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IMPLEMENTATION RESPONSIBILITIES OF PUBLIC OFFICERS UNDER THE ADMINISTRATION OF CRIMINAL JUSTICE ACT, 2015

S/N	AGENCY/OFFICE	RESPONSIBILITIES	SECTION	REMARKS
1	ATTORNEY GENERAL OF THE FEDERATION	<ol style="list-style-type: none"> 1. Receive from the IGP quarterly a record of all arrests made with or without warrant in relation to federal offences in Nigeria. 2. Establish an electronic and manual database of all records of arrests at the Federal and State level. 3. Receive reports and advice from the Criminal Justice Monitoring Committee as to the trends of arrests, bail and related matters. 4. Make available to the National Human Rights Commission, the Legal Aid Council of Nigeria or a Non-Governmental Organization report of particulars of suspects arrested. 5. Prefer information in any court in respect of an offence created by an Act of the National Assembly or authorize another person to exercise all the powers conferred on him. 6. Issue legal advice or directive to the Police or any law enforcement agency in respect of any offence created by the Act of the National Assembly. 7. The AGF or a Law Officer in his Ministry or Department or a legal practitioner authorized by him or under this Act shall prosecute all offences under this Act. 	<p>Sec 29(1)</p> <p>Sec 29(5)</p> <p>Sec 33(3)</p> <p>Sec 33(4)</p> <p>Sec 104</p> <p>Sec 105</p> <p>Sec 106</p>	<p>Time bound-quarterly</p> <p>No timeline provided</p> <p>Law does not specify how often</p> <p>No timeline provided</p>

		8. Discontinue criminal proceedings against a suspect either by stating in court or informing the court in writing of his intention.	Sec 107	This is line with power under Sec 174(1)(c) 1999 Constitution.
		9. Request the Court to cancel the bail of a defendant or require increased bail sum where necessary.	Sec 169	Solely based on AG's opinion. Too open ended
		10. The AGF shall in all cases copy his legal advice to the Court and the Court may act only on the copy of advice before it.	Sec 297(1)	
		11. On receipt of case files from the Police of cases where the Magistrate Court has no jurisdiction he shall issue and serve his legal advice indicating whether a case exists against the defendant within 14 days.	Sec 376	Time bound-14 days
		12. On receipt of an application for consent to prosecute submitted by a private legal practitioner give his reasons for declining to grant the application within 15 working days.	Sec 383(2)	Time bound- 15 working days
		13. Communicate the decision of the President where pardon or reprieve is granted a convict to the Judge who presided over a trial.	Sec 412	
		14. Member of the Administration of Criminal Justice Monitoring Committee.	Sec 469(2)(b)	
		15. Appoint the Secretary for the Secretariat of the Administration of Criminal Justice Monitoring Committee.	Sec 471(2)	

POLICE GENERALLY	2. Remit quarterly to the AG of the State a record of all arrests made with or without warrant in relation to State offences or arrests within the State.	Sec 29(2)	Time bound-Every 3 months
	3. Ensure one or more armed policemen are posted to provide security during criminal trials.	Sec 93(3)	
	4. Receive from the Court Registrar two copies of certificate issued by the Judge where death sentence is pronounced on the convict. He shall retain one copy and hand over the other to the Superintendent or officer in charge of the prison where convict is confined.	Sec 408	No time limit
	1. Notify an arrested suspect of the cause of arrest and his rights including the right to free legal representation by the Legal Aid Council of Nigeria. Arrest of a person in place of a suspect is prohibited.	Sec 3-7	Procedure
	2. A suspect shall be treated humanely while in custody. Also the suspect shall be brought before the Court in the manner prescribed under this Act or any other written Law or otherwise released conditionally or unconditionally.	Sec 8	Procedure
	3. A suspect must be searched decently and by an officer of same sex unless the urgency of the situation makes it impracticable.	Sec 9	Procedure
	4. Record inventory of the property of the arrested suspect which must be duly signed by the officer and suspect, and a copy given to the suspect or his	Sec 10	Procedure

