ABSTRACT

The journey towards achieving ideal custodial conditions for our inmates in Nigeria has remained intractable and as old as the prison system itself. A juxtaposition of the present state of our prisons in Nigeria with what obtains in other civilized Countries of the world has left so much more to be desired having avoidable gaps between the law, regulations, politics and what obtains in real life. The challenge has remained the complete obliteration of the fundamental Human Rights of the inmates through the subhuman custodial conditions to which they are subjected. The foregoing conditions have been exacerbated by the deplorable working conditions under which the personnel under whose care the prisons and inmates have been kept operate. A classical case of “The hunter has become the hunted”. The case for the reform of the Nigerian prisons has long been over-due drawing from contemporary global best practices and the compelling need to respect the constitutional rights of the inmates. This paper evaluates the conditions of our prisons and makes far reaching prescriptions for radical and compelling reforms.
INTRODUCTION

The Nigerian prisons have been a part and parcel of the Nigerian nation-state. They are not insulated from the challenges of development and growth that other sectors of our national lives have been and still passing through. It is therefore a given to posit that over the years, our prison system has gone through avoidable decay, retrogression and in some cases stagnation. Facilities in our prisons have remained largely undeveloped and mundane; the complimentary criminal justice system has remained colonial and undeveloped, not reflecting contemporary realities. Successive Nigerian governments have introduced policies and reform agenda that had largely remained on paper without the desirable impact or the realization of the target deliverables. Just like the other sectors of our national lives therefore, the prison system has long been yearning and is due for comprehensive and sustainable reforms. These reforms are expected to align our detention and custodial systems and practices with the best around the world whilst concurrently guaranteeing the outcomes associated with the primary purposes of imprisonment.

Generally speaking, when an individual is incarcerated in our prisons, the constitutional implication is that the said individual would be deprived of his right to liberty and those rights that would naturally be restrictive by reason of the said deprivation of his liberty. It is however disturbing to note that the extant experiences in our prison systems in Nigeria are the unacceptable and total annihilation of the residual rights of the inmate in aberration of the constitutional guarantee of the fundamental human rights of the individual as contained in chapter IV of the 1999 constitution as amended. This is particularly so with regard to the right to human dignity as contained in section 34 of the said Constitution.

A case for the reform of our prisons system in Nigeria is Coextensively a case for the reform of the Criminal Justice system. This is given to the fact that the custodial Institutions are at the receiving end of the outcomes from our Criminal justice practices. Where the system is distilled and geared towards efficacious engagement of the prisoners or detainees, the backlash on the prison Institution would in turn be mitigated, and where otherwise, the strain is obstructive and damaging to the goal of Imprisonment. It follows therefore that the foundation of Prison reforms lies with an imperative and concurrent status or reform of the Criminal justice system along with how much it impacts on imprisonment in Nigeria.

Over the years, successive governments have lamented the deplorable, unacceptable and inhuman conditions of our prisons as custodial and correctional homes for offenders and awaiting trial detainees. This is even truer since the advent of democracy in Nigeria. The prison system happens to be one of our democratic institutions, upon which the rule of law is founded, built and assessed. In response to these concerns, some of these regimes have initiated policies and actions aimed at
ameliorating the degenerating and inexcusable experiences in the system and structure of our prisons. How far these efforts have yielded results underscores the thrust of this paper.

In addressing the subject of this presentation, we visited the Kuje prison in the FCT (our case study) to see things for ourselves and served the prison authority with a questioner, the answers to which formed the basis of our evaluation and conclusions. In order to engage the work in a comparative interface, we visited the Lafia prison in Nasarawa State and the Idda prison in Kogi State. We have also attempted to juxtapose our prison reform efforts with what obtains in the United States of America, the United Kingdom and other persuasive jurisdictions with a view to presenting a compendious contribution in making a case for the reform of our prisons. In consequence, the paper came up with prescriptive measures, which perhaps would contribute to the bouquet of ongoing efforts to modernize our prisons and bring them in line with global best practices.

**THE SOCIOLOGY OF PRISONS AND IMPRISONMENT**

A prison has been variously described by different scholars on the basis of their perceptions and sociological backgrounds. Mc Corkle and Korn defined a prison to mean a physical structure in a geographical location where a number of people living under highly specialized conditions adjust to the alternatives presented to them by the unique kind of social environment.\(^1\) Okunola also views a prison as a place ‘where people are highly secluded from the rest of the world with entirely new order of control’. Laudable as these definitions maybe, it is submitted with respect that they appear to view imprisonment form the perspective of confinement under a physical structure and subjected to certain control measures. On the contrary, modern concepts of Imprisonment accommodate scenarios where persons may be outside the confines of a physical wall yet be deemed as being in prison or serving terms. This is typical in cases where one is sentenced to community service, on parole, or even under suspended sentences.

Another school of thought views Imprisonment as “a place to punish offenders, where criminals that are removed from the society are dumped to protect the society from further criminal activities of the offenders, and a place to rehabilitate and teach the offenders to be Law abiding and productive after their release”.\(^2\) Goffman on the other hand held that a prison is a place where “there’s a basic split between a large class of individuals who have restricted contact with the outside world and a stereotypical behavioral pattern where social mobility is restricted.”\(^3\)

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\(^1\) Mc Coorkle L, Korn R: Resolution within Walls. The Annuals of American Academy of Political Science. 1954. 293 (i): Pg 88-89


The foregoing definitions have again made far-reaching assumptions about prisons. These definitions viewed the prison as a home for deviants of society and so did not factor in the perspective of the prisons also as a residence for remanding persons awaiting trials. From the provisions of section 36 of the 1999 Constitution, this class of persons is presumed innocent until proven guilty. They cannot rightly be categorized as deviants of society and therefore vagrants. Where a person awaits trial there is the chance he could be set free where the case against him is not proved. There are also classes of people who are even found guilty in the first, second or more, instances, yet set free on appeal. Would it then be right to have preemptively condemned this class of prisoners as deviants without prove? It would appear from a community reading of the foregoing literature that a prison is the condition a person is subjected to following an order of the Court simpliciter.

The foregoing humble submission encapsulates the different dimensions of imprisonment. This is particularly so because the theme of imprisonment starts from the order of the Court. No one is in prison that is not there by order of Court and such a person is held, treated, categorized or even released by order of Court. It follows therefore that the general concept of imprisonment must flow naturally from the orders or directions given by Court. Put another way therefore, imprisonment is that condition where one is subjected to the control of the prisons under circumstances that he is restricted, treated, he behaves or that he is subjected to such other conditions that are consistent with the orders of a competent Court of Law.

WHAT IS THE PURPOSE OF IMPRISONMENT

It is generally observed by different scholars that in the quest to protect society and concurrently reform the offender, imprisonment has engendered equilibrium in society. What agitates the mind is the result flowing from recent evaluation of the outcomes of imprisonment. Without doubt, records abundantly show that many prisoners come out of incarceration worse than they went in and that the chance of reoffending remains pretty high. The foregoing reality derives from the evolving conditions that inmates confront whilst in prison. This is to be without prejudice to the people and practices that they face whilst in prison. It follows therefore that the reforms of our prisons must be multifaceted inviting a redefinition of purpose and pursuit. This would incumbently involve sociological reviews and examinations amongst others. Scholars have designated the following as the general purpose of imprisonment.

