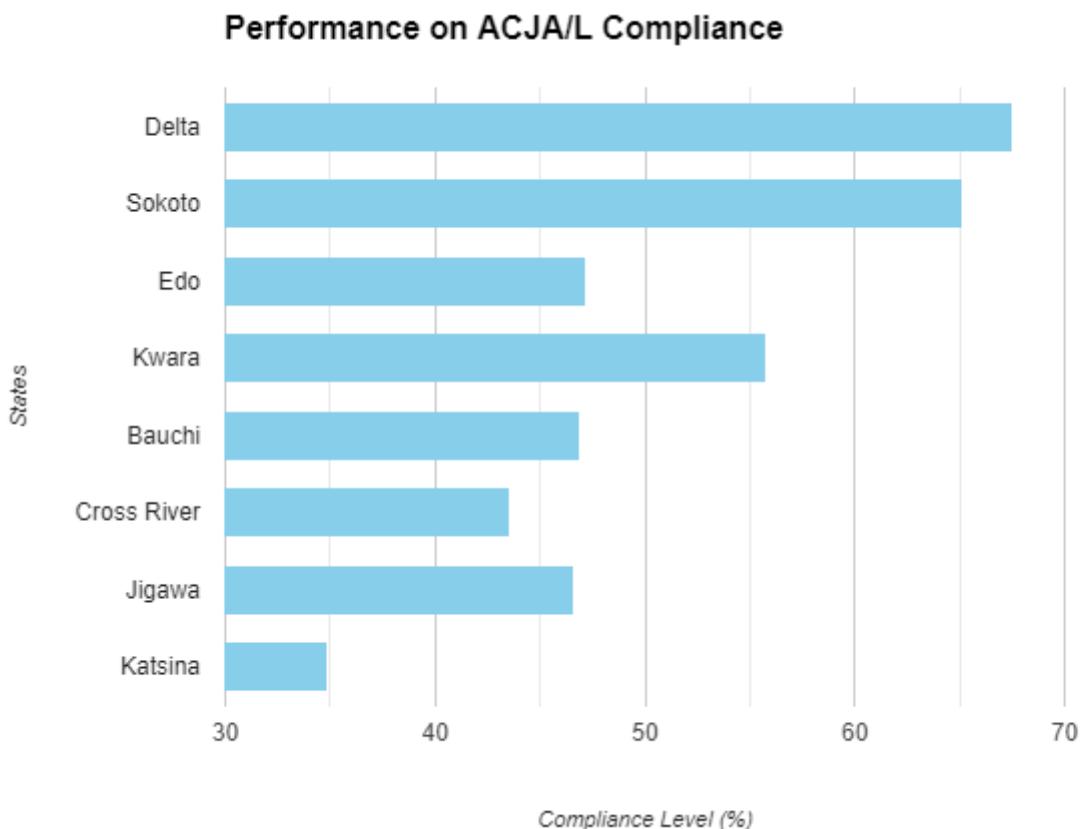
This section grades the performance of the six focal states based on the analysis of qualitative data using the following five variables: the effectiveness of criminal justice actors, the adherence of criminal justice actors to ACJA/L, their understanding of ACJA/L provisions, the cooperation between law enforcement and defendants, and the compliance of magistrates with imposed duties under the ACJA/L. In general, the data shows a diverse range in performance across the focal states. Delta, Sokoto, and Katsina show strong performance across multiple metrics. In contrast, Cross-River, Kwara and Jigawa states show significant areas for improvement, particularly in compliance with ACJA/L and cooperation between law enforcement and accused persons. Bauchi state performed lower than other states across multiple indices. These insights provide context for targeted interventions across the states and actors.

