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Article

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THE IMPLEMENTATION GAP IN LAGOS CRIMINAL JUSTICE REFORM: INSTITUTIONAL COMPLIANCE AND PRE-TRIAL DETENTION

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Abstract

The Administration of Criminal Justice Law (ACJL) of Lagos State is widely regarded as one of Nigeria's most progressive criminal justice reforms. Yet nearly two decades after its 2007 enactment, awaiting-trial detainees account for 82% of the Lagos prison population and institutional compliance remains uneven across all justice sector agencies. Using a secondary data policy evaluation design, this paper analysed three dimensions of the reform gap: institutional compliance behaviour across police, prosecutors, courts, and correctional services; the persistence of prolonged pre-trial detention; and the structural barriers sustaining non-compliance. The paper draws on implementation theory, street-level bureaucracy theory, and procedural justice theory. Findings show that police compliance with arrest and confession rules stands below 55%, only 30% of judges consistently conduct day-to-day trials, and 82% of Lagos inmates were awaiting trial as of May 2025. The gap is not a failure of legislative design but a product of institutional deficits addressable through sustained training, coordination, and accountability. This study contributes empirical synthesis of multi-source compliance data to implementation theory in African justice reform.

Keywords: Implementation gap; Institutional compliance; Pre-trial detention; ACJL, Street-level bureaucracy; Procedural justice, Lagos State.

Introduction

The Administration of Criminal Justice Law (ACJL) of Lagos State, enacted in 2007 and amended in 2011, 2015, and 2021, introduced safeguards aimed at reducing delay,

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improving trial efficiency, and strengthening rights protection across the criminal justice system (Eyongndi, 2021; James, 2021). Lagos's reform influenced the federal Administration of Criminal Justice Act (ACJA) 2015, with about 70% of its provisions derived from the ACJL, and the framework has since been adopted by over 27 states (Ojoye, 2019). Despite these advances, the lived reality of criminal justice in Lagos differs significantly from the law's promise. As of May 2025, Lagos custodial facilities held 9,096 inmates, 82% of whom were awaiting trial (Salau, 2025). This figure has barely shifted over seven years: the awaiting-trial proportion stood at 85% in 2018 and 80% in 2020 (Ibrahim, 2019; Williams, 2020). Cases have been documented where individuals spent over a decade in custody without a trial date (Joseph *et al.*, 2021). Police officers continue to engage in outlawed practices, including detention beyond the 48-hour limit and extraction of confessions without counsel present (Eyongndi, 2021). Judicial compliance with the day-to-day trial mandate stands at 30% for strict adherence (Partners West Africa Nigeria [PWAN], 2019).

This divergence between statutory design and operational outcome defines what this paper terms the implementation gap: the systematic difference between what the ACJL requires and what justice sector institutions actually do. This is the central practical challenge for criminal justice reform in Lagos and in Nigeria more broadly. A law that exists on paper but not in practice provides no protection to detainees, no accountability for perpetrators, and no legitimacy to the state institutions that administer it. This paper analyses the gap across three dimensions: institutional compliance behaviour, the structural rights problem of prolonged pre-trial detention, and the barriers that sustain non-compliance. The central question is: why has the ACJL not reduced pre-trial detention despite its comprehensive design?

Literature Review

Institutional Compliance and Its Limits: The literature consistently identifies uneven institutional compliance as the primary reason why the ACJL's transformative potential has not been realised. The Director of Public Prosecutions (DPP) of Lagos, Shitta-Bey, described the law as largely complete but grossly under-utilised, attributing the gap to negative attitudes among justice sector actors (Ojoye, 2019). This directly frames the problem as a compliance failure rather than a design failure. A national multi-state study by the CLEEN Foundation (2024), cited in Aidonojie *et al.* (2024), found that just over 54% of criminal justice actors claimed compliance with arrest procedures, while nearly 38% were non-compliant with confession recording rules. The PWAN court observation survey (2019) found that only 30% of judges always conduct day-to-day trials, and over 70% of defendants experienced six to ten adjournments in their most recent case. Prosecutors delay issuing legal advice, prolonging remand periods (Ojoye, 2019). Correctional services report 100% compliance on informing inmates of their right to counsel (PWAN, 2019), yet prison population data confirm that correctional facilities are the endpoint of accumulated upstream failures. This pattern of uneven compliance directly explains why statutory reform has not translated into reduced pre-trial detention.

