

**ASSESSMENT OF THE ROLE OF NIGERIA CORRECTIONAL SERVICE (NCS)
TOWARDS IMPROVING THE WELFARE OF AWAITING TRIAL PERSONS
(ATPS) IN NIGERIAN CORRECTIONAL CENTRES (PRISONS): A CRITICAL
APPRAISAL**

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Abstract

Currently in Nigeria criminal justice system, the myriad challenge of prison congestion has taken the front burner of social discourse in the area of prison management in the country. Thus, prisons in the South-East Nigeria were areas of interest to the researcher, which formed the basis for this discourse. This study therefore assessed the role of Nigeria correctional service towards improving the welfare of Awaiting Trial Persons (ATPs) in Nigeria Correctional Centres (prisons). Two theories; Marxist theory of crime and symbolic interactionism formed the theoretical framework, which were used to explain the problem of the study. Systematic Random Sampling procedure was used to select 384 respondents for the study. The scope of the study is male and female ATPs in Owerri and Awka prisons who were 18 years and above. Data collection from the field was done using qualitative and quantitative instruments, which were Focused Group Discussion (FGD) and Questionnaire respectively. Responses generated through the FGD were analysed using thematic content analysis while the stated hypotheses were tested using Chi-square (X^2) statistics. The research found among other things that, unprofessional treatments such as poor dietary, poor medical attention, unequal juxtapositions of awaiting trial and convicted inmates in custody as maltreatments given to ATPs in Owerri and Awka Prison custody. Hence, this study among other things, recommends the need for adequate treatments for persons awaiting trial in Nigerian Prisons custody.

Keywords: Congestion, Crime, Parole, Probation, Reformation.

Introduction

The fundamental essence of criminal justice system is to maintain justice, law and order in human society. Criminal justice system also, ensures effective management of law offenders, to be amenable to law and order. According to Muoneke (2018), criminal justice administration is measured by appraising the status quo ante of the interacting units in the system, and how far they have discharged their respective duties towards realizing the goals of criminal justice administration in the society. He further argues that, the Nigeria Correctional Service (NCS) is a vital unit of the criminal justice system, because of its strategic responsibility of ensuring that deviants are securely separated from society, while ultimately attempting to reunite such persons with the community as better and law-abiding persons. The welfare of such individuals as they await trials in the court forms the subject of this discourse.

It is however underscored by Ayade (2010) that, the maltreating conditions meted out to these individuals by the prison officials while in detention are nothing to write home about. Although the prison authority and the government make some level of efforts on improving the living conditions of these individuals while in detention, but much more stones are left unturned in arresting the marauding scourge of the poor treatment meted out to these individuals while in detention. This is contrary to the statutory role of the NCS which is hinged on the 3Rs of Reformation, Rehabilitation and Reintegration of inmates, these of which the last R is a post-prison experience. It is quite unfortunate that the NCS has failed woefully in achieving these goals which established it. Ayade (2010), in his study on Nigeria and South Africa prisons, compared the prison conditions and treatments given to ATPs in both countries and found that, the ATPs in Nigeria prisons are subjected to inhuman treatments more than their counterparts in South Africa and those of other countries across the western hemisphere. Thus, there are various levels of maltreatments given to these individuals while awaiting trial. These range from physical assault, battery, poor housing, feeding and health service provisions, etc. which in converse contravene their fundamental human rights as enshrined in the United Nations Organisation's (UNO) treaty of 1948, which is premised on universal declaration of human rights.

It is worthy to note that, in the work of Dicey published in 1884 titled "*Habeas Corpus*" (Body of Evidence), he explained that a criminal suspect should not for any reason be detained beyond a period of forty-eight (48) hours without being charged before a regular court (Akinseye-George, 2019). Hence, the section 35 sub-section 1(d) of the 1999 constitution of the Federal Republic of Nigeria 2001 as amended affirms that, every person shall be entitled to his or her liberty and no person shall be deprived of such liberty saved in the following case and in accordance with the procedure permitted by law.... In the case of a person awaiting trial, for the purpose of his or her custody, education and welfare (Constitution of FRN, 1999; 2001 as amended: S. 35 (1) (d).

In spite of these laudable legislative efforts, criminal justice system in Nigeria still contends with the serious challenge of poor handling of the welfare of ATPs in prison custody. A situation where large number of ATPs are gaining admission into squalid prisons in Nigeria and are being deprived of salutary impact of reformative and rehabilitative custodial environment (Obioha, 2011). Thus, the lurid conditions of the existing remand homes in Nigeria are nothing to write home about, being in themselves bywords of institutional decay and degeneration. For instance in Lagos, Port Harcourt, Kaduna, Jos, Awka, Owerri, and Enugu prisons are overcrowded with inmates having the statistics of about 1102, 6,800, 9,400, 7,600, 752, 1,900 respectively most of whom are on ATP list. Thus, Dambazau (2018) pointed out that the conditions of awaiting trial persons is a very great source of worry to the Nigeria Correctional Service; adding that their poor living conditions have led to incessant jailbreaks recorded in Nigeria prisons nationwide.