1. Punishment;
2. Deterrence
3. Rehabilitation and reformation
4. Protection of the Public

The foregoing objectives have completely eluded the outcomes of served-out prison terms. Empirical research shows that in Nigeria, and indeed most parts of the world, the prison is a reservoir of the downtrodden and the under privileged, mostly less

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Ibid
cared for by the society. The way they are treated with reckless abandon on the outside also reflects on the lives of inmates on the inside. It is no surprise therefore to find that most prisoners in Nigeria are kept under inhuman and unacceptable conditions not even fit for animals.

Where the foregoing purpose of punishment is to be optimally attained, it follows therefore that productive and deliberate efforts must be mounted within the context of an integrated strategy so as to forestall the potential for counter productive outcomes. Obioha observed that ‘life in Nigerian prisons in general is overly regimented to the extent that there’s strict control in virtually all activities of the inmates’. He added further that the said condition “leaves the prisoners in a mentally brutalized manner with broken body and spirit, which destroys the individual”.

It would be pretentious and preposterous to expect that most persons who go through the Nigerian prisons coupled with the survival challenges faced therein would come out same, blend with other members of the society, and at the same time optimally reflect the set goals of punishment. There’s no gainsaying that prisoners in Nigeria leave the prisons more hardened and engaged with more heinous tendencies than they were before imprisonment, thereby engendering unabated and incessant recidivism. Adetula aptly summed up this status when he observed that

> The penal Institutions subsystem; the justice, the police, prison yard, and the operatives way of administering justice is believed to bring about breeding and enhancing Criminal behavior and recidivist than serving; deterrence, repentance, reformatory and reconciliatory attitudes between ex-convicts and people in a free society to enhance confidence in physical and conceptual security.

Much as it is justifiable to punish an offender and without prejudice to the unacceptable conditions under which the said offender is kept, it is worrisome that persons who are presumed innocent under our Laws and jurisprudence are made to go through harrowing experiences the type that is being experienced in the Nigerian prisons; with the unfortunate consequence that an otherwise obedient member of society who awaits the declaration of his innocence by a Court of Law ends up being in criminalized and negatively influenced during the waiting period. The society ends up loosing this useful citizen who might end up as a problem and burden to it thereby completely negating the purpose of imprisonment.

Of interest is the punishment perspective of the Marxist School of thought. According to this school, prison punishment appears to have ignored the failings of the Society and system as a reason for crime. It postulates that crime derives from the wide inequality and poverty in the society. That imprisoning the lower class of the society neutralizes opposition to the system. It holds further that the imprisonment of the

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5 Op. cit Obioha
underclass also sweeps out of sight the worst jetsam of capitalist society, thereby diverting attention from the immorality and greed of the elite class.\(^7\)

However viewed, empirical evidence has shown clearly that the outcome of imprisonment, as punishment in Nigeria is a clear antithesis from its intended results. Under our jurisdiction and in consideration of the Institutional challenges faced by the nation, it can be conjectured that the prison experience in Nigeria generates a world outside our real world without the critical synergy expected from preparing inmates to become good and better persons after serving out their terms. The total effect is a dysfunctional system where society ends up paying direly for what should have served as a Succor for the societal disequilibrium caused by the deviant behavior of the offender.

**THE HISTORY OF NIGERIAN PRISONS**

The history of the Nigerian prison system could be traced to the pre-colonial days when in 1872 the Broad Street Prison was established in Lagos, with an initial carrying capacity of 300 inmates.\(^8\) By 1910, and with the establishment of the British protectorate over the territories of Nigeria, prisons were established in Degema, Calabar, Onisha, Benin, Ibadan, Sapele, Jebba and Lokoja. A copious literature has shown that the prison policy at this time was formed with the aim of not reforming the prisoner but to further the interest of the colonialists in the area of public works and other related menial jobs. The prison system was also used as a mechanism to enforce Law and Order, and the collection of taxes\(^9\) thus subduing those persons who were in real time opposing the colonial system or had the potential to constitute an opposition thereto.

By 1917, the first prison regulation was published. This regulation prescribed the methodology for the admission, custody, treatment, classification procedure as well as the staffing, dieting and clothing policies of the prisons. This policy was restricted in application to those persons who were either convicted or remanded by the British Colonial Courts. On the other hand, those that were convicted or remanded by the Native Courts were sent to Native Authority Prisons. The regulation did not moderate this later type of prisons. It is to be noted further that the Regulation also classified prisoners by distinguishing between awaiting Trial and convicted prisoners and even further categorized the convicted inmates.\(^10\)

R.H. Dolan who reigned as Director of Prisons during the colonial period from 1946-1955 laid the foundation for a modern prison Service in Nigeria. He was responsible for the introduction of Vocational training and skill acquisition programs in the prisons as a cardinal principle of penal treatment. He made classification of prisoners’

\(^7\) Prison.gov.ng Retrieved (09/08/2015) 10.30 pm (Dr. I.W. Orakwe) Controller of Prisons (Social Welfare).
\(^8\) Ibid
\(^9\) Ibid
\(^10\) Ibid
compulsory; he also introduced visits to prisons by the relations of inmates. He introduced progressive earning schemes for long-term first offenders. He also transferred the Prison Head-quarters, which was hitherto in Enugu down to Lagos for administrative convenience. He was instrumental to the establishment of the Prisons Training School in Enugu. Dolan’s tenure was described as the high point in the evolution of the Nigerian Prison Service.\textsuperscript{11}

The Nigerian prison ran a 2-pronged system which was maintained for a period of 50 years until the unification and consolidation of the Federal Prisons and the local prisons in 1968. From this point on, the prison service became a full-fledged department in the Ministry of Internal Affairs headquarters headed by a Director. However, the Federal Prisons facilities were only to come under the control of the Federal Government in 1975 with each state designated as State headquarters under the supervision of an Assistant Director of Prisons.\textsuperscript{12}

Currently the Nigerian Prison Service is made up of 145 convict Prisons, 83 Satellite Prison Camps, 12 major farm centers, Nine Cottage Industries, Nine Subsidiary farms, and 124 market gardens. There are also 3 Borstal Institutions, One Open Prison Camp, 1 Staff College and 4 Training Schools. It is to be noted further that there are 2 major types of prisons in Nigeria. These are the maximum and medium security prisons, with the maximum-security prison housing the condemned convicts, lifers, long-term prisoners, whilst the medium security accommodates both remand inmates and other class of convicts.\textsuperscript{13}

It is observed from the pre and postcolonial history of our prison system that our prisons in Nigeria are fashioned along the British system. Presently, the legal instrument backing the prison system in Nigeria is the Nigeria Prisons Act 1972. Cap 366 Laws of the Federation of Nigeria 1990. It is under the Exclusive Legislative list, and therefore under the exclusive control of the Federal Government. The Prison Act has empowered the Nigerian prison to among other things take into Lawful custody all those certified to be so kept by Courts of competent jurisdiction, produce suspects in courts as and when due, identify the causes of their anti-social behavior, set in motion mechanisms for their treatment, and training for eventual reintegration into society as normal Law abiding citizens on discharge; and administer prison farms and industries for this purpose and in the process generate revenue for the government.\textsuperscript{14}

