

# Addressing the Delay in Criminal Justice Administration Processes through Information and Communication Technology: The Role of Government

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## ABSTRACT

A wealth of literature on Criminal Justice System (CJS) in Nigeria is available. However, most of these studies examine the degrading condition of the criminal justice system in Nigeria. Moving beyond the conventional focus and analysis of the criminal justice system in the country, the present study looks at integrating digitization approach in Ebonyi State criminal justice system, Nigeria. The study found that the major cause of prison congestion in Ebonyi State is the staggering number of inmates awaiting trial, who languish in inhuman conditions for years without trial. The theoretical framework for the study was system theory of Ludwig Von Bertalanffy and data were documentarily sourced through newspaper publications, textbooks, government publications and internet materials. The study therefore recommends the need to introduce digitization approach in the system and review the entire criminal justice system, particularly during investigation of crime by the police and the prosecuting machinery because awaiting trial persons are increasing while conviction rates are declining at a very rapid pace. Also, the criminal justice system in the State can introduce initiatives such as allowing accused persons to plea online and pay a fine rather than going to court.

**Keywords:** Awaiting trial inmates, Criminal justice system, Digitization, Innocent, Jailed.

## I. INTRODUCTION

The demand for justice particularly for the victims of awaiting trial has been in existence from time immemorial. Sadly, quick dispensation of

justice in Nigeria looks like a cul-de-sac. Annoyingly, despite the presumption of being innocent of committing an offence until the contrary is established, awaiting trial inmates languish in inhuman conditions for many years without trial. This presumption of innocence is deeply ingrained into the organon of section 36(5) of the 1999 constitution, which is the fons et culmen tortious vitae legis (the fountain head and source of life) of all laws in Nigeria. Also, a heavy burden is placed on the prosecution to prove the commission of the offence beyond reasonable doubt by establishing the essential elements of the offence(s) to the satisfaction of the court (Ajah, 2018; Asogwa, Ajah, Okpa, Ugwu, Nnamani & Okorie, 2023).

Ironically, large scale dissatisfaction with the operation of the criminal justice system in Nigeria continues to dominate the system. The police, the court and the prison continue to generate wide ranging criticisms. It is in the light of the above that Alemika and Alemika (2005) rightly observed that criminal justice system in Nigeria is disjointed, and this has resulted in minimal concerns for the human rights of the awaiting suspects. Although, the law provides that suspects have to be brought before a magistrate or a justice of the peace within twenty-four hours of arrest, the duo argue that the police were not complying with these provisions as they often kept suspects for longer periods, claiming the need to complete investigations. In contrast to other countries, where the arrest of a suspect is the culmination of an investigation, this is seldom true of Nigeria (Ezeanya, Ajah, Okpa, Chinweze, Onyejebu,

Enweonwu &Obiwulu, 2023; Alemika&Alemika, 2005). Accordingly, Ukwayi and Okpa (2017) observed that this delay in the Nigerian criminal justice system is largely responsible for the problem of awaiting trial inmates, which results to prisons congestion. Contrary to good judicial practice, most of these awaiting trial inmates have been on trial longer than necessary and this constitutes abuse of human rights. This could be very frustrating and capable of eliciting violent behaviour from the affected inmates.

In Ebonyi State, it is shocking and sad to observe that the major cause of prison congestion is the staggering number of inmates awaiting trial. When a greater percentage of inmates awaiting trial are in prison, it is an indication to the fact that the criminal justice system in the State is not living up to expectations. Also, asAdegbami and Uche (2015) rightly observed, awaiting trial inmates witness dehumanization in prisons due to delays in their trials.

#### **Awaiting-trials Status in Nigeria**

Accordingly, Duru (2017) rightly reported that out of a total of 69,200 inmates currently in prisons, 47,817 (69%) are awaiting trial. What is even more worrying is that many awaiting trial inmates have stayed on longer than convicts and far longer than they would have stayed in prison, if they had been convicted. In the same vein, Ibe (2016) observed that out of 57,121 prisoners reported on the website of Nigeria's Prisons Service, 38,842 (68%) await uncertain trial. In addition, the total number of prisoners represents 13.9% more occupants than the installed capacity of 240 prisons in existence.

In support of the above grim picture, Ajah and Nweke (2017) lamented that in many Nigerian prisons, inmates sleep two to a bed or on the floor in filthy cells. Toilets are often blocked and overflowing or simply non-existent, and most often, there is no running water. As a result, communicable diseases are widespread. Duru (2017) further recognized that "the prisons are overstretched and overcrowded with many holding thrice their designated capacities. They have also become breeding grounds for diseases and criminality, with huge consequences on prison inmates, their families and society. In addition, there are either too little or no rehabilitation programs available in the prisons" (Duru, 2017:21).