- **Effectiveness of Criminal Justice Actors**



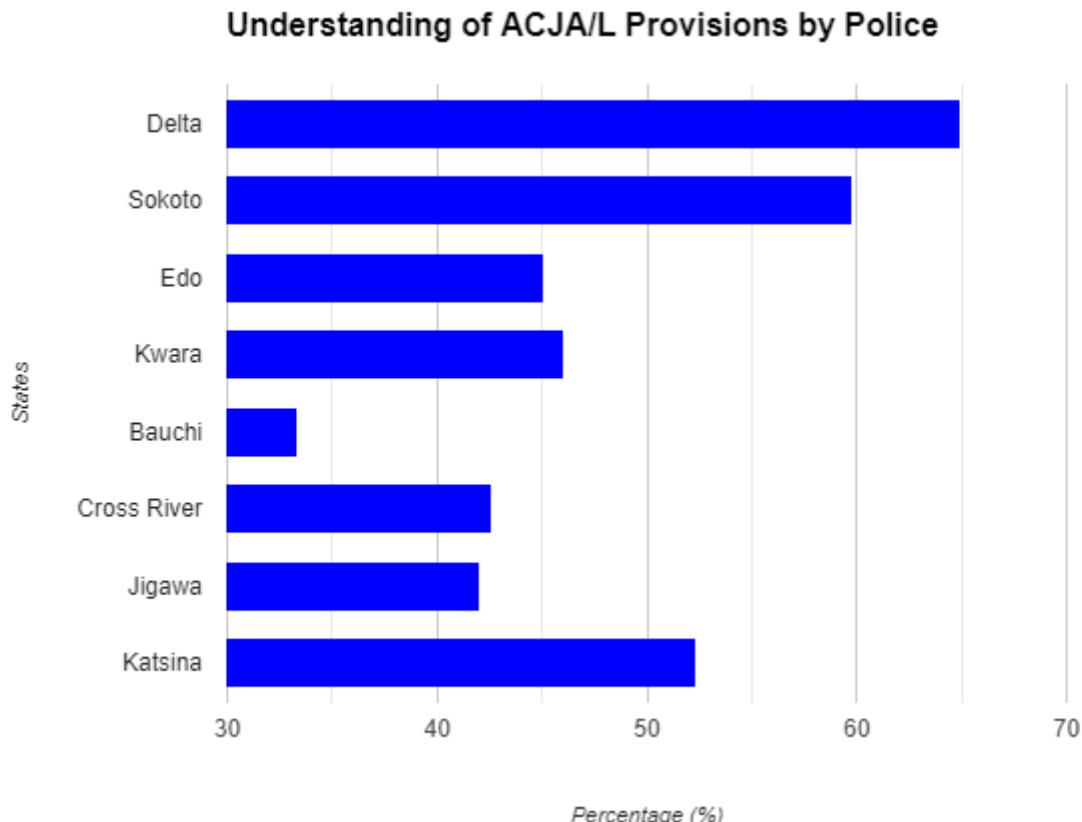
Sokoto stands out among the polled states with the most positive ratings for the effectiveness of the criminal justice system in the state. Over 88% of respondents found it to be "Very Effective" or "Effective," highlighting a perception of well-functioning system. Delta comes second, with nearly half of respondents rating it as "Very Effective," the highest score in this category. This indicates exceptional performance. Edo and Katsina received positive marks as well, with a significant number of respondents considering their systems effective. Jigawa presents a mixed picture. While a notable portion (almost 30%) rated it "Very Effective," the overall effectiveness score is the lowest. This suggests room for improvement despite some strong areas.

- **Performance on General Compliance with ACJA/L**



Delta leads in ACJA/L compliance, with a substantial 27.7% rating as "Totally Compliant" and 67.5% as "Mostly Compliant," showcasing a high degree of adherence to ACJA/L. Sokoto also performs well, while Jigawa shows a balanced compliance with a relatively high "Totally Compliant" score of 19.3%. Perception of polled respondents points to poor performance in Bauchi, Cross-River, and Edo, indicating potential issues in fully implementing the ACJA/L across these states.

