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Public Prosecution in Nigeria: Institutional Challenges, Prosecutorial Discretion, and the Awaiting-Trial Dilemma

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Abstract

Public prosecution remains an indispensable instrument for maintaining social order, enforcing criminal laws, and safeguarding public safety. However, the administration of criminal justice in Nigeria faces severe structural bottlenecks, most notably chronic custodial congestion driven by a disproportionately large population of awaiting-trial inmates (ATIs). This paper critically investigates the systemic challenges confronting public prosecutors in Nigeria—including resource constraints, technological adaptation gaps, and unguided prosecutorial discretion. By evaluating the constitutional and statutory frameworks, including the Administration of Criminal Justice Act (ACJA) 2015, this study moves beyond descriptive critique. It integrates Jeffrey Bellin's normative 'servant-of-the-law' model as an analytical framework to reshape prosecutorial behavior, urging a transition from a traditional 'conviction-at-all-costs' mindset to a non-adversarial adherence to statutory mandates. Finally, the paper outlines targeted, evidence-based reform options aimed at optimizing prosecutorial efficiency and mitigating pre-trial detention pressures.

Keywords: Prosecutorial Discretion, Awaiting-Trial Dilemma, Institutional Challenges, Nigeria.

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Introduction

Public prosecution in Nigeria operates within a complex adversarial architecture inherited from English common law, anchored constitutionally in the powers vested in the Attorney-General and various institutional bodies, including the Nigeria Police Force and State or Federal Ministries of Justice (Eyongndi, 2026.; Umeobika, n.d.). Despite landmark legislative interventions such as the Administration of Criminal Justice Act (ACJA) of 2015, which was designed to usher in expeditious dispensation and safeguard human rights, the criminal justice system continues to struggle with deep-seated systemic friction. Legal scholars and criminal justice experts note that while formal statutory provisions have evolved, the operational culture, infrastructural base, and administrative mechanisms supporting public prosecution remain heavily burdened by historical inefficiencies, creating a wide gulf between legislative intent and courtroom reality (Kore-Okiti, n.d.).

Criminal prosecution is the formal legal mechanism through which the State initiates legal action against individuals or entities accused of violating public penal laws. In Nigeria, the mandate of public prosecution is shared among institutional bodies, notably the Nigeria Police Force (NPF), specialized law enforcement agencies, and the public prosecution departments (DPP) operating at both federal and state levels. The mandate are clearly spelled out as follows: Constitution of the Federal Republic of Nigeria, 1999 (as amended) — specifically Sections 174 and 211, which establish the constitutional scope and overriding control of prosecutorial powers for the Attorney-General of the Federation and State Attorneys-General respectively (CFRN 1999, ss. 174, 211). Nigeria Police Act, 2020 — particularly Section 66, which defines the extent of police prosecutorial authority, subject to constitutional oversight and criminal procedure laws (Nigeria Police Act 2020, s. 66).

Administration of Criminal Justice Act (ACJA), 2015 — Most notably Section 106, which outlines who may institute and undertake criminal proceedings in courts: Economic and Financial Crimes Commission (Establishment) Act, 2004 — Governing the prosecutorial mandate of the EFCC over economic and financial crimes (e.g., EFCC Act 2004, s. 1). Corrupt Practices and Other Related Offences Act, 2000 — Governing the Independent Corrupt Practices and Other Related Offences Commission (ICPC) (ICPC Act 2000, s. 3). National Drug Law Enforcement Agency Act, Cap N30, Laws of the Federation of Nigeria (LFN), 2004 — Empowering the NDLEA in matters relating to narcotics and drug trafficking

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(NDLEA Act 2004, s. 3). Nigeria Customs Service Act, 2023 — Providing the statutory basis for customs enforcement and associated prosecutions (e.g., NCS Act 2023, s. 1) and Federal Road Safety Commission (Establishment) Act, 2007 — Authorizing the FRSC to address road traffic violations and enforce compliance (e.g., FRSC Act 2007, s. 10).

Despite its foundational role, Nigeria's criminal justice system struggles with severe systemic inefficiencies. The major issue among these is the staggering volume of pre-trial detainees inhabiting custodial facilities. Official data highlights that correctional centers are severely overstressed; statistics from the Nigerian Correctional Service indicate that pre-trial detainees consistently comprise roughly 68% of the total inmate population (Beska, 2026). This structural imbalance—where custodial centers admit individuals at geometric rates while discharging them at arithmetic rates—creates a humanitarian crisis and undermines the core objectives of reformation, rehabilitation, and reintegration.