As at 31\textsuperscript{st} day of October 2014, the Nigerian Prison Service statistics showed that the total number of prisons in Nigeria was 240 with a carrying capacity of 50,153 inmates. The total inmate population was however put at 57,121. Of that number, 17,544 were convicted prisoners and that represented 31% of the total inmate population. The number of awaiting Trial detainees was 39,577 representing 69% of the Total population. It is worthy of note that of the number, male inmates were put at 55,965 and the female inmates were 1,156.\textsuperscript{15}

\textsuperscript{11} Ibid
\textsuperscript{12} Nigerian Prison’s Rising Population, Articles. This Day Live Monday 10.08/2015.
\textsuperscript{13} Ibid
\textsuperscript{14} Ibid
\textsuperscript{15} Prisonsgov.ng retrieved 12/08/15 12.50 pm
Lately the Nigerian prison Service has evolved into a modern organization positioned to carry out its mandate, with the enormous potentials to grow even stronger and compete with some of the best in the world given adequate training, equipment, funding and motivation. The service moved from its modest 3 directorates in 1980 to 6 directorates in 1993. The recruitment, promotion, training, discipline and welfare issues were streamlined in 1992 consequent upon the creation of the Customs, Immigration and Prisons Board. The prisons service was also removed from the Civil Service and made independent and autonomous. It now has a command structure of 8 Zonal Commands, 1 FCT Command, 155 Prisons including farm centers, and 83 Satellite Prisons, Training Schools, a Staff College and Borstal Institutions.\(^{16}\)

**THE CHALLENGES CONFRONTING PRISONS IN NIGERIA.**

From an examination of a copious literature, the report of many Committees, the empirical indicators gathered from the physical visits paid to the 3 prisons under review and indeed the report of prison operators and inmates alike, there appears to be a consensus that the Nigerian Prisons and interestingly too, the prisons of other civilized countries have been battling with a bouquet of daunting and avoidable challenges. These challenges have absolutely assumed varied and multifaceted dimensions depending on the place and subject of investigation. However, the following have remained as some of the intractable clog in the wheel of progress towards the realization of an ideal prison system in Nigeria.

1. The Reform of the Criminal justice system has been a major challenge in the drive to attain an ideal prison system in Nigeria. Form the definition of the term ‘Prison; it was posited that a prisoner is one whose condition ensues as a result of a Court Order. It follows therefore that the persons housed in the prisons would owe their stay in prison custody to an order of Court. Where inmates congest a prison house, the implication is that the Criminal justice system has failed to synergize with the Custodial Institutions in order to achieve a systemic equilibrium and balance. Where the penal system emphasizes on custodial punishment as opposed to the non-custodial options of punishment, undoubtedly the prison infrastructure, facilities and resources would be stretched beyond capacity with resultant failures. The justice system also compounds the custodial conditions when our bail policy is inflexible with practically all arraignments ending up in awaiting trial detention. The administration of Criminal Justice Act 2015 has clearly provided ample room for the judicial officers to obtain security for the appearance of an accused person before it on the day of hearing, with the exception of circumstances contained in Section 161 (2) (a)-(c) of the Act.\(^{17}\) It is no wonder that statistics have shown that awaiting trial detainees constitute about 70% of the population of inmates in Nigerian prisons. It has been reported that out of a population of 56,785 prisoners in Nigerian prisons, only about 18,042 are convicted prisoners whilst the remaining 38,743 inmates are awaiting trial inmates.\(^{18}\) This largely shows that our Courts are complacent with bail, afraid of the unknown and by so doing needlessly over crowd our prisons. It is even worse when viewed

\(^{16}\) Ibid
\(^{17}\) Administration of Criminal Justice Act 2015.
\(^{18}\) Urgent Need for Prison Reforms in Nigeria, by Adam Adedimeji. Article Published in Daily Independent 08/01/2015.
against the backdrop of the fact that they are exacerbating strain on the constitutional presumption of innocence and individual liberty as guaranteed.

Investigation conducted in Kuje Prisons reveals that of the total inmate population of 893, only 179 were convicted inmates whereas about a whooping 717 were awaiting trial inmates. Representing over 70% of the kuje Prison population. The boomerang effect of this status quo is better imagined on the prison system and facilities. The controller General of the Nigerian Prisons had said that some 47,682-prison inmates in Nigeria had spent 17 years in detention without trial.19

2. Coextensive to the foregoing is the incidence of overcrowding of prison facilities in Nigeria. Giving the already discussed dislocation in our Criminal justice system, the backlash is the unleashing of avoidable detentions on our prisons. This undoubtedly leads to overcrowding in our prisons. Overcrowding engenders the needless obliteration of the critical system of the classification and categorization of prisoners, it over stretches prison facilities and infrastructure, there’s a loss of control and order because the number of prison inmates would then out stretch the capacity of the prison officers, the resources for their upkeep becomes dissipated and lean causing more people to live on the resources of a few persons. For instance, the Kuje prison was built with a carrying capacity of 560 inmates, but today houses a total of 893 inmates. “Ikoyi has an original capacity of 800 persons, today the population is 1900 out of this number, and only 24 prisoners are convicts. Port Harcourt prisons has an installed capacity of 804 persons, today the prison locks up 2,924 persons out of which only 117 persons are convicts.20 It has been observed that this challenge is age long from the colonial days and successive governments have not improved on prisons and facilities with the proportionate growth of the number of inmates and the population of the Country itself. Lord Fredrick Lugard was quoted in 1903 to have observed about the Kano prisons that

“The Kano Prisons in Nigeria prior to colonial rule were highly congested to the extent that inmates have trodden on one another”.21

It must be noted that prison overcrowding is not a phenomenon peculiar to the Nigerian prison. It has been the challenge of most prison systems around the world. This includes even the civilized world, which appears to have had things under control and check. For instance, where Nigeria with a population of about 180 million people houses about 56,785 inmates, Germany, which has a population of about 80m people, is housing about 65,710 inmates.22 Furthermore it was reported that a rapid expansion in the prison population in

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19 Op. cit Kinsley Nwezeh
20 Ibid
22 Saharareporters.com 6/11/2014
England and wales over the past 20 years is placing a growing burden on the taxpayer whilst the rates of recidivism have remained stubbornly high. It was estimated that in 2014, the cost of holding that increased population at today’s costs was an extra £1.22bn compared to over 20 years ago which translated to a cost of over £40 per year to every U.K Tax payer. In juxtaposition, it was submitted that this extra funding cost resulting from over crowding of prisons in the U.K was equivalent to employing additional 56,000 newly qualified Nurses. Against the backdrop of the impact of overcrowding as contained in the Prisons Annual Report 2014-2015, Juliet Lyon, Director of the Prisons Reform Trust said it is

No mystery that violence, self harm, and suicide rise when you over crowd prisons, reduce staff by almost one third, cut time out of cell and purposeful activity. The backdrop is a more punitive climate, increased injustice and uncertainty, which have sucked hope out of the system for prisoners and staff.