		<p>legal practitioner. Failure of the suspect to sign does not invalidate the inventory.</p> <p>5. Request a qualified medical practitioner or certified professional to carry out examination of a suspect where there are reasonable grounds to believe a suspect needs to be examined to ascertain certain facts or disclose some evidence.</p> <p>6. A Suspect arrested with or without warrant must be taken immediately to a police station and promptly informed of the allegation against him in the language he understands, given reasonable facilities to obtain legal advice and access to post bail or make arrangements for his defence or release.</p> <p>7. The process of recording a suspect's confessional statement shall be concluded within a reasonable time of arrest not exceeding 48 hours in the prescribed form.</p> <p>8. A suspect's statement is to be taken in the presence of a Legal Practitioner of his choice or an officer of the Legal Aid Council or official of a Civil Society Organization or Justice of the Peace or any person of his choice.</p> <p>9. Keep a Register of arrests in the prescribed form at every police station and every arrest entered accordingly by the Officer in charge as soon as suspect is brought to the Station.</p> <p>10. May release on bail a suspect arrested without warrant for an offence not punishable with death where it is not practicable to bring the suspect</p>	<p>Sec 11</p> <p>Sec 14</p> <p>Sec 15</p> <p>Sec 17</p> <p>Sec 29(4)</p> <p>Sec 30(1)</p>	<p>Procedure</p> <p>In line with Sec 35(2)&(3) 1999 Constitution</p> <p>Time bound- 48 hours</p> <p>Procedure</p> <p>Procedure</p> <p>In line with Sec 35 1999 Constitution- provision on bail</p>
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		<p>before a court having jurisdiction within 24 hours.</p> <p>11. Where the suspect is arrested for a capital offence, he shall be detained in custody and the police officer may refer the matter to the AGF for legal advice and cause the suspect to be taken to court within a reasonable time.</p> <p>12. Submit monthly reports of all suspects arrested without warrants whether or not they have been admitted to bail to the nearest Magistrate.</p> <p>13. Criminal charge shall be filed and tried in the division where the alleged offence was committed unless it can be shown that is convenient to do otherwise for security reasons.</p> <p>14. A complaint whether given in writing or orally shall be entered into the Police Diary and read to the complainant.</p> <p>15. A suspect arrested for an offence which a Magistrate Court has no jurisdiction to try shall within a reasonable time be brought before a Magistrate Court for remand in the prescribed format.</p> <p>16. After investigation, where the Magistrate Court has no jurisdiction to try an offence against a suspect, the police shall submit the original case file to the AGF's office.</p>	<p>Sec 30(3)</p> <p>Sec 33(1)</p> <p>Sec 93(2)</p> <p>Sec 112</p> <p>Sec 293</p> <p>Sec 376(1)</p>	<p>Reasonable time</p> <p>Time bound-30 days</p> <p>Procedure</p> <p>Procedure</p> <p>Reasonable time</p> <p>Procedure</p>
3	LEGAL AID COUNCIL	<p>1. Provide free legal representation for a suspect where applicable.</p> <p>2. Request report of particulars of suspects arrested from the AGF.</p>	<p>Sec 6(c)</p> <p>Sec 33(4)</p>	