Accordingly, Omale (2013) observed that over 80% of urban prisons are congested, with awaiting trial inmates. Indeed, Adebisi and Oyewo (2015) noted that the criminal justice system was

so backlogged that a good number of the country's prison population consisted of awaiting trial inmates rather than convicts. There are several reasons for the high rate of 'awaiting trial inmates' in Nigeria. Poor policing practices, including; arrest before investigations and excessive resort to torture, poor prosecutorial practices; including excessive delays in providing legal advice, delays in pre-trial proceedings and the use of a holding charge to detain suspects. These factors contribute to increases in the number of awaiting trial inmates, as well as the duration of awaiting trial detention. In the words of Ladapo (n.d), 17.1% of prison inmates in Nigeria were awaiting trial because investigations into the allegations leveled against them were yet to be completed, 3.7% were incarcerated perpetually by default because their investigation case files could not be found, while, 7.8% of the inmates have their trials stalled because of the absence in court, of police investigators and other witnesses whose attendance is the duty of the investigators to procure.

Similarly, Awopetu (2014) observed that Nigerian prisons are housing 49,000 inmates in two hundred and thirty-four prisons out of which 20% are convicts, while, the rest are awaiting trial inmates. It is troublesome that despite the provisions of the Administration of Criminal Justice Act (2015), courts have failed to speed up the trial of suspects, thereby, congesting the prisons and keeping suspects without trials for a long period. It is in this light, that Solomon, Nwankwoala and Ushi (2014) lamented that "Nigeria is confronted with a tragic situation bordering on human rights violation, caused by the slow judicial process in the country" (2014:152).

#### **Patterns of Administering Justice in Nigeria**

The process of determining whether the accused or defendant committed the act or omission alleged against him depends on sentencing him for his offense. In some legislation, the word sentence and judgment are used interchangeably (Opara, 2014). Accordingly, sections 34(1) and 36(5) of 1999 constitution, as amended in 2011, is predicated on the premises that the accused person's dignity must be recognized and respected. Also, the accused is considered innocent until proven guilty by a court of competent jurisdiction.

Consequently, the provisions of section 296 of the Administration Criminal Justice Act (ACJA) (2015) stipulates that an order of remand shall not exceed a period of fourteen (14) days in the first instance which may be extended for a period not exceeding fourteen days. Upon the

expiration of the 14 days extension, the court may, on application of the suspect, grant bail in accordance with section 158 to 188 of the Act. Also, at the expiration of the further order and where the suspect is still on remand, the court can “suomoto” issue a hearing notice to the Inspector General of Police, Commissioner of Police and/ or Attorney-General of the Federation, or any other authority in whose custody the suspect is remanded, to show cause why the suspect should not be unconditionally released. The suspect is further remanded for another period not exceeding 14 days. Where a good cause is shown, the court may extend the remand for a final period not exceeding 14 days for the suspect to be arraigned at the appropriate court. However, where a good cause is not shown for the continued remand, the court shall with or without an application discharge the suspect and he shall be released immediately from custody. No further remand application shall be entertained by any court after the above proceedings (or procedures) have been followed (ACJA, 2015).

Ironically, despite the above provisions by the ACJA, awaiting trial inmates languish in inhuman conditions for many years without trial. It is not surprising that components on Nigeria’s criminal justice team have persistently tackled themselves rather than crime, scored policy own-goals and persistently misaligned and engaged in institutional turf fight rather than cooperate.

## II. THEORETICAL FRAMEWORK

The theoretical framework for this study is the systems theory of Ludwig Von Bertalanffy. This theory is an interdisciplinary approach that was based on the principles from biology, physics and engineering but later extended to numerous fields including sociology and philosophy. This theory views the society as a cohesive conglomeration of interdependent and interrelated parts which could be natural or man-made. In the words of Beven (2006), every system is delineated by its spatial and temporal boundaries, surrounded and influenced by its environment, described by its structure and purpose or nature and expressed in its functioning. In terms of its effects, a system can be more than the sum of its parts if it expresses synergy or emergent behavior. Changing one part of the system usually affects other parts and the whole system, with predictable patterns of behavior. For systems that are self-learning and self-adapting, the positive growth and adaptation depend upon how well the system is adjusted with its environment. Some systems function mainly to support other systems by aiding in the maintenance

of the other systems to prevent failure (Okpa, Ajah, Eze&Enweonwu, 2022).