It was also reported that at the end of 2010, the United States correctional facilities (Prisons) housed over 1.6million inmates with a country population of about 318 million people. It was shown that at least 7 States are currently at 25% over capacity with the highest being Alabama at 196% and closely followed by Illinois at 144% above maximum capacity. It was observed that 19 States were operating beyond maximum capacity. In 2007, California was said to have declared a ‘State of Emergency’ with regard to overcrowded prisons.

The foregoing clearly validates the preponderance of overcrowding of prisons in different jurisdictions around the globe. What would be of interest is the variation in the causative factors. In some of the jurisdictions evaluated above, it would appear that their prisons were crowded by the inexplicable and exacerbated rise in crime level. To address this causative factor would require serious and concerted efforts of all institutions and resources in combatting crime in those jurisdictions. On the other hand, in Nigeria, the indicators show that the positive positioning and disposition of the Criminal justice system including a reorientation of our Courts towards prosecution, bail, trial and custodial options can spontaneously reduce overcrowding by over half the population.

3. Associated to the problem of overcrowding is the intractable issue of dilapidated facilities and infrastructure today in our prisons in Nigeria. There’s hardly any ideal prison environment today in Nigeria where one would find available all complimentary prison facilities in place. These facilities referred to include but are not limited to sufficient and adequate accommodation, well

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23 Prisonsreformtrust.org.uk (11/08/2015) 4:30pm
trained manpower equipped Hospitals and or medical facilities, Sports and recreation facilities, skills acquisition and educational facilities, transportation, Security and intelligence facilities, Sanitary and hygiene facilities, clothing facilities, food and feeding, communication and data management facilities, funding and much more. The paucity or lack of these facilities have dehumanized our prisons and reduced them to the Status of dungeons.

The working visit to the kuje prison revealed that a myriad of the problems in the Prison include inadequate vehicles to transport inmates to and from Court, epileptic power supply, Lack of sufficient vocational workshops, Lack of space for sporting activities, Lack of offices with modern facilities, Lack of a standard and well equipped medical facility, lack of adequate funding etc. An Amnesty International Report on the State of Nigeria Prisons captured their debilitating conditions in the following words.

*The living conditions in the prisons are appalling. They are damaging to the physical and mental well being of inmates and in many cases constitute clear threats to health. Conditions such as overcrowding, poor sanitation lack of food and medicines and denial of contact with families and friends fall short of UN standards for the treatment of prisoners. The worst conditions constitute ill treatment. In many Nigerian prisons, inmates sleep two to a bed or on the floor in filthy cells. Toilets are blocked and overflowing or simply non-existent and there is no running water. As a result, disease is widespread. Most prisons have small clinics or sick bays, which lack medicines, and in many prisons inmates have to pay for their own medicines. Guards frequently demand that inmates pay bribes for such “privileges” as visiting the hospital, receiving visitors, contacting their families and, in some cases, being allowed outside their cells at all. Prisoners with money may be even allowed mobile phones, whereas those without funds can be left languishing in their cells. One inmate said: “If you don’t have money, if you come to prison, you will suffer. They collect money from you. It is not right”*²⁵

4. Funding has remained a major problem for the running and development of the prisons in Nigeria. Giving the fact that the prisons are a part and parcel of the Nigeria State, they have not been insulated from the problems facing most institution of government lately. The cost of running the prisons, the cost of feeding the inmates, their maintenance, healthcare delivery, clothing, the maintenance of the prison facilities, the running of the prison structure and staff, their salaries, quarters and wellbeing and more are cost elements that require

²⁵ Ibid
indispensable funds, the much that has been in scarce and rare supply in government circles lately. The prison authorities for the most part are left with only the options of rationalizing what is available to them to go round the inmates. Most of which is hardly sufficient or adequate. It costs a lot of money to maintain the prisons and their inmates. This phenomenon lends credence to the argument that to mitigate the foregoing challenge, government must compare the current status quo with the advantages associated with the maintenance of persons sentenced to non-custodial sanctions including the other benefits of indirect costs such as the social, economic and healthcare related costs, which for the most part cannot be measured in monetary terms but have long-term and tremendous backlashes on society.

5. There has emerged a sociological pattern of recidivism among a class of prisoners. The practice where our prison environments have moved so far away from the ideal has become a serious source for concern. The foregoing problems earlier enumerated have reduced the Nigerian prisons to hostile environments where convicted prisoners become hardened and those awaiting trial, because of lack of categorization are exposed to and influenced by hardened criminals with whom they are wrongly mixed, become hardened themselves. These conditions are exacerbated by the lack of recreation, sporting facilities, vocational and skill acquisition centers. Furthermore, the program of reformation and rehabilitation has failed in our prisons and that has increased the number of reoffenders, which is an aberration to the original purpose of imprisonment. The total result of the foregoing is a surge in the number of prisoners, and such with so much negative influence and impact on the resident inmates.

6. There’s the twin problem of the dearth or paucity of Transportation to and from the Courts for the inmates, and the lack of sufficient medical facilities like clinics, hospitals, equipment, drugs, doctors, nurses etc. these situations have contributed largely to the incidences of overcrowding in our prisons as for each time an awaiting trial prisoner misses Court because of lack of transportation or ill health, there’s the possibility of an adjournment that might last months. This will in turn elongate trial and therefore the detainee’s awaiting trial time in the prison. On the other hand the incidences of poor or lack of healthcare for an inmate who is under lock and key and without options, mostly associated with the lack of transportation or even better health facilities within the precinct is to say the least the worst from of human right abuse. It is expected that when one is taken into custody, the custodians take full charge of his wellbeing, completely recognizing all his guaranteed constitutional fundamental rights. This is because the extent to which one’s rights and wellbeing are safeguarded in the prisons represents essentially the measure of the state of our society.

Coextensive to the foregoing is the ancillary incidences of the breakdown of social and community bonding. The moment a family member is imprisoned, particularly so where the member is the bread winner, there ensues the guaranteed negative effect on
family and community life as between parents and their children, siblings, spouses and community which in the long run destroys the fabric of the society. Related to the foregoing also is the avoidable incidence of disequilibrium and destabilization in society the type and degree that is unquantifiable.

The foregoing avalanche of problems and more bedeviling the success of the prison system in Nigeria has continuously remained a clog in the wheel of the system’s efforts to attain its mandate optimally. The foregoing problems have had the total impact of engendering other negative societal effects. As was mentioned earlier, imprisonment itself only serves the primary purpose of depriving the inmate of his right to liberty and others associated with the said deprivation. An evaluation of the foregoing challenges facing the prison system however shows the consequent and undesirable erosion of some critical fundamental rights of the inmate like the right to the dignity and in some cases, the right to life. Contemporary Prison practices and conditions in Nigeria do not appear to generally respect these rights and consequently inhibit the potential for the proper reintegration of these inmates into the society in the long run.

