Repositioning Nigerian Prisons for Sustainable National Development

Ugwuoke, Kelvin Abuchi; Otodo Ifeanyichukwu

ABSTRACT
This paper highlights the situation of prisons in Nigeria pointing out some of the challenges that bug down their smooth operation. Available literature in this area of study was reviewed. It also went in depth to point out the major problems of the prison system in Nigeria and gave a comprehensive overview of the Nigerian Prisons Service as a department of the Federal Government of Nigeria responsible for the management of prisons in Nigeria. The paper also highlighted the way forward for the Nigerian prison system.

KEY WORDS: Prison, congestion, repositioning, Nigeria, prisoner, corruption.

1.0 INTRODUCTION
Prisons in Nigeria have become a shadow of themselves. This is because they have lost the taste they are known for. Ideally, a prison is a facility in which inmates are confined and denied a variety of freedoms under the authority of the state as a form of punishment. Anyone who is confined in prison must have committed crime and is being punished. It does not stop at that, it is expected that the convict will undergo a reformatory process that will metamorphose the person from being a law breaker to a law abiding citizen who will contribute meaningfully to the society after discharge. According to the CAP 366 Laws of the Federation of Nigeria, ‘The minister (of Interior) may, by the federal gazette, declare any building or place in Nigeria to be a prison and by the or a subsequent order specify the area for which the prison is established.’ It went on to define a prison as the ground and buildings within the prison enclosure, and any lock-up house for the temporary detention or custody of the prisoner newly apprehended or under remand which is declared by the minister by order in the federal gazette to be part of the prison. This is a legal definition of prison. From this definition, one can deduce that legally, prison can be defined in terms of structures, demarcations and pronouncements by the authority of the state.

Sociologically, a prison is a relatively isolated social system which has custodial authority over adults sentenced to confinement (Muntingh, 2012, Pabjan, 2005). This definition exposes the functions which prisons perform and the social
interaction that is obtainable therein. The sociological point of view sees prisons as an entity which has its own modus operandi, culture and every other characteristic that can be observed in the wider society.

Prisons in Nigeria and elsewhere house both sentenced prisoners and those awaiting trial. For sentenced offenders, prison is the last step in the process of a case; they are incarcerated for the purpose of retribution for the offences committed against the state. Another purpose for incarceration is for deterrence. Sentencing convicts to prison terms deters others who have intentions of committing crime. When crime is punished, people refrain from them, at least knowingly. Again, locking up dangerous criminals or persistent nonviolent offenders means that society will be protected from them for the duration of their sentences. Thus, imprisoning criminals temporarily incapacitates them (Ajayi, 2012). Therefore, incarceration ensures societal protection. The most prized purpose of incarceration is for social reformation, rehabilitation and resettlement. Prisons attempt to rehabilitate inmates so that they will avoid future criminal behavior. Most prisons have vocational and educational programs, psychological counselors, social workers, after-care and an array of services available to assist inmates to improve their skills, education, and self-concept. Most prisons provide programs designed to reintegrate the prisoner into the community (Ajayi, 2012).

For awaiting trial detainees, those who are held in prison if they are refused bail or are unable to pay bail set by a court, they are still presumed innocent until they are convicted. Many of them who are fortunate get out from custody once they are presumed not guilty of the offence(s) they are suspected to have committed. For the less fortunate ones, this may be the start of a long wait while their case runs its course. The awaiting trial inmates constitute a large chunk of the total number of inmates of Nigerian prisons. Nigerian Prisons nationwide have 53,019 inmates (Crimefact, 2013). Out of this number of inmates, only 25% have been convicted and are serving various terms of sentences ranging from short term to long term; while a whopping 36,874 or 75% are awaiting trial inmates. It is appalling to note that many inmates have spent many years in custody without trial. As a matter of fact, many awaiting trial inmates have spent more than the number of years they would have spent in prison if convicted.

Some researchers (for example Agomoh, 1996; Ehonwa and Odinkalu, 1991; Atsenwa, 2007) and policymakers have tied down the problem of Nigerian prisons to congestion. They are of the opinion that the problems of Nigerian prisons can be eradicated by controlling prison congestion. Most prison yards in Nigeria are overcrowded beyond the designed population (Ifionu, 1987; Obioha 1995). This manifests in most of the prisons holding more population of inmates than they were originally planned to accommodate, which in turn overstretches available infrastructure beyond their limits of function due to human pressure. It is a recurring administrative problem that had
been identified in notable Nigerian prisons prior to colonial rule, as Lord Fredrick Lugard (1903) notes about the Kano prisons, (cited in Meek, 1969).