		3. Director-General of Legal Aid Council shall be a Member of the Administration of Criminal Justice Monitoring Committee	Sec 469(2)(h)	
4	JUDICIARY CHIEF JUDGE	<p>1. Designate a Magistrate or Chief Magistrate to inspect police stations or detention centers to inspect record of arrests.</p> <p>2. Transfer a case from one court to another in the interest of public peace or where it will promote the ends of justice.</p> <p>3. Where decision to transfer is as a result of a petition, set up an independent body of not more than 3 reputable lawyers to investigate within one week of receipt of petition and submit a report within 2 weeks.</p> <p>4. Receive quarterly returns of all cases, charges, remands and all other proceedings from Courts with criminal jurisdiction</p> <p>5. Review the quarterly returns from courts with the need to ensure court congestion is reduced, congestion of prisons is reduced and cases are dealt with speedily.</p> <p>6. The Chief Judge FHC, Chief Judge FCT and Chief</p>	<p>Sec 34</p> <p>Sec 98(1)</p> <p>Sec 98(3) &(4)</p> <p>Sec 110(5)</p> <p>Sec 110(6)</p> <p>Sec 111</p>	<p>CJ to provide administrative oversight and ensure monthly visits</p> <p>Time bound- 1 week/ 2 weeks</p> <p>Time bound- Every 3 months</p> <p>Time bound- Every 3 months. Publication of findings is important.</p> <p>Time bound-Every 3 months</p>

		Judge of a State shall receive every 90 days from the Comptroller-General of Prisons returns of all persons awaiting trial held in Nigeria prisons beyond 180 days from date of arraignment		
		7. Chief Judge of the FCT shall be the Chairman of the Administration of Criminal Justice Monitoring Committee.	Sec 469(2)(a)	
		8. May make regulations for the licensing of corporate bodies to act as bondspersons within the Court jurisdiction and may withdraw registration of licensed bondsperson for contravention of terms of licence.	Sec 187	No timeline
		9. Assign Process Servers to Courts with criminal jurisdiction with the responsibility of effecting efficient service of Court processes. Reputable courier companies may also be assigned as Process servers.	Sec 241	
		10. May authorize registered reputable courier companies to serve court processes.	Sec 242(4)	
		11. Assign a matter to a Court for trial within 15 working days of its filing.	Sec 382(1)	Time bound-15 days
		12. Chief Judge of the Federal High Court or of the High Court of the FCT shall jointly review periodically with the President of the National Industrial Court provisions on fines, compensations or other sums prescribed under this Act.	Sec 423	
		13. Establish in every judicial division a Community	Sec 461	No timeline

	<p>PRESIDENT OF THE NATIONAL INDUSTRIAL COURT</p>	<p>Service Centre headed by a Registrar responsible for overseeing the execution of community service orders made in that Division.</p> <ol style="list-style-type: none"> 1. Jointly review periodically with the Chief Judge of the Federal High Court or of the High Court of the FCT provisions on fines, compensations or other sums prescribed under this Act. 2. Receive every 90 days from the Comptroller-General of Prisons returns of all persons awaiting trial held in Nigeria prisons beyond 180 days from date of arraignment 	<p>Sec 423</p> <p>Sec 111</p>	<p>Periodic review</p> <p>Time bound-Every 3 months</p>
	<p>JUDGE</p>	<ol style="list-style-type: none"> 1. Arrest by himself or order the arrest of a suspect within the division in which he or she sits. 2. Submit quarterly returns of all cases, charges, remands and all other criminal proceedings in his court to the Chief Judge. 3. In a proceeding, receive evidence by video link, permit victim or witness to be screened or masked where it is necessary to protect the victim or witness' identity. 4. May in his discretion order the payment of a reasonable sum by the Registrar of the Court to cover a witness' expenses from the relevant vote appropriated by the Judiciary. 	<p>Sec 24-25</p> <p>Sec 110(5)</p> <p>Sec 232(3)(a)</p> <p>Sec 252-254</p>	<p>Time bound-Every 3 months</p>

