STANDARD OPERATING PROCEDURE ON COOPERATION AND COORDINATION BETWEEN THE NIGERIA POLICE FORCE, DEPARTMENT OF PUBLIC PROSECUTIONS MINISTRY OF JUSTICE KADUNA STATE, AND THE NIGERIAN CORRECTIONAL SERVICE FOR THE DILIGENT AND EXPEDITIOUS INVESTIGATION/PROSECUTION OF CASES IN KADUNA STATE.

By the
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STANDARD OPERATING PROCEDURE ON COOPERATION AND COORDINATION AMONG THE NIGERIA POLICE FORCE, DEPARTMENT OF PUBLIC PROSECUTION MINISTRY OF JUSTICE KADUNA STATE AND THE NIGERIAN CORRECTIONAL SERVICE FOR THE DILIGENT INVESTIGATION/PROSECUTION OF CRIMINAL CASES IN KADUNA STATE.

EXPLANATORY NOTE-
Other institutions and agencies with investigative and prosecutorial powers should adopt this Standard Operating Procedure as a working document for cooperation with key stakeholders in the administration of criminal justice in the state.

ABBREVIATIONS
ACJL- Kaduna State Administration of Criminal Justice Law, 2017
ACJMC – Administration of Criminal Justice Monitoring Committee
AG – Attorney – General of Kaduna State
CFRN – Constitution of the Federal Republic of Nigeria 1999 (As Amended)
DPP- Department of Public Prosecution, Ministry of Justice Kaduna State
IPO – Investigating Police Officer
NPF-Nigeria Police Force
MOJ-Ministry of Justice
NCoS- Nigerian Correctional Service
SOP- Standard Operating Procedure
1.0 INTRODUCTION:

The purpose for the enactment of the ACJL as provided in Section 4 (1) is to ensure that the system of administration of criminal justice in the State promotes efficient management of Criminal Justice Institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the Suspects, the Defendants, and the Victims.

However, in practice the State Criminal Justice System is confronted with institutional and administrative challenges that militates the speedy dispensation of criminal justice. These lapses result in delays in criminal trials, high numbers of awaiting trial persons, congestion of custodial centers and unjust flagrant abuse of the rights of suspects/defendants.

THEREFORE:

1.1 Recognizing the need for enhanced coordination and collaboration amongst agencies of the criminal justice system, capacity building, compliance with statutory provisions, data gathering and management, improved resourcing and addressing other internal challenges undermining the quick dispensation of criminal justice;

1.2 Noting the need for robust protocols and guidelines on communication and cooperation among key stakeholders in the criminal investigation and prosecution processes especially the office of the DPP and the NPF;

1.3 Realizing that diligent investigation and gathering of credible evidence is key to a successful prosecution, coordination and synergy between the office of the DPP and the NPF should be prioritized, especially early involvement of State Counsel in investigation should be encouraged, whilst early involvement of the Office the DPP will ensure that investigators are well guided on requisite and relevant evidence to sustain successful prosecution;

1.4 Appreciating that the issue of non-appearance of accused persons in court at the scheduled hearing date and time, due to communication gap(s), the inability of the NCoS to transport remand prisoners to court and other logistical reasons, often contribute to the delay in prosecution and unnecessary adjournments;

1.5 Recognizing that there is under-utilization of the records of the NCoS in monitoring over-stay of suspects/defendants in custody during periods of remand, awaiting legal opinion and during trial; and
1.6 **Affirming** that structured and systemic cooperation between the NPF, DPP, NCoS and other prosecuting institutions, and the need to develop agreed frameworks for setting hearing dates and for providing early notice of hearings to the NCoS is important to the effective, efficient and timely delivery of criminal justice in the State.

1.7 This SOP is therefore developed to guide cooperation and coordination in investigation and prosecution of cases between the NPF and the office of the DPP as listed in paragraph 5 herein, and between the NCoS and prosecutors (NPF, DPP and other prosecuting institutions) in the State.

1.8 The underlying theme adopted in this SOP is one of efficiency and effectiveness in dispensation of criminal cases through cooperation, partnership and inter-dependence targeted at the achievement of the objectives of the criminal justice administration as provided under the CFRN and ACJL.