The government is saddled with the responsibility of prosecuting criminal acts, as criminal acts are infringement of public order as stipulated in criminal law provisions in Nigeria. That is, the government or state initiates legal action against an individual or entity accused of committing a crime. Hence, criminal prosecution is an essential tool for maintaining law and order in any society. The bodies saddled with public prosecution in Nigeria includes various institutions comprising of the police and any other law enforcement agencies as provided for by the law, legal practitioners who may be private or public, the court system which includes the judge(s) and other court officials and the correctional service centers. (Fatoki, 2023).

The process of criminal prosecution begins with law enforcement officials who are saddled with responsibility of investigating crimes and gathering evidence to build a case against the defendant. The investigation circle includes but not limited to these, invitation and arrest, interview and interrogation, and arraigning of the defendant by the law enforcement body. The key components of modern criminal prosecution promote the basic principles and elements that underline the process of prosecuting defendants and this include the presumption of innocence of the defendant which is a principle holds that a person accused of a crime is presumed innocent until proven otherwise. (Dada, Dosunmu, Oyedeji, 2015). It lies on the prosecution to prove that the defendant committed the crime beyond a reasonable doubt hence, the burden of proof lies on the prosecution. (Fatoki, 2023). This implies that prosecution must prove their case beyond a reasonable doubt to secure a conviction of the defendant. The principle is based on due diligent, is also necessary as it ensures that the defendant has a right to a fair trial and for that, all legal proceedings must be conducted in accordance with established legal provisions. (Fatoki, 2023).

The Nigeria correctional service's facilities are overstressed given the number of inmates in the facilities across the country. As of 1st April 2024, the Nigerian correctional services released an inmate population of 77,934, published on their official website. The data shows that 68% were waiting trial inmates, 32% were convicted inmates, 98% were male inmates and 2% formed the population of female inmates. (Nigerian Correctional Service, April 2024) This shows that the custodial centers admit at geometric progression and release at arithmetic progression. The statistics showed an upward shift compared to the previous year's statistics. With this horrific figure, rehabilitation, reformation, and reintegration of inmates will become a major challenge for the government due to overcrowding. (Beska, 2024) Beska, (2024) argued that the situation is would be worsened by Nigeria's current economic situation looking at the rate at which prices of goods and services increase without equivalent increases in job opportunities might increase custodial centers admission.

The role played by prosecutorial bodies in prison decongestion in every jurisdiction cannot be diluted whether private or public. Every jurisdiction has a discrete prosecutorial system which makes it so peculiar to its legal jurisdiction. The criminal prosecution process more often than not involves a whole lot of persons starting from the police or any other law enforcement agency, the prosecutors whether public or private, judges, the defendant and his counsel play significant role. Criminal prosecution is not restricted to just a particular body but it cuts across all the criminal justice system which aimed at promoting speedy, fair, and just administration of criminal justice. The range in legal system cum jurisdiction brings about the peculiarity in the ways and institution of their criminal justice system. Nevertheless, to some degree, political and economic situations have impacted on these systems. (Okemuyiwa & Akeem, 2023, CDPP, 7 October 2023 and Peters, 2005 cited in Fatoki, 2023).

This paper investigates the specific institutional, statutory, and discretionary factors within public prosecution that contribute to case backlogs and protracted pre-trial detentions. It

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evaluates contemporary bottlenecks and applies a robust theoretical lens to propose actionable pathways for sustainable reform.

Literature Review

Institutional Challenges in Nigerian Public Prosecution

The infrastructure of public prosecution in Nigeria is severely constrained by operational bottlenecks that stall the wheels of justice from the very inception of a case. Prosecuting agencies routinely experience acute shortages of basic forensic resources, modern digital case-management databases, and proper funding, which frequently result in poorly investigated or shoddily prepared case files (Umeobika, 2026; Ayegba, n.d.). This lack of institutional preparedness forces prosecutors to rely on archaic paper-based tracking methods, making evidence management vulnerable to loss, tampering, or bureaucratic delay (Fatoki, 2025). Furthermore, Kore-Okiti (n.d.) emphasizes that a profound historical disconnect between police investigators and legal prosecutors introduces continuous procedural friction into the chain of justice.