Agomoh (2010) argued that to control prison congestion, it is imperative to regulate prison population. And to regulate prison population, two major factors must be controlled, namely; the prison reception rate (i.e. the rate at which persons are received into prison) and the duration in custody (i.e. the length of time spent in custody). She noted that these two factors are affected by several other factors that occur before, during and after incarceration. The bulk of the factors and activities that occur before, during and after incarceration give an impression that the bulk of the remedies to redress any problem relating to prison population lie on the hands of agencies outside the prisons. Infact it can be argued that the Nigerian Prison Service (NPS) does not determine the rate of reception into prisons nor do they determine the length of time a prison inmate spends in custody (Agomoh, 2010). Therefore, the solution to the impediments of Nigerian prisons lies on the hands of the other components of the Criminal Justice System (the police and the judiciary), other than on the hands of the Nigerian Prisons Service.

On the other hand, some researchers do not agree with the assumption that Nigerian prisons are congested or over-crowded. They are of the opinion that congestion is not the problem of the prison system in Nigeria. Infact, they argue that Nigerian prisons are not congested. It is observed that over 80 percent of the prisons in Nigeria are under-capacitated. Jos prison has a capacity of 1147, but as at October 2014, it keeps a little above 700 inmates. This is the same for many other prisons across Nigeria. However, in some urban prison like Port-Harcourt, Enugu, Ibadan and Kirikiri prisons, the number of inmates is a little above their capacity. But this does not mean that with the infinitesimal number of prisons that are overcrowded, one cannot conclude that it is general.

Therefore, this paper is aimed at pointing out the problems of the Nigerian prison system and proffering solutions to them as a means of ensuring sustainable national development. The paper also dissects the Nigerian Prison Service as a department of the federal government with the mandate of managing prisons in Nigeria.

2.0 THE PROBLEMS OF NIGERIAN PRISONS

The problems of Nigerian prisons are varied. They emanate from neglect by government and the general society, poor classification of inmates, poor funding, corruption, archaic laws, skewed recruitment, lack of training and retraining of prison workers etc. However, it should be noted that the problems of Nigerian prison are not exhaustible and not limited to the following:

2.1 Neglect by Government and the General Society: This is one of the major problems faced by Nigerian prisons. There is a gap between prisons
and the larger society. The larger society has limited interest in what happens behind the prison walls. They are often apprehensive when issues of prison are mentioned. Prisons and anything related to it is highly stigmatized in Nigeria. The governments at all levels are not helping matters. They have failed to recognize the importance of prisons and relegated the prison institution to the background. Among the components of the Criminal Justice System, prison is the most neglected (Obioha, 2011). This is evident in the fact that among the three components of the criminal justice system, it is only the prison sector that has no commission to oversee it. The police and the judiciary both have commissions that oversee their operations. These commissions also make it faster to address problems inherent there in. Due to the neglect of the prison, the system is underfunded and the attention due it is elusive.

2.2 Poor classification of inmates:
According to Agomoh (2011), a glance on the Prison Record Chart that adorn most prison (if not all prisons) gates and offices of the officers in-charge of the prisons includes the following categories of prisoners: ‘Awaiting Trial Males’ (ATM), ‘Awaiting Trial Females’ (ATF), ‘Convicted Males’ (CM), ‘Convicted Females’ (CF), ‘Detained at His Excellencies Pleasure’ (Under-aged detained in prison with special authorization), ‘Debtors’, ‘Criminal Lunatics’ (Mentally ill person charged with no crime), ‘Condemned Convicts’ (CC) – Prisoners on Death Row, ‘Lifers’ (those who are sentenced to life imprisonment), Lodgers (detainees from other prisons who are currently in the particular prison for purposes such as attendance to court, hospital or for other special reasons). Normally, these classes of prisoners are not supposed to be lumped together. However, because of some constraints, these prisoners are locked up together with little or no classification. Therefore, a first offender is lumped together with recidivists.