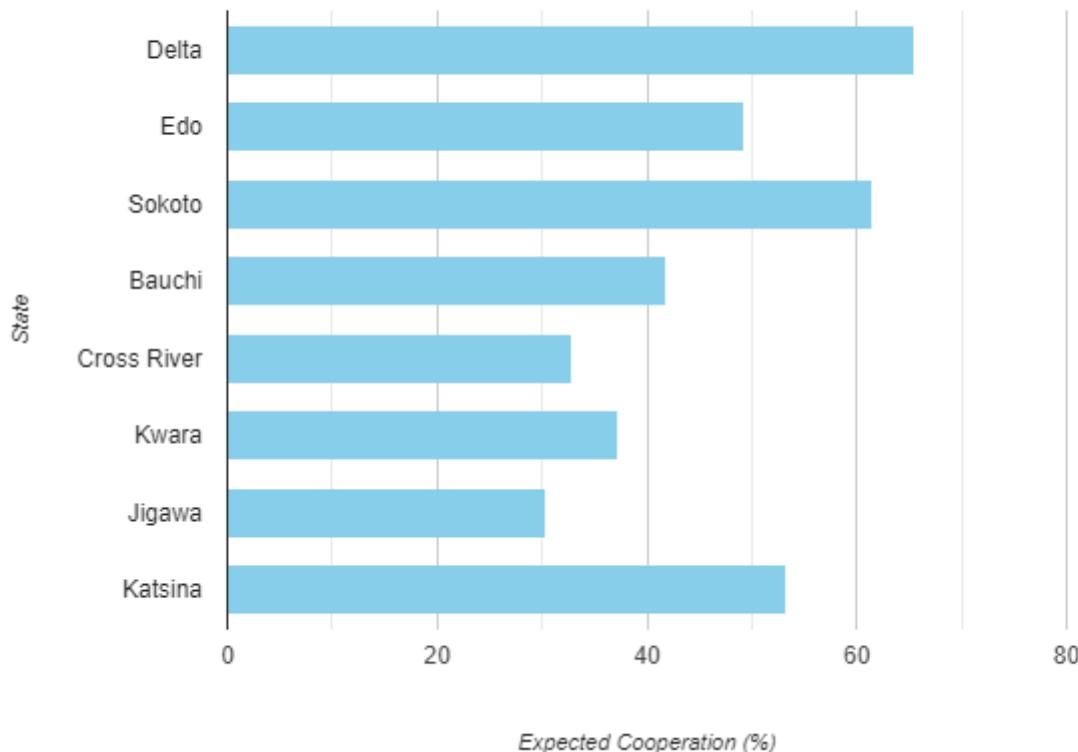
- **Understanding of ACJA/L Provisions by Police**



Delta stands out with the highest compliance rating, achieving a combined score of 95.2% for "Totally Compliant" and "Mostly Compliant" categories. Sokoto's performance is also commendable. Jigawa, while demonstrating a balanced approach, has room for improvement as reflected in its moderately high "Totally Compliant" score of 19.3%. Bauchi, Cross-River, and Edo require further attention due to their lower compliance ratings. These disparities suggest difference in levels of efforts required to build the knowledge and capacity of police officers per expectations of ACJA/L in policing.

- Cooperation between Law Enforcement and Accused Persons

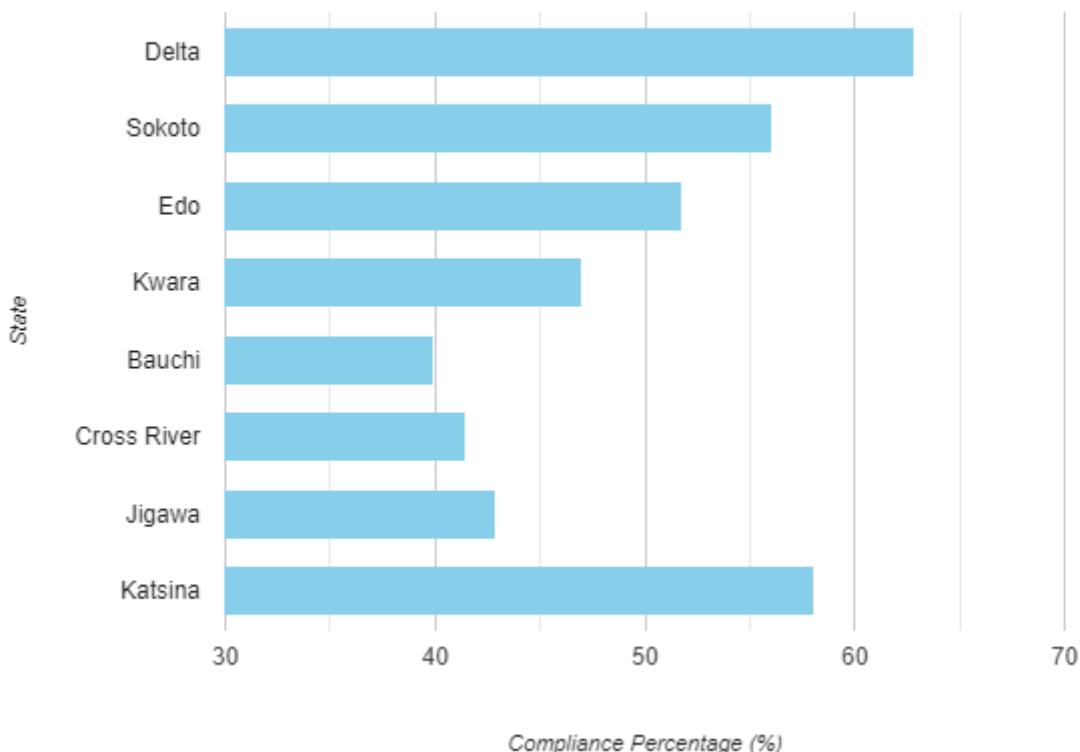
Expected Cooperation Between Law Enforcement and Accused