It is further observed that in line with the social stratification phenomenon associated with the social class of most inmates in Nigeria prisons, most of them belonging to the lower social class and without social security, it would appear that an aggregate of the foregoing problems yet engenders the incidences of accelerated poverty. After a careful assessment of the State of Nigerian prisons, the United Nations office on drugs and crime made the following observations concerning the impact of long term imprisonment on inmates who belong to the lower social class in the society and how it affects social and family life. It submitted that imprisonment disproportionately affects individuals and families living in poverty. When an income-generating member of the family is imprisoned the rest of the family must adjust to this loss of income. The impact can be especially severe in poor, developing countries where the state does not provide financial assistance to the indigent and where it is not unusual for one breadwinner to financially support an extended family network.26

Thus the family experiences financial losses as a result of the imprisonment of one of its members, exacerbated by the new expenses that must be met – such as the cost of a lawyer, food for the imprisoned person, transport to prison for visits and so on. When released, often with no prospects for employment, former prisoners are generally subject to socio-economic exclusion and are thus vulnerable to an endless cycle of poverty, marginalization, criminality and imprisonment. Thus, imprisonment contributes directly to the impoverishment of the prisoner, of his family (with a significant cross-generational effect) and of society by creating future victims and reducing future potential economic performance.27

26 Prison Reform and Alternatives to Imprisonment. www.unodc.org Retrieved 12/08/15. 6:00pm
27 Ibid
In furtherance of the preparations for this work, a research visit was paid to Kuje prisons to obtain a first hand submission of what obtains in the prison and assess the state of Affairs and facilities therein. The controller of the Abuja Command promptly approved our application even though our application was at short notice after which we then proceeded to meet with the officer in charge of Kuje prisons. He was a Deputy Controller of Prisons who was equally warm and receptive and promptly responded to our questioner and giving us relevant access thereto.

The Kuje Prisons could at best be described as a modern Nigeria prison, built and commissioned on the 14th day of August 1989 with modern facilities. It is situated in Kuje Area Council of the Federal Capital Territory. When we visited, the state of the prison was serene, clean, safe and protected. The prison was built as a medium security prison with a carrying capacity of 560 beds. Based on the fact that it is a medium security prison, it ordinarily should not be housing condemned prisoners but it was found that it had housed 4 condemned prisoners, and 12 lifers. It was also interesting to note that the prison does not house female inmates and so did have any female inmates.

The prison had skills acquisition and development initiatives in place for the inmates. These included a Tailoring workshop, Carpentry workshop, Soap-making factory and a shoe-making factory. The prison also had a clinic, which was though sub standard and ill equipped. However, the clinic had one (1) resident Doctor and Twenty nurses on full time employment. Furthermore, the prison had staff strength of 28 prison officers and 11 Administrative staff. The visit revealed that the prison had Black Maria vehicles and Hiace Buses for the transportation to and fro Court for inmates and Staff movement.

Inspite of the foregoing, the prison appeared to be yearning for improvements in particular areas particularly accommodation spaces. The Prison was established with a carrying capacity of 560 beds but today accommodates 893 inmates, which is almost twice its capacity. It had Land space for possible expansion by at least 2 blocks of high-rise one or 2-floor building to relax and assuage the pressure on living space. Furthermore, it was observed that the prison had epileptic and inadequate power supply, needed more Vehicles to meet the demand on Court cases. This is because, of the 893 inmates, only 176 were convicted prisoners, whilst 717 were awaiting trial inmates. The prison also yearned all, for better recreation and sporting facilities, state of the art data and management facilities and above all, improved and sustained funding.

The Kuje prisons cannot be said to represent a typical Nigerian prison. This is given to the fact that it’s a recently built prison with modern facilities as opposed to the majority of Nigerian prisons, which were built during the pre and postcolonial era. This prison is located in the Federal Capital Territory which is the Seat of government
but importantly, it was observed that this prison housed the high and mighty of the society who were awaiting trials and were remanded by Courts within the FCT. A visit to the prison revealed to us that most of the convicts and detainees arraigned for financial crime offences, especially those high profile offenders prosecuted by the Economic and Financial Crimes Commission were housed in Kuje. The effect of the foregoing circumstances is that Kuje prison enjoys certain peculiar ambience that is hardly found in other prisons around the Country. It is a truism that this class of inmates have for their ultimate sake improved the living conditions in the prison. They are reputed to have undertaken improvements like the provision of good sanitary facilities, regular painting of the walls, the provision of fans for rooms, improved feeding portfolio. It was also recorded that some of the affluent detainees had been responsible for the release of some of the convicts in prison, incarcerated due to non-payment of fines and even some indigent awaiting trial detainees. It was also observed even the prison staff have benefited from the generosity of some of these detainees.

The foregoing scenario appears plausible as it projects a condition rarely found in other prisons around Nigeria. However. It only reveals the sad dislocation in the State of Affairs. The prison embraces these offers sadly from persons who are ordinarily categorized as offenders simply because the government had abdicated in its responsibility to provide those critical facilities and palliatives. The practice must be discouraged by government through the provision of adequate funding and facilities to the prisons to guarantee its independence and pave the way for dispassionate and balanced delivery of custodial service to the inmates.

A CASE FOR THE REFORM OF OUR PRISONS

Having evaluated some of the intractable problems facing the Nigerian prisons, and in view of the empirical results of the research conducted through the visits carried out, the imperative for reforms cannot be over emphasized. This call for reforms has been made by successive scholars and varied literature. Successive Nigerian governments have put in place different committees and mechanisms towards improving the conditions of our prisons and undoubtedly, a measure of successes have been achieved. Against the background of the current status of things, the said improvements and reforms so far achieved can at best be described as being below the minimum threshold prescribed for decent human existence and United Nations office on Drugs and Crimes (UNDOC) Standards and Norms in building fair and effective Criminal Justice systems. These comprehensive minimum standards and norms that relate to prison reforms are contained in the “Compendium of the Untied Nations Standards and Norms in Crime prevention and Criminal Justice.”

A number of reform initiatives have been proposed in the past, but worthy of immediate consideration are the following.

28 Ibid
1. In view of the myriad of problems confronting the prison system in Nigeria, particularly the issues of funding, which has led to the collapse of not only the prison system in Nigeria, but also most critical National Institutions and Infrastructure, and along with the new drive by to lean towards the private sector either completely or through partnership, for reasons of sourcing funds, management and professionalism, it would appear expedient that government begins to consider at the earliest the desirability of legislating the establishment of private prisons. A Private Prison has been described as a private facility in which individuals are physically confined or incarcerated by a third party that is contracted by a government agency that commits prisoners and then paid a per diem or monthly rate for each prisoner in the facility. Privatization of prison was also defined as a contract process that shifts public functions, responsibilities and capital assets in whole or in part from the public sector to the private sector. The privatization of prisons therefore refers to the takeover of some designated public prisons or the building of private prison facilities under government regulation and standards by private companies for profit purposes. Private prisons operate in the United States of America, the United Kingdom, Australia, Canada and some European Countries.

Private prisons may operate in such a way that those prisoners that are convicted of minor crimes and those serving short terms are transferred to private prisons with standardized accommodation, feeding, healthcare, clothing, sporting, skills acquisition and vocational centers and other facilities in return for profit. This can be achieved through the engagement of the prisoners in some predetermined business or other engagement of the facility owners for profit. This arrangement would in turn provide for all stakeholders desirable benefits in income. The private operators get paid, the government earns an income and also the inmate has a percentage of the income generated by him kept in an escrow account for his use after leaving prison. That way he gets the opportunity in prison to prepare for life after prison.