Pre-Trial Detention as the Measurable Cost of Non-Compliance: The persistence of high awaiting-trial populations is the clearest measurable consequence of the reform gap. Pre-trial detention at this scale violates Section 35 of the 1999 Constitution, which guarantees personal liberty; Section 36, which requires trial within a reasonable time; and specific ACJL provisions on remand time limits, bail, and the holding charge prohibition (Eyongndi, 2021; Abdulraheem-Mustapha, 2018). Ibrahim (2019) documents the mechanics of this failure:

police use remand as an investigative tool, prosecutors delay legal advice, and magistrates do not consistently scrutinise remand applications with the rigour Section 264 of the ACJL requires. Joseph *et al.* (2021) record instances of suspects spending 11 to 12 years in Lagos facilities awaiting trial. Nationwide, ThisDay Live (2025) reports that over 67% of inmates across Nigeria are awaiting trial, with some centres recording 87 to 92%, confirming that Lagos reflects a national implementation crisis. Compliance failure at multiple institutional levels is the mechanism through which legal protections fail to reach the most vulnerable detainees (Okeke & Laoye, 2025).

Rights Protections: Normative Advances and Practical Gaps: The ACJL has strengthened the normative framework for rights protection. Eyongndi (2021) documents statutory advances against torture, inhuman treatment, and unlawful detention. James (2021) analyses the 2021 amendment's ban on media parading of suspects and victim-centric provisions including compensation orders and witness protection. However, the Rule of Law and Anti-Corruption (RoLAC) Programme's impact report (2023) shows that improvements remain localised to trained divisions and do not spread automatically to the wider system. Rights groups continue to document torture, coerced confessions, and unlawful detention across Lagos (Rule of Law and Anti-Corruption [RoLAC] Programme, 2023). The gap between normative advance and practical realisation reflects the same compliance deficit that drives pre-trial detention outcomes.

Structural and Behavioural Barriers to Implementation: The literature identifies five categories of barrier that collectively sustain the reform gap. Resource constraints are foundational: courts are overstretched, judges are seconded to election tribunals, police lack modern forensic equipment, and correctional centres operate far beyond capacity (Joseph *et al.*, 2021; Aidonojie *et al.*, 2024). Skills deficits drive continued reliance on confessions rather than forensic evidence (Aidonojie *et al.*, 2024). Corruption introduces financial incentives for non-compliance, including illegal bail fees and bribe-driven manipulation of remand decisions (Aidonojie *et al.*, 2024). Cultural resistance sustains pre-reform habits in the absence of sustained oversight (Ojoye, 2019). Inter-agency collaboration failures between police, the DPP, courts, and correctional services independently prolong file transmission and legal advice timelines (Joseph *et al.*, 2021; Onyema, 2022). Together, these five categories explain why the ACJL's comprehensive design has not produced measurable reductions in pre-trial detention.

Theoretical Framework

Implementation Theory and Street-Level Bureaucracy: Implementation theory, associated with Pressman and Wildavsky (1973), holds that translating policy into practice is inherently complex, involving multiple actors with different incentives, capacities, and interpretations of legislative intent. The ACJL's reform gap reflects precisely this problem: a well-designed statute operating in an environment where institutional conditions are not aligned with reform objectives. Street-level bureaucracy theory, associated with Lipsky (1980), focuses on the discretionary behaviour of front-line public servants as the actual determinants of policy outcomes. When a police officer decides whether to inform a suspect of reasons for arrest, or a magistrate decides whether to scrutinise a remand application, these street-level decisions aggregate into the system's overall compliance record. Reform alters outcomes by changing the conditions under which that discretion is exercised: training, oversight, accountability, and resources.

Procedural Justice and Legitimacy Theory

Procedural justice theory, associated with Tyler (1990, 2006), argues that public confidence in legal institutions depends on whether processes are perceived as fair and consistent. When 82% of inmates are awaiting trial and police routinely ignore arrest safeguards, it erodes institutional legitimacy and voluntary cooperation with law enforcement weakens. Onyema (2022) identifies diminished public trust as a systemic consequence of justice sector inefficiency in Nigeria. These frameworks guide the analysis of how institutional behaviour shapes pre-trial detention outcomes.