This institutional misalignment manifests sharply in the persistent reliance on the controversial "holding charge" (Ayegba, n.d.). Because the Nigeria Police Force retains broad powers to arrest and detain suspects prior to completing investigations, individuals are frequently arraigned before lower courts that lack jurisdiction over the substantive offense, merely to validate extended pre-trial detention while investigations slowly crawl forward (Fatoki, 2025). Consequently, formal case files take months—or even years—to reach the Directorate of Public Prosecutions (DPP) for necessary legal advice. This delay creates an administrative gridlock where the institutional machinery is perpetually overwhelmed, trapping suspects in legal limbo before a formal trial has even commenced (Hurilaws, 2019).

Prosecutorial Discretion

According to sections 174 and 211 of the 1999 Constitution (as amended), public prosecutors and Attorneys-General hold extensive discretionary powers to institute, conduct, take over, modify, or discontinue criminal proceedings, as well as to utilize mechanisms such as plea bargaining (Fatoki, 2026; Alliance Law Firm, 2025). While this broad discretion is designed to be an administrative safety valve—allowing the state to filter out frivolous suits, manage heavy court dockets, and conserve scarce judicial resources for high-priority offenses—its unmonitored execution introduces severe systemic vulnerabilities (Oluwasina, 2026).

Legal analysts point out that because these sweeping powers operate largely beyond strict judicial review or mandatory public justification, they carry a high risk of arbitrariness (Ashiru, A. 2026; Oluwasina, 2026). In the absence of rigorous, publicly audited operational guidelines governing how prosecutors exercise discretion regarding the entry of a nolle prosequi or the approval of selective plea bargains, the system remains susceptible to external political manipulation, executive interference, and selective enforcement (ResearchGate Ashiru, A. (2026). This lack of transparency undermines the foundational principle of equality before the law, eroding public trust in the prosecutorial process and transforming what should be an instrument of public justice into an arena for partisan maneuvering (Ashiru, A. (2026).).

The Awaiting-Trial Dilemma and Prison Overcrowding

The cumulative fallout of institutional decay, investigative delays, and prolonged waits for DPP legal advice culminates directly in Nigeria's severe prison overcrowding crisis, which is driven primarily by an overwhelming population of awaiting-trial persons (ATPs) (CELSIR, 2026; Hurilaws, 2019). Statistical data from correctional authorities reveal that a substantial majority of inmates in Nigerian custodial facilities are pre-trial detainees rather than convicts, turning correctional centers into holding warehouses for unresolved cases (CELSIR, 2026). Many of these individuals languish behind bars for periods that far exceed the maximum custodial sentences prescribed by law for the very offenses with which they are charged (Hurilaws, 2019).

Indigent defendants, who cannot afford private legal representation or secure bail bonds, bear the heaviest brunt of these administrative bottlenecks. Although legislative innovations like the ACJA 2015 introduced periodic judicial visits to detention facilities and mandated speedy trials, implementation gaps across different states continue to limit their efficacy (Eyongndi, n.d.; Hurilaws, 2019). The human cost is profound, characterized by eroded constitutional presumptions of innocence, fractured family structures, deteriorating health conditions in custody, and a pervasive sense of systemic injustice that demands sweeping structural reforms (CELSIR, 2026).

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Theoretical Framework

To address the structural pathologies and normative vacuum of traditional prosecutorial behavior, this study adopts the robust theoretical framework of the "servant-of-the-law" model propounded by Jeffrey Bellin (2020). Criminal justice literature has long wrestled with the foundational ambiguity of the standard prosecutorial mandate, which traditionally instructs prosecutors merely to "do justice." As legal scholars and critics note, this open-ended instruction operates as a dangerous institutional euphemism—a roaming commission that lacks normative constraints, thereby enabling unbridled executive discretion, arbitrary decision-making, overcharging, and politically motivated prosecutions under the guise of an abstract public interest (Bellin, 2020; Alschuler, 2017). Without clear boundaries, unconstrained prosecutorial discretion easily morphs into systemic abuse, as observed across various common law jurisdictions where prosecutors function as partisan warriors rather than objective ministers of justice.

