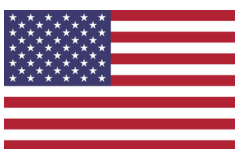




USING TECHNOLOGY TO INCREASE ACCESS TO JUSTICE

Best Practices from the Reforming Pretrial Detention in Nigeria Project



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The Reforming Pretrial Detention in Nigeria (RPDN) project was implemented by:

PartnersGlobal (Partners), a nonprofit organization based in Washington, DC, collaborates with local civil society organizations to promote peaceful, secure, and accountable societies. Over 30 years, **Partners** has successfully supported the start-up of more than two dozen independent, financially viable, and regionally connected conflict mediation and democracy-building centers around the world, known as the **Partners Network**. **Partners** has increased access to justice for marginalized populations around the world, including in Nigeria, Guinea, Iraq, and Colombia.

Partners West Africa Nigeria (PWAN), aka The Rule of Law and Empowerment Initiative, is a nongovernmental organization dedicated to enhancing citizens' participation and improving security governance in Nigeria and West Africa broadly through its Rule of Law, Citizen Security, and Civil Society Strengthening program areas. PWAN is a member of the **Partners Network**.

Network of University Legal Aid Institutions Nigeria (NULAI), was established in 2003 as a nongovernmental, nonprofit, and nonpolitical organization committed to promoting clinical legal education, legal education reform, legal aid, access to justice, and the development of future public interest lawyers in Nigeria. A total of 48 university and law school campus-based law clinics are currently registered with NULAI.

New-Rule LLC, a women-owned small business based in the United States dedicated to promoting the rule of law, human rights, democracy, and governance. Drawing on decades of experience across the globe, the New-Rule team is committed to converting lessons-identified to lessons-applied. New-Rule specializes in the provision of a full range of rule of law, human rights, democracy, and governance technical services.

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Disclaimer: The opinions, findings, and conclusions stated in this Guide are those of the authors and do not necessarily reflect the views of the United States Department of State.

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Abbreviations

ACJA	Administration of Criminal Justice Act
ACJM	Administration of Criminal Justice Monitoring Committee
BIM	Bail Information Management System
CIMS	Corrections Information Management System
FCT	Federal Capital Territory (territory around Nigeria's capital, Abuja)
IT	Information Technology
LACON	Legal Aid Council
NBA	Nigeria Bar Association
NCoS	Nigerian Correctional Service
NPF	Nigeria Police Force
PMS	Performance Management System
PTD	pretrial detainee
RPDN	Reforming Pretrial Detention in Nigeria

INTRODUCTION

Digital technology can significantly accelerate criminal justice procedures. Digital tools simplify and enhance recordkeeping, case tracking, and reporting, thereby reducing time spent on workflows. They facilitate the exchange of information between various justice agencies in country and across borders in real time and generate data that allows policymakers to monitor and enhance the speed of procedures. Automated procedures can also reduce human errors that occur in manual recordkeeping and require time to be corrected. The closure of offices and courtrooms due to the outbreak of the COVID-19 pandemic has further highlighted that digitization is necessary to administer justice speedily.

Speedy adjudication matters, especially for pretrial detainees (PTDs), or “inmates awaiting trials.” These individuals are criminal suspects who are held in detention while judges are deliberating on their cases, which sometimes takes months, if not years. Female PTDs and PTDs from other marginalized communities are even more likely to experience excessive waiting periods. While in detention, PTDs may lack access

to basic services, such as healthcare or appropriate nutrition. They may also suffer abuses and encounter criminal networks.

In Nigeria’s overstretched justice system, an estimated 70 percent of prison inmates are waiting for their judgments. Heavy backlogs, cumbersome court procedures, frequent staff turnover, inadequate infrastructure, and frequent interruptions due to strikes, unrest, or violence slow down the administration of justice. In most agencies, case management systems are still primarily paper-based, which often hinders the timely sharing of information. For instance, courts may not send hearing dates sufficiently ahead of time to corrections to organize the transport of PTDs. Moreover, police may not share up-to-date criminal records with the courts, and corrections may not inform the Legal Aid Council (LACON) when detainees require legal representation. Digitization can help criminal justice actors coordinate their actions, track criminal history, assign legal aid, and track case progress on large numbers of cases.

Nigeria has a solid legal framework to support the use of digital technology for

the administration of criminal justice. The Administration of Criminal Justice Act (ACJA), 2017; the National Policy on Justice (NPJ), 2017; and the Nigerian Correctional Service Act, 2019, among other legislation, all permit electronic recordkeeping—for instance, of arrests and confessional statements—and demand that police, courts, and corrections establish electronic databases to manage case records.