Delta shows the highest adequacy in cooperation at 65.4%, with Sokoto and Katsina following. These states demonstrate a relatively harmonious interaction between law enforcement and accused persons, which is crucial for the fairness and efficiency of the criminal justice process. In contrast, states like Cross-River and Kwara exhibit lower cooperation levels, indicating potential areas for policy intervention and reform to improve service delivery.

- **Compliance of Magistrates to Inspect Detention Facilities and Demand Reports from Police Stations**

Compliance of Magistrates with Detention Facility Inspections



Delta stands out again in both categories, with high compliance levels indicating diligent oversight by magistrates. Sokoto and Katsina also show commendable compliance, ensuring that detention facilities are inspected regularly and reports are demanded, which are critical for maintaining transparency and accountability. On the lower end, states like Cross-River and Bauchi exhibit less compliance, suggesting a need for stronger enforcement mechanisms and perhaps additional resources or training for magistrates to fulfill these duties effectively.

CONCLUSION

The study examined the compliance of actors across eight Nigerian states with the provisions of Administration of Criminal Justice Act/Law (ACJA/L), using a mixed research method approach and purposive sampling of only actors involved in the service of the criminal justice system.

Per compliance levels, the study finds that majority of respondents believe that there is a positive adherence to the ACJA/L (67.1%), but there are still opportunities for improvement (23.1% reported for non-compliance). More than half of polled respondents (52.2%) are familiar with ACJA/L, but a significant portion (26.7%) indicate an above average depth of understanding with the principles adumbrated in the laws, highlighting the existence of a gap and need for improved awareness-driven engagements.

Performance wise, the Nigeria Police Force received the lowest satisfaction rating and stakeholders pointed to issues of unlawful arrests, poor investigation techniques, and disrespect for defendants' rights as main areas of concern with the police performance. Lawyers and Judges/Magistrates received high satisfaction ratings across most states, indicating public trust in their performance and the Correctional Services received a consistent level of satisfaction across the surveyed states.

The study identified major constraints impeding the maximization of the effectiveness of ACJA/L in the focal state. These include ineffective policing systems, human and material resource constraints, huge infrastructural gaps, corruption, low levels of public awareness and an overall indifference of the political leadership across the focal states to the gaps in the criminal justice system.

There are variations across the focal states and further analysis is needed to understand the reasons behind these variations. Perhaps there is further need to investigate state-relevant contextual issues like crime rates, population density, economic prosperity, literacy levels and execution capacity of state government among others.

In conclusion, the data paints a complex picture of varying stakeholders' perception on thematic criminal justice issues across the eight selected Nigerian states. Understanding these differences is crucial for policymakers to address unique state inhibitors of effectiveness and efficiency in the criminal justice system and implement targeted interventions to improve the overall performance.



RECOMMENDATIONS FOR ENHANCING ACJL IMPLEMENTATION ACROSS FOCAL STATES

i. Expanding the Performance Footprint of the Administration of Criminal Justice Monitoring Committee (ACJMC)

The report highlights the limited impact of the ACJMC across various the expected performance portals in the study focal states, hence there the need for improvement across the following areas:

- Expanding Monitoring and Reporting Frameworks: As the primary ACJA adherence compliance measuring units, ACJMC across the focal states need a more robust and methodical state-specific assessments frameworks. These frameworks should capture data on adherence by policing actors, the judiciary, correctional services, and other actors, particularly focusing on issues of rights violations, funding, timely legal advice, and detention practices. This would provide state level empirical information on levels of compliance.
- Strengthening Oversight of Police Stations and Detention Centres: The study underscore the need for improved oversight particularly at police stations. The ACJMC across the focal states would need to do more to enforce magistrates' duties to inspect police detention centres regularly, ensuring detainees' rights are upheld. A specific focus on non-compliance areas such as unlawful detention and lack of detainee rights protection is essential.
- Enhancing Public Awareness: The ACJMC should across the focal states centrally lead targeted awareness campaigns to educate the public and other critical stakeholders on ACJA/L rights, with specific focus on abuse reporting mechanisms for citizens.

