



BASELINE ASSESSMENT STUDY REPORT ON IMPLEMENTATION OF THE ACJL

A Review of Fourteen States

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Expected outcomes




At the end of this presentation, participants will:

- Be familiar with the baseline assessment questionnaire on the implementation of the ACJL.
- Be able to use the questionnaire to explain the realities of implementation in their state.

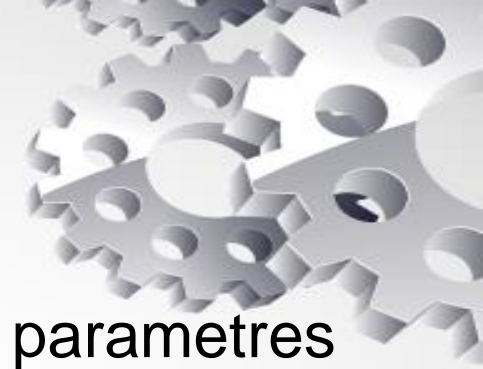
Introduction



- In 2019 the Centre for Socio-Legal Studies(CSLS) in Collaboration with Criminal Justice stakeholders and actors developed National Minimum Standards(NMS) for the effective implementation of the Administration of Criminal Justice Act (ACJA) and Administration of Criminal Justice Laws of the various states (ACJL) which is aimed at unifying and strengthening criminal justice delivery in Nigeria.

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- The NMS Implementation Process is divided into five stages. The Baseline Assessment Study and Baseline Study Report is the first stage in the implementation process.

Baseline Study Overview



- The Baseline Study of the 36 States is assessed using three parameters namely:
 - a. **Quality of the law:** assessment tool= Comparative Analysis of the ACJLs of each state and the ACJA
 - b. **Nature and Availability of Justice Sector Facilities and Statistics:** assessment tool= Baseline Assessment Questionnaire and Interview questions.
 - c. **Level of Implementation of the Law:** assessment tool= Baseline Assessment Questionnaire and Interview questions.

Baseline Study Overview Continues



- The purpose of this study is to collect data which will enable the Centre assess the state of the justice sector infrastructure in the various states and make recommendation to the authorities for necessary improvements.
- The Baseline Assessment Questionnaire contains 25 questions and it was administered to the 36 States of the Federation through the office of the Attorneys-General of each state.
- Collaborating with the nominees from the Ministries of Justice in each state we successfully got feedbacks from 14 states who collated data from the various agencies concerned.
- The states under review are: Abia, Adamawa, Bauchi, Benue, Edo, Enugu, Jigawa, Kaduna, Kogi, Nasarawa, Niger, Ogun, Oyo and Plateau.

Summary of Findings

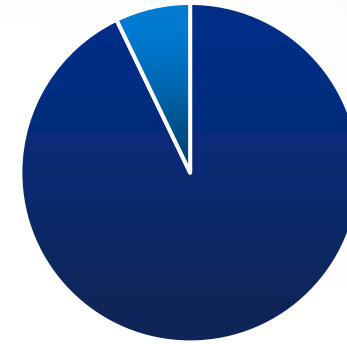
1. Passage of the ACJL and Awareness

Thirteen (13) out of fourteen (14) states that participated in the review exercise have successfully passed into law the ACJL.

Performance of states with regards to efforts made towards creating public awareness of the law:

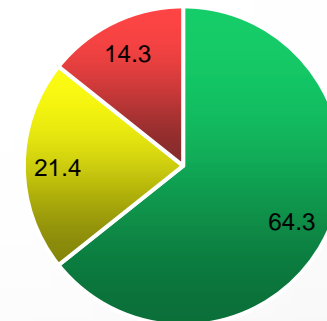
- 64.3% = Maximum effort
- 21.4% = Average effort
- 14.3% = Minimal effort