Federal and state institutions in Nigeria have made efforts in recent years to put such laws into practice. For example, they have installed a variety of digital systems, including the Corrections Information Management System (CIMS) of the Nigerian Correctional Service (NCoS); virtual court hearing rooms in various jurisdictions, including in the Federal Capital Territory (FCT); the Performance and Case Management System of the FCT Magistrates Courts; the Bail Information Management System (BIM) of the Lagos State Judiciary; and the Case Management System (CMS) of the Department of Public Prosecution of the Edo State Ministry of Justice.

The Reforming Pretrial Detention in Nigeria (RPDN) project supported the Government of Nigeria to introduce and enhance the use of digital technology in various aspects of justice administration in Nigeria's FCT. Between 2018 and 2023,

RPDN worked with NCoS to enhance the CIMS, a basic version of which had already been launched by NCoS and which is now being used in more than 100 custodial centers across the country. RPDN also developed a new case-tracking system called the Performance Management System (PMS) for the courts in the FCT and installed pilot versions in seven courts. Finally, RPDN expanded the use of the Q-Soft-Denovo digital transcription solution from one to four courts. For each digital system, project partners engaged in advocacy with relevant decision-makers and end users, provided necessary hardware and software, conducted trainings and workshops, monitored and evaluated progress, and engaged in follow-up activities with the relevant agencies so that the systems could be fully integrated into the agencies' daily procedures.

This report presents a set of best practices based on lessons learned during five years of implementation. These lessons can inform future efforts by donors, policymakers, and implementers to digitize justice procedures and to conduct other efforts to make justice more accessible.

BEST PRACTICES

The experience of the RPDN project shows that digital solutions can increase access to justice for PTDs when some key requirements are met. These include an appropriate political and legal context, a type of solution that is secure and can be rolled out gradually using sustainable license ownerships and power supplies, and substantial investments in information technology (IT) literacy. The benefits for PTDs can be further enhanced if the solution is used to increase the accountability of the criminal justice sector and if, in the design and deployment of the solution, particular attention is given to the needs of women and other marginalized groups. In the following summary of best practices, each of these requirements is explained in more detail.

CREATE THE APPROPRIATE POLITICAL AND LEGAL CONTEXT

An ideal context for the introduction of new technologies in the criminal justice sector requires the full commitment of and collaboration between national and local stakeholders, as well as unambiguous legislation.

Solicit Commitment from Senior-level National and Local Stakeholders

Senior-level national and local stakeholders are best positioned to advance digitization. If they show little interest in digitization, donors and implementers should intensify their advocacy efforts. If stakeholders still do not respond, project goals should be reconsidered and adapted. In situations where stakeholders have a high degree of interest in digitization, donors and implementers should set realistic expectations to avoid disappointments and maintain good working relationships.

Even before the start of the RPDN project, the project team was in deep discussions with key senior leaders in the various justice agencies. Thanks to the long-standing relationships of the Nigerian project partners with courts, corrections, police, and other agencies, trust and buy-in could be secured from the highest levels and consensus could be reached on which technologies to introduce in the FCT. Throughout the implementation, the project team continued to pay regular and frequent advocacy visits to senior decision-makers in the criminal justice sector updating them on achievements and challenges and cultivating lasting

Key RPDN stakeholders in the FCT:

- Chief Judge and Chief Magistrates
- Head of FCT Command, National Correctional Service (NCoS)
- Officer-in-Charge, Legal Department, Nigeria Police Force (NPF)
- Director-General, Legal Aid Council (LACON)
- Secretary of the Administration of Criminal Justice Monitoring Committee (ACJMC)

support (see the accompanying box). These regular visits were especially important because leadership in the various agencies changed frequently. Staff were often promoted or transferred to other departments and new arrivals needed to be introduced to the project. Thanks to the commitment of key decision-makers and the continual advocacy by the Nigeria-based project partners, a normative and political environment was created that facilitated the introduction of technologies and countered any resistance to change among staff.

Co-design Digital Systems under the Leadership of Key Stakeholders

Key stakeholders from the participating justice agencies should lead and be able to make decisions in the various phases of introducing digital solutions (initial needs assessment, design of technical specifications, development, testing, and

debugging). This leadership can make sure that new digital solutions build on existing ones, meet relevant needs, and are fully integrated into the daily procedures of criminal justice agencies. Key stakeholders should include staff who have the authority to integrate the solutions into the agencies' work processes, staff with the appropriate technical expertise to ensure the technical reliability of the solutions, and staff who are able to motivate and influence others to adopt the new technologies. When implementing the RPDN project, project partners engaged a mix of high-level officials, IT experts, and general court staff with relevant skills and positive attitudes toward digital solutions. Involving these groups as early as possible in the design process created an alliance of change leaders who spearheaded the digitization efforts among the different agencies.