2.3 Poor funding: That prisons in Nigeria are poorly funded is an understatement. This is obvious from a peripheral contact with the system. Presently, the annual budgetary allocation to prison is grossly inadequate. Agomoh (2010) stated that the daily feeding rate of prisoners in Nigeria is N200 (£1.25) per prisoner per day. This is unfairly inadequate going by the present economic realities. In other jurisdictions, the feeding rate per day per prisoner is up to £4. That aside, the health system in the prison is in a sorry state. Prisons clinics are not properly equipped. They have no trained medical personnel to man them, and drugs are not provided for the treatment of inmates. This leaves the prison management helpless as they have to seek medical help from hospitals outside the prison. Prisoners are left in the hands of fate when they fall sick. Unfortunately, some of them die while seeking for medical care. Also, most prisons in Nigeria are bereft of efficient and sufficient logistics to convey
awaiting trail inmates to courts, hospitals or transfer inmates. Most times, inmates who have adjournments are not provided in courts on their court dates, thereby increasing the menace of overcrowding. Reports have it that in some prisons, inmates are asked to pay their ways to and fro court.

2.4 Corruption: In as much as corruption cannot be separated from all sectors of Nigeria, that which is obtained in the Nigerian criminal justice system is endemic. And to say the least, the rate of corruption in the Nigerian Prisons Service is better imagined than experienced. Udom (2014) stated that ‘it has become an annual ritual for the federal government of Nigeria to budget billions of naira for the Nigerian Prisons Service to carry out its operation and activities. The whopping sum is usually channeled through the Ministry of Interior for the operation and activities of the Nigeria Prisons Service. Part of the money is expected to be used by prison officials for the feeding, medication and other requirement of inmates in the prison’. While another part is kept aside for the welfare and training of prison staff. However, these monies are mostly diverted into private pockets. And this has led to the collapse in the system. The non-achievement of the core mandate of rehabilitation and reformation is tied to the widespread corruption inherent in the prison system in Nigeria. Reformation and rehabilitation are two words that are linked with prisons across the globe. Expectations are that any person who has breached the law should be taken to prison to be reformed and rehabilitated, after due legal processes must have been followed. But the reverse is the case as most prisoners tend to be more hardened criminals upon discharge. Many more are perpetual jailbirds who have literally turned the prison to their homes. It is worthy to note at this juncture that the rate of recidivism is high in Nigeria.

The deplorable nature of prisons in Nigeria and the general condition of prisoners and staffers have brought to fore the extant disconnect between the huge amounts of money budgeted and released every year by the government and the stark realities in prisons across the federation (Udom, 2014).

2.5 Archaic Laws: It is truism that modern by the National Assembly, laws make modern society. Conversely, archaic laws eke out antiquated society. Some of the laws used in prison management in Nigeria are old-fashioned and obsolete. For example, the inmates earning scheme, which allows enterprising inmates to make as much money as they can while in prison through the various prison industries and farm centres, has faded away because the earning rates stipulated in the law books are not obtainable in the present economic reality. The rate of earning per month per inmate ranges between N2.50 to N12.50 (depending on factors like good conduct and the duration spent) which is not in tune with the present economic stance. So far, legislators have not dimmed it fit to repeal these laws so as to reflect the present economic realities. It is noteworthy that the various attempts which are made to update the Prison act of 1972 have failed beginning
with the move by lawmakers under the committee of internal affairs in 2001. The draft bill that came out of that effort could not be passed before the end of that legislative session. Despite the fact that the same bill was updated in 2005 and went for a second hearing, again it could not go through the whole legislative process (Thisday Newspaper, 2013). Presently, the bill has been metamorphosed into the Nigerian Prisons and Correctional Services Act 2012 and is still given irregular attention.

2.6 Skewed recruitment into the Nigerian Prisons Service: This is the major problem bugging down the prison service as an entity. Round pegs are placed on square holes. The way and manner staff of the prison service are recruited is appalling. Parochial interests play a major role in the selection process of the service. Proper recruitment processes are downplayed in the recruitment of staff in the service. Applicants are compelled to part with huge amounts of money before they are recruited. For instance, there is an ugly trend going on where applicants are “replaced” instead of recruited. The “replacement” method of recruitment involves a cash-and-carry process of recruitment. The Civil Defence, Immigration, Fire and Prison Services Board (CIFPB), a parastatal answerable to the Ministry of Interior, is saddled with the appointment, promotion and discipline of staff in the Nigerian Prison service. Corruption and ethnicity has taken over the process of recruitment as the job is given to relatives, family friends and the highest bidders instead of those that are qualified for the job. This has brought about staffs who are deformers instead of reformers.

2.7 Lack of training and retraining of prison staff: One of the banes of the prison system is that instead of being a reformatory home, inmates are discharge even hardened. There is little or no reformation in the system. The mechanism for this reformation is not obtainable even among the staffers who are supposed to be reformers. This is because prison staffs are not properly and efficiently trained, and retrained. Prison staffs are not in tune with the realities of global practices of the job.

