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PAPER TITLED:

**OVERVIEW OF THE ADMINISTRATION OF
CRIMINAL JUSTICE ACT AND LAWS**

BY

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INTRODUCTION:

It is an honour and great pleasure to be part of this Workshop. I will start this Paper Presentation by thanking the National Judicial Institute for the opportunity to make this Presentation on the *OVERVIEW OF THE ADMINISTRATION OF CRIMINAL JUSTICE ACT AND LAW*.

Prior to this time, Criminal Procedure in Nigeria was governed by the Criminal Procedure Act which was applicable in the South, while the Criminal Procedure Code was applicable to the North including the Federal Capital territory Abuja.

Criminal Justice system universally addresses basic societal needs of maintenance of law, peace and order, be it in civilizing or civilized Societies. It is without contention that law, peace and order deals with human behaviors which is acknowledged to be dynamic as such Criminal Justice must be dynamic and proactive in order to be effective in dealing with the peculiar behavior of citizens.

As a result of societal evolution, technological dysfunctions and prolonged use without reform, some provisions of both the Act and the Code failed to meet with the evolved and evolving Criminal Justice needs of the Nation, thereby losing essence and potency. It is a known fact that the failure to reform the Act and the Code occasioned long delay in trials , congestion in courts and provided windows or, should I say doors ,for many offenders to escape Justice leading to almost total loss of confidence in the Criminal Justice System in the Country . That is the situation that necessitated the enactment of the Administration of Criminal Justice Act /Law, to catch up, control and regulate anti-social behaviors /crimes in the country.

A BRIEF HISTORY:

The Advent of the Administration of Criminal Justice Act/Law in Nigeria first began in 2005 with a Proposal by the **National Working Group on the Reform of Criminal Justice**. The group was established by the then Attorney General of the Federation, Chief Akinlolu Olunjimi (SAN) and later retained by a subsequent Attorney General of the Federation, Chief Bayo Ojo (SAN), which consisted of Stakeholders drawn from all parts of the Criminal Justice Sector.

Upon assumption of Office in 2011, the immediate past Attorney General, Mohammed Adoki (SAN) established a Panel on the **Implementation of Justice Reform**, to implement the Proposal for Reforms produced by the National Working Group under the earlier administration. The Panel conducted a thorough Review of the Proposal and adopted an Improved Version. The Proposal then combined the Provisions of the Criminal Procedure Act and the Criminal Procedure Code into one Principal Federal Criminal Procedure Act, which will apply to all the Federal Courts (the Federal High Court and Federal Capital Territory High Court) across the Nation. This became the Administration of Criminal Justice Act 2015, which was passed into Law by the 7th National Assembly in 2015.

The Lagos State Government in 2007, was the first state to enact the Administration of Criminal Justice Law. The Law was reenacted in 2011, and later in 2015 a recent Administration of Criminal Justice Law (Lagos State) was passed into Law. The Anambra State Criminal Justice System towed the path of Lagos State and enacted theirs in 2011.

Following the passage of the Administration of Criminal Justice Act (ACJA) in 2015, most states in Nigeria have domesticated the ACJA, while some states are still lagging behind, or are yet to.

Although the Criminal Procedure Code and Criminal Procedure Act have been repealed, the Administration of Criminal Justice Act 2015 merged some of the Provisions in the Repealed Legislations and introduced improvements, which removed the lapses found in the Previous Legislations.

OBJECTIVE:

The aim of the Administration of Criminal Justice Act and Law is to promote the efficient management of Criminal Institutions, the speedy dispensation of Justice, the protection of the Society from Crime, the protection of Rights and Interest of the Society; which includes the Suspect, the Defendant and the Victim.

The topic today cannot be comprehensively dealt with in one Paper, as it is a known fact that about Fifteen or more States have domesticated their own Administration of Criminal Justice Law, and as such would have several Unique Codifications of their respective Unique Laws tailored to suit their States Criminal Jurisprudence.

As a result, more emphasis will be placed on the Administration of Criminal Justice Act and the new Innovations of the Act, which is universal to the Federal Courts. Some unique Provisions which are peculiar to the State's Administration of Criminal Justice Laws will be stated as well.

The Administration of Criminal Justice Act 2015 is made up of 49 Parts and 495 Sections, whilst some States have more or less Sections in their

respective Administration of Criminal Justice Law, with minor differences from the Administration of Criminal Justice Act.