It is to be noted that with the astronomical rise in the number of detainees committed for minor offences and the corresponding increase in the cost of running our prison facilities at a time when government resources are dwindling on the precipice, it is desirable to consider the initiative of outsourcing some of our public prisons into private hands. The foregoing need has become compounded by the unabated and surging incidences of overcrowding characterizing most of our prisons, with a high and growing demand for more prison space. It is to be minded that the concept of privatizing these prisons can take different forms in different jurisdictions. The most common being the outsourcing of specific services that entail competition among private bidders to

perform classified activities within the prison. The most dramatic model involves the complete and unrestricted transfer of ownership, assets, commercial enterprises, and management responsibilities or oversight of the sold assets to private hands as was adopted by the United States till 1980s.\textsuperscript{31}

Plausible as it may appear, it is posited that the operations of private prisons require strict control and regulations by government. This is because, these private facilities will house inmates convicted by Courts and of course considered as deviants of society. Considering the fact that Nigeria is currently struggling with the incidences of weak governmental and regulatory institutions, it would appear that, to adopt the initiative, certain preemptive measures geared towards strengthening government and our regulatory institutions must precede the initiative so as to inure optimal returns on the model.

Human Rights and Civil liberties organizations have kicked against the proliferation of private prisons in the United States and the United Kingdom. Their argument has been predicated on the fact that the profit motives of the private Companies have become a source of pressure on government because most contractors sign the contracts on the understanding that government must maintain a minimum number of prisoners in the facilities below which threshold the contract is breached. Furthermore, it was also reported that the private prisons have relegated to the background the integral and critical elements of reformation and rehabilitation of prisoners. It was reported in a News Magazine in 2013 that ‘private prison companies are striking deals with states that contain clauses guaranteeing high prison occupancy rates.’\textsuperscript{32} The report reviewed and concluded that clauses requiring a minimum threshold for prison holding would “incentivize criminalization, and do nothing to promote rehabilitation, crime reduction or community building”\textsuperscript{33} and that it would “encourage Criminal justice officials to seek harsher sentences to maintain the occupancy rates required by a Contract. Policy decisions should be based on creating and maintaining a just Criminal justice system that protects the public interest, not ensuring corporate profits.”\textsuperscript{34}

On the whole however, it is submitted that with sufficient regulatory safeguards and strict supervision and oversight, the introduction of this initiative through the government’s Public Private Partnership (PPP) strategy would go a long way to bringing succor to the prisons system in Nigeria. This is because the option of privatizing the prisons has worked in some jurisdictions and has largely helped in sharing the burden of housing inmates and at the same time it has guaranteed the provision of improved facilities in those prisons.

\textsuperscript{2} It is trite and incontrovertible that any meaningful and sustainable prison reform strategy must be predicated first and foremost on a comprehensive and integrated reform of the criminal justice system. This certainly lies at the heart

\textsuperscript{31} Ibid
\textsuperscript{32} SALON: Monday, Sept. 23, 2013. \url{www.salon.com} Retrieved 13/08/15
\textsuperscript{33} Ibid
\textsuperscript{34} Ibid
of the life and strength of prisons operations and success. Where the criminal justice system is skewed, the potential for a negative backlash is apparent and typical. It follows therefore that any prison reform strategy and model that isolates the reform of the criminal justice system is flawed ab initio. For prison reform to make sense, the thrust of the complimentary criminal justice reform mechanism must necessarily involve the improvement and rationalization of the criminal justice policies, crime prevention and policies, the police and other prosecution agencies, the judges and courts, and other complimentary and non governmental agencies that support the enthronement of an integrated strategy in the prison reform movement.

Generally speaking, the criminal justice reform must take advantage of the platform of bail in our laws to encourage the stakeholders to release many of the inmates that are considered not to be a source of concern to the smooth trial of their cases. As was earlier mentioned, our judges and agencies empowered to grant administrative bail have sadly become complacent and shy of bail. There is a natural connection between bail and the fundamental right of every individual to liberty and the dignity of his person. This includes the connection to the constitutional right to the presumption of innocence.\textsuperscript{35}

A review of the provisions of the recently enacted Administration of Criminal Justice Act (ACJA) 2015 relating to bail concludes that bail should ordinarily be granted to an accused charged before a court of law. In fact the Act provides for bail to be taken for granted in all cases except in circumstances where the accused is charged with an offence punishable with death. Even under the foregoing cases, the court may grant bail in exceptional circumstances.\textsuperscript{36} The implication is that bail should be granted to an accused as the general rule and denying same to be regarded as the exception. Empirical research results have shown that the bulk of the awaiting trail detainees are in detention for offences other than that contemplated under section 161. Many of our awaiting trial detainees are in prison custody for minor offences without bail and some of them are there because they are unable to fulfill their bail conditions. It is submitted that a reorientation and a change of approach by the courts, judges and other detention agencies towards their complacency regarding the essence of bail would go a long way to reform our prisons system and engender a congenial and well managed custodial atmosphere.

When reforms are made in the criminal justice system, such reform must not only emphasize on the need to encourage bail with sufficient security for the appearance of the accused, it must encourage categorization and classification of the prisons. In fact where resources are available, government should consider the possibility of creating separate facilities for awaiting trial

\textsuperscript{35} Sections 34, 35, and 36 of the 1999 Constitution (as Amended)
\textsuperscript{36} Section 161, 162 and 163 of the Administration of Criminal Justice Act 2015
detainees. This is because, where awaiting trial detainees are placed under the same roof with convicted prisoners, they are open to maltreatment and abuse. They are also typically treated like convicts in clear abhorrence to their right to be presumed innocent until proven otherwise.

Thankfully, the Criminal Justice Administration Act has provided for detention time limits. This will address the unfortunate elongated periods that detainees spend awaiting trial and largely because the courts would not grant them bail. A Comptroller General of the Nigerian Prisons was once quoted to have said that ‘It may interest you to know that up to 50% of the awaiting trial prisoners have been on remand for between 5 and 17 years without their cases being concluded’. In some instances, these prisoners are in remand for offences that carry sentences for terms below the foregoing period upon conviction. The innovation brought in by the ACJA 2015 provides that when an accused person is remanded under S.293, such a person shall be in remand for period not exceeding 14 days, with provision for a further roll over period not exceeding 14 days. When implemented, it would appear that custody of those awaiting trial would diminish tremendously.

It is submitted that having successfully made some efforts to reform the criminal adjectival laws through procedural practices, there is the compelling need to quickly address our substantive penal laws. These legislations have remained unconnected with contemporary realities and more so because they have been in use for a long time without amendment. For instance the Penal Code enacted for the FCT and Northern Nigeria is a 1960 law. On the other hand, the Criminal Code Act is originally a 1916 legislation that still holds sway in the dispensation of our criminal justice in the 21st century.