However, in order to realize functional and goal-oriented prison system in the country, it is germane to create conducive environments for the education and welfare of criminal offenders in custody with much more emphasis on those awaiting trial. The essential welfare

required for an inmate to reform his character and make him a better and functional person when reintegrated back to the society since, this is the avowed objective of the prison institution in Nigeria. Thus, Nigeria criminal justice system has to brace up to meet the international standard on the treatment of ATP.

One of the major challenges that has dogged the NCS, and by extension the criminal justice system in Nigeria, is the lack of adequate custodial facilities for the welfare of awaiting trial persons which informs the basis for this discourse. The phenomenon of crime and punishment as well as the judicial process set in motion to process law offenders have been hotly debated by scholars in the field of Sociology, Criminology, Law, and other related disciplines. Thus, crime has always been a problem to the human societies, past and presents (Obioha, 2011).

The term "Crime" is then defined by Igbo (2007) as, any act or conduct of an individual or group that violates the criminal law of a state. He further argues that, criminal behavior could be as a result of inner conflict, emotional problem, unconscious feeling of insecurity, inadequacy and inferiority. Therefore, these people violate the criminal laws of the state as a result of the underlying emotional inner conflicts; out of which frustration and aggression could make them act out. Nevertheless, when caught in conflict with the law by the police which is the arm of the criminal justice system, they are arrested and subsequently made to face the law.

It is then against this background that this study seeks to assess the role of Nigeria correctional service towards improving the welfare of Awaiting Trial Persons (ATPs) in Nigeria Correctional Centres (prisons).

Statement of the Problem

Amnesty International (2018) noted from their findings on the state of Nigeria Correctional Centres (prisons) that, adequate attention has not been provided towards the welfare of prison inmates in custody. These inmates include those Awaiting Trial, Standing Trials and Convicted Inmates. They are the ones awaiting trial which should be treated differently from the convicted, since they are yet to appear in court. They maintain that there are instances of human rights abuse on this category of inmates by the police and the prison warders. The Amnesty International further observed that there is a high rate of poor hygiene, improper waste management facilities such as dilapidated lavatories and unclean environment, which have encouraged contraction and spread of various forms of diseases in Nigeria prisons (Amnesty International, 2018).

The organisation however discovered also, that the living condition of ATPs is repulsive due to the large number of them, and the efforts of the prison managements to separate them from convicted offenders. This situation has brought about merging more number of ATPs in a cell as much as eight (8) or ten (10) inmates per cell, which is originally designed to take four (4) inmates at a time. According to complaints laid by some of the inmates interviewed by the Amnesty International, they admitted to have been experiencing poor ventilation and insufficient beddings for the prison inmates; with some sleeping on the bare floor at night due

to inadequate provision of logistics by the management for the inmates (Amnesty International, 2018).

Thus, on the side of the medical facilities for the prisons visited in Abuja, Kano, and Lagos, it was found that there is a high rate in infrastructural decay and lack of adequate amenities like potable water, drugs, disinfectants, and other chemical for treatment of injuries of the prison inmates in custody. They also noted that the skill acquisitions available for the inmates are not good enough to march up with the international standards. They maintain that some of the skills like manual carpentry, tailoring, cobbling, etc. have long been overtaken by globalisation and so, advised the government to introduce in the prisons the modern machines and equipment to brace up with the modern day technologies that is obtainable in the modern day society (Amnesty International, 2018).

In line with the above laid down procedure towards the international standard and globally-based practices in the treatments of persons awaiting trial, it is very obvious that the Nigeria government and the criminal justice system have not done enough to be desired towards the welfare package and management of ATPs in Nigeria prisons. From the above postulations by scholars, it is however evident that the miserable conditions under which the government and the prison management in the country subject persons awaiting trial during detention in prison is not just inhumane, but cruel and barbaric. Hence it is penitent that these unwholesome practices noticed within the prison institution should be treated as a matter of urgent importance.

Objectives of the Study

The general objective is to study seeks to assess the role of Nigeria correctional service towards improving the welfare of Awaiting Trial Persons (ATPs) in Nigeria Correctional Centres (prisons). While the specific objectives are as follows:- To ascertain forms of treatments for Awaiting Trial Persons in Owerri and Awka Correctional Centres (prisons). To examine factors that give rise to the prevalent forms of treatment of Awaiting Trial Persons in Owerri and Awka Correctional Centres (prisons).