REMARKABLE INNOVATIONS IN THE ADMINISTRATION OF CRIMINAL JUSTICE ACT 2015

It is imperative to first state that the Administration of Criminal Justice Act is a shift from strict Custodial Sentencing as punishment to Restorative or Rehabilitative Justice.

Arrest

The Administration of Criminal Justice Act in **Section 6** has eradicated Arbitrary Arrests of Suspects by the Police, and they now are mandated to notify a Suspect of their Right to a Legal Representation, and can no longer take Statements without a Lawyer present or any other Person of the Suspect's choice.

The Act also provides for the Right of the Suspect to Free Legal Consultation by the Legal Aid Council of Nigeria where the Suspect cannot afford one. Gone are the days when the Police will arrest a Suspect without notifying their Relation, because the Act has made it mandatory for the notifications of Suspect's Next of Kin at no Cost.

The Administration of Criminal Justice Law (Rivers-State) specifically provides for Interpretation in the Language the Suspect understands, and

also extended further the Notification of Arrest to the Suspect's Friend, in [Section 6\(3\) \(v\) ACJL \(Rivers-State\)](#).

No Arrest by Proxy

In [Section 7 of the ACJA](#), the Police can no longer arrest any Person in place of a Suspect, and it applies to every other Agency or Apparatus with the authority to arrest. In the past where a Suspect is not found, the Police usually arrest Relations or Friends of the Suspect to lure the Suspect out of hiding, it is no longer the case with this provision.

Prohibition of Inhumane Treatment

The ACJA in [Section 8 and 9 of ACJA](#) prohibits Torture, Cruel, Inhumane or Degrading Treatment of Suspects, and specified that searches of a Suspect must be done by a Person of same sex as the Suspect as seen. More dignifying now is the use of the term 'Defendant' for Individuals standing Trial and no longer the term 'Accused'. The Act in [Section 8 \(2\)](#) frowns at the Arrest of a Suspect merely on a Civil Wrong or Breach of Contract, and has prohibited any such Arrests not having a Criminal Connotation, (like in the Case of Commercial Transactions or Land Disputes) by Persons with Authority.

Inventories

[Section 10 of the ACJA](#) makes it mandatory that a Police Officer at the point of Arrest or to whom a Private Individual has handed a Suspect to, shall Record the entire Information of the Arrested Person, as well as enter an Inventories of all Items or Properties recovered from the Suspect. After entering the details in the Inventory, a Copy of the Inventory shall be made available to Suspect's Lawyer or to whomever the Suspect directs.

By this Provision, it will be difficult for anyone to deny the receipt of an Items obtained at the point of Arrest, or the content entered in the Inventory. This will prevent the springing up of surprises, or the possibility of a flip in the narrative of what was found or recovered from a Suspect at the time of an Arrest. The Act further stipulated the Time for the recording of the Suspect's Details, which must not exceed Forty-Eight (48) hours.

Statement Recording

Still on Arrests, another laudable departure from the repealed Criminal Procedure Act is **Section 15 of the ACJA**, which injected International Criminal best practice of recording unique Descriptive Details of a Suspect, such as Height, Photograph Features, Finger Print Impression and other means of Identification. The Act specified the Time of Statement Taking to be concluded within a reasonable time from the Arrest, and not exceed Forty-Eight (48) hours.

In the **ACJL (Rivers State)**, particularly at **Section 15 (2)**, the proscribed Period for Statement was not to exceed Twenty-Four (24) hours. This is a good start, as this will enable the Police and Court in the future to determine which Suspect or Defendant is a First Time Offender.

Video Recording of Confessional Statement

Where a Suspect who is arrested with or without a Warrant volunteers to **make a Confessional Statement**, the Police Officer shall ensure that the Making and Taking of the Statement shall be in writing and may be recorded electronically on a Retrievable Video Compact Disc or such other Audio Visual means. It imperative to clarify that the Provision of **Section 15**

(4) of the ACJA did not make it mandatory to record a Confessional Statement electronically on a Retrievable Disc, because it stated ‘may’.

Conversely, Section 9 (3) of the ACJL (Lagos State) and Section 17 (3)(b) of the ACJL (Rivers State) respectively, made it Mandatory to record a Confessional Statement electronically in the presence of a Legal Practitioner of the Suspect’s choice.