MAGISTRATE		5. Where necessary, order medical examination of the defendant's mental state during trial.	Sec 278		
		6. Court proceedings may be recorded electronically and verbatim with a transcript of recordings printed and authenticated by presiding Judge.	Sec 364(1)		
		7. Within 10 days issue notice of trial to the defendants and witnesses and a production warrant in respect of defendant in custody.	Sec 382(2)		Time bound-10 days
		8. May make recommendation to the Minister of Interior that a defendant convicted of an offence punishable by imprisonment without option of fine should in addition be deported in the interest of peace and order.	Sec 440		Sec 20 Immigration Act
		9. A Judge of the Federal High Court shall be a member of the Administration of Criminal Justice Monitoring Committee.	Sec 469(2)(c)		Nominated by the Chief Judge Federal High Court
		1. Arrest by himself or order the arrest of a suspect within the division in which he or she sits.	Sec 24-25		
		2. Order the production of a suspect detained for a non-capital offence who is not released on bail after 24 hours and after inquiry where necessary admit the suspect to bail.	Sec 32		Sec 35 1999 Constitution-provision on bail.
		3. Receive monthly reports of all suspects arrested without warrants whether or not they have been admitted to bail from the Police or Agency authorized to make arrests and forward same to the Administration of Criminal Justice Monitoring	Sec 33(1)		Time bound-1 month

		Committee.		
		4. Forward a report to the Chief Judge of the State and the AG State for appropriate remedial action where monthly report is not submitted.	Sec 33(5)	Redundant provision because FCT Magistrate to which ACJA 2015 applies have no jurisdiction beyond FCT
		5. Inspect police stations or detention centers other than prisons at least every month to inspect records of arrest, direct arraignment of a suspect and grant bail where appropriate.	Sec 34	Applicable only in FCT
		6. Submit quarterly returns of all cases, charges, remands and all other criminal proceedings in his court to the Chief Judge.	Sec 110(5)	Time bound-30 days
		7. Remand a suspect in custody where the Court is satisfied that there is probable cause to do so pending receipt of legal advice from the AGF and arraignment of the suspect.	Sec 294	
		8. Power to remand not more than 14 days in the first instance. Where good cause is shown for extension of the remand period, an order for further remand for not more than 14 days may be made after which on application by suspect, bail may be granted.	Sec 296(1)-(3)	
		9. Issue a hearing notice on the IGP, AGF, State/FCT Commissioner of Police or any authority in whose custody suspect is remanded at the expiration of the remand order where the suspect's trial has not commenced and adjourn the matter for not more	Sec 296(4)	

	<p>REGISTRAR</p> <p>CHIEF REGISTRAR</p>	<p>than 14 days inquiring as to the position of the case and to show cause why suspect should not be unconditionally released.</p> <p>10. Extend the remand of the suspect for a final period not exceeding 14 days where the IGP or AGF shows good cause why the suspect should not be unconditionally released.</p> <p>11. Court proceedings may be recorded electronically and verbatim with a transcript of recordings printed and authenticated by presiding Magistrate.</p> <p>12. Within 10 days issue notice of trial to the defendants and witnesses and a production warrant in respect of defendant in custody.</p> <p>13. May make recommendation to the Minister of Interior that a defendant convicted of an offence punishable by imprisonment without option of fine should in addition be deported in the interest of peace and order.</p> <p>1. Process and pay witnesses in a trial out of the relevant vote appropriated by the Judiciary on the order of the Judge.</p> <p>2. Within 14 days notify the defendant of the legal representation arranged for him where the defendant indicates he wishes to be represented by a Legal Practitioner of the Legal Aid Council.</p>	<p>Sec 296(5)</p> <p>Sec 364(1)</p> <p>Sec 382(2)</p> <p>Sec 440</p> <p>Sec 252-254</p> <p>Sec 376(10)</p>	<p>Time bound-10 days</p> <p>Sec 20-21 Immigration Act LFN 2004</p> <p>Time bound- 14 days</p>
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	REGISTRAR	<p>3. Forward the form completed by the defendant requesting legal representation from the Legal Aid Council to the DG of the Legal Aid Council or nearest Legal Aid Council to the Court.</p> <p>1. A Registrar shall head the Community Service Centre established by the Chief Judge with the responsibility of overseeing execution of Community Service orders.</p> <p>2. A Court Registrar shall hand two copies of the Certificate issued by the Judge that death sentence has been pronounced on the convict to the Commissioner of Police, transmit a copy to the Sheriff and file a copy of the certificate with record of court proceedings.</p>	<p>Sec 376(11)</p> <p>Sec 461(1)</p> <p>Sec 408(a)</p>	<p>No time limit</p> <p>Registrar to be appointed by the Chief Judge</p> <p>As soon as practicable</p>
5	<p>COMMITTEE ON PREROGATIVE OF MERCY</p> <p>ADMINISTRATION OF CRIMINAL JUSTICE MONITORING COMMITTEE</p>	<p>1. Consider the case of a convict sentenced to death who desires to have his case considered and make their report to the Council of State which shall advise the President.</p> <p>1. Power to consider all quarterly returns submitted to the Chief Judge for the purpose of ensuring cases are disposed of expeditiously.</p> <p>2. Committee members are; CJ of the FCT as Chairman, AGF, a Judge of the Federal High Court, IGP, Comptroller General of the Nigeria Prisons</p>	<p>Sec 409</p> <p>Sec 110(7)</p> <p>Sec 469</p>	

