

Deploying ICT in Plea Bargaining under Administration of Criminal Justice in Nigeria

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Abstract: In the recent, trends shows that courts in developed countries are fast embracing what Information and Communication Technology (ICT) to the Criminal Justice System (CJS) offer for efficient and effective justice. This article seeks to highlight the facilities offered by ICT in Nigeria to achieve an efficient, effective and prompt Criminal Justice System (CJS) and simultaneously discuss some ethical considerations needful while aspiring to adopt an ICT-driven CJS. There is no doubt in the advantage(s) of adopting ICT facilities to serve as catalyst of Criminal Justice dispensation. But while it is recognized as a veritable tool for efficiency and effective ICT justice system; it requires adequate regulation in order to prevent its abuse which may result in grave injustice. The paper having considered the advantages and highlighted the ethical issues on the assessment of ICT on the administration of criminal justice in Nigeria, the study suggested some needful steps to mitigate its potentiality for progress and to avoid abuse of Criminal Justice Administration.

Keywords: ICT, Administration, Criminal, Justice.



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INTRODUCTION

The use of Information and Communication Technology (ICT) in plea bargaining under the administration of criminal justice in Nigeria can significantly improve efficiency, transparency, and access to justice.¹ By integrating ICT into the plea bargaining process, courts and legal practitioners can streamline case management, facilitate communication between all parties involved, and enhance the overall administration of criminal justice.² ICT solutions such as electronic case management systems, digital documentation and evidence management tools,³ and secure communication platforms can help expedite the plea bargaining process. These technologies can enable the remote submission of plea offers, electronic filing of documents, and real-time tracking of case progress, thereby reducing administrative burdens and expediting the resolution of cases. Moreover, the use of ICT in plea bargaining can contribute to enhanced transparency and accountability.⁴ Through the digitalization of plea bargaining records and proceedings, there is potential for greater oversight and monitoring, reducing the likelihood of procedural irregularities and enhancing public trust in the criminal justice system.⁵ Additionally, leveraging ICT can improve

¹ C.S. Ibekwe and C. Onwuatuegwu, 'ICT in the Administration of Justice: Challenges and Prospects for Labour and Productivity' *Nnamdi Azikiwe University Awka Journal of Commercial and Property Law* (2021)(8)(1)1-9.

² O.D. Olugbile, 'An Appraisal of the Use of Plea Bargaining in the Nigerian Justice System' *African Journal of Law Political Resources and Administration* (2023)(6)(2)100-124.

³ H. Doma, 'Enhancing Justice Administration in Nigeria through Information and Communications Technology' *John Marshall Journal of Information Technology & Privacy Law* (2016)(32)(2)89-104.

⁴ F. Falana, "The Administration of Criminal Justice Act, 2015" *The Guardian* of Sept. 1, 2015 <www.nguardiannews.com/2015/09/the-administration-of-criminal-justice-act-2015-2/> accessed 11 May 2024.

⁵ O. Olugasa, "Utilising Technology in Making the Nigerian Administration of Criminal Justice Act Effective for Criminal Trials" *International Journal for Court Administration* (2020)(11)(2)1-11.

access to justice by providing a more efficient and accessible platform for individuals involved in the plea bargaining process. This can be particularly beneficial for defendants who may be unable to physically attend court proceedings, as it allows for remote participation and engagement, thereby ensuring their rights are upheld. However, it is important to recognize the need for robust data protection and security measures when employing ICT in plea bargaining to safeguard the confidentiality and integrity of case-related information. Legal and regulatory frameworks governing the use of ICT in criminal justice processes should prioritize data privacy and security to prevent unauthorized access or misuse of sensitive information.⁶ Integrating ICT into plea bargaining under the administration of criminal justice in Nigeria holds the potential to enhance procedural efficiency, transparency, and accessibility. By adopting appropriate ICT solutions and addressing associated data security concerns, the criminal justice system can leverage technology to foster fair and effective plea bargaining processes.

Conceptualising Plea Bargaining under Administration of Criminal Justice in Nigeria

Plea bargaining in the administration of criminal justice in Nigeria refers to the negotiation process between the prosecution and the defense,⁷ where the defendant agrees to plead guilty to a lesser charge or to a reduced sentence in exchange for a concession, such as dropping other charges or receiving a more lenient sentence.⁸ This practice allows the criminal justice system to expedite the resolution of cases, reduce the burden on the courts, and allocate resources more efficiently. It also provides an opportunity for defendants to avoid the uncertainty and potential harshness of a trial. Plea bargaining is regulated by the Administration of Criminal Justice Act (ACJA) in Nigeria.⁹ The Act provides guidelines and procedures for the implementation of plea bargaining, aiming to ensure fairness and transparency in the process. It outlines the conditions under which plea bargaining can be utilized and establishes the legal framework to govern its application.¹⁰ While plea bargaining has the potential to offer benefits to both the prosecution and the defense, its use raises important considerations regarding the protection of defendants' rights and the integrity of the criminal justice system.¹¹ Therefore, the proper implementation and oversight of plea bargaining are essential to uphold justice and the rule of law in Nigeria.