This automatically will remove any Objection which could be raised in regard to the Voluntariness of the Defendant’s Confessional Statement, and a call for a Trial within Trial. However, this Provision is not in regard to a Partial or Outright Denial of a Statement, which would amount to a Complete or Partial Retraction.

The difference between Section 15 and Section 17 of the ACJA, is that Section 15 has to do with taking of a Confessional Statement, whilst Section 17 is in regard to the taking of Regular or General Statement, which may not be Confessional.

The Act, by the Provision of Section 17 of the ACJA has taken away any Undue Influence by the Police during the making of a Statement. It has become mandatory for a Statement to be made in the presence of a Legal Practitioner, or an Officer of the Legal Aid Council of Nigeria, or an Official of a Civil Society Organization, or a Justice of Peace, or any other Person of the Suspect’s choice. So long as the Person does not interfere while the Statement is being taken. By this, the Person making a Statement at the Police Station shall now make a Statement confidently, without any fear or favor.

It is further stipulated that a Copy of the Electronically Recorded Statement shall be given to the Maker, whilst the Original shall be signed and sealed in the presence of the Maker. Similarly, the Act under this same Section makes provision for an Interpreter where the Maker doesn't understand or is not fluent in the English language.

There has been a major discourse as to whether **Sections 15(2) and 17(3) of the ACJA and Section 9(3) of the ACJL (Lagos State)** is compulsory or optional. The Court of Appeal in the Cases of **AKAEZE CHARLES VS F.R.N (2018) LPELR-43922(CA)**, **NWAKAUCHE JERRY NNAJIOFOR VS F.R.N (2018) LPELR-43925 (CA)** has laid to rest the contentions, where it was held that based on the intention of the Legislators, the above Sections were made mandatory. However, in the Case of **STEVE EMEKA IKE VS STATE OF LAGOS (2019) LPELR-47712 (CA)**, it was held that these Sections will only become mandatory where an Objection as to the Voluntariness of the Statement has been raised. The import of this Case is that where the Defendant fails to raise any Objection, this Sections will not apply.

Search

In the past, precisely under **Section 111 of the Criminal Procedure Act**, on the Execution of a Search Warrants were restricted to time. Where it exceeds, an authorization maybe included in the Warrant endorsed by a Magistrate. However, in the **ACJA, Section 148** now provides that a Search Warrant maybe issued and executed at any day and at any time.

Central Criminal Record Registry

The Nigerian Police Force

Another remarkable change is the Central Criminal Record Registry under **Section 16 of the ACJA**, and the Criminal Record Registry of the Respective States, which shall keep and transmit Records to the Central Criminal Record Registry. This Records shall contain the Details of Suspects; their Names, Photographs, Addresses and Description.

This is a welcome innovation for the Police and the Courts. It will aid the Police to track down recalcitrant Suspects, Defendants and Convicts whenever they are involved in future Crimes or Offences. It will also enable the Court in decision making when determining First Time Offenders.

The Chief Registrar of Courts

Based on **Section 16**, the Chief Registrar is obligated to transmit all Decisions of Court to the Central Criminal Records Registry within Thirty (30) Days, after the delivery of Judgment. On the contrary, the **ACJL (Rivers State)** stipulated that the Records be transmitted within Two (2) Weeks after the Verdict/Sentence.

The Attorney General of Federation

Section 29 of the ACJA made provision for establishment of an Electronic and Manual Database of all Records of Arrest at the Federal and State Level. The Inspector General of Police and all other Enforcement Agencies authorized to make Arrests shall remit to the Attorney General of Federation Records of Arrests made with or without a Warrant of Arrest, in relation to Federal Offences within Nigeria.

No Lay Prosecutors

The ACJA in **Section 106** has ended the Prosecution of Cases by Lay Prosecutors in all Courts. This has nullified the Provision of the Police Act, which empowered Non-Legal Police Officers to prosecute Criminal Cases before the Court. Now, the Prosecution of all Criminal Cases shall be undertaken by Attorney General or a Law Officer in the Ministry of Justice or Department, or a Legal Practitioner authorized by the Attorney General or a Legal Practitioner authorized by the Act of the National Assembly.

Inspection of Detention Centre

Further, **Section 34 of the ACJA** has empowered the Chief Magistrate or Magistrate designated by the Chief Judge to inspect the Police Station or other Places of Detention within their jurisdiction to inspect Records of Arrest, and direct for Arraignment or grant Bail, where the Police has failed to grant Bail to a Suspect.

