



2 Day Workshop on Pre-trial Procedures under the *Administration of Criminal Justice Act (ACJA), 2015* for Magistrates in the FCT Monday 21st – Tuesday 22nd June 2021

Visits to Detention Centers under Sections 34 of the ACJA:
Examination of Common Constraints and Models that work

**BY
BAYO AKINLADE, ESQ**



WHAT ARE THE PRIORITIES OF ACJA



- For the effective administration of the Criminal Justice System
- To Ensure that those who break the Law suffer the consequences
- To ensure that the Rule of Law is upheld
- To ensure fair and equal treatment of all those accused of a crime
- To ensure speedy trials
- To provide alternative means of punishment i.e Restorative Justice, Community sentencing etc
- To decongest the Courts and Prisons
- To stop and counter indiscriminate Arrest and detention by the Police
- And so On...



THE LAW: S. 33

33. (1) An officer in charge of a police station or an official in charge of an agency authorised to make arrest shall on the last working day of every month report to the nearest Magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.

(2) The report shall contain the particulars of the suspects arrested as prescribed in section 15 of this Act.

(3) The Magistrate shall on receipt of the reports, forward them to the Criminal Justice Monitoring Committee which shall analyse the reports and advise the Attorney-General of the Federation as to the trends of arrests, bail and related matters.

(4) The Attorney-General of the Federation shall upon request by the National Human Rights Commission, the Legal Aid Council of Nigeria or a Non-Governmental Organization make the report available to them

(5) Where no report is made in accordance with sub-section (1) of this section the Magistrate shall forward a report to the Chief Judge of the State and the Attorney-General of the State for appropriate remedial action.

(6) With respect to the Federal Capital Territory, Abuja such report referred to in subsection (5) of this section shall be forwarded to the Chief Judge of the Federal Capital Territory, Abuja and the Attorney-General of the Federation for remedial action.



THE LAW: S. 34

OVERSIGHT VISITS BY Magistrates.

34. (1) The Chief Magistrate, or where there is no Chief Magistrate within the police division, any Magistrate designated by the Chief Judge for that purpose, shall, at least every month, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the prison.

THE VISITS





(2) During a visit, Magistrate may:

Chief Magistrate to visit police stations every month.

(a) call for, and inspect the record of arrests;

(b) direct the arraignment of the suspect;

(c) where bail has been refused, grant bail to any suspect where appropriate if the offence for which the suspect is held is within the jurisdiction of the Magistrate.



(3) An officer in charge of a police station or official in charge of an agency authorised to make arrest shall make available to the visiting Chief Magistrate or designated Magistrate exercising his powers under subsection (1) of this section:

- (a) the full record of arrest and record of bail;
- (b) applications and decisions on bail made within the period; and
- (c) any other facilities the Magistrate requires to exercise his powers under that subsection.



REFERENCE TO HIGH COURT....What does it mean?

(4) With respect to other Federal Government agencies authorised to make arrests, the High Court having jurisdiction shall visit such detention facilities for the purpose provided in this section.



SANCTION

(5) Where there is default by an officer in charge of a police station or official in-charge of an agency authorised to make arrest to comply with the provisions of subsection (3) of this section, the default shall be treated as a misconduct and shall be dealt with in accordance with the relevant Police Regulation under the Police Act, or pursuant to any other disciplinary procedure prescribed by any provision regulating the conduct of the officer or official of the agency.



THE ACJMC

Part 46 –

Section 469 to 476

The Administration of Criminal Justice Monitoring Committee Consist of the following members:

1. The CJ as Chairman
2. The AG or his rep not below rank of Director
3. A judge of the FHC
4. The IGP or his Rep not below rank of CP
5. The Comptroller of the Correctional services or rep not below rank of Comptroller of Prisons
6. Executive Secretary of the NHRC or rep not below rank of Director
7. Chairman of any local branch of NBA to serve for 2 years only
8. DG LACON or rep not below rank of Director
9. A rep from CSOs appointed by the committee to serve for only 2 years



COMMON CONSTRAINTS

- FUNDING
- LOGISTICS : Mobility, Distance, support staff
- MAGISTRATE'S WORKLOAD
- REPORTING: Forms of reporting, time it takes to report
- PERSONAL INTERESTS: motivation of the Visiting magistrate



MODELS THAT WORK.... AN EXAMPLE OF LAGOS STATE

FUNDING:

Section 472

- ❖ A committee to be set up
- ❖ Budget from office of the AG
- ❖ Funding from other sources allowed



N10,000 PER VISIT





MODELS THAT WORK.... AN EXAMPLE OF LAGOS STATE LOGISTICS :

Mobility, Distance, support staff



Section 471 of ACJA, 2015
Administration, staffing etc
(MOJ to take care of staffing)





MODELS THAT WORK.... AN EXAMPLE OF LAGOS STATE

Magistrate's Workload: Case Management





MODELS THAT WORK.... AN EXAMPLE OF LAGOS STATE

REPORTING:

Forms of reporting, time it takes to report

- ☐ Magistrates developed their own forms
- ☐ Volunteers developed their own forms
- ☐ Funding organisations develop their own forms



MODELS THAT WORK.... AN EXAMPLE OF LAGOS STATE

PERSONAL INTERESTS: motivation of the Visiting magistrate



PARTNERSHIP WITH PDSS





COMMENTS, QUESTIONS AND ANSWERS



THANK YOU

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BY

BAYO AKINLADE, ESQ

08065172866

bayoace@gmail.com