Connect Digital Systems across Agencies

Another favorable contextual condition for the effective use of access to justice technologies is the willingness of criminal justice agencies to connect their various digital systems. The NPJ of 2017 stipulates that federal and state governments should work closely together to develop IT capacity in the criminal justice sector, jointly assess sector-wide needs, and develop and implement strategic plans to integrate the technological infrastructure—for instance, by creating the National Information Management Commission database. However, due to differing priorities among

criminal justice agencies and international donors, Nigeria's digital justice landscape is currently fragmented.

A review undertaken by RPDN project partners showed that agencies' interests in and strategies for digitization differ greatly, which limits collaboration. While corrections have consistently focused on rolling out the CIMS countrywide, the courts and the police have not made as much progress in digitizing their records. Although the CIMS is currently already installed in over 100 custodial centers, other agencies have few access points to the CIMS. For instance, LACON is currently unable to retrieve data from the CIMS Legal Representation and Welfare module to more easily identify pretrial detainees who cannot afford legal aid and accelerate the assignment of pro bono lawyers. This lack of connectivity curtails support options for PTDs.

RPDN has promoted coordinated use of digital data. For example, the project supported the establishment of the Remand Decongestion Committee in the FCT, which led to the sharing of CIMS reports between NCoS and the courts to identify cases with excessive adjournment periods. Based on the data, the Director of Magistrates then visited the custodial centers in person to take accelerated action on the identified cases. Such examples show how coordinated action

driven by technology can contribute to reducing pretrial detention.

Advocate for Comprehensive Legislation

Regulators often struggle to keep up with technological progress. While the legal framework for digitization in Nigeria is generally strong, gray zones do exist, particularly around the use of virtual hearings. Section 36 of the Nigerian Constitution requires that all hearings be held in public, which is not considered possible in a virtual setting. Since the outbreak of the COVID-19 pandemic, efforts have been made to revise Section 36 to avoid delays in the administration of justice, but at the time of writing an amendment has not been approved. This has significantly increased the backlog of cases. The Q-Soft-Denovo solution provided to the courts by RPDN contains a virtual hearing function, but in compliance with the constitutional rule, judges in the relevant courts in the FCT have not yet allowed virtual hearings to take place. This delay illustrates the importance of legislators speedily reviewing gray areas of legislation to ensure that technology can be put to its best use.

CHOOSE THE APPROPRIATE TYPE OF DIGITAL SOLUTION

In a context such as Nigeria, where justice agencies primarily rely on manual recordkeeping and are under resourced, bandwidth is low, electricity insufficient,

and outbreaks of violence occur, digital solutions should meet the following requirements.

Transition Gradually

Developing an entirely new digital solution usually takes longer than planned. Institutional donors' grant cycles typically last two years, which is rarely long enough for a grantee to complete all stages of a development process that starts from scratch. Three key steps tend to require more time than anticipated: co-designing the technical specifications with the relevant criminal justice actors; installing the necessary hardware (which is vulnerable to delays in the delivery of supplies and cumbersome bureaucratic procedures to obtain permissions); and debugging the solution to make sure it functions without glitches. It is advisable not to rush or truncate these processes and instead to set realistic expectations and reach an agreement with criminal justice stakeholders and donors on which stage of the development can be completed under given timelines. Even if not all stages can be completed, a patient and gradual approach will ultimately yield a robust solution that satisfies relevant needs.

Gradual approaches are also useful when introducing new technology in daily operations. It is advisable to fully roll out the solution in one specific office at first.

All efforts should focus on optimizing the process and getting buy-in from staff in just one location before moving on to others. Once the system functions correctly in one location, it will be easier to install it elsewhere. The solution will have been sufficiently tested to function as intended, which will avoid frustrations among new users. Those who have participated in the pilot can explain to skeptics in other places why the solution should be adopted. Even so, staff may resist the introduction of the solution out of fear that they lack the required skills or will lose their jobs. These concerns should be openly addressed by reassuring staff that trainings are planned and laying out the new job responsibilities that come with the use of the new solution.

When not only the technology is new, but also the procedure that the technology facilitates, it is useful to work online and offline during the introductory phase. For instance, the case-tracking procedures that the PMS facilitates was a new process for the courts in the FCT. Project partners and stakeholders therefore decided to introduce tracking both manually and digitally at the same time and allow staff to use whichever system they felt most comfortable with. Maintaining the analog system reassured staff who struggled with the digital transition while providing a useful backup option in case of technical challenges.