2.0 **POWERS AND ROLES OF THE AG/MOJ, NPF AND THE NCoS**

2.1. **Powers/ Roles of the AG of the State**

Section 211 (1) of the CFRN, 1999 and Sections 117 and 118 (1) of the ACJL provide that the AG has the powers:

i- to institute/undertake, take over and discontinue at any stage before judgment is delivered criminal proceedings against any person before any court of law in Nigeria other than a court martial in respect of an offence created by or under any law of the State House of Assembly.

ii- to issue legal advice or such other directive when necessary to the Police or any other Law enforcement agency in respect of an offence created by a Law of the State House of Assembly

2.2. **Role of Police Officers**

2.2.1. Section 66 (1) & (2) of the Police Act 2020 provide for the powers of a police officer including -

i- that a police officer who is a legal practitioner, may prosecute in person before any court whether or not the information or complaint is laid in his name subject to the provisions of sections 174 and 211 of the CFRN and section 106 of the Administration of the Criminal Justice Act 2015 relating to the powers of the Attorney-General of the Federation and of a State to institute take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria:

ii. that a police officer may, subject to the provisions of the relevant criminal procedure laws in force at the Federal or State level, prosecute before the courts, offences which non-qualified legal practitioners can prosecute.
2.2.2. Further, section 103(6) of the ACJL also provides that the NPF shall at the end of investigation submit the original case file to the Office of the AG where an offence for which the Magistrate Court has no jurisdiction to try is preferred against a defendant.

2.3. Roles of Nigerian Correctional Service

2.3.1 The objectives of the NCoS Act 2019 as provided in section 2 include:
   a. ensuring compliance with international human rights standards and good correctional practices;
   b. providing enabling platform for implementation of non-custodial measures;
   c. enhancing the focus on corrections and promotion of reformation, rehabilitation and reintegration of offenders; and
   d. establishing institutional, systemic and sustainable mechanisms to address the high number of persons awaiting trial.

2.3.2- The roles of the NCoS include:
   a. taking custody of all persons legally interned – Section 10 (a);
   b. providing safe, secure and humane custody for inmates - Section 10 (b);
   c. conveying remand persons to and from courts in motorized formations - Section 10 (c)
   d. providing support to facilitate the speedy disposal of cases of persons awaiting trials amongst others - Section 10 (j);
   e. keep and detain all persons duly committed to the custody by any court, judge, magistrate, justice of the peace or other authority exercising competent jurisdiction, according to the terms of any warrant or detention order by which the person has been committed until that person is discharged by due course of law - Section 12 (3);
   f. Where the Custodial Centre has exceeded its capacity within a period not exceeding one week, notify the Chief Judge of the State the Attorney-General of the State, the Council on Prerogative of Mercy, Administration of Criminal Justice Monitoring Committee, and any other relevant body - Section 12 (4);
   g. support the efficient management of the criminal justice management system including liaising with heads of institutions and relevant agencies to review and eradicate causes of high numbers of pre-trial detainees and develop effective mechanisms to enhance speedy trial and resolution of such cases; provide necessary support towards provision of a national database of all persons in all places of detention – Section 18 (1) (a- c);
   h. administration of non-custodial services – Section 37; and
   i. other roles under the Act which facilitate quick dispensation of justice.
3.0 LEGAL FRAMEWORK

3.1. This SOP is consistent with:

a. Chapter IV of the CFRN;

b. Sections 4; 48(3);118;119 (2-3) ;124; 309 (2 & 3); 387; 403 (1-6), 466(2) and 467 (2)(e) of the ACJL; and


3.2. The SOP is also in accordance with all other Laws of the State Assembly giving investigative and prosecutorial powers to the NPF, and overriding prosecutorial powers to the Attorney General of the State as well as promote cooperation and synergy among them.

4.0 PRINCIPLES OF COOPERATION

4.1. The ACJL contains provisions aimed at achieving effective criminal justice administration in the state. It confers responsibilities on different agencies of the criminal justice system and encourage synergy and collaboration amongst them to ensure speedy dispensation of justice.

4.2. The perennial and persistent challenge of delays in administration of criminal justice, huge number of awaiting trial inmates and congestion of custodial centers call for urgent mechanisms for synergy and cooperation between the NPF, DPP and NCoS for proper management of investigation, prosecution and data of persons awaiting trial.

4.3 Early cooperation and good working relationship between investigation and prosecution is therefore paramount to the achievement of speedy dispensation of justice and the protection of the rights of parties in a case and the society at large. It is therefore imperative that in the performance of their independent functions both the investigative and prosecuting institutions, and the NCoS factor in the necessary coordination and cooperation mechanisms that would actualize the desired objectives of the justice system.