Similarly, also, the High Court is empowered to visit the Federal Government Agencies having the authority to arrest, and this will curb Undue Detention of Suspects and also reduce the number of Detainees at Detention Centers who have been denied access to Court for Trial or Bail.

More so, **Section 33 of the ACJA** made provision for the Police to report all Cases of Arrested Persons without a Warrant to the Magistrate on the Last Day of Every Month, and the Magistrate shall in turn report same to the Criminal Justice Monitoring Committee.

Decongestion of Criminal Court Cases and Prisons

Section 469-470 of the ACJA, established the Administration of Criminal Justice Monitoring Committee, who shall ensure that Criminal Matters are

speedily dealt with, decongest Criminal Court Cases and Prisons, and submit Quarterly Reports to the Chief Justice.

Trial

The Magistrate Court

The ACJA in **Section 110 (2) and (3)** now has mandated in the Magistrate Court, for the Prosecution to serve the Defendant with the Charge Sheet within Seven (7) Days of being filed in Court, or such time as the Court may allow and the Magistrate Court shall in turn commence with the Trial within Thirty (30) Days of filing.

Where Trial has commenced, it shall be concluded within a period of One Hundred and Eighty (180) Days, and where it is impracticable to do so, an Application should be made to the Chief Judge giving him Reasons why the Trial has not commenced or yet to be completed. This will obviously aid in speedy Trials at the Magistrate Courts, bearing in mind that now Criminal Cases have an Apportioned Time Limit.

The High Court of Justice

Where in the High Court, an Information is filed, it is to be assigned and commenced on time to avoid delay. **Section 382 of ACJA** stipulates that Cases are to be assigned by the Chief Judge to Courts within Fifteen (15) Working Days of Filing the Information and the Court shall notify the Defendant and witnesses within Ten (10) Working Days of the Assignment. For those in Custody, they shall be notified within Three (3) Days from the Date of Issuance.

In addition, the **ACJA in Section 122** has included the Service of Summons via a Courier Service, which shall be duly registered with the Chief Judge as a Service Agent of the Court.

Adjournments

Section 396 of the ACJA has provided for Adjournments to proceed on a Day-to-Day basis in Criminal Trials. Where it is impracticable, each Party shall be entitled to Five (5) Adjournments each, which shall not exceed an interval of Fourteen (14) Working Days, and where the Parties have each exhausted their Five (5) Adjournments, the interval of further Adjournments shall not exceed Seven (7) Days, inclusive of Weekends. The ACJA in order to discourage Frivolous Adjournment has also introduced Cost, which shall be awarded against a Defaulting Party, see particularly **Section 396(6) of the ACJA**.

Conversely, in **Section 403 of the ACJL (Rivers State)**, Parties are entitled to Three (3) Adjournments, with an interval of Fourteen (14) Working Days.

No Leave to Prefer a Charge

At the High Court, in the repealed **Criminal Procedure Code**, particularly at **Section 185**, the Leave of the Court was required to Prefer a Charge against an Accused Person, but under the Criminal Procedure Act there was no Provision for the Leave of the Court. Now, in the ACJA, a composite reading of **Section 109 and 379** excluded the provision for the Leave of Court, which can be inferred that it is no longer required to file an Information at the High Court.

No Stay of Proceedings

Another Provision of the ACJA that encourages Speedy Trials in Criminal Cases is the removal of Stay of Proceeding. This was a Major Cause for delays in Criminal Trials. **Section 306 of the ACJA** now provides that an Application for a Stay of Proceedings in respect of a Criminal Matter shall not be entertained. It is now mandatory that any Objections raised in a Criminal Trials regarding the Validity of a Charge or Information, and its Ruling shall be determined in the Judgment.

This will save the Court the time of going through the rigors of writing Rulings intermittently during Trials, as well protracted Appeals, which sometimes are delay tactics employed to lengthen the Criminal Trial.

Conclusion of Cases by Elevated Judges

Section 397 of the ACJA provides that Judges who have been elevated to the Court of Appeal can have the Dispensation to conclude Trials that were almost at the point of conclusion before elevation. This will encourage speedy Trials and will prevent Cases at Concluding Stages to begin de novo.