Passage of the ACJL



■ states that have passed the ACJL ■ states yet to pass the ACJL

Efforts made to create awareness



■ Maximum effort ■ Average effort ■ Minimal effort

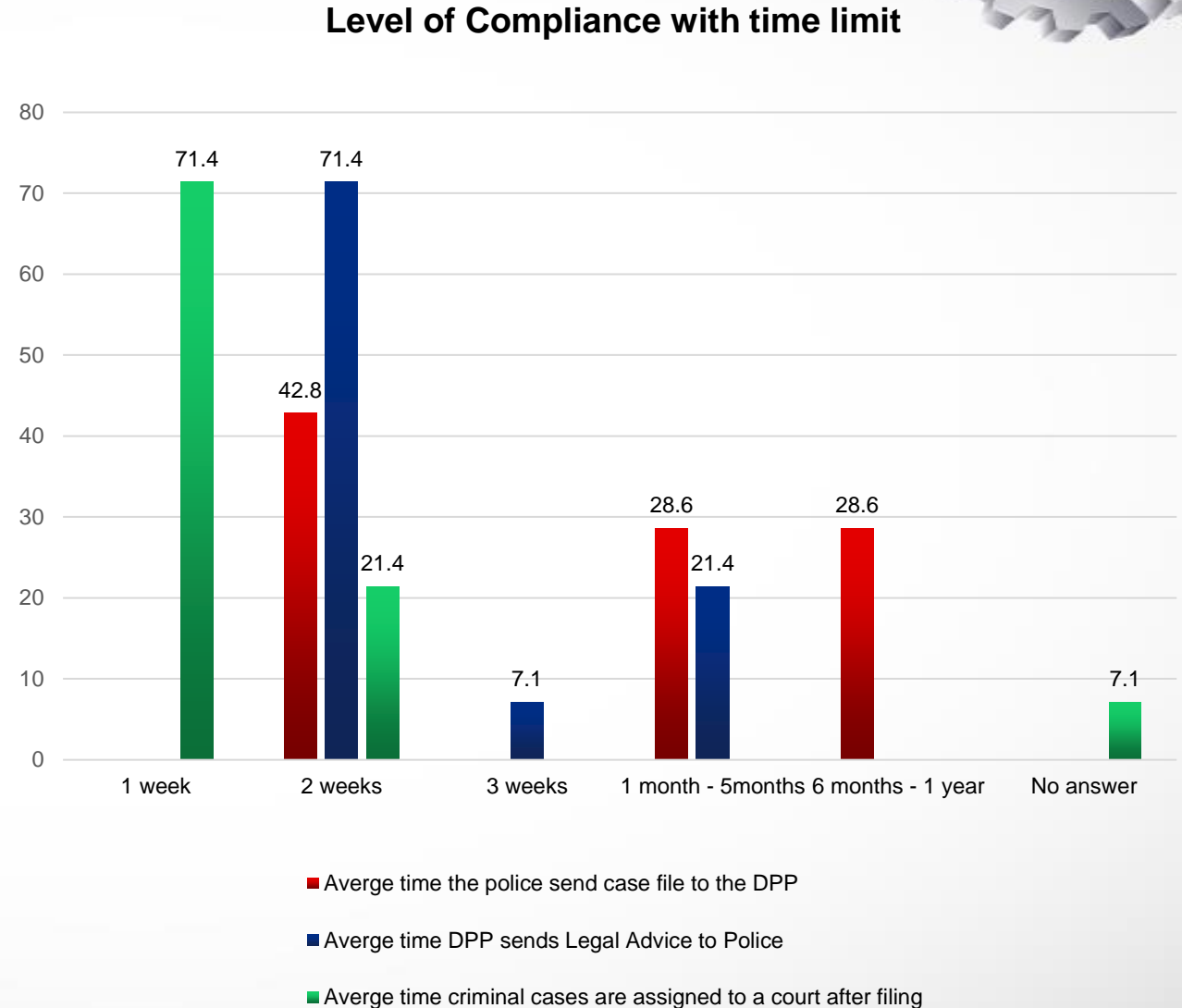
Summary of Findings Continues

2. Level of Compliance with Time Limits

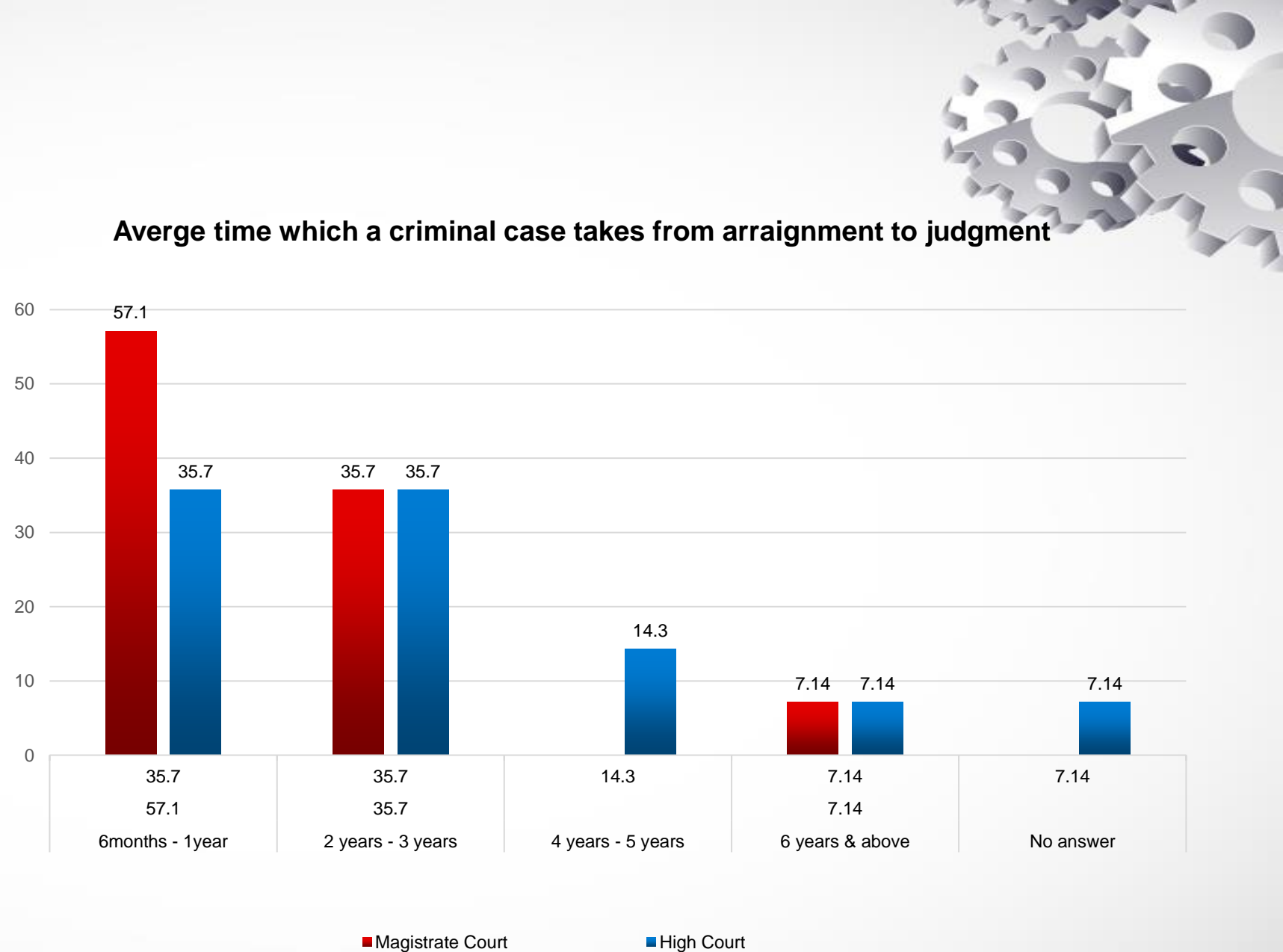
- The states were assessed on the following basis:

Average time within which;

- the Police sends case files to the DPP: 42.8% of states said 2weeks, 28.6% said 1month-5months and 28.6% said 6months to 1year.
- the DPP sends legal advise to the police: 71.4% of states said 2weeks, 7.1% said 3weeks and 21.4% said 1month to 5months.



- a criminal case is assigned to a court after filing: 71.4% of states said 1week, 21.4% said 2weeks and 7.1% did not answer.
- a criminal case takes from arraignment to judgment in the Magistrate court and the High Court:

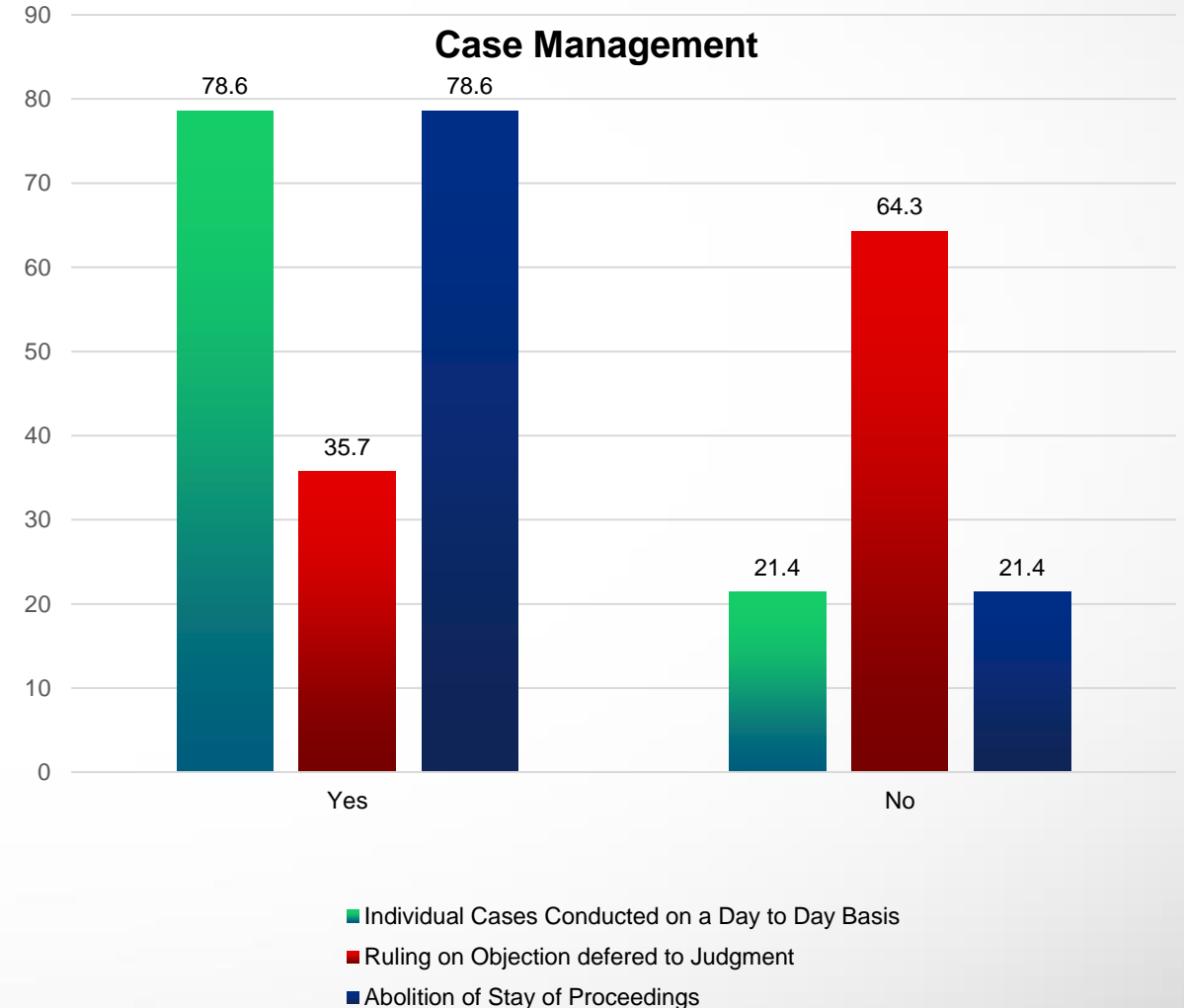


Summary of Findings Continues

3. Case Management

States were assessed on the following basis:

- a. **Individual cases conducted on day to day basis:** 78.6% of the states conduct cases on a day to day basis, while 21.4% do not.
- b. **Criminal proceedings stayed on account of interlocutory applications:** 78.6% of states have abolished stay of proceedings in practice, while 21.4% have not.
- c. **Ruling on objection deferred to judgment:** 35.7% of states defer rulings on objections to time of judgment, while 64.3% rule on objections immediately the are moved.