The core assumption of Bellin's "servant-of-the-law" model is that prosecutorial discretion must be radically reimagined, stripped of its arbitrary executive insulation, and rigorously tethered to strict, fact-sensitive adherence to substantive and procedural legal rules (Bellin, 2020). Under this model, the traditional metric of institutional success—which is heavily skewed toward raw conviction rates, plea-bargain volume and high-profile courtroom victories—is fundamentally inverted? Instead, a prosecutor operating under the servant-of-the-law framework succeeds equally when a jury convicts, when a court acquits, or when a legally untenable, evidentially deficient, or structurally weak case is proactively and transparently dismissed prior to trial (Bellin, 2020; Wright & Miller, 2010). The model posits that the prosecutor's ultimate fidelity is not to the state's penal appetite, but to the governing framework of positive law and constitutional due process.

However, subjecting this theoretical model to rigorous academic critique reveals notable tensions between its prescriptive idealism and operational realities. Critics of strict rule-bound models argue that an absolute servant-of-the-law framework risks administrative rigidity, potentially stripping prosecutors of the pragmatic flexibility required to manage massive caseloads, navigate complex evidentiary ambiguities, or effectuate progressive systemic reforms in resource-starved environments (Givelber, 1996; Zamir & Medina, 2018).

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Skeptics contend that in systems overwhelmed by structural backlogs, requiring exhaustive legal compliance for every prosecutorial decision can lead to administrative gridlock unless matched by massive infrastructural and institutional investments.

Despite these theoretical critiques, the adoption of Bellin's model provides an essential and urgent justification for this study on the Nigerian criminal justice system. In Nigeria, unconstrained prosecutorial discretion combined with administrative inertia has catalyzed severe structural crises, most notably the chronic awaiting-trial crisis and the abuse of provisional holding charges in magistrate courts (Bello et al., 2024; Umeobika, n.d.). As highlighted in empirical literature, frontline police prosecutors and state counsels frequently operate within an institutional culture driven by conviction metrics and administrative deferral, where investigative files linger indefinitely at the Directorate of Public Prosecutions (DPP) while suspects are warehoused in overcrowded correctional centers without formal arraignment before courts of competent jurisdiction (Bello et al., 2024; Eyongndi, 2019).

By applying Bellin's servant-of-the-law framework to the Nigerian context, this study argues that injecting rigid legal rule-adherence into the prosecution matrix serves as a vital structural corrective. When prosecutorial decision-making is strictly bound by statutory evidence thresholds, clear legal timelines, and constitutional mandates rather than arbitrary executive delay, the systemic reflex to detain suspects indefinitely loses its operational and normative legitimacy. Under this model, the routine practice of holding suspects without trial is exposed not merely as an administrative inconvenience, but as a direct violation of the prosecutor's core legal duty to serve as an objective minister of justice (Bellin, 2020; Alliance Law Firm, 2025).

Furthermore, integrating this theoretical model into the Nigerian legal architecture directly reinforces recent legislative milestones, such as the Administration of Criminal Justice Act (ACJA) 2015, which seeks to eliminate arbitrary detentions and human rights abuses (Eyongndi, 2019; LawPavilion Blog, 2016). If Nigerian prosecutors embrace the servant-of-the-law orientation, the cultural stigma that paints prosecution as a purely punitive or adversarial mechanism can be effectively dismantled, fostering a renewed commitment to ethical case triage, human rights protection, and institutional transparency (Fatoki, 2023). Thus, Bellin's model moves beyond Western jurisprudential discourse to provide a powerful

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analytical and prescriptive justification for transforming Nigerian public prosecution from an arbitrary administrative bottleneck into a predictable, rule-bound mechanism of constitutional governance and substantive justice.

Methodology

This study adopts a doctrinal legal research methodology combined with a critical literature review framework, which serves as the standard approach for rigorous legal scholarship examining statutory and institutional frameworks. Doctrinal legal research is fundamentally concerned with systematically locating, analyzing, interpreting, and evaluating enacted legal norms, constitutional provisions, statutory structures, and judicial precedents to determine their internal coherence and practical efficacy. Through this methodological lens, the study systematically examines primary legal sources that govern the Nigerian criminal justice architecture. These primary sources include: The Constitution of the Federal Republic of Nigeria 1999 (as amended), the Administration of Criminal Justice Act (ACJA) 2015 and corresponding State-level Administration of Criminal Justice Laws (ACJLs), the Evidence Act 2011 and Appellate Court Decisions.