However, in the recent Case of **UDE JONES UDEOGU VS FRN & 2 ORS (2020) SC.622C/2019**, the Supreme Court has held that the Provision of **Section 397 of the ACJA** is in contravention of **Sections 250 (2) and 290 (1) of the 1999 Constitution**, which governs the Appointment of the Judges of the Federal High Court and the Justices of the Court of Appeal.

In a nutshell, this decision of the Supreme Court has stated that once a Judge ceases to be a Judge of the Lower Court, the Court is no longer properly constituted if the Judge who has been elevated returns to conduct Proceedings in the Lower Court where he has been elevated from.

Trial in Absentia

Section 352 of the ACJA equally provides for the Trial of a Defendant who is absent after Bail has been granted by the Court, where the Court can go on with the Trial if there is no good reason for his absence after Two (2) Adjournments or as the Court deems fit.

This will dispense with the old practice of where an absent defendant who has been granted Bail holds to the Court to ransom and halts or forestalls the Trial for a long time, as a result of his absence, pending his re-arrest. See also **Section 359 (4) of the ACJL (Rivers State)**

Electronic Recording of Proceeding

With the progression of Technological Advancement, **Section 364 (1) of the ACJA** has introduced a novelty in the method of Recording of Court Proceedings. It has now provided for the Verbatim Electronic Recording of Court Proceedings.

This will immensely be a relief to the Judicial Officers, who are burdened with the responsibility to record in long-hand lengthy Trials. It will also reduce the delay encountered in the length and time spent in preparing the Record of Proceedings, as well as making it available to Lawyers on time. For example, the Court of Appeal now Records Proceedings in both Visual and Audio Formats.

Front loading

The Act has given Front loading more Statutory backing in Criminal Cases as opposed to the practice of ‘releasing to the Defendant upon Request’. **Section 379(1) - (3) of the ACJA** made provision for Front Loading in

Criminal Cases and has stipulated that the Processes filed at the Registry of High Court by the Prosecution, as well as any other Document the Prosecution intends to use shall be made available to the Defence.

Deposition of a Witness Electronically

Section 362 of the ACJA permits the Deposition of Evidence by Witnesses where the Court shall grant Leave for the Evidence to be taken in Writing or Electronically. In this case, it could be Expert Evidence or Evidence which is not contentious and may not require Cross-Examination, or the Person is seriously ill. In this instance it is mandatory that the time and place the Evidence was taken be stated.

Bail

Section 32 (3) of the ACJA now permits an Oral Application for Bail and **Section 162 of the ACJA** has made Offences exceeding Three (3) Years bailable. However, the Burden of Proof will rest on the Prosecution to prove why the Court should not grant Bail.

It is the General Rule in an Application for Bail that the Burden of Proof rests on the Defence but in this Case it shifts to the Prosecution. Further, **Section 167 of the ACJA** now allows Women to stand as Sureties.

Bondsperson

Section 187 of the ACJA has introduced the Registration and Licensing of Corporate Bodies or Persons as Bondsperson within the jurisdiction of the Court. The Chief Judge of the Federal Capital Territory is now empowered to make Regulations guiding the Registration of such bodies. These Bondspersons are to act as Sureties by entering into recognizance for

Suspects. This is a practice that is very common in the United States of America (i.e. Bounty Hunters). Similar provisions were made in the ACJL of some States empowering the Chief Judge to regulate the Registration and Licensing of Corporate Bodies as Bondspersons, see **Section 138 (1) of the ACJL (Lagos State)**.

Legal Advice/Remand Time Limit;

The Practice of remanding Suspects in Custody for a long time by Courts without the Jurisdiction to try such Cases, pending the Legal Advice or the Arraignment by the Appropriate Court, has also been laid to rest by **Section 296 of the ACJA**. It provides that the Remand Order shall not exceed Fourteen (14) Days in the first instance, and if there is a good cause for the Extension of the Remand on the Return Date, the Court shall extend for another Period not exceeding Fourteen (14) Days. At the Expiration of the Extension, with the Trial having not commenced or the Charge not filed, the Court shall release the Suspect from Custody.

A similar Provision is available in **Section 303 of the ACJL (Rivers State)**, however, the Remand Period will be for Ten (10) Days with an Extension of another Ten (10) Days.

In **Section 134 of the ACJL (Anambra State)**, the Remand Period is for Sixty (60) Days with an Extension for another Thirty (30) Days and a subsequent Thirty (30) Days.