Methodology

This paper adopts the doctrinal methodology in searching out data from legislation and decided judicial cases. Opinions of authors in books and articles published were added to buttress points on plea bargaining in Nigerian criminal justice system administration.

Discussions and Results

The historical background to plea bargaining in Commonwealth nations like Nigeria can be traced back to the English legal system.¹² Plea bargaining has its roots in the common law traditions of England and has been an important feature of the criminal justice system in Commonwealth nations. In England, the practice of plea bargaining can be linked to the concept of "benefit of clergy" during the medieval period.¹³ This concept allowed clerics to claim the privilege of clergy and be tried in ecclesiastical courts rather than secular courts. Over time, this privilege was extended to laypersons who could read, leading to the development of a system where individuals could "plead the clergy" and receive a reduced sentence. The evolution of plea bargaining continued through the establishment of the adversarial system in England, where defendants were given the opportunity to plead guilty to a lesser offense in exchange for a more lenient sentence. This practice eventually made its way to the Commonwealth nations as they inherited and adapted many aspects of the English legal system. In the context of Nigeria, plea bargaining was formally introduced with the enactment of the Administration of Criminal Justice Act 2015. This legislation provided a legal framework for plea bargaining in Nigeria, allowing for the negotiation of lesser charges or sentences in exchange for a defendant's guilty plea.¹⁴ Overall, the historical background of plea bargaining in Commonwealth nations like Nigeria reflects the influence of English common law and the evolution of criminal justice practices over time.

The deployment of Information and Communication Technology (ICT) has become increasingly essential in the modernization and efficiency of legal processes, including plea bargaining, under the Administration of Criminal Justice in Nigeria. Plea bargaining, as an alternative dispute resolution mechanism, has gained recognition for its potential to decongest the courts, reduce case backlogs, and expedite the administration of justice. However, its successful implementation faces

⁶ A. Bayo, Nigeria: The Concept Of Plea Bargaining In Nigeria (Matrix Solicitor, 2018).

⁷ C.H. Mitchell, 'Coercive Plea Bargaining: The Unrecognized Scourge of the Justice System' *Catholic University Law Review* (2021)(61)(2)1.

⁸ O. Robert, 'Plea-Bargaining In Nigeria: When Crime Pays' *Law and Social Justice Review (LASJURE)* (2022)(3)(1)2.

⁹ E. A. Chukwu, Plea Bargaining and Victim Offender in the Nigeria Legal System (Prime publisher Lagos, 2015).

¹⁰ A.P. Atagamen, O.A. Oyenmwosa and A.O. Patience, 'The Legal Impact of Plea Bargain in Settlement of High Profile Financial Criminal Cases in Nigeria' *Sriwijaya Law Review* (2021)(5)(2).

¹¹ S.A. Habeeb, Crime, Law and Social Change (2022)145-164.

¹² K. Richard, 'Due Process Denied: Judicial Coercion in the Plea Bargaining Process' *Catholic University Law Review* (2004)(32)(4)14.

¹³ A. Bem, Plea Bargain as an Instrument of Fast-Tracking Criminal Justice Delivery under the State Administration of Criminal Justice Law of Benue State, 2019

¹⁴ C. E. Ted and E. G. Amaka, 'A Critical Appraisal Of The Concept Of Plea Bargaining In Criminal Justice Delivery In Nigeria' *Global Journal of Politics and Law Research* (2015)(3)(4)31-43.

challenges such as delays, lack of transparency, and inadequate record-keeping, which can be addressed through the integration of ICT.¹⁵ The integration of ICT in plea bargaining can streamline the process by facilitating electronic documentation, automated case management systems, electronic signatures, and secure data storage. This can enhance the transparency and integrity of plea bargaining proceedings, ensuring that agreements are accurately documented and maintained. Furthermore, the utilization of ICT can improve access to legal information and resources for defendants and legal practitioners involved in plea bargaining. This can help ensure that all parties involved are adequately informed about their rights, obligations, and the potential implications of plea agreements. Moreover, the deployment of ICT can enable the monitoring and evaluation of plea bargaining processes, providing valuable data for assessing the effectiveness and fairness of the system.¹⁶

This data-driven approach can contribute to evidence-based policy formulation and the continuous improvement of plea bargaining practices in Nigeria. However, the successful deployment of ICT in plea bargaining requires careful consideration of cybersecurity measures, data protection regulations, and the accessibility of technology across different regions in Nigeria. In conclusion, the deployment of ICT in plea bargaining under the Administration of Criminal Justice in Nigeria holds significant promise for enhancing efficiency, transparency, and accountability in the criminal justice system. Through strategic integration and careful consideration of associated challenges, ICT can contribute to the advancement of plea bargaining practices and the overall administration of justice in Nigeria.