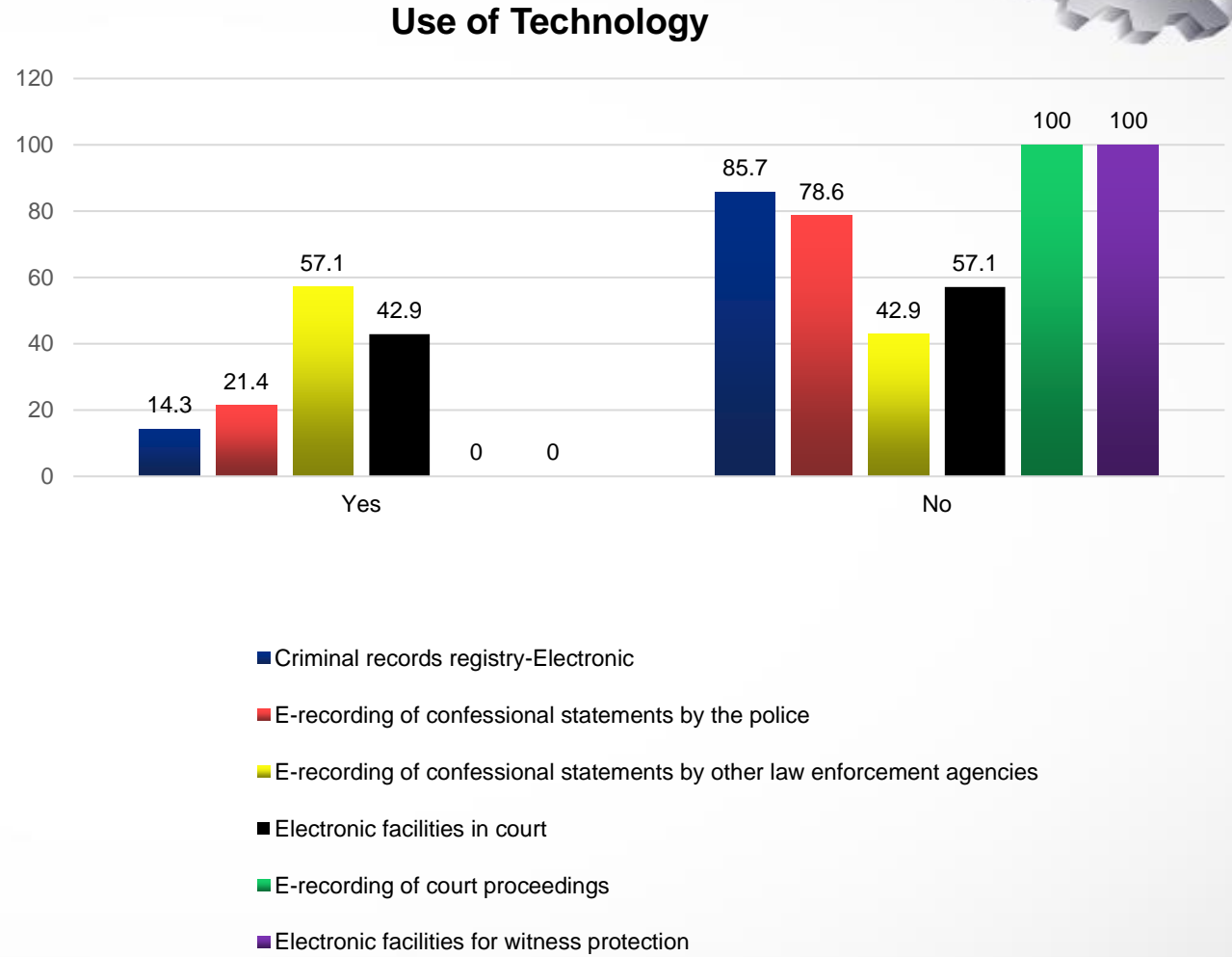


Summary of Findings Continues

4. Use of Technology

States were assessed based on the following:

- Criminal Records Registry-Electronic
- E-recording of confessional Statement by the police
- E-recording of confessional statement by other law enforcement agencies
- Electronic facilities in court
- E-recording of court proceedings
- Electronic facilities for witness protection



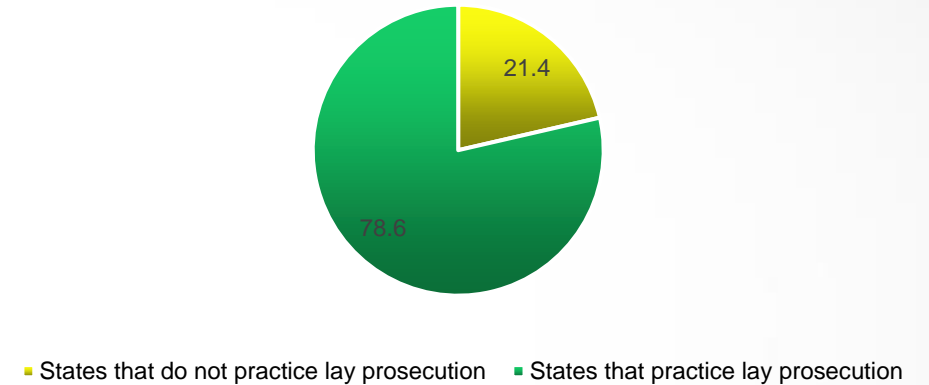
Summary of Findings Continues

5. Abolition of Lay Prosecution

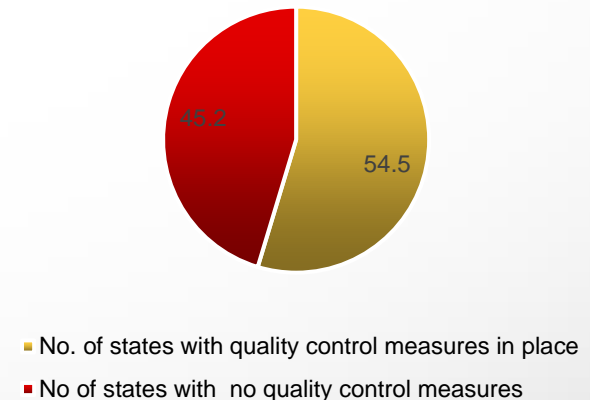
States were assessed based on the following:

- Whether or not non legally trained police officer prosecute cases in their state.
- Quality control measures available in states where lay prosecution is still practiced