ii. State Focal Practice Directions

Based on identified challenges in some of the focal state, there is the need to develop tailored practice directions to address local needs and challenges identified in the study:

- Cross River, Delta, and Edo: Given the higher dissatisfaction levels in these states with the performance of the police, there is the need for context-specific reforms in police arrest procedures and improved compliance monitoring within the Nigeria Police Force. Also, states need to commit resources towards the capacity building of police officers on rights-based arrest and detention processes as well as public complaints units.
- Kwara and Sokoto: These two states need to improve court-based initiatives to limit detention without trial by enforcing custodial limits and accelerating the issuance of legal advice. Sokoto can build on its relatively strong judicial performance by adopting ACJA/L-compliant case management software to reduce case delays.
- Bauchi, Jigawa, and Katsina: These states have a seemingly distinctive legal systems influenced by Islamic jurisprudence; therefore, any ACJA/L reform should countenance this hybridity and create practice direction for effective complementarity.

iii. Access to Justice

Ensuring equitable access to justice across focal states involves addressing financial, legal, and structural barriers in the following thematic areas:

- Enhance Legal Aid Services: Increase funding for state-level Legal Aid Councils to ensure indigent defendants receive adequate representation. Improved resourcing for legal aid could bridge representation gaps, particularly for marginalized populations.
- Deploy Community Awareness Campaigns: States must engage with Civil Society Organizations (CSOs) to conduct awareness campaigns on ACJA/L rights, with an emphasis on rural areas where knowledge of these rights is lower.
- Invest in Alternative Dispute Resolution (ADR): The study unmistakably points to the insufficiency of judicial resources and assets across the focal states, there is the need to encourage the use of ADR mechanisms to resolve minor offenses outside the formal court system, which could reduce case backlogs and provide swifter justice for lower-stake cases and free more resources for criminal trials.

iv. Detention Procedures

- Effective and humane detention procedures remain a critical area for improvement in the following areas:
- Improve Detention Conditions: Stakeholders need to invest in detention facility

upgrades, focusing on sanitation, ventilation, healthcare, and separate holding areas for men, women, and juveniles. Facilities should receive regular audits to ensure they meet basic standards for detainee welfare.

- Ensure Timely Legal Advice: Stakeholders across some of the states identified the problem of acute lateness in the receipt of DPP advice as a primary cause of delay in criminal criminals. There is a compelling and urgent need to streamline processes between the DPP and law enforcement agencies to reduce delays in issuing legal advice, especially for detainees facing prolonged detention. Regular inter-agency meetings could identify procedural bottlenecks and improve communication channels.
- Integrate Technology in Detention Management: States need to modernise criminal justice infrastructure and should consider investment in technological solutions, like digital monitoring of detainee records, electronic case notes, digitalization of courtrooms to enhance transparency and accountability within the criminal justice system.

v. Inter-Agency Coordination

Enhanced coordination among criminal justice actors is essential for the effective implementation of ACJA/L, the following interventions need implementation:

- Establishment/Strengthening of Inter-Agency Task Forces: States need to create or strengthen existing interagency coordination teams comprising of representatives from the judiciary, police, correctional services, and prosecutorial offices to oversee case progression and resolve inter-agency conflicts that delay justice.
- Develop Joint Protocols for Case Management: Considering that the criminal justice system operates like a conveyor belt, states need to create standardized protocols to ensure consistent handling of cases across agencies, particularly for high-risk cases that require a rapid response.

vi. Holistic Reform Criminal Justice Budgeting Practices

Sustainable budgeting practices are critical to bridging resource gaps to ensure the effective and efficient implementation of the ACJA/L:

- Sustainable Funding Requirements: The optimal performance of criminal justice actors is a question of available resources; hence states must create a funding system to provide adequate budget for ACJA/L implementation, with specific funds for infrastructure, training, and technology upgrades across police,

judiciary, and corrections. In the face of dwindling resources and competing public needs, states must explore alternative funding models to meet high priority needs.

- Strategic Funding Partnership: To alleviate budget constraints, states should establish partnerships with international organizations and donor agencies for targeted support, especially in areas of technological upgrades and capacity building.

vii. **Victim Support Systems**

- Development of Witness and Victim Support Programs: States require the establishment of comprehensive support systems for witnesses and victims, including protection measures and psychosocial services, to encourage cooperation and enhance trial outcomes.