Literature Review

The Nigeria Correctional Service and Criminal Justice System

The criminal justice system is seen as the body of the law saddled with the responsibilities of arresting, investigating and prosecuting criminal law offenders (Black's Law Dictionary, 2004). This body of the law includes the Police, the Court and the Prison, with the police serving as the arm of the law. In the case concerning persons awaiting trial in the prison, the police under the criminal justice system is exclusively reserved with the responsibility under the Department of Public Prosecution (DPP) to investigate, and charge to court persons suspected to have committed violent crimes such as rape, culpable homicide, armed robbery, arson, kidnapping, etc. Thus, such individuals are remanded in custody pending the completion of investigation by the DPP, who thereafter charge them to court. But the delay experienced in these processes ranging from, investigation and arraignment has led to relocation of most serious criminal suspects to the prisons as recommended by the state's

judiciary rather than keeping them in lock-up cells. Thus this conduct over time has led to an influx of criminal suspects awaiting trial in several prisons across the country (Amnesty International, 2018).

Thus, in the case of Nigeria criminal justice system this method is not duly followed. According to Oyakhiromen, Atere, and Adegoke (2017), there are laid down procedure for handling cases involving criminal suspects whose cases are yet to be decided by the court under the Nigeria's criminal code. These procedures among other things include assigning of young criminal suspect to the DPP under the police prosecution officer in-charge of the case, and remanding the awaiting trial criminal suspect in custody under the law enforcement agent. Subsequently, the Awaiting Trial suspect is placed in prison custody under the watch of the prison guards depending on the gravity of crime committed. In most cases, violent criminal suspects are referred to maximum prison facilities where there are higher surveillance techniques more than what is obtainable in medium prisons. They are expected to remain there until the completion of their trial, and subsequent sentencing is given.

On the contrary however, it has been argued by scholars of criminology that access to criminal justice varies among countries of the world. For instance, the juveniles in western hemisphere of Europe, America and Oceania have been argued by scholars like Obioha (2011), Ayade (2010) and Ajayi (2012), to have more unfettered access to justice than their counterparts in Africa, Asia and Middle-Eastern countries. In their various submissions, they agree that the ways through which persons awaiting trial and even the convicted persons serving jail terms in Nigeria are being treated runs counter to the global standard or the global *locus standi* stipulated by the United Nations Organization (U.N.O) approved legal framework for the treatments of criminal offenders in custody.

In Nigeria, there is a strong limitation to the access to justice provided to persons awaiting trial, standing trial or convicted offenders. To Oyakhromen, et.al (2017), the Awaiting trial inmates are not duly provided with those treatments as enshrined in the international standard for management of criminal suspects as provided by the UNO. However, this situation they believe is part of the failure on the side of the criminal justice system in Nigeria and that of the federal government of Nigeria, who statutorily has the Nigeria Prison Service reserved in her exclusive list of administration. Thus, the remanding of Awaiting Trial Inmates in maximum prison is deemed necessary by the law if the suspect is suspected to attempt jailbreak, dangerous to the fellow inmates, or charged for homicide or other grave crimes.

Forms of prevalent treatment on ATPs in Nigeria.

According to the Cross-Sectional Survey conducted by the Amnesty International (2018), where they employed a Simple Random Sampling Technique to select some prisons across the country. Among the selected prisons were Abuja, Kaduna, and Lagos, with the ATPs population of 553, 534, and 1634 respectively. The study found that Nigeria prisons and detention facilities are over-crowded with prisoners who are majorly made up of prisoners on Awaiting Trial roll, followed by convicted offenders and then, the standing trials inmates. Their findings showed that Kuje prison (Abuja) has 553 inmates Awaiting Trial; Kaduna prison (Kafanchan) has 534, while Ikoyi prison (Lagos) has 1,634 inmates awaiting trials.

These statistics they believe are 67%, 56%, and 200% higher than their carrying capacities. They also observed that first offenders are also placed in the same facilities with the career offenders awaiting trial, and are subjected to harsh and dehumanising condition.

In a related study conducted by Achu, Owan, and Ekok (2013), conducted in Calabar prison, were 200 inmates were selected using Simple Random Sampling Techniques (SRST) saw that, most of the inmates are awaiting trial and are even recidivists that made up the bulk population of the inmates in the prison. They further observed that, the prison is more of a dungeon with population explosion above its carrying capacity, which they saw as having made the reformatory programme seemingly impossible.