Abolition of Lay Prosecution



Quality Control Measure available

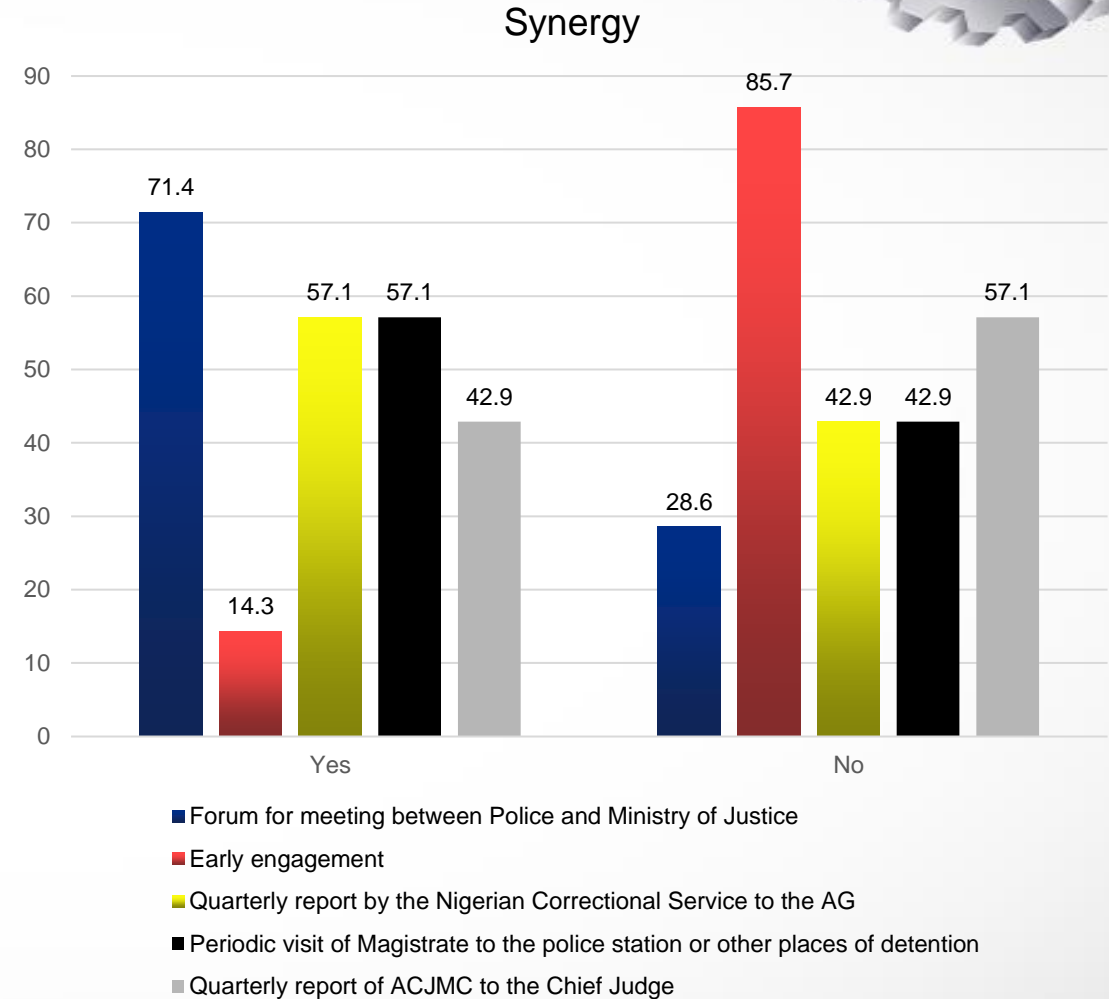


Summary of Findings Continues

6. Synergy between Law Enforcement Agencies, the Ministry of Justice and other oversight authorities

States were assessed based on the following:

- Existence of forum for meeting or coordination between the police and the Ministry of Justice
- Early engagement of the Ministry of justice in the investigation of cases.
- Remittance of quarterly report of persons awaiting trial to the Attorney-General by the Nigerian Correctional Service.
- Magistrates periodic visits to police stations and other places of detention.
- Remittance of quarterly report by ACJMC (or its equivalent) to the Chief Judge.