Criminal justice systems all over the world today tweet their penal laws towards the use of non-custodial sanctions and measures, they also reflect a drastic change in their approach to crime, offenders and their roles in society, and changing the focus of imprisonment from punishment to restorative justice and reintegration. This can be achieved through a reform of our criminal justice system paying more attention to and taking the options of convicts paying fines as opposed to prison terms, sentencing convicts to community service, introducing suspended sentences, granting parole to convicts, and generally codifying the principles of Plea Bargain in our penal laws.

It is observed that the ACJA has made elaborate provisions for the admission of Plea Bargain in the prosecution and determination of cases charged before a court of law. It is also worthy to note that the ACJA made provisions for the

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38 Penal Code Act Chapter 532, Cap 345, LFN 1990
39 Criminal Code Act Chapter 77, Laws of the Federation 1990
40 Section 270-277 of the ACJA
court to factor in the appropriateness of non-custodial sentences or treatment in lieu of imprisonment as a factor to consider in pronouncing sentence. This validates the utility of codifying this as a general principle of punishment in our penal laws. It is believed that this model of punishment would considerably reduce the population of inmates in our prisons. This is because a reduced penal policy curbs penal inflation, thus the need for penal moderation in Nigeria to accentuate dignity of the human person and human rights as fundamental values of civilization.

It must be noted that the journey to the reform of our criminal justice system has been ongoing. A number of committees and commissions have been formed by Government and have made far-reaching recommendations on how to improve the prison system in this regard. These recommendations have been archived with little or no impact to the process. Co extensive to the foregoing is the incidence of implementation. The treatise made above has exfoliated a number of reforms that have been introduced by the ACJA particularly as relates to time limit of remand. How far our courts, judges, police, prison or other law enforcement operatives would implement them remains to be seen. The reforms must therefore codify the need for some action review, monitoring and reporting system so as to engender some oversight mechanism in the implementation regime.

The foregoing observation must be complimented with the introduction of fast track mechanisms in our criminal justice system that must engender early and fast track completion of trials. Empirical evidence shows that our courts have contributed a large measure to the rise in the population of the awaiting trial inmates through long, unwieldy and avoidable trials and adjournments. Our reform agenda must therefore ensure timely prosecution of cases through mechanisms like front-loading of processes and exhibits as is currently obtained under the Uniform Civil Procedure Rules.41

3. It has been observed that the Prisons in Nigeria are under the exclusive legislative list of the 1999 constitution. By this implication, the Nigerian Prison system is therefore under the complete and exclusive control of the Federal Government of Nigeria to the exclusion of the states in our federal arrangement. Prior to 1968, these prisons were run on a 2-pronged mechanism. Under this arrangement, the regions had their prisons whilst the federal government ran its own prisons. It has been submitted that the Nigerian prisons were better ran and managed under the old regime. This is because, each region had a blue print on how it ran and modernized its prison system. The resources available to the prisons were aggregated to the upkeep and wellbeing of the prisoners and the system. This is quite contrary to the daunting efforts being made by the federal government to meet the ever-rising demands for the daily running and

41 Uniform Civil Procedure Rules of the FCT, 2004
maintenance of the prison system nationwide. It is further submitted that in order to expand the confines of our federalism, there is the urgent need for the devolution of some needless powers retained by the federal government on the exclusive list so as to improve on efficiency and competition.

Considering the foregoing imperative therefore, an important legislative agenda for our parliament should include the removal of the Prisons from the exclusive legislative list and place it under the concurrent legislative list of the constitution. That way, the states will then run their own prisons and the federal government also running its own. When achieved, the states would house prisoners from the orders of their courts whilst the federal prisons would be reserved for federal prisoners. This model currently obtains in the United States of America and it has proven to be a better approach to the spread and even distribution of resources around the different prisons in the country. It will also hopefully engender the incidences of competition and stimulate initiative on improvements and innovation.

The foregoing prescription is validated by the restrictive imports of the current reform and innovation introduced by the ACJA. This piece of legislation is far reaching and has provided palliatives for the prisons. But even as it metabolizes, its provisions are only applicable to federal courts and the federal Capital Territory. This means that the state courts are bereft of the opportunities provided by this Act to deepen the move towards harmonization in action. Where however the prisons are decentralized, the states would find abundant opportunities to make or amend their laws to suit their preferred criminal justice system.

5. Further to the foregoing is the urgent need to decongest our prisons through a concerted and sustainable strategy. It has been shown that our prisons in Nigeria have far outstretched their capacities with the sad implication of reduced funding, limited and broken down facilities, understaffing, breakdown of the reformation programs, health related problems and more. Prison congestion is the result of the aggregate failure of so many complimentary actions. Where this is the case, the prisons can only be successfully decongested on a sustainable platform when some or all the action points are addressed squarely. Prison decongestion can therefore only be achieved on a multi sectorial basis, where all stakeholders within an integrated strategy play concerted, concurrent and complimentary roles towards achieving an effective decongestion agenda. This approach requires a stout driver, which lies in government. Government must coordinate all other players towards achieving this goal of decongested prisons.

Without any doubt, successive governments in Nigeria have adopted different strategies aimed at decongesting our prisons. Most of these measures have been reactive rather than proactive. Most of these measures have not addressed the root causes of congested prisons, but rather chase the symptoms. Successive
governments have embarked on the use of anniversaries to invoke the powers of amnesty as a decongestion option. Further more, other direct intervention options have been adopted by successive governments through the engagements of committees and through the regular recruitment of external solicitors to help indigent detainees and those charged with capital offences. These options have not generally achieved the desired impact on the decongestion agenda of the Government. It was observed that

In order to get the stakeholders together, and mobilize them towards decongestion, N690 million was sourced by the government and relevant partners. Six pilot Prisons were selected and reviewed. For the purpose of decongestion of the prisons, N66.6 million were allocated to the ministry of interiors to decongest Kirikiri, Ikoyi, and Enugu Prisons in that order 42.

It was further observed with delight that the ACJA had introduced some time frame within which a Magistrate must commence and conclude an action charged before him within the context of oversight 43. Section 110(6)(a)-(d) provides that the Chief Judge of a state shall review the case returns made by a magistrate with a view to ensure that criminal cases are speedily trashed, reduction in congestion of cases in courts, congestion of prisons is averted, and that awaiting trial persons are as much as possible not detained in prison beyond the 14 days prescribed by the Act. The ACJA went on to provide for the establishment of an Administration of Criminal Justice Monitoring Committee with the duty of considering such returns made to the Chief Judge of a state. The Act further mandated the Comptroller General of Prisons to make periodic returns to the heads of all the superior courts including the Attorney General of the federation for all persons awaiting trial held in custody in prisons for a period beyond 180 days from the date of arraignment 44.

It is posited that for any prison decongestion strategy to yield lasting and sustainable results, it must therefore be a compendium encompassing the short, medium and long-term goals of addressing the problems of congestion. To achieve this, the strategy must bring on board all players and synergize between them by harmonizing their roles in a practical way towards the attainment of a common goal. Some of these stakeholders include but are not limited to the Government and its relevant ministries and agencies, the National Assembly, the Courts, our judges, the Police, Prison authorities, the EFCC, ICPC and all other agencies charged with reform, the prosecution, enforcement and the administration of criminal justice in Nigeria. All these hands must concurrently be on deck for a sustainable solution to inure and endure.