Muoneke (2018) in his Panel Survey conducted on the three prison facilities in Kaduna, Abeokuta and Ilorin, with the population of 534, 453, and 322 respectively; titled, "The Dilemma of Criminal Justice System". The study deployed a Stratified Random Sampling Technique in conducting the research. He observed from the research, that Kaduna facility in particular is the most populated, because criminal offenders were drawn from different parts of the country into it and most of whom are awaiting trial. This ugly trend has raised the population of the inmates to over 65% above its carrying capacity, while in the nation's prisons; convicts represent over 30% of the entire prison population nationwide. He further found that, the joint capacity of our prisons are just 30,000 but currently house over 200,000 inmates; out of which 70% of the entire population are on the Awaiting Trial list. He however did not see any disparity in the treatment given to the ATPs from their Convicted counterparts. He however observed that, the living condition and feeding pattern in the prison is left with much to be desired, hence disheartening.

Amnesty International (2018) also observed in one of its studies titled "the State of Awaiting Trial Persons in Nigeria Prisons". The study applied the Trend Survey method on Enugu, Onitsha, and Calabar Prisons, with the population of 892, 488, and 663 ATPs respectively. They found that, the dehumanising conditions which these inmates are subjected to have increased the widespread of diseases, which are as a result of the congestion. They cited a situation where inmates sleep two to a bed or on the floor in filthy cells. They also noticed that most detention facilities in Nigeria have small clinics or sick bays which lack medicines, while many inmates have to pay for their own medications. In line with this, Ajayi (2012) also observed similar situation in his study titled "Nigeria Prison and Dispensation of Justice". The study was conducted in Ibadan and Akure Prisons with the population of 450, and 389 ATPs respectively, where he used a Simple Random Sampling Method to select 180 and 180 inmates from each of the prisons who are mostly awaiting trial. The study revealed that in many Nigerian prisons, the rate of prison congestion was as high as between 300% and 600% respectively, and at least three inmates occupy a cell ordinarily meant to accommodate one inmate. Also, the study found that this population agglomeration in these prisons come with accompanying unhealthy living conditions, and shortage of necessary basic amenities for the well-being of the inmates.

The findings from these scholars agree that, the state of the country's correctional facilities is the one that demand urgent attention. These situations however call for urgent attention towards ameliorating the deplorable state of the prison institutions in Nigeria.

Factors that give rise to the prevalent forms of treatment on ATPs in Nigeria.

Various successive governments in Nigeria have drafted blueprints on ways to tackle and revamp major challenges facing persons awaiting trial in the Nigeria Correctional Centres (prisons). These major challenges were observed in the study conducted by Akinseye-George (2019) titled "*Juvenile Justice in Nigeria. (A Study of the Laws and Practices Relating to Juvenile Justice in Nigeria with Special Focus on the FCT, Kano, Lagos, Plateau, and Rivers state)*". He employed a Cross-Sectional Survey on remanded prisoners in Abuja prisons to identify the treatments persons awaiting trial in custody by the law enforcement agency. The study selected virtually all the inmates in the prison who were accessible during his visit; they were about 658 inmates with the ones awaiting trial numbering over 400 which represent 78% of the entire prison populace. He noticed that, the Criminal Justice System lays less emphasis on the classification of these delinquents according to their crimes categories or condition of imprisonment. Citing that, it is a situation whereby recidivists, career criminal suspects, male and female suspects are confined in same facility, and are given similar treatments.

Then, in the study conducted by Bella, Atilola, and Omigbodun (2010) using a Cross-Sectional Survey to select 345 ATPs selected from Ibadan Prison for their study titled, "*Children within the Juvenile Justice System in Nigeria: Psychopathology and Psychosocial Needs*" they found that remanded criminal suspects awaiting trial are not given the desired attention in the areas of quality healthcare delivery, feeding, informal and formal education, which they believe that runs counter-productive and against the International standard on the treatment of remanded suspects in prison custody. In line with the above study by Bella, et.al.(2010), Ayade (2010) in his study conducted in a selected Nigeria prisons using a Simple Systematic Random Sampling Technique, titled "*Problems of Prisons Over-crowding in Nigeria: Some Lessons from South Africa and America*"; which he conducted using a Trend Survey method on the selected Nigeria prisons across the country found that, the government has promised time after time to implement the recommendations by the commissions and working groups, but little has been done to reform the nation's criminal justice system, with most of their recommendations yet to be implemented.

The above finding has been earlier investigated by Akinseye-George (2019) in his study, where he explicitly noted that, ATPs in Nigeria prisons have been grossly neglected in the economic budgeting and planning under the ministry of interior. This he noted that, in 2014 and 2015 fiscal years for instance that, nothing was budgeted by the federal government for the management of criminal suspect remanded in prisons custody. This is a clear reflection of

the height of negligence as it pertains to the welfare of persons awaiting trial under the Nigeria Criminal Justice System.