Protection of Witnesses/Victims

Section 232 of the ACJA provides for the Protection of the Identity of Witnesses in Sensitive Cases like Rape, Defilement, Incest, Unnatural or Indecent Offences, Indecent Assault, Terrorism, Financial Crimes and

Trafficking of Persons. Their Identities would be protected and not recorded in any Record of Proceedings, but initialed with Alphabets. The Court can receive their Evidence via Video Link, Masked or Screened, or via a Written Deposition. It stipulates that any contravention of this Provision or Disclosure of their Identities attracts a minimum Sentence of One (1) Year Imprisonment.

The **ACJL (Rivers State) in Section 239 (2)** went further to provide that the Judge shall make a ‘Non-Disclosure Order’ prohibiting the reporting of the Identity of the Witness or any Person concerned in such Sensitive Criminal Case in any Newspaper, whether Digital or Online, Social Media or Sound, whether Radio or Television.

Plea Bargain and Sentencing

Section 270 of the ACJA provides for Plea Bargain, which is new in our Criminal Justice System. Hence, it has been defined by the Black’s Law Dictionary 8th Edition at P. 1189 as a Negotiated Agreement between a Prosecutor and a Criminal Defendant who pleads Guilty to a Lesser Offence or to one or more Multiple Charges in exchange for some Concession by the Prosecutor, usually a Lenient Sentence or a Dismissal of the other Charges.

Section 270 of the ACJA sets out the Parties and their Duties in regard to a Plea Bargain, and it involves the Prosecution and the Defendant, who are Major Key Players in the Bargain.

This Section sets out Two Kinds of Plea Bargain; which are before the taking of the Plea and after Arraignment.

Under **Section 270 (2)**, before the Presentation of the Evidence of the Defence, the Prosecutor may enter into a Plea Bargain with the Defendant.

This has to be with the Consent of the Victim or his Representative, and done during or after the Presentation of the Evidence of the Prosecution. This Plea Bargain can only be entertained in the following circumstance; a) where the Evidence of the Prosecution is insufficient to prove the Offence charged beyond reasonable doubt; b) Where the Defence has agreed to return the Proceeds of the Crime, or make Restitution to the Victim or his Representative; or c) Where the Defendant, in a case of Conspiracy, has fully cooperated with the Investigation and Prosecution of the Crime by providing relevant information for the successful Prosecution of other Offenders.

Under **Section 270 (4)**, the second kind of Plea Bargain is entered before the Taking of the Plea. In this scenario an Agreement is entered into between the Prosecutor and the Defendant or his Legal Practitioner, which may include a) The Sentence recommended within the Appropriate Range of Punishment for the Offence or a Plea of Guilty by the Defendant to the Offence Charged, or a Lesser Offence of which he may, be convicted on the Charge; and b) an Appropriate Sentence to be imposed by the Court where the Defendant is convicted of the Offence to which he intends to plead Guilty.

Section 270 (18) of ACJA has provided that a Plea Bargain is only appealable on grounds of Fraud.

The Presiding Judge or Magistrate in **Section 270 (10) of the ACJA** shall ascertain whether the Defendant agrees to the Plea Bargain Agreement voluntarily without Undue Influence. A Plea Bargain is therefore not automatic, because the Discretion of whether or not to honour the Agreement lies entirely in the hands of the Court.

Sentencing hearing

After a Defendant has been found Guilty, the ACJA makes provision for a Sentence Hearing before sentencing. **Section 310 (1) of the ACJA** provides that where the finding is Guilty, the Convict shall where he has not previously called any Witness to Character, be asked whether he wishes to call any and after the Witness, if any, has been heard, he shall be asked whether he desires to make any Statement or Produce any necessary Evidence or Information in the mitigation of punishment in accordance with **Section 311 (3) of the ACJA**.

Under **Section 416 (2) (g)**, a new Sentencing Regulation was provided for, which requires an Inquiry into the Convict's Antecedents before Sentencing and refers to **Sections 311**, which in turn refers to **Sections 239 and 240**, where the Court after Conviction, shall take all necessary aggravating and mitigating Evidence or Information in respect of each Convict that may Guide the Court in deciding the nature and extent of Sentence to pass on the convict, in each particular Case, even though the Convicts were charged and tried together. The Court shall in pronouncing Sentence, take into consideration; the objectives of Sentencing, including the Principles of Reformation and Deterrence; the interest of the Victim, the Convict and the Community; the appropriateness of Non-Custodial Sentence or Treatment In lieu of Imprisonment; and previous Conviction of the Convict.