Complementing this statutory examination, the study utilizes a qualitative, critical literature review of secondary materials. This involves an extensive analysis of peer-reviewed journal articles, institutional reports, policy briefs, and comparative academic scholarship addressing structural bottlenecks, human resource deficits, technological integration challenges, and data management issues within public prosecution offices (such as empirical insights from the RAND Corporation and specialized legal reviews). By synthesizing these primary and secondary materials, the methodology enables a rigorous evaluation of the disjunction between legislative intent and operational reality, ultimately facilitating the formulation of actionable policy recommendations for criminal justice reform in Nigeria.

The Institutional and Statutory Framework of Public Prosecution in Nigeria

At the pinnacle of the constitutional architecture are Sections 174 and 211 of the 1999 Constitution (as amended), which vest sweeping, discretionary powers regarding public prosecution respectively in the Attorney-General of the Federation (AGF) and the Attorneys-General of the various states (Bello et al., 2024). These foundational provisions grant the Attorney-General exclusive authority to institute criminal proceedings against any person

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before any court of law in Nigeria (other than a Court-Martial), take over ongoing matters initiated by other authorities or persons, and discontinue actions at any stage before judgment is delivered via nolle prosequi (Akpor, 2026.). Despite the broad nature of these powers, they are constitutionally expected to be exercised in the public interest, the interest of justice, and the need to prevent the abuse of legal processes (Akpor, 2026.).

However, the operational reality on the ground reflects a fragmented dual-track framework that often causes institutional friction in case management and evidentiary quality (Bello et al., 2024). While seasoned state counsels handle complex, capital, or high-profile cases in higher courts (such as State High Courts and Federal High Courts), the Nigeria Police Force routinely drives prosecutions in lower courts, such as Magistrate Courts (Law, 2024). Historically, non-lawyer ("lay") police prosecutors have conducted these trials (Law, 2024). This structural dichotomy frequently generates compromised evidentiary quality, poorly framed charges, and mismatched case management capacities because non-lawyer police prosecutors often lack advanced formal legal training (Law, 2024). Although the Police Act 2020 and subsequent judicial interpretations have sought to clarify courtroom representation rules, the operational divide between police-led prosecutions and Ministry of Justice oversight remains a persistent challenge (Law, 2024).

To remedy historical defects—such as indiscriminate arrests, systemic abuse of the "holding charge" mechanism, and prolonged pre-trial detentions—the enactment of the Administration of Criminal Justice Act (ACJA) in 2015 marked a watershed moment in Nigerian legal history (Eyongndi, 2019; Law Pavilion Blog, 2016). The legislation sought to harmonize criminal procedure across federal courts, institutionalize human rights safeguards, and introduce restorative justice tools like plea bargaining, suspended sentences, and community service to streamline court dockets and curb correctional congestion (Law Pavilion Blog, 2016). Provisions such as Section 106 of the ACJA emphasize prosecution by legal practitioners, intersecting with subsequent frameworks like the Police Act 2020 to professionalize courtroom representation and close systemic loopholes that historically compromised criminal trials (Law, 2024). Furthermore, the ACJA introduced stringent timelines for trial commencement, regularized monthly detention oversight by designated judges and magistrates, and mandated periodic returns of inmate records to the Chief Judge to combat arbitrary incarceration practices (Eyongndi, 2019).

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Prosecutorial Discretion, Independence, and the Awaiting-Trial Crisis

Prosecutorial discretion remains an indispensable tool for ensuring efficient resource allocation, prioritization, and rational case selection within any democratic criminal justice system. Yet, when deployed without clear normative constraints or administrative efficiency, unbridled discretion easily morphs into systemic abuse and executive overreach (Akpor, 2026.). In Nigeria, administrative bottlenecks—particularly delays in forwarding investigative case files from frontline police units to the Directorate of Public Prosecutions (DPP) for formal legal advice—trigger cascading human rights violations and fuel the country's severe awaiting-trial crisis (Umeobika, n.d.).

Prolonged pre-trial incarceration persists not merely due to judicial docket congestion, but because structural inefficiencies in prosecutorial file tracking, delayed legal evaluations, and deferred case reviews leaves thousands of detainees languishing indefinitely without formal arraignment before courts of competent jurisdiction (Umeobika, n.d.). Addressing this crisis requires deep structural reforms, including digitized file-tracking systems between the police and the Ministry of Justice, strict statutory timelines for legal advice, and robust oversight by Chief Judges during periodic visits to detention centers as envisaged under the ACJA framework (Eyongndi, 2019).