Amnesty International (2017) also visited and conducted studies across the ten selected prisons in Nigeria, which include Enugu, Kano, Lagos, FCT, among others and concluded that the recommendations of all those committees and commissions, and promises of the government have not changed Nigeria prisons. According to its report, Nigeria prisons are still over-crowded, prison authorities do not have enough funds to improve the living conditions of the inmates, four out of five (4/5) inmates are awaiting trial, approximately 80% of the awaiting trial inmates are indigents and cannot afford the services of a lawyer, hence they wait for years without entering into appearance in court. Thus, this has informed the reason why the federal and the state governments have taken steps towards visiting these facilities and granting pardons and amnesty, under the prerogative of mercy to the deserving inmates respectively.

This finding by Ajayi (2012), is also found to be in line with the earlier submission made by Ayade (2010) in his study titled “*Problems of Prison Over-crowding in Nigeria: Some Lessons from South Africa and America*”, where he conducted a Panel study and used a Correlation Analysis to compare prisons situations in both countries in relation to Nigeria prisons’ setting. The study was majorly interested in the assessment of how the country Nigeria has been able to apply the universal law on the treatments of Awaiting Trial suspects in detention. But unfortunately, this study found Nigeria criminal justice system as ragging very much behind, and not living up to expectation in their treatment of persons awaiting trial who are remanded in custody.

Ayade (2010) saw great disparities in the application of this Beijing Rule of 1985 which is being adopted and applied among all the countries of the world including South Africa and America. According to him, a person awaiting trial is entitled to a fair right to a counsel, right to be notified the reason for his/her arrest in the language he/she understands, or the charge against him/her; to be presumed innocent and the right to remain silent, and the right to examine and cross-examine witnesses. It is then a *sine-quantum* that, the nation’s criminal justice system is left with a serious task towards revamping these daunting challenges facing awaiting trial inmates, who are suspected to have been caught in conflict with the law.

Theoretical Framework

The theoretical underpinnings that informs this work to explain the Assessment of the Welfare of Awaiting Trial Persons in Nigeria Correctional Centres (prisons) is the integrated theory of :- Marxist theory and symbolic interactionism. Marxist theory of crime has its major thrust on the argument that social deviance behaviours could be traced to the effects of the structure of capitalism; and thus suggested that the panacea to this problem is the overturning of the structure through a collective action by the members of the society (Marx, 1857; Ritzer & Stepnisky, 2014). In line with the above proposition, this theory also tries to explain the reason why cases of criminal activities are on the high side in our society, which has been attributed to individuals’ quest to amass wealth amidst the limited economic resources in the society (Ritzer, 2018). This theory further enhances understanding on the

rationale behind the high level of negligence towards reformation and rehabilitation of prison institution in Nigeria. It further explains the motives behind the high level of corruption observed in the discharge of duties by the government, criminal justice agents, prison management, and prison staff in Nigeria prisons.

In line with the above highlighted theoretical thrust, the neo-marxist criminologists rejected the idea that deviance is determined by factors such as biology, personality, anomie, etc. Rather people choose to engage in deviant behaviours in response to the social inequality that are inherently associated with capitalist economic systems (Giddens & Sutton, 2010). Hence, other criminologists also see the laws in the society as tools used by the powerful to secure and maintain their privileged positions. Thus, they rejected the idea that the law is neutral, and apply evenly to all members of the society irrespective of class and status. Instead, they see the law as an important instrument used by the powerful (ruling class) in maintenance of order to their interest, and instil their ruling hegemony on the subordinate class. Giddens and Sutton (2010) further explain that the use of law by the ruling class can be seen in the workings of the criminal justice system, which has become increasingly oppressive towards the middle and lower classes in the society.

This theory has also been criticized by scholars who belong to the other theoretical paradigms of thought. These include the Symbolic Interactionist, Labeling, Ecological, Behaviourist, non-Marxian scholars, etc. This is due to their shared idea against Marxian’s paradigm that it is only the economy that perpetuates inequality and hence encourages people in the society to engage in criminal behaviours. In their argument, they believe that environmental, psychological, social, and moral factors can influence individuals to engage in deviant behaviours (Ritzer, 2018). They further argue that, it is rather bias and appropriate to believe that it is only the economy that can make people engage in crime. They argue that other forms of crimes like rape, murder, homicide, vandalism, etc might not be linked to the economic reasons.