4.4. This SOP will therefore strengthen the existing mode of operations in investigation and prosecution of serious offences (those that must be referred to the DPP for advice by virtue of the ACJL) by the NPF and DPP of Kaduna State in line with international best practices and provide a platform for early and consistent dialogue, and consultations between the NPF and DPP. The SOP will also provide platforms for collaboration between NCoS, the NPF and DPP in terms of information sharing on remand and awaiting trial inmates.

4.5. It is established that early involvement of the DPP in investigation will make for improvement in outcomes of investigation in line with elements of alleged offences and cooperation would enhance early delivery of legal opinion, speedy commencement of trial or withdrawal of case and ultimately the efficiency of the criminal justice system.

4.6. Collaboration with the NCoS will also enhance information sharing on remand inmates and pre-trial detainees that have exceeded the approved length of time awaiting trial.

5.0 SCOPE OF COOPERATION
5.1. Cooperation between the NPF and DPP shall apply to criminal processes and procedures that include pre-trial and trial stages of offences listed in this section. NPF and DPP shall at all times take into cognizance the timelines provided by the law for carrying out actions that facilitate quick dispensation of cases. The list of offences is subject to review by both parties in future.

5.2. Without prejudice to the powers of the parties to review the list of the offences below, the NPF and DPP in the State shall cooperate in the prosecution of the offences listed in paragraphs i - v. This SOP shall therefore apply in the investigation and prosecution of the following cases:

i. Murder or culpable homicide;

ii. Abduction/ kidnapping/ banditry;

iii. Armed robbery/ robbery;

iv. Sexual and gender-based violence; and

v. Fabricating evidence leading to the conviction to death of an innocent person.

5.3. In respect of the offences listed above, the NPF shall appoint an IPO to commence investigation, who will liaise with a law officer as defined under section 3 of the ACJL from the Legal Section of the NPF and/or the DPP for legal guidance on what evidence is required to establish the ingredients of the offence(s) under investigation.

5.4. It is also advisable for the NPF to inform the DPP for an early engagement of a law officer from the DPP in offences, which by law, the DPP is solely empowered to prosecute. The NPF may inform the DPP through Liaison Officers duly appointed by both agencies.

5.5. Notwithstanding the provisions of this paragraph, parties may agree to cooperate in respect of any offence not listed in this SOP.

5.6. The IPO and law officer shall ensure that:

i. all relevant information are brought timeously to each other’s attention;

ii. the IPO shall always have custody of the case file during investigation and shall after investigation in Capital Offences or Offences punishable with Life Imprisonment ensure the case file is referred to the AG through the DPP for Legal Advice;

iii. the DPP shall ensure case files for offences requiring legal advice are assigned to a law officer within 3 days of receipt of such files from the NPF;

iv. the assigned counsel and the DPP shall ensure that the Legal Opinion is ready within 14 days of receiving the case file;

v. the IPO shall effect action on request for more information on a case file within 3 days of receiving such communication;

vi. there is regular communication by meeting periodically to evaluate actions taken and re-strategize as necessary; and
vii. both work together in harmony to ensure the thorough investigation and diligent prosecution of the case.

5.7. Intelligence handling

Access to intelligence will be restricted to authorized personnel only in accordance with the 'need to know' principle. The dissemination of intelligence should not be wider than is required for the efficient conduct of cases and should be anonymized to protect sources or origin.

5.8. Legal Advice

When investigating and prosecuting offences listed under paragraph 5 of this SOP, the NPF and DPP are advised to adhere to the provisions of section 387 of the ACJL.

5. 9. Cooperation at trial stage

a. Without prejudice to paragraph 5 above, a police prosecutor may be appointed to join the prosecution team formed by the DPP to prosecute any case listed in this SOP.

b. In accordance with the provisions of the Nigeria Police Act and ACJL, the NPF shall continue to investigate and prosecute cases in line with the existing processes and procedures in the NPF.

c. The IPO and the prosecutor shall keep the victims and witnesses informed of the case progress. Due care and attention shall be paid to the needs and interests of victims and witnesses.

d. The IPO may liaise with the prosecutors during prosecution to enhance seamless and effective documentation of evidence gathered.

e. The prosecutors are to act within the limits of their duties, while the IPOs are to make valuable use of the advice of the prosecutors.

6.0 COOPERATION WITH THE NIGERIAN CORRECTIONAL SERVICE

6.1 The NCoS shall keep close track of cases of inmates brought to its facility on 'remand order' from the Magistrate, Sharia and Customary Courts, and shall do the following:

a. make monthly returns to the Office of the AG on inmates whose legal advice have not been issued in line with section 387 (3) (c) of the ACJL;

b. ensure prompt release of inmates who have no case to answer and whose legal advice has been served according to Section 387 of the ACJL; and

c. make monthly returns to the Office of the AG on inmates who have case to answer with or without a charge preferred and whose case file are not assigned and transferred to the High Court for commencement of trial.

