

**INTER-AGENCY COLLABORATION AND CO-ORDINATION:  
THE ROLE OF INVESTIGATORS, PROSECUTORS AND  
PRISONS**

**BEING A PAPER PRESENTED**

**BY**

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## **Introduction.**

- Society has always faced the challenges of fighting crime and maintaining law and order.
- One of the most important tools available to society for the control of anti-social behavior is the criminal justice system.
- The criminal justice system is constantly developing ways to deter and punish crime as well as possibly reforming criminals.
- As society develops so does crime and the modus operandi of criminals
- The criminal justice system envisages three components, which are ;

**Law Enforcement:** This is the investigative arm administered by the police and other law enforcement agencies on the one hand and the Prosecution Authorities on the other hand;

**Judicial Process:** This is the adjudication arm administered by the criminal courts;

**Reformatory Institutions:** This is the correctional arm administered by prisons and other custodial institutions.

- The aim of an effective criminal justice system should be to strike a balance between punishing the guilty and protecting the innocent.
- To help understand this aim, there are commonly accepted goals of the justice system which are classified as orientation goals, pragmatic goals, abstract goals or standards.

## **Orientation Goals:**

- Criminal justice professionals generally are oriented toward one or two opposite directions; “law and order” or “individual rights”
- The law and order orientation stresses the need to solve crime problem.
- The individual rights orientation stresses the need to protect an individual’s right and considers this need greater than the need to punish offenders.
- Two great emphasis on individual rights will restrict law enforcement and allow offenders to escape punishment.

- Arbitrary police practices that may occur under the law and order orientation may infringe on human and constitutional rights.
- The level of a nation's development can be carefully measured by the methods it uses in the enforcement of the criminal law.

### **Pragmatic Goals:**

The pragmatic goals of the justice system involves;

- Preventing crime: this goal includes providing potential criminals with conventional opportunities for success before they start a career of crime, building stronger social control units such as the family, providing guidance and counseling in our schools, and developing better environmental conditions in the neighborhoods that foster law-abiding behavior.
- Diverting offenders: this goal refers to taking the offenders out of the system and place them in non-punitive treatment programs. The purpose is to correct the offender without placing the stigma of a criminal conviction on the offender.
- Deterring crime: The justice system attempts to deter crime by making potential criminals believe that the punishment received for criminal behavior outweighs the benefit.
- Controlling criminals: What the system does here is to control the behavior of known criminals by incarcerating the more serious offenders and placing the less serious ones in community correction programs.
- Rehabilitating offenders: An objective of the system is to provide rehabilitation treatment to offenders in order to reduce the likelihood of future involvement in criminal behavior.

### **ABSTRACT GOALS**

Abstract goals are the underlying principles upon which our justice system is based.

- **Fairness:** The justice system should seek to ensure that all persons involve in the criminal justice system are treated fairly and humanly. More

specifically, socio-economic status, ethnically, religion etc. should not determine the type of treatment or form of punishment one receives from various criminal justice agencies.

- **Efficiency:** The system should be organized and managed in a manner to ensure maximum utilization of personnel and resources.
- **Effectiveness:** The goal of effectiveness is that the justice system should operate in an effective and efficient manner.
- **Justice:** Justice is the broad concept of rewards and punishment currently accepted to be proper by a society. It is considered as the ideal of all government and the disposition of a criminal matter in a manner that the best interest of the society is served.
- **Standards:** Standards are goals and not binding rules. Every goal developed to improve the justice system is standard. A good example is the enforcement of the Administration of Criminal Justice Act 2015. Some of the innovations in the act are aimed at making standards work. Such innovations include statement taking that gives the suspect the right to demand that he should speak in the presence of a legal practitioner and that magistrates designated by the chief judge shall at least conduct an inspection of police stations or other places of detention within his territorial jurisdiction.
- **Inter-Agency collaboration and co-ordination:** The goals highlighted above are the core mandates of the agencies of the criminal justice system which the investigators, prosecutors and prisons are in the main stream. It can be deduced that the activities embedded in the above highlighted goals are so interwoven that the agencies need to work together for a common goal or goals.
- What is inter-agency collaboration?
  - Inter-agency collaboration is very important because it allows different people from different professional background to exchange ideas as well as share information and work together for devising solutions to solve important issues. Such issue in the topic under review is crime and its committers.

- Inter-agency collaboration as a policy is bringing great minds together to address issues of societal or national concerns.
- The major concerns of criminal justice system are public safety and security. This duly involves crime dictation and prevention, investigation, prosecution and law enforcement, punishment and treatment of offenders.

- **Co-ordination:**

The other principal word here is co-ordination

- Co-ordination is the act of making different people or things work together for a goal or effect result.
- It requires the ability to coordinate one's sense and physical movements in order to act skillfully.
- Roles of the investigators, prosecutors and prisons in the administration of justice and the agencies of criminal justice system demands that they should work together so as to strengthen their operational competencies.
- A well co-ordinated activities of these three organs of criminal justice system by an unbiased team of professionals will bring about mutual cooperation and operations among the three agencies of criminal justice system.
- A well coordinated activities of investigators, prosecutors, and prisons will make stake holders in this stand to appreciate the effect of their actions or inactions on each other.

- **Brief functions of these three key players (Investigators, Prosecutors and Prisons);**

- A brief narrative of the functions of the three key components that are the center of this paper will help to express very vividly the need for their collaboration and coordination.

**Investigators:**

- It is the constitutional duty of the police to effect arrest of suspects even though any person can effect arrest of persons seen in the

scene of committing crime or things of the like. The person who effects such arrest shall within the shortest time, hand the suspect to the police.