Non-Custodial Sentencing

Another shift from the old practice in our Criminal Justice System is the introduction of Non-Custodial Sentencing which will aid in the Decongestion of the Prison, Rehabilitation and Prevention of mixing hardened Criminal with Convicts of lesser Offences. The Act provided for

Compensation in place of a Prison Term, hence the Provision of **Section 454 (3) of the ACJA**, for the Payment of Damages or Compensation for the Loss suffered by a Person by reason of conduct or omission of the Defendant.

Suspended Sentence

In **Section 460 (1) - (2) of the ACJA** the Court can order a Sentence imposed on the Defendant to be **suspended** with or without a Condition or **Community Service**. A Defendant whose Offence involves the use of Arms or for an Offence which punishment exceeds imprisonment for the term of Three (3) Years shall not be sentenced to a Suspended Sentence or Community Service.

Section 461 of the ACJA provides for the establishment of a **Community Service Center** by the Chief Judges in every Division which shall be headed by a Registrar.

Section 468 of ACJA made provision for **Parole** wherein the Comptroller of Prisons might make report to Court recommending that a Prisoner be released as a result of good behavior or where a Convict has served One Third of his Prison term where he is imprisoned for a term not less than Fifteen (15) Years or sentenced to Life Imprisonment.

CHALLENGES ARISING FROM THE ADMINISTRATION OF CRIMINAL JUSTICE ACT/LAW

- Most of the States are yet to domesticate the Law, therefore there is a lack of uniformity in the Criminal Procedure across the Federation.

- The Institutions like Community Service Centers, Drug Rehabilitation Centers and Parole/Probation Unit are yet to come into existence.
- Plea Bargain can become a short-cut for Regular/Habitual Criminals, because they know they can access this provision and not face a full Trial by Plea Bargaining. It might end up defeating the cause of Justice and not serve as a deterrent.

Recommendations:

- For Courts with heavy Case Dockets, it is advised that the Legal Assistant have a good grasp of the Cases, in other to avoid them falling through the cracks of lengthy adjournments.
- Where there are 'lighter' cases, which can be easily dispensed with and there are 'heavy' cases, with lots of witnesses and complexity, the Legal Assistant should be able to assist the Court in the Cause List, and easily dispense with the lighter cases, as opposed to placing them with the lengthier case load.
- The Legal Researchers should be able to prepare Reports in Categories of Offences to be presented to the Judge, and the Judge in turn, will be able to utilize same to organize his/her Docket.
- The Legal Assistant has to be 21st Century IT compliant; set up Zoom Hearings especially now that the world is changing and people are clamoring for visual hearing, send emails, scan documents and also conduct electronic research.
- In other to keep up with the progress of each Case, Legal Researchers/Assistants are to keep a summary of the Hearing or an update of each Case in the Case File, which will be updated at the end

of each days hearing. This will assist with the easy compilation of concluded cases and enable the transmission of cases to the criminal record registry.

- The legal assistant should also be abreast with the recent court decisions on the ACJA.
- Legal Researchers in their respective Courts have the responsibility to ensure that the transmissions of the Judgment of all Criminal Trials in their Courts are transmitted on time to the Chief Registrar's Office, for onward transmission to the Police Criminal Record Registry.
- In Criminal Case Management, for a Legal Assistant it is essential that they know the amount of Criminal Cases pending before the Court and their respective stages.
- Record must be backed up in safe IT system for easy retrieval. The legal assistants must be abreast with recent ICT solutions to aid speedy recording, reproduction, storage and future use of the information of the court.

Thank you for your attention.

ABBREVIATIONS;

ACJA- ADMINISTRATION OF CRIMINAL JUSTICE ACT 2015

**ACJL - ANAMBRA STATE ADMINISTRATION OF CRIMINAL
JUSTICE LAW 2010**

**ACJL – LAGOS STATE ADMINISTRATION OF CRIMINAL
JUSTICE LAW LAGOS STATE 2015**

**ACJL- RIVERS STATE ADMINISTRATION OF CRIMINAL
JUSTICE LAW NO. 7 2015**