Methodology

This study is a policy evaluation using secondary data. It analyses the ACJL's implementation across three dimensions: institutional compliance, pre-trial detention outcomes, and structural barriers. The study draws quantitative data from correctional service statistics compiled by Ibrahim (2019), Guardian Nigeria (2020), Premium Times (2021), and Salau (2025); compliance surveys from Aidonojie *et al.* (2024) and PWAN (2019); and case disposal figures from the Lagos State Ministry of Justice (2025) and Ojoye (2019). Qualitative data come from peer-reviewed literature, the RoLAC Programme impact report (2023), official legislative texts, and published statements by Lagos justice sector officials. The study selects sources on the basis of institutional credibility, recency, and direct relevance to Lagos State, treating official government and monitoring body data as primary and academic literature as corroborating. Triangulation across independent sources reduces bias in reported compliance patterns. Lagos State is selected because its reform history and data depth make it the most analytically tractable site for evaluating ACJL implementation. A principal limitation is reliance on aggregate compliance data rather than case-level records: systemic patterns are identifiable but institution-specific causal claims require qualification. This design is appropriate because the study evaluates system-level performance rather than individual behaviour. Convergence across independent sources strengthens confidence in the patterns identified.

Findings

Compliance Across Institutions: Table 1 presents compliance data from the CLEEN Foundation study (cited in Aidonojie *et al.*, 2024) and the PWAN survey (2019).

Table 1

Compliance Rates Across Lagos Criminal Justice Institutions

Institution	Compliance Indicator	Compliance Rate	Source
Police	Adherence to ACJA/L arrest procedures	~54%	Aidonojie <i>et al.</i> (2024)
Police	Compliance with confession recording rules	43.4%	Aidonojie <i>et al.</i> (2024)
Police	Respect for suspects' rights	~62% (38% non-compliant)	Aidonojie <i>et al.</i> (2024)
Judiciary	Always conduct day-to-day trials	30%	PWAN (2019)
Judiciary	Sometimes conduct day-to-day trials	60%	PWAN (2019)
Correctional Service	Inform inmates of right to counsel	100%	PWAN (2019)

Note: Data sourced from Aidonojie *et al.* (2024) and Partners West Africa Nigeria (PWAN, 2019).

Police compliance remains low across all indicators, confirming this institution as the primary weak point in the Lagos system. Judicial compliance is stronger but divided: the minority who always conduct day-to-day trials represent the ACJL's intent, while the majority acknowledge the requirement without consistently meeting it. Prosecutors formally support ACJL objectives but delays in issuing legal advice sustain remand periods independently (Ojoye, 2019). The data confirm that compliance is weakest where the ACJL's requirements demand sustained and discretionary commitment. These patterns show that compliance failure, not legislative design, is the binding constraint on reform outcomes.

Pre-Trial Detention - Seven Years of Unchanged Outcomes: Table 2 presents Lagos custodial population data from 2018 to 2025.

Table 2

Lagos Prison Population and Awaiting-Trial Detainees, 2018–2025

Year	Total Inmates	Awaiting Trial	% Awaiting Trial	Source
2018	3,138	2,664	85%	Ibrahim (2019)
2020	7,623	6,071	80%	Guardian Nigeria (2020)
2022	8,167	6,665	82%	Premium Times (2021)
2025	9,096	7,457	82%	Salau (2025)

Note: Data sourced from Ibrahim (2019), Guardian Nigeria (2020), Premium Times (2021), and Salau (2025).

The awaiting-trial proportion has remained effectively static at 80 to 82% for seven years, while the absolute number of unconvicted persons in custody has grown substantially from 2,664 in 2018 to 7,457 in 2025. The 2021 ACJL amendment's strengthened remand oversight had produced no detectable improvement by May 2025. The data show that compliance remains below the threshold required to reduce detention rates. This stagnation confirms the core finding of implementation theory: no upstream intervention changes downstream outcomes unless all actors in the justice chain improve simultaneously.

Rights in Practice: Localised Gains, Persistent Violations

Where targeted ACJL training was delivered, police behaviour changed immediately: officers informed suspects of arrest reasons, respected bail rights, and reduced arbitrary detention (RoLAC Programme, 2023). These gains confirm that compliance is achievable. Yet they did not spread automatically beyond trained divisions, and rights groups continue to document torture, coerced confessions, and unlawful detention across Lagos (RoLAC Programme, 2023). Extreme detention cases confirm that remand safeguards are not consistently activated for the most vulnerable detainees (Joseph *et al.*, 2021).

Structural and Behavioural Barriers in Operation

The gap persists because institutions lack capacity and incentives for compliance. Resource constraints prevent day-to-day trial adherence regardless of judicial commitment. Skills deficits drive continued reliance on confessions rather than forensic evidence. Corruption creates financial incentives that directly undermine ACJL safeguards. Cultural resistance sustains pre-reform habits. Coordination failures between agencies independently prolong file transmission and legal advice timelines (Aidonojie *et al.*, 2024; Joseph *et al.*, 2021). These

five forces operate simultaneously, explaining why partial improvements in one area do not translate into system-wide change.