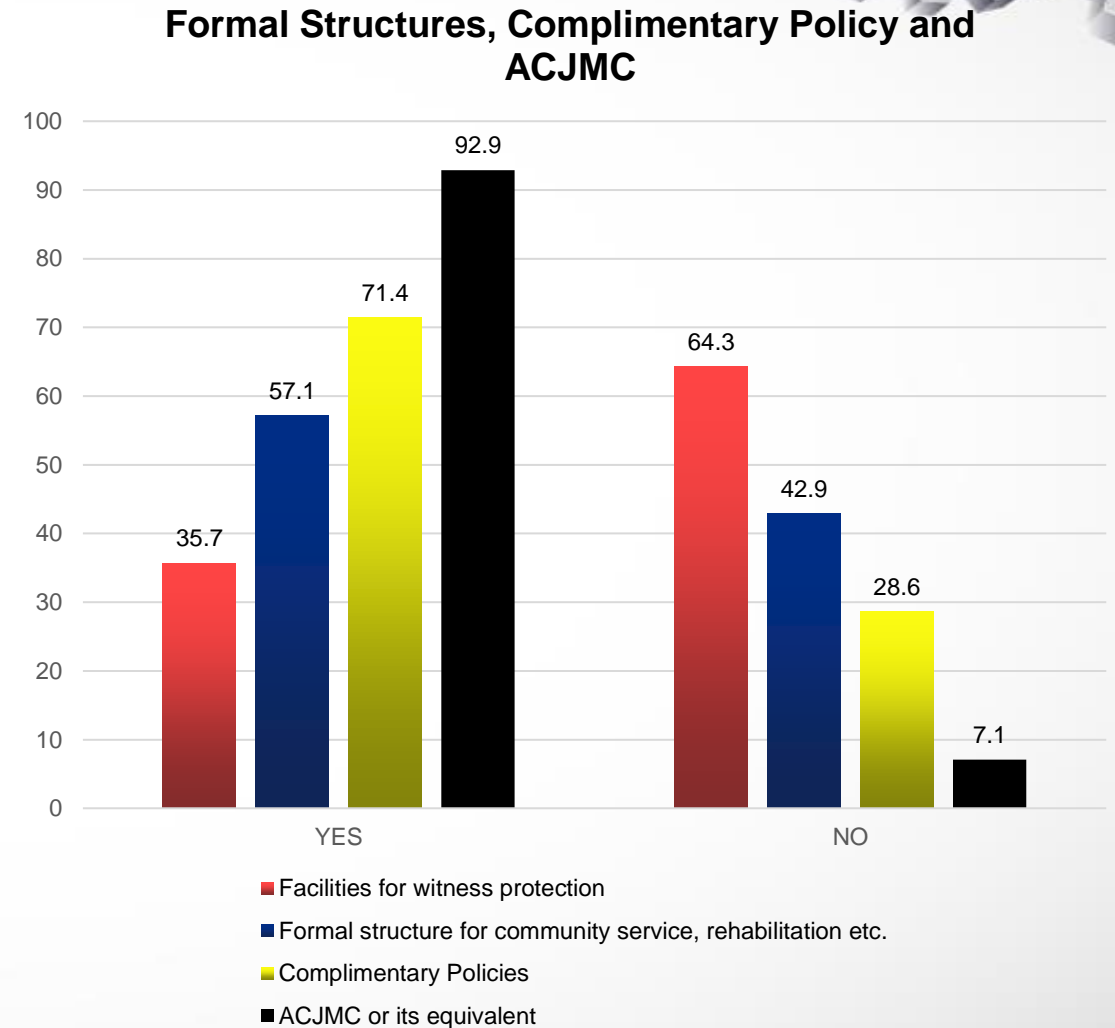


Summary of Findings Continues

7. Formal Structures, Complimentary Policy and ACJMC or its equivalent

States were assessed based on the following:

- Facilities in place for witness protection
- Formal structures or designated personnel for community service; rehabilitation; suspended sentence and parole
- Availability of complimentary policy or regulations like practice directions for the law, sentencing guidelines, plea bargaining guidelines etc.
- Establishment of Administration of Criminal Justice Monitoring Committee or its equivalent.