Contemporary Operational Challenges

Public prosecution is a foundational pillar of any robust criminal justice architecture, serving as the bridge between investigative agencies and the judiciary. However, the operational efficacy of prosecutorial offices is routinely undermined by systemic constraints that influence decision-making, performance, and institutional legitimacy. These systemic bottlenecks encompass persistent resource deficits, retention crises, complex technological transformations, and organizational data management issues (Fatoki, 2023). A rigorous academic examination of these challenges reveals how structural vulnerabilities directly compromise the delivery of swift and equitable justice.

Staffing deficits and resource allocation constitute primary vulnerabilities within prosecutorial frameworks. Hiring and retaining qualified legal professionals remain exceedingly difficult for public offices operating under acute fiscal constraints. Staff retention depends not only on initial recruitment pipelines and the identification of specialized skills

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for career advancement, but also on creating institutional incentives that deter seasoned personnel from migrating to more lucrative opportunities in the private sector or alternative legal agencies. Consequently, public offices must adopt creative approaches to compensation, performance recognition, and professional development to remain competitive. In Nigeria, this challenge is acutely magnified by a severe shortage of manpower stemming from prolonged hiring freezes and a pervasive cultural stigma associated with public prosecution (Fatoki, 2023). As highlighted in scholarly discourse, younger lawyers often perceive prosecution as an unappealing career path due to the narrow societal assumption that a prosecutor's sole objective is to secure prolonged incarceration, thereby alienating prospective talent. Mitigating this trend requires targeted institutional outreach, mentorship programs, and structured recruitment campaigns designed to highlight the positive societal impact of prosecutorial work. Furthermore, drawing on comparative academic insights, strategies utilized to combat lawyer shortages in remote or under-resourced sectors—such as law school externship placements, targeted scholarships, and continuing legal education credits exchanged for public service—offer viable blueprints for revitalizing recruitment pipelines (Pruitt, McKinney, and Calhoun, 2015; Pruitt and Showman, 2014, cited in Fatoki, 2023).

Beyond general staffing shortages, the integration of specialized legal expertise remains a critical hurdle. Employing attorneys specialized in complex matters—such as domestic violence, gang-related crime, and sexual assault offenses—is frequently hindered by high remuneration demands that exceed standard public sector budgets. This deficit in specialization impedes broader systemic goals, such as prison decongestion and effective case triage. Legal scholars have extensively documented how specialized tribunals, including drug courts and mental health courts, are vital for addressing the underlying clinical and behavioral needs of defendants, yet the staffing of these specialized tracks requires dedicated institutional investment that many public offices lack (Rempel et al., 2018; Fisler, 2015; Kugler, 2016). Compounding these structural human resource deficits is the challenge of continuous professional development. Regular training for seasoned prosecutors remains sporadic because experienced practitioners find it difficult to reconcile mandatory instructional programs with overwhelming daily caseloads and administrative demands. Conversely, external experts who could provide advanced training are often financially

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prohibitive to procure. This training deficit is particularly glaring regarding courtroom technology; senior prosecutors frequently struggle to adapt to emerging digital trial tools, while the promised operational efficiencies of virtual testimony and digital presentation platforms remain unfulfilled even among newer staff (RAND Corporation, 2019).

Even when recruitment and initial training goals are met, retaining seasoned personnel remains an intractable challenge driven by compounding workloads, limited logistical support, and substantial wage disparities offered by private defense firms and corporate agencies. These conditions foster chronic burnout and high turnover rates. Bridging this retention gap necessitates institutional reforms, including improved remuneration packages, enhanced working conditions, the creation of formalized specialized career paths, structured mentorship programs, and specialized retention-focused training modules. Moreover, geographical disparities introduce further operational friction. Prosecutors serving in rural or non-metropolitan jurisdictions face acute resource deprivation and limited career mobility compared to their urban counterparts. In many rural settings, restricted courtroom availability—where judicial sittings may occur as infrequently as once a week—directly dictates prosecutorial strategy, forcing premature plea negotiations or delayed trials that subvert substantive justice. Implementing structured access-to-justice initiatives that enhance public legal education and offer participation incentives for rural practitioners can mitigate these geographic inequities (Blaze and Morgan, 2015).