Insist on Transparent and Sustainable Technology Ownership

Technology ownership should be transparent right from the start of the design of new solutions. Tailor-made approaches based on existing applications are generally preferable to off-the-shelf solutions because they increase buy-in and enhance the prospects of sustainability. Off-the-shelf solutions can be deployed quickly, but they usually require a steep learning curve to be managed and come with onerous proprietary constraints and expensive long-term updating costs. Tailor-made solutions may in some cases take longer to build, but if they are built on the foundation of existing applications, staff will be able to manage them more easily and they will probably not require the purchase of new licenses. If the purchase of new licenses is necessary, it is useful to make sure that they will remain valid for at least two to five years beyond the project end date, so that criminal justice actors have sufficient time to reallocate budgets and find alternative resources to finance the licenses before project funds are depleted.

Provide Alternative Power Supplies

Power outages can significantly interfere with digitization. In Nigeria, outages occur often, sometimes several times per day. Most justice agencies have their own generators available to use in case of

power cuts. However, these generators are usually not powerful enough to supply electricity to all devices in a particular agency, and the agency will therefore give only a handful of individuals have access to power. Sometimes, a generator shuts down and all power is cut. To address these vulnerabilities, project partners supplied solar panels and inverters to the three custodial centers and to four out of 10 courts. To increase sustainability, project partners made sure that the maintenance contracts for these alternative power supplies run for two to five years beyond the project end date. In situations where this is not possible, key procedures could be maintained as both online and offline procedures.

Enhance Data Safety and Security

Data safety and security are crucial to protect the privacy and safety of PTDs. The relevant digital security policies and protocols need to be in place to protect PTD electronic data against data breaches caused by the negligence of those who operate the system or by cyberattacks such as ransomware phishing or infection by malware. It is also important to take the necessary physical precautions so that access to IT equipment and data is restricted. This is particularly relevant in a context such as Nigeria where nonstate armed actors have launched targeted attacks on prisons.

Increase Investments in IT Literacy

IT literacy is a key requirement for integrating technology successfully into organizational practice. The majority of criminal justice staff were primarily trained in manual recordkeeping and thus required skill enhancement in typography, operating systems, and database management when the digital solutions were installed. The literacy gap was higher than anticipated and aggravated by high staff turnover. Staff who had acquired the necessary degree of literacy were frequently moved to new positions in offices that were not yet using the solution, and new staff needed to be trained. RPDN partners intensified the trainings and employed coaches to provide individual coaching, but more large-scale training will be necessary for staff at all levels (from judges to registrars) to make the digital solutions in the FCT sustainable. To obtain a more realistic measure of individual levels of IT literacy, implementers should not only solicit self-perceptions of skills but also use more objective measures such as timed exercises in typography or file management in their need assessments. Project partners discovered that increased exposure to new technologies, as well as access to technical assistance, greatly improved the ability of FTC court staff to shift their manual procedures to digital ones. Technical assistance should continue to be available even after the

project is completed. Ideally, agency staff will be able to provide the relevant assistance on their own, but if that is not an option, donors and implementers should find ways to set up external help desks that can answer IT questions until the transition is accomplished. Redirecting some of the resources allotted to design and development activities to large-scale and long-term IT literacy training and assistance might make the investments in digital solutions more worthwhile.

SET UP ACCOUNTABILITY MECHANISMS

The interest of safeguarding the privacy of PTDs should be balanced with the interest of the public in monitoring the functioning of the criminal justice system and the interest of the justice system in maintaining its internal efficiency.

Encourage Public Data Sharing

Ideally, criminal justice agencies will publish select anonymized data that provides an overview of how well the system is functioning to build the public's trust in the system. For example, the Administration of Criminal Justice Monitoring Committee (ACJMC), an interagency body tasked with monitoring the implementation of the ACJA in the FCT, occasionally publishes a dashboard that indicates the length of the adjournment period of cases to track the efficiency of the courts. Sharing the same data points

regularly will increase public trust in the criminal justice system. Local civil society organizations are ideally positioned to advise criminal justice actors on the selection of the appropriate data points and the best means of communicating with the public. In the case of RPDN, the Network of University Legal Institutions, which led the enhancement of the CIMS as well as the design and installation of the PMS, became a standing member of the ACJMC and also supported the work of the ACJA's Remand Decongestion Subcommittee. Partners West Africa Nigeria, which led the installation of the Q-Soft-Denovo transcription solution and deployed citizen court observers to monitor the efficiency of the courts during hearings, was regularly invited to ACJMC meetings and set up a new quarterly meeting that brought together a broader group of justice actors and civil society organizations. This provided RPDN partners with an ideal platform to support and inform the ongoing activities of various criminal justice agencies and encourage public accountability.