Socio-Demographic Characteristics of the Respondents

Table 1: Distribution of Respondents by Socio-Demographic Characteristics (n = 358)

Sex	Frequency	Percentage
Male	219	61.17
Female	139	38.83
Total	358	100
Age	Frequency	Percentage
18-22	27	7.54
23-27	63	17.60
28-32	94	26.26
33-37	40	11.17
36-42	50	13.97
43-47	45	12.57
48-52	21	5.87
53-57	7	1.96
58 & above	11	3.06
Total	358	100.0
Religious Affiliation	Frequency	Percentage

Christianity	335	93.58
Islam	10	2.79
ATR	5	1.40
None	8	2.23
Total	358	100
Place of Residence	Frequency	Percentage
Urban	292	81.56
Rural	51	14.25
I don't know	15	4.19
Total	358	100
Academic Qualification	Frequency	Percentage
None	44	12.29
Low	186	51.96
High	42	11.73
I don't know	86	24.02
Total	358	100
Occupation of Respondents' Parents	Frequency	Percentage
Unemployed	122	34.08
Student	66	18.44
Self-employed/Artisan	124	34.64
Apprentice	20	5.59
Others	0	0.00
I don't know	26	7.25
Total	358	100
Occupation		Percentage
Frequency		
Unemployed	77	21.51
Civil servant	42	11.73
Public servant	58	16.20
Artisan/Trading	127	35.47
Others, please specify	54	15.09
Total	358	100
Monthly income range of parents/guardians		Frequency
Percentage		
Below N20,000	114	31.84
N20,000 – N39000	56	15.64
N40,000 – N59,000	9	2.51
N60,000 – 79,000	13	3.63
N80,000 – N99,000	12	3.35
N100,000 and above	10	2.79
I don't know	144	40.24
Total	358	100
Monthly income range of respondents	Frequency	Percentage
Below N20,000	141	39.39
N20,000 – N39000	27	7.54
N40,000 – N59,000	35	9.78
N60,000 – 79,000	16	4.47
N80,000 – N99,000	7	1.96
N100,000 and above	11	3.06
I don't know	121	33.80
Total	358	100
Duration in prison	Frequency	Percentage
Less than six months	130	36.30
6-12 months	49	13.69

1-2 years	32	8.94
2-3 years	67	18.72
More than 3 years	80	22.35
Total	358	100

Field Survey, 2019

Table 1 shows that out of the returned questionnaires, 219 were males and 139 were females. Majority (26.26%) of the respondents fall within the age bracket of 28-32 years, while the minority (1.96%) of the respondents was within the age bracket of 53-57 years. The mean age of respondents was 39.7 years old. Most of the respondents of about(34.21%) were single, while the minority (12.11%) of the respondents is separated. Majority of the respondents which represent (93.58%) of the sample were Christians, while (1.40%) minority of the respondents responded to belong to African Traditional Religion (ATR). Majority of the respondents which represent (81.56%) live in urban areas, while (14.25%) minority of the respondents live in rural areas, with (4.19%) of the respondents gave no response to the question. Most of the respondents (51.96%) have low level formal education, while the minority (11.73%) of the respondents possesses high level formal education. Most of them(34.64%) were artisans, while the minority (5.59%) of them was apprentice. Most of the respondents' parents(35.47%) were artisans, while (11.73%) of the respondents were civil servants. Majority of the respondents (40.24%) did not respond to their parental monthly income range, while (1.96%) of the respondents said its N80,000-N99,000. The majority of the respondents(33.80%) said their monthly income is below N20,000; while (1.96%) of the respondents said that theirs is within N80,000-N99,000. Majority of the respondents (36.30%) said they have been in prison for less than 6 months, while (8.94%) of them said 1-2 years.

Table 2: Distribution of Respondents according to how they rate their Feeding Programme at Owerri and Awka Correctional Centres (prisons)

Feeding programme	Frequency	Percentage
Very rich	10	2.79
Rich	21	5.87
Poor	125	34.92
Very poor	117	32.68
I don't know	85	23.74
Total	358	100

Field Survey, 2019

Table 2 shows the frequency distribution of respondents regarding the way they rate their feeding programme. It is observed that, majority (34.92%) of the respondents rated it as poor; while minority (2.79%) of the respondents saw it as very rich. It is therefore, obvious that there is a poor feeding programme in Owerri and Awka Correctional Centres (prisons).

Table 3: Distribution of Respondents according to how they rate their Living Conditions at Owerri and Awka Correctional Centres (prisons)

Living condition	Frequency	Percentage
Very rich	13	3.63
Rich	25	6.98
Poor	100	27.93
Very poor	175	48.88
I don't know	45	12.58
Total	358	100

Field Survey 2019

Table 3 shows the frequency distribution of respondents on the way they rate their living conditions. Majority (48.88%) of the respondents rated it as very poor; while minority (3.63%) of the respondents saw it as very rich. It is therefore, observed that there is a poor feeding programme in Owerri and Awka Correctional Centres (prisons).