6.2. Nigerian Correctional Service Notification of Over Stay of Inmates
The NCoS shall keep close track of cases of awaiting trial inmates held in custody in the custodial centers in the State for a period beyond 180 days from the date of arraignment and do the following:

a. make returns every 90 days to the Office of the AG, NPF and other prosecuting law enforcement agencies on the cases in the prescribed form in section 124(2) of the ACJL; and

b. record officers of the NCoS shall send a monthly reminder to the Office of the AG where no steps have been taken to address the issues raised in the returns.

6.3. Production of Inmate in Court

a. Service of order on NCoS for the production of an inmate in court shall be made in compliance with section 17 (1) and (2) of the NCoS Act.

b. The NCoS shall comply with the order of production in line with section 17 (5) of its Act or any applicable law of the state on management of corrections.

c. All parties in a criminal case and the court shall timeously communicate any situation or development that may mar the sitting of a court on an adjourned date.

d. Notification by the NCoS of inability to produce an inmate in court shall be according to agreed processes and procedures established by the NCoS, the court, prosecution and defense lawyers.

e. Technology (WhatsApp platforms, automated notification system) shall be deployed for notification of sudden changes in hearing dates and sudden occurrences militating against correctional centers’ production of inmates.

6.4. Correctional Service Contribution to Efficient Management of the Criminal Justice System

a. The NCoS shall participate actively in the ACJMC’s activities; liaise with heads of justice institutions and relevant agencies to address causes of high numbers of pre-trial detainees and development of mechanisms to enhance speedy trial and resolution of such cases in line with sections 12 (4) (a-e) and 18 (1) (a-d) of its Act.

b. the State Controller shall ensure considerable steps are taken to avert the activation of the refusal to admit awaiting trial persons process by going beyond the requirement of submissions on over-stayed inmates to the ACJMC in the state to do the following:

i. regularly compiling a disaggregated list of inmates on awaiting trial, capturing those on remand, those whose cases are already going on and the length of time each has spent beyond the stipulations of the law and submitting same to the specific law-enforcement agencies concerned and the courts in which the cases are handled;
ii. compiling and submitting to the Office of the AG names of inmates whom issuance of Legal Opinion on their cases are still pending; and

iii. appointing liaison officers to the MOJ and other law enforcement agencies with prosecutorial powers in the state.

7.0 MECHANISMS OF COOPERATION

7.1 Liaison officers shall be appointed by DPP, NPF and NCoS, who shall notify and interface with the different agencies for close and effective communication. The liaison officers shall keep records of transmitted cases to the MOJ for legal opinion and track the progress of each case according to set timelines and ensure activation of actions on outcome of cases in line with sections 309 (2-3) and 387 of the ACJL.

7.2. Meetings to enhance cooperation. There shall be regular meetings of:

a. NPF, DPP and the NCoS focal group every second week of the month or as circumstances demand, to dialogue, network and build trust; and

b. the Investigation and Prosecution Sub-Committee of the ACJMC, comprising investigators and prosecutors of various law enforcement agencies may meet quarterly to make strategic recommendations to the ACJMC, deliberate on returns from the NCoS pursuant to section 124 of the ACJL, and be duly informed of the progress of the NPF, DPP and NCoS focal group.

7.3. In-house/Joint trainings

To build the capacity of investigators and prosecutors, there shall be regular in-house/joint trainings for knowledge sharing.

7.4. WhatsApp group

There shall be established a WhatsApp platform for information/experience sharing and for easy sharing of urgent information.

8.0. APPLICATION AND REVIEW

8.1. The content of this SOP is in line with best practices and will serve as a collaborative tool to guide the joint investigation and prosecution of cases by the NPF and DPP and the responsibility of the NCoS in terms of provision of necessary data to guide the monitoring of delays in dispensation of criminal trials.

8.2. This document shall be reviewed every 3 years or when the need arises upon recommendation by the NPF, DPP and NCoS focal group.

THIS SOP is made this ..................... day of .................., 2024

Signed for and on behalf of the parties by:
Attorney General Kaduna State

Commissioner of Police Kaduna State Command

Controller, Nigerian Correctional Service, Kaduna State Command
Attorney General Kaduna State

Commissioner of Police Kaduna State Command

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