		<p>Service, Executive Secretary of the National Human Rights Commission, Director General Legal Aid Council, any NBA branch Chairman in the FCT to serve for two years and representative of the Civil Society working on human rights and access to justice or women's rights to serve for two years.</p>		
		<p>3. Ensure criminal matters are dealt with speedily, court decongestion, cordial relationship and maximum cooperation between organs responsible for administration of justice in Nigeria, collation, analysis and publication of information relating to administration of criminal justice sector and submission of quarterly report to the Chief Justice of Nigeria on developments towards improved criminal justice delivery and for necessary action.</p>	Sec 470(2)	
		<p>4. Establishment of a secretariat for the Committee headed by a Secretary appointed by the AGF on the Committee's recommendation.</p>	Sec 471(1)	
		<p>5. Recommend a Secretary to be appointed by the AGF to head the Committee's Secretariat.</p>	Sec 471(2)	
		<p>6. Establishment of a fund for the Committee into which the budgetary allocation to it would be paid through the AGF's office. Other monies provided to the Committee by way of grant, support or assistance by local or international organizations are to be paid into the fund.</p>	Sec 472(1)	
		<p>7. Annual report of the Committee's activities shall be prepared and published.</p>	Sec 474	

SECRETARY OF THE ACJ MONITORING COMMITTEE		8. Have right of access to all records of the organs in the administration of justice sector and may in writing request a person in charge of the organs to furnish the Committee with information within a stipulated time.	Sec 475	Time bound- Every 3 months
		9. Committee may make standing orders regulating its proceedings.	Sec 476(1)	
		10. Subject to the Committee's standing order, the Committee shall meet at least once a quarter and the quorum at the meeting shall consist of the Chairman or his representative and two other Committee members.	Sec 476(2) & (3)	
		1. The Secretary shall be appointed by the AGF on the recommendation of the Committee.	Sec 471(2)	
		2. Shall be a legal practitioner of not less than 10 years post call experience and possesses knowledge of practical functioning of the criminal justice system and experience in justice system administration.	Sec 471(3)	
		3. Execute the Committee's policy and responsible for day-to-day running of the Committee's affairs.	Sec 471(4)	
		4. Hold office for 4 years and subject to satisfactory performance; be re-appointed for another 4-year	Sec 471(5)	