- Part 2, Secs. 3 & 4 of ACJA, empowers the police officer to make arrest and investigate cases.
- Section 24 of the Police Act stipulates that a police officer may arrest without warrant under stipulated conditions.
- Section 27 of Police Act states that when a person is arrested without a warrant, he shall be taken before a magistrate who has jurisdiction with respect to the offence with which he is charged or is empowered to deal with him under sec 484 of the CPA as soon as practicable after he is taken into custody.
- This and other related matters demand for a close operational support before the police can effect some of it's arrest and investigation duties.
- Section 26 of ACJA states that a judge, Magistrate or Justice of Peace may arrest or direct the arrest of a suspect committing an offence in his presence and shall therefore hand him over to a police officer who shall proceed to take necessary action.
- Sections 33, (1)(2)(3)(5)(6), 34 (1)(2) a-c, (3)(a-c) also reflect the need for collaboration and coordination of inter-agencies.
- This is because of interface in the cause of performance of duties.

## **WARRANTS**

- Schedules in Secs3, 36(1) (a-c) (2), 37, 38, 39(1)(2)(3), 40(1)(2) and Sec 41 also highlight some operational dependency or interface between the police and judiciary or judicial officials.
- In short the part 3 of ACJA on warrants express the areas of interface that can assist the police officer to effect both arrest and investigation.

## **PROSECUTORS**

- It is an important function of the prosecution to seek to reform and improve the administration of criminal justice.
- A prosecutor is a lawyer who decides whether to charge a person with a crime and tries to prove in court that the person is guilty.
- When inadequacies or injustices in substantive or procedural law come to his or her attention, he or she should stimulate efforts for remedial action.

### **Prosecutors relations with the police**

- a. The prosecutor should provide legal advice to the police concerning police functions and duties in criminal matters.
  - b. The prosecutor should cooperate with police in providing the services of his or her staff to aid in training police in the performance of their function in accordance with the law.
- A crime is a wrong involving the violation of the peace and dignity of the state. It is committed against the people of the state.
  - Accordingly, crimes are prosecuted by the prosecutor in the name of the “state”, “people”.
  - The prosecutor has extensive discretion over the filing and selection of criminal charges.
  - The prosecutor must depend on the police to investigate and arrest criminals.
  - With the evolution of ACJA 2015 the power of police officers to present cases is curtailed with the exception of those with law qualification sec 106 ACJA.
  - There is functional and operational relationship that exist between the office of the Director of Public Prosecution (DPP) and the police investigators.
  - Whereas the police see the crime as it is committed in the streets, the prosecutor sees the crime in the context of the need to keep the court process moving.
  - The police (investigator) tend to focus on their role of keeping the street safe, whereas the prosecutor focuses on his or her role as legal

representative of the state and as member of the constitution “work group” of prosecutors, defense counsel and judge.

- The above statements bring to limelight the need for inter-agency cooperation and coordination between investigators and prosecutors.
- In addition to several prosecution agencies, is the private prosecutors with the fiat of federal or state Attorney General or other prosecuting authority, with the consent of AG of the federation or state.

## **PRISONS**

- The prisons have the key role of detaining persons confined in their custody by courts of competent jurisdiction. Such detention order shall be conveyed through a commitment warrant.
- Prison is the receptacle of the criminal justice system. All the persons being investigated, prosecuted and sentenced or detained are by legislation to be kept in the prison custody. Sec 1(1) of ACJA.
- All criminal justice institutions are to ensure that the system of administration of criminal justice promotes efficient case management of criminal cases and speedy dispensation of justice.
- These bodies are to play major roles in order to promote efficient management of criminal cases.
- The starting point is an efficient investigation as weak investigation will certainly pose serious problems to an efficient case management for both the investigator, prosecutor, the court and finally the prisons.
- In some complicated cases that involve a large pool of persons and evidence, investigation takes longer than trial. This most of the time results in high volume of pre-trial detention and remand.
- The accused or suspects will be detained in dehumanizing conditions without trial.
- The state scarce resources are spent maintaining suspects in detention with negative human rights reputation.
- The complainant/ victim who wants justice as quick as possible in order to move on with his or her life is made to wait indefinitely.

- The prison facilities are over tasked as a result including the institution's personnel.
- Access to justice is equally affected in this regard because of high rate of ATPS and security of court escort/ duty vehicles.
- The relevant organs in the process of justice administration need to have close interface with other close relevant justice sector organs to manage the trend.
- None of the organs (investigators, prosecutors and prisons) may be an island or claim to be self-sufficient to play their roles efficiently, effectively and with fairness without the support of each other and the courts in this stride.
- Inter-agency collaboration and coordination by the investigators, prosecutors, and prisons and by extension other agencies in the drive of criminal justice as a process will certainly result in the proper, efficient and effective applications of scarce resources.
- Elements of collaboration and coordination
  - Information and intelligence sharing
  - Joint training program
  - Analysis of agencies areas of strength, weakness, opportunity and threat.
  - Operational interface and
  - Logistics assistance etc.
- Obstacles to interagency collaboration and coordination.
  - Agencies claim of superiority
  - Leadership dispositions and interest
  - Structural arrangements
  - Political influence
  - Diversionary policy focus
  - Inferiority complex
  - Absence of appreciation of the inter-agency role relatedness.
  - Corruption or self-aggrandizement

## **The way forward and the need for improvement.**

- The policy makers should appreciate the role of the relevant agencies/ actors in the criminal justice system and justice administration and provide a functional coordinating organ.
- The coordinating organ should also entrench functional monitoring and evaluation outfits and the outcome should be properly explored and employed.
- The managers of justice administration shall appreciate that as the society is waxing in sophistication, than crime is also coming in very sophisticated and dynamic perspective.
- This dynamism suggests the need for this agencies to work together, as well as formulate team work nexus.

Thank you for listening.