42 Op.cit Obioha Pg 101
43 Op.cit ACJA Section 110
44 Ibid. Section 111
Without prejudice to the foregoing, there is the need for the expansion of accommodation and complimentary facilities in the prisons. The visit to Kuje prison showed that the prison had land available for potential expansion to accommodate the rising population of the prison as an antidote to prison congestion. This could be replicated in most prisons across the country. Where accommodation is expanded, it would naturally follow that all complimentary facilities would also be expanded as a short-term measure. It has been noted that although our population has exponentially risen, facilities in our prison have not proportionately risen. The implication is that the lifespan of the existing facilities is drastically curtailed due to over use and ends up being a capital project requirement for budget earlier than time earmarked for its replacement or improvement. It ends up being penny-wise, pound-foolish.

6. Funding the Nigerian prisons has constituted a major challenge to government, especially now that it’s battling with dwindling resources. For the most, their budgets are inadequate and even what’s budgeted never gets released in full and/or on time. The needs for an astronomical rise in funding the prisons is predicated on the fact therein are individuals who cannot cater for themselves under confinement. The moral and constitutional duty to provide for their wellbeing rests on the government. It follows therefore that government must give them nutritious feeding, provide decent accommodation, good health care, recreational facilities, transportation, clothing, their emotional, spiritual and psychological needs, the wellbeing and welfare of the prison officers and their support staff amongst others. These costs a lot of money and government must provide. Failure to meet these needs lately by government has called to question the extent to which the fundamental rights of these inmates are being respected, protected with the attendant prospect for their harmonious social integration into society at the end of the day.

A visit to most Nigerian prisons would show dilapidated infrastructure, lack of or ill-equipped medical facilities, no recreational facilities, poor or the total lack of vocational and skills acquisition centers etc. It is observed that most of our prisons are still the way they were built by the colonial masters, the roofs are leaking and the walls are falling apart, while there are no bedding materials for the inmates to sleep on. The descriptive dark walls and tiny cell rooms as described by Wole Soyinka, as ‘Dehumanizing’ have not changed significantly up to the present time. In its report of 2008 after a tour of some Nigerian prisons, Amnesty international submitted that;

Three out of the ten sampled prisons do not have any medical facility such as hospital or clinic. Similarly, there are no schools in some of them, inspite of the fact that some of the inmates, especially those in the

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45 Op.cit Obioha Pg 104
awaiting trial category are still in school age bracket and no skill acquisition workshops in some of them....It is not only that these skills are not good enough for some prisoners, the workshops are not functioning to their optimal capacity.

The call for a drastic improvement in the budgetary provisions for the prisons in order to address these critical areas of its operations cannot be over emphasized. Government must within the integrated strategy earlier discussed consider alternative sources of funding, including the desirable partnership with the private sector and other multilateral agencies as an opportunity to reposition the prisons as a human and reformatory custodial institution.

7. In furtherance of the foregoing prescription, is the urgent need to consider the reform of the prison force into a modern, IT driven and highly motivated Para military agency. It must be structured, trained, engineered and molded to give the personnel a career opportunity they would be proud of. The situation where personnel take up a career in the prisons for want of options is despicable, and unbecoming; this condition must be reformed urgently. The prison service must be upgraded into an elite organization, becoming the pride of our nation. They must be well trained, equipped, paid, motivated, housed and housed with state of the art facilities and equipment. That way they would hold their heads high and be ready to give all to the service. This would avert the incidences of officers falling prey to the temptation and inducement (generosity) of well to do inmates, or even the persuasion to benefit from what ordinarily belongs to the inmates. The Prison has done well lately, but it could do more by recruiting more university graduates and other critical professionals in order to boost its rank and file, officers, and image.

8. Most inmates of Nigerian prisons are depressed and disenchanted. They become emotionally, mentally, spiritually, psychologically and physiologically traumatized over time. This status of an average Nigerian prisoner defeats and negates ab initio one of the cardinal purposes of imprisonment, which is reformation/reintegration. ‘An idle mind’ they say ‘is the devil’s workshop’. The consequence of the foregoing on the prisoner and the prison system is the vulnerability into anti social activities and behaviors. This makes them hardened whilst still in confinement and precariously delicate to society after their release from jail. This accounts for the preponderance of recidivism. These reoffenders have become a serious challenge for the prisons and our criminal justice system, and a silent killer for our society.

To address this malaise, it is important for government to introduce at the earliest some program of inspiration and motivation in the prisons. Currently some spiritual and non-governmental organizations are filling this gap on a non-systematic, uncoordinated, unsolicited, and unsustainable basis. Government
must reintroduce real time activities on a coordinated platform in the prisons. Prisoners must not be allowed into deep negative thought because it usually ends up damaging their psyche, which engenders a blame mentality that ends up seeking to take out against the society, system or its leaders in the form of vengeance. Their minds must be occupied at all times with activities that reassure them of a better or useful life after prison. This would no doubt help the mental and psychological stability of the average prisoner and in turn reduce incidences of recidivism.

Closely related to the foregoing is the need for the prisons to consider urgently deradicalization programs in our prisons for inmates charged with violent crimes and terrorism. With the rising spate of terrorism in Nigeria and globally, the imperative to reverse the possible radical idiosyncrasies of this category of prisoners cannot be over emphasized. The strategy of deradicalization referred here could be in the form of the prescriptions made above or through the development of an assessment tool and integrated case management protocols. To achieve this requires a seamless bilateral and multi lateral cooperation network, including the training and equipping of the designate staff of the Nigerian prison to act members of the national and local squad for information gathering and analysis, geared towards unbundling the beliefs and nuances of the prisoner.

CONCLUSION

In concluding work on this rather exciting topic, it would be seen that so many issues have risen for thought and action in our national drive towards creating the needed framework within the context of global best practices for the reform of our prisons. Nigeria is blessed with abundant human and natural resources; enough to enable us organize, fund, and run our prisons like the best in the world. It was observed that the bulk of the work for reform is legislative. Our parliament has to rise to occasion to ensure that the necessary instruments of law are provided as a vehicle for the implementation of the long awaited reforms of the prisons. When these instruments are provided, it is also critical to provide within the same framework oversight mechanisms because like many other legislations, Nigeria suffers from the problems of half hearted implementation of laws.

We must note that prisoners are human beings, and as in our case in Nigeria, mostly inmates awaiting trial. It escapes all logic and reason to find that this class of inmates overcrowd our prisons and are indeed treated like convicted criminals. They are subjected to very harsh and inhuman conditions, which are abhorred by the constitutional safeguard of the presumption of innocence. From the context of our quest for reforms, it is submitted that the Nigerian prisons reform could be structured in such a way that the criminal justice administration system of the country provides for easy windows to bail for all offences except those punishable with death as a general rule, barring any extenuating circumstances and of course get our penal laws
to promote the general principles of non custodial sanctions and measures. It is further submitted in conclusion that our stakeholders consider alternative sources of funding for our prisons through collaboration with relevant bodies and indeed consider the radical but desirable option of privatizing some of our prisons, particularly with respect to those persons incarcerated for minor offences.