		<p>term and no more.</p> <p>5. Shall be Accounting Officer controlling and disbursing monies from the fund established for the Committee.</p> <p>6. Submit to the AGF not later than 30th September of each year an estimate of the Committee's expenditure and income for next financial year</p> <p>7. Keep proper accounts and records for each financial year and have Committee's account audited not later than two months before end of each financial year.</p>	<p>Sec 472(2)</p> <p>Sec 473(1)</p> <p>Sec 473(2)</p>	<p>Time bound</p> <p>Time bound</p>
6	NATIONAL HUMAN RIGHTS COMMISSION	<p>1. The National Human Rights Commission shall have access to the quarterly returns of cases made to the Chief Judge on request to the Chief Judge.</p> <p>2. The Executive Secretary of the National Human Rights Commission shall be a member of the Administration of Criminal Justice Monitoring Committee.</p>	<p>Sec 110(7)</p> <p>Sec 469(2(f))</p>	
7	PRISONS	<p>1. The Controller-General of Prisons shall submit returns in the prescribed form every 90 days to the Chief Judge of the Federal High Court, Chief Judge of the FCT, President of the National Industrial Court, the Chief Judge of the State where the prison is situated and to the AGF of all persons awaiting trial held in custody in Nigeria for more than 180 days from date of arraignment.</p>	<p>Sec 111</p>	<p>Time bound- Every 3 months</p>

		<p>2. The Supervising officer of a female convict shall be female.</p> <p>3. The Comptroller General of Prisons may recommend a prisoner's release to the Court before completion of his sentence.</p> <p>4. A prisoner released on the Comptroller General's recommendation shall undergo a rehabilitation programme in a government facility which the Comptroller General shall make adequate arrangement and budgetary provision for.</p>	<p>Sec 466(5)</p> <p>Sec 468(1)</p> <p>Sec 468(2)</p>	
8	RESTITUTION	<p>1. In delivering its judgment the Court may award to a victim commensurate compensation by the defendant or any other person.</p> <p>2. The court may within the proceedings or while passing judgment order the defendant or convict to pay a sum of money as compensation to the victim.</p> <p>3. The court in addition to or in lieu of any other penalty may order the convict to make restitution or pay compensation to the victim of the crime.</p> <p>4. The court may order a person who wrongly causes the arrest and charge of a defendant or where the accusation is vexatious or frivolous to pay compensation to the defendant.</p> <p>5. A person to whom compensation is awarded may refuse the compensation but where he accepts or where the convict having been ordered to pay suffers imprisonment for non payment, the receipt of the compensation or imprisonment acts as a bar for further action for same injury.</p>	<p>Sec 314(1)</p> <p>Sec 319</p> <p>Sec 321</p> <p>Sec 323(1)</p> <p>Sec 324</p>	

		6. Compensation ordered to be paid in criminal proceeding may be enforced as if it were a fine	Sec 325	
		7. Recognizes restitution with the objective of compensating the victim or family of the victim of the offence.	Sec 401(g)	
9	FEDERAL GOVERNMENT	1. Establish a Rehabilitation and Correctional Centre where defendants convicted of an offence triable summarily may be sentenced and sent to in lieu of imprisonment.	Sec 467	Need to set up the Committee if it does not exist.
		2. Set up the Committee on Prerogative of Mercy	Sec 409(1)	
9	FACILITIES/STRUCTURES REQUIRED	1. Adequate communication facilities for Police to notify families of detained suspects	Sec 6	
		2. Retrievable video compact disc or any audio visual recording equipment in all courts	Sec 15(4)	
		3. Central Criminal Records Registry	Sec 16(1)	
		4. Criminal Records Registry in every State/FCT Police Command	Sec 16(2)	
		5. Register of arrests at all Police Stations	Sec 29(4)	
		6. Electronic and Manual database of all records of	Sec 29(5)	

		arrest at Federal and State level.		
		7. Police diaries to record oral complaints in all Police Stations.	Sec 112	
		8. IT facilities to aid taking of evidence via video link.	Sec 232	
		9. Voice recorders for recording court proceedings.	Sec 364(1)	
		10. Functional Community Service Centre in every Judicial Division	Sec 461	
		11. Rehabilitation and Correctional Centers.	Sec 467	
		12. Secretariat for the Administration of Criminal Justice Monitoring Committee	Sec 471(1)	