Discussion

The Implementation Gap as a Systemic Problem: The implementation gap is systemic, not a product of individual failure or bad faith. Most criminal justice actors in Lagos operate under conditions that make full compliance structurally difficult. Street-level bureaucracy theory explains why this matters for reform design: since non-compliance is primarily a product of structural conditions, the appropriate response is investment in resources, sustained training, redesigned coordination, and accountability frameworks. The RoLAC Programme's evidence confirms that the primary variable is institutional capacity constraints rather than individual unwillingness (RoLAC Programme, 2023). The CLEEN foundation finding that over half of respondents identified corrupt practices as a critical barrier identifies a distinct category of motivated non-compliance requiring credible disciplinary sanctions. An effective reform strategy must address both dimensions simultaneously.

Pre-Trial Detention and the Legitimacy Crisis: When more than four out of five people in custody have not been convicted of anything, the correctional system functions as a pre-conviction detention facility rather than an accountability mechanism. This represents a sustained procedural justice failure: public confidence erodes when processes are perceived as unfair (Tyler, 1990). Onyema (2022) identifies this as a driver of public disengagement from formal justice mechanisms. The EndSARS protests of 2020 represent the most visible expression of accumulated institutional illegitimacy (RoLAC Programme, 2023). None of the required changes, including completing investigations before remand, issuing timely legal advice, scrutinising remand applications, and enforcing adjournment limits, requires new legislation. All require sustained investment in the conditions that make compliance achievable.

The Potential of the 2021 Amendment: The 2021 ACJL amendment introduced the Criminal Justice Sector Reform Committee, the Crime Data Register, and enhanced remand oversight provisions. The Committee provides an institutional home for inter-agency coordination and accountability (James, 2021; Okeke & Laoye, 2025). If consistently maintained, the Crime Data Register would enable targeted interventions rather than system-wide programmes. Good institutional design is necessary but not sufficient for effective implementation without sustained compliance.

Conclusion

The ACJL's reform gap is a product of resource constraints, skills deficits, corruption, cultural resistance, and coordination failures operating simultaneously. It is not a failure of legislative design but a failure of the institutional conditions the law requires to function. Seven consecutive years of reform-era operation have not reduced the awaiting-trial proportion below 80%, confirming that statutory sophistication without institutional capacity produces no measurable change in detention outcomes. The evidence demonstrates that the gap is addressable: training produces immediate compliance improvements, and the 2021 amendment's institutional mechanisms provide the coordination architecture for system-wide change. Political will and sustained investment are the determining variables. Without institutional capacity, legal reform will not change detention outcomes.

Recommendations

Based on the foregoing findings, the following recommendations address the specific institutional failures observed in the implementation of the ACJL in Lagos State. First, the Lagos State Government should establish a fully funded and permanently staffed secretariat for the Criminal Justice Sector Reform Committee within a defined timeframe. The secretariat should publish quarterly compliance reports within 30 days of each quarter, disaggregated by institution, and refer persistent cases of non-compliance to relevant disciplinary bodies. This mechanism would strengthen oversight and close the implementation gap. Second, the Lagos State Police Command and the Ministry of Justice should jointly implement a mandatory, periodic ACJL training programme for all rank-and-file officers within a defined timeframe. Training should cover arrest procedures, detention limits, confession recording, and bail rights. Compliance should be assessed through periodic audits by the Criminal Justice Sector Reform Committee, with targeted retraining where gaps are identified. Evidence shows that focused training improves police compliance, although effects remain limited without sustained system-wide implementation (RoLAC Programme, 2023). Third, the Lagos State Judiciary and the Directorate of Public Prosecutions should adopt a dual accountability framework. Judges and magistrates should submit monthly adjournment data to the Reform Committee as part of performance monitoring. The DPP should institute a time-bound triage process for legal advice on remand cases, with delays beyond the stipulated period subject to internal review and supervisory oversight. Fourth, the Lagos State Government should develop and issue clear procedural guidelines for courts and prosecutors on the application of victim compensation and witness protection provisions under the 2021 ACJL amendment. These guidelines should specify eligibility criteria, application procedures, and reasonable timelines to ensure that these provisions function as enforceable remedies rather than symbolic guarantees.

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