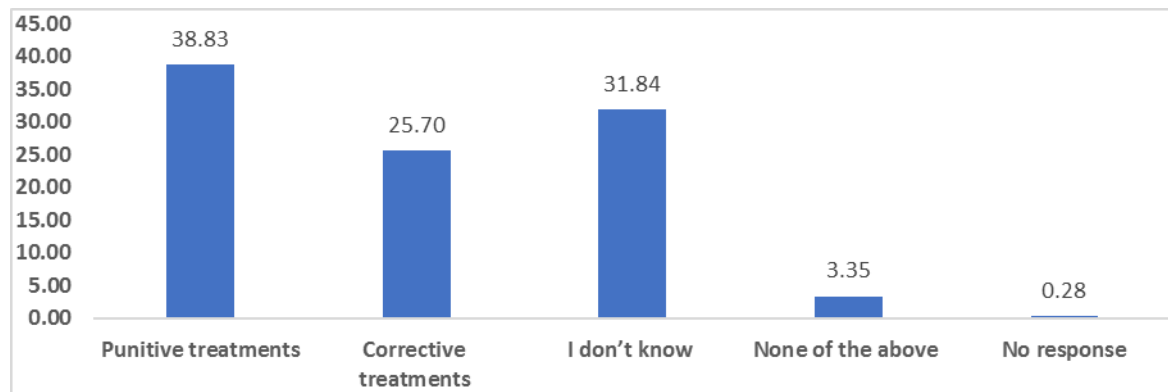


Fig 1: Ways Awaiting Trial Persons in Owerri and Awka Correctional Centres (prisons) perceive their Treatments.

Fig 1 shows the frequency distribution of respondents on ways ATPs in Owerri and Awka prisons perceive the treatments given to them. It is observed that, majority of the respondents (38.83%) perceived their treatments as very good; while (0.28%) of the respondents said they don't know. One of the FGD respondents in Awka prison agreed thus:

as far as they are concerned, that some of them did nothing to warrant being put in the prison. but the issue is not just the fact that, they are locked up in

prison, but that they are given same inhumane treatments they dish out to those already serving jail term, hence they are being treated like common criminals (male, 36 years old, bricklayer, ATP in awka prison).

Another member of FGD respondents in Owerri Prison admitted to poor treatment from the Prison Warders (Officers), he maintained thus:

There are gross abuses of our individual human rights, especially as it pertains to our freedom to socialise with other persons here in the prison. We are most times beaten, punished through food and water starvations, and in most cases refused access out of the prison in the evening time for a stroll. The most annoying part of it remains that, I am innocent of the charge that made the police to bring me simply because I refused to cooperate with them (Female, 44 years old, Haberdasher, ATP in Owerri prison).

Yet another member of FGD respondents in Owerri gave an insight of their living condition, which he compared to a living hell, he argued thus:

This place is no man’s home and the way we are rough handled here makes it even more difficult for us to remain compliant to the regulations of this prison. We are being heavily subjected to a serious harsh condition, that doesn’t give us any hope of leaving this place the same. This place is indeed a living hell for us due to the way we are treated as if we are not humans (Male, 30 years old, Artisan, ATP in Owerri prison).

One of the FGD respondents in Awka prison also admitted thus:

There is a case of poor waste management facilities in the prisons visited. For instance, in Awka prison the liquid waste or urines passed by inmates are allowed to pass through a drainage channel which is constructed along the prison wall, thereby making the air in the environment to be constantly polluted (Female, 34 years old, Hairdresser, ATP in Awka prison).

It is therefore concluded that, the treatments given to awaiting trial inmates in Nigeria prisons are perceived to be very good by the majority poor inmates than the minority rich. It is also concluded from the FGD responses that, the ways ATPs in Owerri and Awka prison are being treated is very unwholesome.

Table 4: Respondents views on the Major Cause of the Treatments given to you by the Prison Officers

Major causes of the treatments of ATPs	Frequency	Percentage
The poor working conditions of the prison officers	92	25.70
Poor organisational structure of Prison establishment	50	13.97
Negative attitude to work among the officers	133	37.15
Low level professionalism among the prison officers	44	12.29
I don’t know	39	10.89
Total	358	100

Field Survey, 2019

Table 4 shows the frequency distribution of respondents on major causes of the treatments given to ATPs while in custody. It is observed that, majority (37.15%) of the respondents attributed their maltreatments to negative attitudes among the officers; while minority (10.89%) of the respondents declined to respond to the question. It is therefore found from the study that the major causes of the treatments of ATPs in Owerri and Awka prisons could be attributed to negative attitudes to work among officers.