In this context, it is the duty of the state to make sure that laws are enacted to protect the welfare and interest of its citizens. The state regulates the criminal justice institutions to restore sanity to the society. Indeed, the state ensures the efficient management of criminal justice agencies and makes sure justice is dispersed without fear or favour. It is in line with the aforementioned that the Criminal Justice Act 2015 was enacted for smooth running of the Nigerian society. However, despite the intentions for enacting the Criminal Justice Act 2015, quick justice delivery remains in an obvious cul-de-sac in Ebonyi State. The criminal justice institutions in the State have become the instrument of exploitation and subjugation of the weak and poor masses. The high rate of awaiting trial inmates underscores the above assertion. No wonder Orakwe (2008) observed that the delay in justice delivery and long stay of the inmates in prisons is an indication of an ineffective and inefficient criminal justice system, which dehumanizes suspects and convicts.

### Digitization and the criminal justice system in Ebonyi State

In a bid to ensure speedy dispensation of justice and provide succor to the trauma and nightmare faced by awaiting trial inmates, there is need for the digitization of the criminal justice system in Ebonyi State, Nigeria. This means a move from paper-based practices in the system to one in which all information is recorded and transmitted digitally. Accordingly, it means the realignment of and new investment in technology, innovation and practices to more effectively execute the mission of the criminal justice system. It implies the process by which information is converted into digital format. Hence, encouraging extensive use of technology by criminal justice administrators in order to do their day to day activities.

In the words of Ismail (2017), “digitization provides the opportunity to re-build the processes of the justice system around the citizen. Pilot initiatives such as the digital case file and online plea submissions have begun to prove the concept in practice, showing how digitization can increase access to justice whilst reducing costs, streamlining processes and improving quality. Also, digitization offers significant opportunities to radically improve services, while, increasing cost-efficiency and transparency. This, in turn, will deliver improved outcomes for victims, witnesses, defendants and offenders.”

Digitization ensures proper functioning of the criminal justice system and provides an enabling environment in terms of responding to crimes and facilitate expeditious hearing and trial of criminal cases. While, making reference to law enforcement, Andrews (2017) observed that digitization moves law enforcement away from stand-alone and stove-pipe solutions and toward a unified enterprise public safety approach that can join employees, processes, data and devices via digital tools to empower them with new capabilities and increased operational efficiencies.

Indeed, digitization of the criminal justice system would remove bottlenecks associated with the adjudication of criminal matters and encourage clampdown on lawyers who deploy delay tactics in criminal matters before them. To prevent the instances where cases pending in courts are stagnated and unduly delayed, digitization of the criminal justice system would free-up judges from other responsibilities in view of the fact that most judges are overloaded with different cases. Clearly, digitization of the criminal justice system will transform the future of justice delivery and public safety when effectively deployed. Finally, it is high time that the state should endeavor to take steps in this respect.

### III. METHODOLOGY

Since the study focus is not well known and literatures for the study are available, the study adopted documentary research method. Documentary research according to Ugwuoke, Ameh and Ogbonna (2017) is the use of documents to support the view point or argument of an academic work. In this research method, data is collected through reading existing documents such as: newspapers, textbooks, government publications, internet materials and pictorials of sources, among others. Similarly, documentary research is one of the three major types of social research and arguably has been the most widely used of the three throughout the history of sociology and other social sciences (Ajah, Ajah, Ajah, Onwe, Ozumba, Iyoke&Nwankwo, 2022; Ugwuoke, Ameh&Ogbonna, 2017).

### IV. CONCLUSION

It is an indisputable fact that administration of criminal justice in Ebonyi State and our country in general is deteriorating daily and citizens are losing faith in the entire system. Apparently, the present approach in criminal justice administration in Ebonyi State has failed and the percentage of convictions show a deteriorating feature (or failure) because of the loopholes of the

system. This fact also encourages corruption in the system and discourages the people's confidence in the criminal justice system.

Against the aforementioned, there is an urgent need to introduce digitization approach in the system and review the entire criminal justice system, particularly, during the investigation of crime by the police and the prosecuting machinery because awaiting trial persons are increasing, while, the conviction rates are declining at a very rapid pace. Also, there is need to start monitoring criminal prosecution by independent monitoring bodies that are of vital importance. And, if such independent monitoring revealed irregularities in the work of the prosecution, then the system must allow for the review, and possible changes, of prosecutorial decisions. Finally, initiatives such as allowing accused persons to plea online and pay a fine rather than going to court might indeed lead to swifter processing of criminal matters and reduce the alarming number of awaiting trial cases in Ebonyi State, Nigeria.

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