Encourage Accountable Documentation among Criminal Justice Agencies

Digital processes can also be used to increase the accountability of all agencies for filing correct documentation and thus prevent PTD cases from being neglected or improperly handled. In Nigeria's FCT, prosecuting agencies tended to omit

fields or use illegible handwriting when filling out remand warrants, which required the judge to postpone investigations or hearings until the missing information could be identified. The chief judge and the ACJMC were conscious of this practice and, thanks to support from RPDN, were able to draft and issue a new practice direction that required the digital filing of remand warrants by all relevant actors and to set up a monitoring committee to ensure the implementation of this new policy.

Address the Needs of Women and Other Marginalized Communities

Digital solutions should help criminal justice actors identify and address the needs of women and other marginalized communities. Female detainees and individuals from marginalized communities may account for only a small percentage of all PTDs, but they are at particular risk of facing excessive waiting periods and experiencing abuse while in detention. A series of measures can be taken in the design and deployment phase of digital solutions to better account for the specific needs of women while they are waiting for their trials to conclude:

- Conduct gender analyses before designing digital solutions to identify the particular needs of female PTDs.
- Include women in the design process of digital solutions so that they can identify specific data points to be recorded and features to be developed that will address their particular needs. For instance, women may want to

capture specific health needs such as those relating to pregnancy or gender-based violence. They may also prefer certain features such as video conferencing, as these will allow them to feel more protected when participating in interviews or hearings.

- Use markers in remand warrants, court forms, and other data collection tools to identify female PTDs. Due to prevalent social norms of discrimination, female PTDs may experience longer waiting times than males. Using gender markers could give their cases more visibility and accelerate the procedures.
- Generate and publicize disaggregated statistics on female PTDs to increase their visibility among justice actors and the general public.
- Ensure that records on gender-sensitive needs such as those relating to gynecological health or gender-based violence are accessible to service providers who can offer them adequate support.

Other groups such as individuals with disabilities, LGBTQI+ individuals, and people from religious, racial, or cultural minorities also have specific needs that criminal justice actors should address. However, the protection of these individuals can be contentious, depending on the local cultural and social context, and it is therefore not always in the

interest of these individuals to have their identity revealed and highlighted in a digital criminal justice system.

Policymakers and implementers need to be attentive to the potential harm that digital screenings can cause for these individuals.

CONCLUSION

Following these best practices will make it more likely that PTDs will see their cases advance and their rights protected. Embracing these best practices will also yield a variety of positive side effects. Technology can increase accountability and transparency of criminal justice actors. For instance, the PMS case-tracking system installed by RPDN in the courts allows the Directorate of Magistrates to verify whether courts are assigning and making progress on cases. To take another example, records of hearings generated by the Q-Soft-Denovo transcription solution enables defense lawyers to reject biased recollections of hearings by judges and prosecutors. Technology can also prevent serious chronic health conditions such as spondylitis and carpal tunnel syndrome, which affects judges who are obliged to create handwritten records of all their hearings. Digital recording and transcription solutions allow judges to maintain their physical health and have longer careers.

But digitization can also have negative effects. Automated transactions may reduce human interaction that is necessary to protect individual dignity, especially in a

court setting where life-changing decisions are made. When accessibility is restricted, digitization may also increase inequality and exclusion. Staff of criminal justice agencies may experience loss of confidence, responsibilities, and jobs if their skills cannot be adapted to the new procedures. Finally, there are serious risks associated with data breaches in digital settings.

Ultimately, any digital criminal justice tool is only as good as the people who use it. Donors, policymakers, and implementers can all play a part in maximizing the responsible use of digital solutions to reduce detention times of PTDs and safeguard their rights and dignity.

PartnersGlobal
1800 Massachusetts Avenue, NW
Washington, DC 20036-1218
United States
Tel. + 1 202-942-2116
www.partnersglobal.org

Partners West Africa Nigeria
No. 46B Mike Akhigbe Way
Jabi ,Abuja, FCT Nigeria
Tel. +234 809 125 7245
www.partnersnigeria.org

New Rule LLC
700 Penn Ave. SE, 2nd Floor
Washington, D.C. 20003, USA
Tel: +1 202 415 3358
www.new-rule.com

Network of University Legal
Aid Institutions (NULAI)
A111W, Brains & Hammers
City, Lifecamp,
Abuja, FCT, Nigeria
Tel: +234 92 900 609
www.nulai.org