3.0 AN OVERVIEW OF THE NIGERIAN PRISONS SERVICE
The Nigerian Prisons Service is a department of the federal government that operates prisons in Nigeria. It has its national headquarters in Abuja. The Controller-General of Prisons (CGP) superintends over the Nigerian Prisons Service. The service is divided into six (6) directorates which are headed by Deputy Controller Generals (DCG). The directorates include: Administration and Supply, Operation, Finance and Account, Inmate training and productivity (ITP), Health and social welfare, and Works and logistics. There are eight (8) zonal headquarters in Lagos, Ibadan, Owerri, Minna, Bauchi, Makurdi, Kaduna and Benin which are overseen by zonal coordinators who are
mostly Assistant Controller Generals (ACG). Apart from the National headquarters and the zonal offices, there are also state headquarters in all the states of the federation including the FCT, Abuja. This state headquarters are headed by the Controller of Prisons (CP) who oversee the prisons and other prison facility under the state. The Controller of Prisons is responsible to the zonal coordinator who in turn is responsible to the DCG and the CGP. Every prison in the state is headed by a senior prison officer whose rank range from Assistant Superintendent of Prisons (ASP) to Deputy Controller of Prisons (DCP), depending on the type of prison and the classes of inmates they keep. Most convict prisons in Nigeria are headed by ACPs (Assistant Controllers of Prisons) and DCPs who are answerable to the Controller of Prisons. Also, smaller prisons like the satellite prisons and lock-ups are headed by officers in the superintendent cadre.

The Nigerian Prison Service has staff training institutions which like the Prisons Staff College in Kaduna, which trains commissioned officers of the service and has an ACG as Commandant. Others include Prison Training Schools in Lagos, Enugu, Owerri and Kaduna; where junior staffs are trained. The four training schools are headed by Commandants who are Controllers of Prisons.

There are also other quasi prison institutions in the organigram of the Nigerian Prisons Service. For instance, the borstal institutions in Kaduna, Ilorin and Abeokuta; and the various farm centres and industries scattered all over the country. There is also the open prison camp in Kakuri, Kaduna state.

Unlike other components of the criminal justice system, the prison is bereft of a commission. The police and courts have the Police Service Commission (PSC) and the National Judicial Commission (NJC) respectively. However, the Civil Defence, Immigration, Fire and Prison Services Board (CIFPB) which is under the Ministry of Interior play the role of a commission for the Nigerian Prisons Service alongside the Nigerian Immigration Service, Nigerian Fire Service and the Nigerian Civil Defence Corps.

The Nigerian Prisons Service which derives its operational powers from CAP 366 Laws of the Federation of Nigeria 1990 is saddled with the major responsibility of keeping safe custody of the legally interned. Other mandates of the service are to identify the causes of the anti-social behaviours of convicted inmates, and to set in motion mechanisms for their reformation, rehabilitation and resettlement. They are to ensure that Awaiting trail inmates and those on appeal are provided in courts, and to also generate revenue through prison industries and farm centres. In recent times, the Nigerian Prisons Service is also involved in escort and election duties as well as peace-keeping duties.

According to Orakwe (2014), there are two hundred and thirty eight (238) prisons in Nigeria. One hundred and fifty five (155) of these are convict prisons while the remaining eighty three (83) are satellite prisons. There are also twelve (12) farm centres, eight (8) cottage industries, nine (9)
subsidiary farms, one hundred and twenty-four (124) market gardens, three (3) borstal institutions, one (1) open prison camp, one (1) staff college, five (5) training institutions and one (1) prison academy.

According to the Nigerian Prisons Service website (www.prisons.com.ng), ‘the conventional convict prisons are for the remand of both the convicted and awaiting trial inmates. There are two major types of convict prisons operational in Nigeria today. These are the Maximum and the Medium Security Prisons. The Maximum Security Prisons take into custody all classes of prisoners including condemned convicts; lifers, long term prisoners etc. Even so, we have an unofficial classification of these Maximum Security Prisons in terms of heightened security. This explains why a high risk prisoner could be sent to one Maximum Security Prison as against another. The Medium Security Prison on the other hand also takes into custody both remand inmates and convicts. However, short term convicts constitute the bulk of the inmates that should ordinarily be found in the Medium Prisons.’