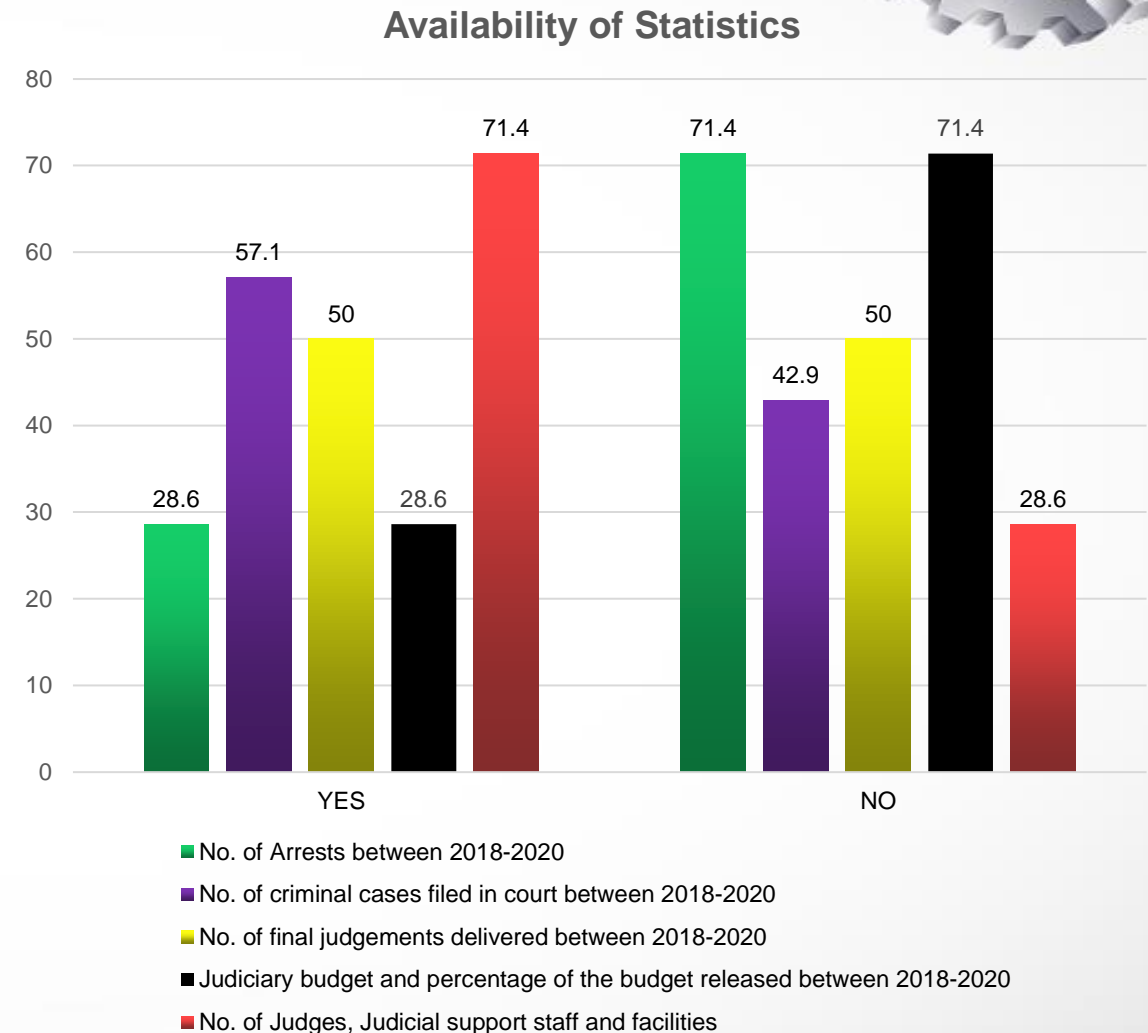


Summary of Findings Continues

8. Availability of Statistics

States were assessed based on the following:

- Number of Arrests made between 2018-2020
- Number of criminal cases filed in court between 2018-2020
- Number of final judgments delivered between 2018-2020
- Record of funding of judicial officers and support staff by the government
- Number of judges, support staff, court rooms, toilet facilities and functional air conditioners/fans available.



Recommendations



- Attorneys-General of each state should establish a desk for criminal justice review. As states begin implementation of the ACJL, notes should be taken of provisions requiring improvement.
- There is need for sensitization of criminal justice actors and the public on the ACJL in each state.
- Need to promote and encourage synergy and cooperation amongst law enforcement agencies, ministries of justice, oversight bodies and the public. The public should be encouraged to actively participate in law enforcement like police community relations.
- Attorneys-General should acquire software for tracking the performance of prosecutors in courts. notably, Jigawa state is taking the lead on this.
- For accountability, statistics of arrests, cases and budgets in each state should be made accessible to criminal justice actors and the public.



- To prevent the loss of records, information should be saved both digitally on a server or hard drive and physically in fire proof facilities.
- Heads of institutions in each state should commence data collection.
- Lay prosecution should be discouraged in states. However, where it must be practiced, safeguards like quality control, supervision of prosecutors, prosecuting in teams(no personalization of case files), training of lay prosecutors and complaint channels(hotlines), WhatsApp groups should be used by the ministry of justice for effective oversight of lay prosecutors etc. should be in place.

Conclusion

The presentation shows that implementation of the ACJL in most states is weak. Adopting the National Minimum Standards for the Effective Implementation of the ACJA and ACJLs of each state will improve justice delivery and administration in Nigeria.





Thank you for Listening