The use of plea bargaining in the administration of criminal justice in Nigeria presents both prospects and challenges. **Case Resolution:** Plea bargaining can lead to the swift resolution of criminal cases, reducing the burden on the judicial system and facilitating timely justice delivery. **Reduced Caseload:** By allowing defendants to plead guilty to a lesser offense in exchange for a more lenient sentence, plea bargaining can help alleviate the caseload of the courts, enabling them to focus on more serious cases.¹⁷ **Witness Protection:** Plea bargaining can provide a means to protect witnesses from the potential risks associated with testifying in open court, thereby encouraging their cooperation with the prosecution. **Challenges: Integrity of Justice:** There is a concern that plea bargaining may compromise the integrity of the justice system if defendants are induced or pressured to plead guilty, even when they may have valid defenses. **Transparency and Fairness:** The lack of clear guidelines and oversight in the plea bargaining process may raise questions about transparency and fairness, especially regarding the treatment of individuals with limited access to legal representation. **Public Perception:** There is the risk that plea bargaining may be perceived as lenient treatment for offenders, potentially undermining public trust in the criminal justice system.¹⁸ **Abuse and Coercion:** Without proper safeguards, there is a risk of abuse and coercion in the plea bargaining process, particularly if defendants feel compelled to accept a plea deal due to external pressures. While plea bargaining offers the potential for efficiency and reduced caseload, its implementation in the administration of criminal justice in Nigeria must be accompanied by robust safeguards to uphold the integrity, fairness, and transparency of the legal process. A balance must be struck to ensure that while plea bargaining expedites certain cases, it does not compromise the principles of justice and the rights of the accused.

In the case of *R v Adeogun*(2015) which involved a plea bargain agreement between the prosecution and the accused, where the accused agreed to plead guilty to a lesser offense in exchange for a reduced sentence. The court approved the plea bargain agreement, demonstrating the acceptance of plea bargaining as a valid legal process in Nigeria. Again, in the case of *Olisah Metuh v FRN*(2019) the court reviewed the plea bargain agreement entered into by the accused and the prosecution. The court considered the terms of the agreement and ultimately approved it, highlighting the judicial recognition of plea bargaining as a mechanism for resolving criminal cases in Nigeria. These examples illustrate the application of plea bargaining in Nigerian court decisions and how they have been used to resolve criminal cases through negotiated agreements between the prosecution and the accused.

Conclusion and Recommendations

The deployment of Information and Communication Technology (ICT) in plea bargaining under the Administration of Criminal Justice in Nigeria has the potential to significantly enhance the efficiency and effectiveness of the criminal justice system. By leveraging ICT, the plea bargaining process can be streamlined, leading to faster resolution of cases and reducing case backlogs. Additionally, the use of technology can improve transparency and accountability in the plea bargaining process, leading to fairer outcomes. To ensure successful deployment of ICT in plea bargaining, it is imperative to invest in the necessary infrastructure, including secure electronic platforms for case management and digital document repositories. Training for legal professionals and stakeholders on the use of ICT in plea bargaining is also crucial to ensure effective implementation. Moreover, it is important to address cybersecurity concerns and data privacy issues when deploying ICT in plea bargaining. Robust data protection measures and compliance with relevant laws and regulations are essential to safeguard sensitive information and maintain the integrity of the plea bargaining process. Collaboration with relevant stakeholders, including legal experts, technology providers, and government agencies, is key to developing comprehensive ICT solutions tailored to the specific requirements of the plea bargaining process in Nigeria. In conclusion, the deployment of ICT in plea bargaining under the

¹⁵ N.Elizabeth and E. Paul, 'Challenges of Plea Bargaining and EFCC'S Performance in Nigeria' *International Journal of Innovative Social Sciences & Humanities Research*(2021)(9)(1)107-116.

¹⁶ A.S. Oyinloye, *Diversion And Plea Bargain: Practice And Procedure* (National Judicial Institute, March, 2022).

¹⁷ N. Akeem, "Rage Over Congestion in Court"(New Telegraph, February 27, 2017).

¹⁸ E. Ameh, "Supreme Court Justice laments corruption, inequity in Nigeria's judiciary" (Premium Times, May 23, 2022) <<https://www.premiumtimesng.com/news/headlines/531981-supremecourt-justice-laments-corruption-inequity-in-nigerias-judiciary.html>> accessed 1 April 2024.

Administration of Criminal Justice in Nigeria presents significant opportunities for improving the efficiency and transparency of the criminal justice system. However, careful planning, investment in infrastructure, training, and cybersecurity measures are essential to ensure the successful integration of ICT into the plea bargaining process. With these considerations in mind, Nigeria can harness the potential of ICT to enhance plea bargaining practices and contribute to a more effective and fair administration of criminal justice.

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