The contemporary digitization of evidence has introduced a parallel tier of operational and evidentiary challenges. The integration of digital information—such as social media content, electronic records, and body-worn camera (BWC) footage—into the Nigerian criminal justice system requires navigating complex evidentiary standards for authentication and admissibility that diverge significantly from traditional physical evidence. In addition to legal hurdles, prosecutorial offices face severe logistical challenges in securely storing, managing, and retrieving digital payloads throughout the lifecycle of a case and following its final disposition (RAND Corporation, 2019). The sheer volume of data generated by modern policing technologies has transformed evidence management into an expensive, labor-intensive endeavor. Reviewing hours of continuous video footage is profoundly time-consuming, and offices routinely struggle to secure dedicated personnel for data auditing alongside adequate cloud or physical storage infrastructure, a structural pressure expected to

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intensify as police forces expand their technological deployment (Hamann and Brown, 2018). While advanced technological solutions such as data-mining algorithms, automated data-reduction tools, and electronic transcription software theoretically alleviate these burdens, their real-world adoption is frequently hindered by steep learning curves, high acquisition costs, and vulnerability to transcription errors—particularly when processing colloquial dialects or gang-related slang that can render transcripts unreliable in court (Al Fahdi, Clarke, and Furnell, 2013; Quick and Choo, 2014; Daniel et al., 2019).

Organizational data management represents another critical dimension where prosecutorial offices lag behind modern administrative standards. Although empirical data is indispensable for rationalizing criminal justice policy and decision-making worldwide, many agencies remain structurally unprepared to leverage its full utility. A well-organized data management system extends far beyond basic disposition tracking and conviction metrics, serving as the foundation for intelligence-led prosecution that incorporates predictive analytics to foster more efficient and equitable case processing (Daniel et al., 2019). However, the accumulation of vast digital repositories simultaneously generates acute ethical concerns and legal dilemmas regarding defendant and witness privacy rights (Richards and King, 2014). Furthermore, external data dependencies create operational vulnerabilities; third-party software vendor contracts frequently vest data ownership in the commercial vendor rather than the prosecuting agency. Without explicit contractual safeguards ensuring data custody and transferability prior to agreement expiration, prosecutorial offices risk catastrophic data loss and institutional paralysis (RAND Corporation, 2019). These systemic data vulnerabilities are further compounded by internal recording gaps, missing documentation in misdemeanor dockets, and a general lack of data quality standardization across cooperating criminal justice entities, all of which erode institutional transparency and public trust (RAND Corporation, 2019).

Addressing these multidimensional challenges requires deliberate institutional partnerships and structured collaboration. As argued by Daniel et al. (2019), robust community engagement and strategic alliances strengthen prosecutorial outcomes by cultivating the public trust necessary to secure candid cooperation from victims, witnesses, and local communities. Formalizing collaborative frameworks between prosecutors and academic researchers creates mutually beneficial alliances; researchers can conduct sophisticated

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macro-level data analyses that identify underlying criminal patterns, evaluate systemic trends, and assess the empirical impact of prosecutorial policies on recidivism and case outcomes. Furthermore, overcoming inter-agency friction through institutionalized data-sharing agreements enhances intelligence-driven prosecution, enabling smoother coordination between prosecutors, courts, and law enforcement agencies provided that clear operational protocols and data quality standards are rigorously maintained (Daniel et al., 2019). Ultimately, transforming public prosecution in Nigeria requires a holistic strategy encompassing sustained financial investment, aggressive human capital retention, technological modernization, and transparent inter-agency cooperation.

Policy Recommendations for Reform

To surmount the systemic, logistical, and organizational bottlenecks undermining public prosecution in Nigeria, targeted, aggressive, and highly structured policy interventions are imperative. These recommendations bridge statutory ideals with operational realities:

Institutionalize Specialized Digital Training and Evidence Units:

Prosecutorial offices across federal and state jurisdictions must establish dedicated, permanent digital evidence units staffed by legally and technically trained personnel to handle the authentication, cataloging, and admissibility of complex digital payloads, such as body-worn camera footage and social media records (RAND Corporation, 2019).

Collaborative training partnerships with academic institutions and technology vendors should be institutionalized to provide continuous professional education, overcoming the current deficits in technology adaptation and reducing vulnerabilities associated with electronic transcription errors (Al Fahdi, Clarke, and Furnell, 2013; Quick and Choo, 2014; Daniel et al., 2019).

Strict Enforcement of Statutory Timelines and File-Tracking Mechanisms:

State Attorneys-General and Directors of Public Prosecutions (DPPs) must institute rigorous, automated file-tracking dashboards that eliminate administrative lag between the police and the Ministry of Justice, ensuring that legal advice is formulated and transmitted within strict statutory windows. Institutionalizing these digital tracking metrics will directly curtail the systemic abuse of provisional holding charges in magistrate courts, thereby alleviating the

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severe awaiting-trial crisis and reducing correctional overcrowding (Bello et al., 2024; Eyongndi, 2019).