The website went on to elaborate that ‘the Satellite Prisons can be described as intermediate prisons camps set up mainly in areas with courts that are far from the main prisons. They serve the purpose of providing Remand Centers especially for those whose cases are going on in courts within the areas. When convicted, long term prisoners could be moved to appropriate convict prisons to service their terms. The Farm Centers are Agricultural Prison Camps set up primarily to train inmates in Agro-based vocations so that when they discharge they will have Agro-based skills to depend upon. The convicts are expected in addition to be taught to appreciate the dignity of labour. The Farm Centers are large mechanized farms that are located in the food-producing areas of the different geopolitical regions of the country.’

There are also subsidiary Farms and Market Gardens are Agricultural extension projects usually attached to some State Prisons Headquarters for the same purpose as state above. They are made up of vegetable-producing market gardens, poultry and piggery farms etc. Apart from training inmates in all these agro-based vocations, these endeavours are expected to yield revenue to the State (www.prisons.com.ng). The Borstal Institutions are for the remand and treatment of juvenile offenders. At the moment, the Prisons Service has only three (3) of such in Kaduna and Ilorin in the North and Abeokuta in the South. Plans are underway to build more to take care of the cases of juveniles who are increasing in numbers and who because of their age should not only be mixed with adult prisoners but should be deserving of different treatment methods from those of the adults (www.prisons.com.ng).

For the purposes of staff development, the Nigeria Prisons runs five (5) Training Institutions. 1. The Prison Staff College, Kaduna, which trains new superior officers and retrains serving ones. 2. Three training schools for the training and retraining of Subordinate staff in Kaduna, Lagos and Enugu. 3. The Armed Squad Training
School, Owerri for the training of the armed squad personnel (www.prisons.com.ng).

4.0 WAY FORWARD FOR NIGERIAN PRISONS

For the Nigerian prisons service to meet its mandate and be a force to reckon with in the comity of prison services, wide reaching efforts need to be made in some areas. These areas are not only peculiar with the prisons, but also with the Criminal Justice System as a whole. Some of them include:

1. **Government should, first and foremost, create a Prison Service Commission (PSC).** Of the three arms of the Criminal Justice System, only the Prison is devoid of a commission. This may account for why the prisons in Nigeria are at a low-ebb. Hence, if the Federal government of Nigeria would create a separate commission for the prison service in Nigeria, the story of the service will change for good. The proposed Prison Service Commission will have the mandate to appoint qualified and competent persons to hold posts or ranks in the prison service. They will also fix and regulate conditions of service, including salaries, allowances and other benefits of officers and men of the service. The would-be commission would also ensure the general well-being and administration of the prison service and its maintenance of high state of efficiency. It will also be saddled with determining the nature of disciplinary powers to be exercised over officers of the service, and the manner and circumstances in which they are to be exercised.

When established, the commission will not be responsible to the Minister of Interior, but to the President of the Federal Republic of Nigeria. It would be made up of people of integrity and professionals in penal administration. Like the Police and Judicial Service Commissions, the proposed Prison Service Commission would address some of the teething challenges bedeviling the prison system which hinders it from achieving its mandates.

2. The National Assembly should pass the Nigerian Prisons and Correctional Services Act 2012 into law. With the passage of this bill and subsequent signing into law by the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, the prison system in Nigeria will breathe a new of life.

3. The process of recruitment into the Nigerian prisons service should be sanitized. Only qualified applicants should be considered for the job.

4. Without proper training and retraining of its workforce, the Nigerian prisons service will not get out of the woods. Therefore, the service should make manpower training and development its priority. Staff should be trained on current correctional and prison techniques.

5. Proper classification of inmates should be made a priority in the prison system. This will set in motion, a viable reformation and rehabilitation process.

6. The awaiting trial phenomenon should be curtailed. Courts and the Department for Public Prosecutions should ensure that awaiting trail inmates do not spend unnecessary time in prison.
7. State governments should be made to provide a part of funding for the prison since they benefit a great deal from the prisons. Most of the inmates in prisons are interned by state owned courts.
8. The fines paid to the treasury of government by inmates should be invested in the prison where they are collected.

5.0 CONCLUSION
This paper has highlighted some of the current issues in the prison system in Nigeria. It x-rayed the concept of prison. The various conceptual connotations of the word prison were highlighted. The problems inherent in the Nigerian prison system was also highlighted and explained vividly. The rot in the system which bug down the smooth operation of the system was discussed in full. Also, the Nigerian prisons Service as a department of the federal government with the sole mandate of supervising the prisons in Nigeria was also discussed in full.

Useful recommendations and the way forward were suggested on how to better the lot of the prison system in Nigeria.

REFERENCES


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