Operationalize the Servant-of-the-Law Ethos and Professional Ethics:

Professional regulatory bodies, including the Nigerian Bar Association and the General Council of the Bar, must revise codes of conduct to explicitly mandate the "servant-of-the-law" model, shifting the institutional culture away from a purely conviction-driven metrics system toward one that prioritizes constitutional rights, objective justice, and ethical case triage. Mentorship and onboarding programs for younger attorneys must actively counter the prevailing societal stigma that views prosecution as a punitive career, emphasizing instead its vital role in community safety, restorative justice, and human rights protection (Fatoki, 2023).

Build Secure, Interoperable Inter-Agency Data Integration Platforms:

Government stakeholders must allocate capital investment toward unified digital ecosystems that securely link the Nigeria Police Force, the DPP, the Judiciary, and the Nigerian Correctional Service, ensuring seamless data exchange and transparency. Vendor contracts for software infrastructure must be strictly negotiated to guarantee absolute data ownership by prosecuting and justice agencies upon contract expiration, thereby safeguarding institutional data integrity and protecting defendant and witness privacy rights (Richards and King, 2014; RAND Corporation, 2019).

Conclusion

Public prosecution in Nigeria stands at an unprecedented and critical juncture in its legal evolution. For decades, the structural architecture of the criminal justice system has laboured under the heavy weight of historical defects, administrative inertia, and a fundamental disconnect between ambitious legislative frameworks and daily courtroom realities. While the enactment of the Administration of Criminal Justice Act (ACJA) in 2015 introduced a progressive, forward-looking foundation designed to harmonize criminal procedure, protect human rights, and eliminate arbitrary detention practices, these statutory innovations have frequently been blunted by deep-seated institutional friction.

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At the heart of this ongoing crisis is a dual-track operational framework that creates dangerous divides between police-led prosecutions in lower courts and specialized state counsels in higher courts. This division, coupled with chronic underfunding, severe manpower shortages, and an acute lack of continuous professional training, has left prosecutorial offices ill-equipped to manage the exponential surge of digital evidence brought on by modern policing technologies. Furthermore, unbridled prosecutorial discretion—manifested most vividly in administrative delays surrounding legal advice and the persistent abuse of the holding charge mechanism—acts as a direct catalyst for the country's alarming awaiting-trial crisis, leaving thousands of citizens languishing indefinitely in overcrowded correctional facilities without formal arraignment before courts of competent jurisdiction.

Resolving these multidimensional challenges requires more than superficial administrative adjustments; it demands a comprehensive, holistic transformation of the Nigerian criminal justice ecosystem. First and foremost, a cultural and normative shift must occur within the legal profession. Embracing the "servant-of-the-law" model requires prosecutors to view their mandate not merely as an adversarial quest for convictions, but as a sacred public trust dedicated to the preservation of justice, fairness, and constitutional liberties. This ethical realignment must be supported by aggressive human capital strategies, including competitive remuneration structures, specialized career paths, and targeted mentorship initiatives designed to attract and retain talented young lawyers who might otherwise shun public service due to outdated stigmas (Fatoki, 2023).

Concurrently, technological modernization and robust data governance are non-negotiable prerequisites for institutional survival. As criminal enterprises and investigative methods grow increasingly sophisticated, prosecutorial offices can no longer rely on paper-based file management and manual evidence review. Investing in secure, interoperable digital data-sharing platforms, automated evidence reduction tools, and specialized training units will empower prosecutors to navigate the complexities of digital footprints, body-worn camera footage, and electronic authentication standards efficiently

Ultimately, the transformation of public prosecution in Nigeria is not merely a technical legal challenge—it is a fundamental test of the nation's commitment to the rule of law and democratic governance. By systematically addressing resource deficits, enforcing strict

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statutory timelines, bridging inter-agency communication gaps, and embracing a normative commitment to human rights, Nigeria can successfully convert its prosecution machinery from an overburdened bottleneck into a dynamic, efficient engine for genuine and lasting criminal justice reform. The pathway forward requires unwavering political will, sustained financial investment, and collaborative institutional synergy among all stakeholders committed to a fairer, more equitable society.

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