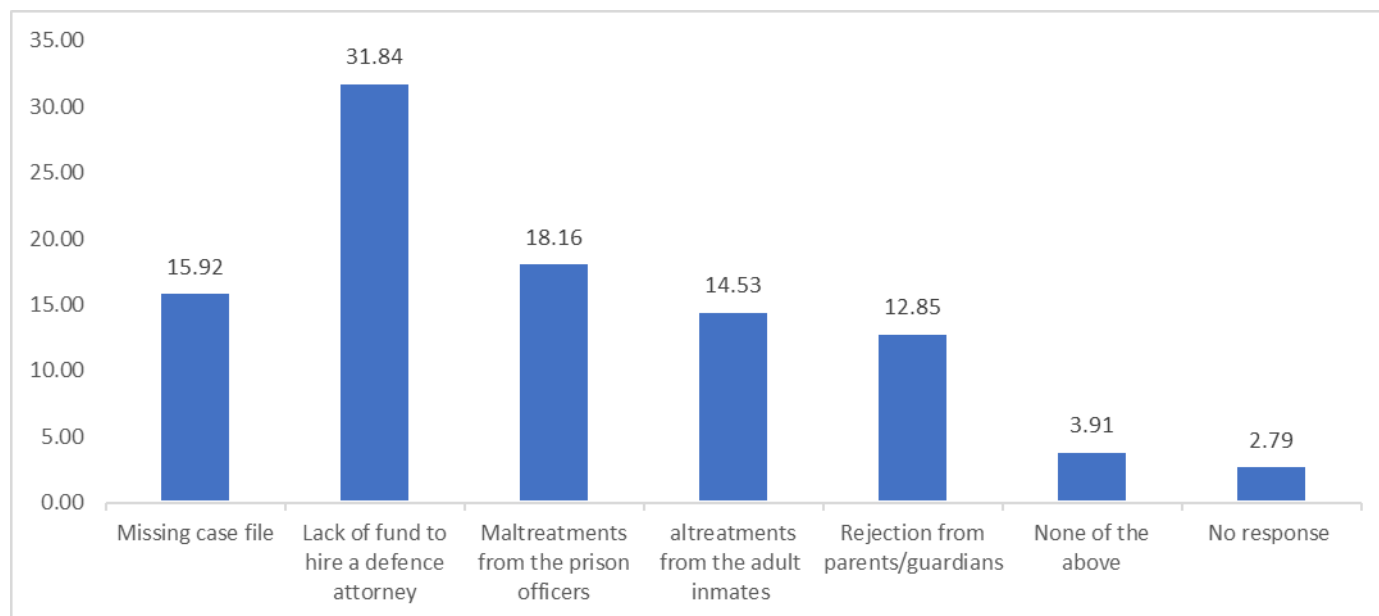


Fig 2: Respondents views on the Major Challenges they face while awaiting trial in Prison

Above is a graphical representation of the responses given by the respondents which, indicates the different level of responses given by the respondents on how they view the major challenges facing them during the time of their awaiting trial.

Table 5: Distribution of Respondents according to their opinions on whether they have Access to a Lawyer while in Owerri and Awka Prisons

Do you have access to a Lawyer?	Frequency	Percentage
Yes	31	8.66
No	291	81.29
I don't know	36	10.05
Total	358	100

Field Survey, 2019

Table 5: shows the frequency distribution of respondents on the whether they have access to a lawyer and their family members. It is then observed that majority of the respondents admitted a restricted access to a lawyer and family member, due to paucity of fund, while the minority of the respondents said they have access to lawyer. The study reveals that, most ATPs in Owerri and Awka prisons have little access to a lawyer.

Table 6: Distribution of Respondents according to their views on other major challenges facing them during their period of awaiting trial at Owerri and Awka prisons

Other major challenges in prisons	Frequency	Percentage
Poor feeding	125	34.92
lack of potable water	83	23.18
lack of electricity	124	34.64
lack of sleeping materials	26	7.26
Total	358	100

Field Survey, 2019

Table 6 shows the frequency distribution of respondents on other major challenges facing them while awaiting trial. 34.92% of the respondents agreed that poor feeding programme is their major challenge, while minority of the respondents said that poor sleeping materials were their main challenge in both prisons. It is therefore found that the major challenge facing awaiting trial inmates in Owerri and Awka prisons is poor feeding.

Data from the FGD session agrees with that of the questionnaire. A FGD respondent stated that:

I think the major factors that encourage the negative treatments we receive from here is because we are already seen as criminal even without being taken to court. The senior prison staff carryout a selective attention to people known to them or those whose family or friends have given money to look after their own. They don't seem to care about the rest of us who don't have money to bribe our ways through in order to get such attention (Female, 38 years old, Hairdresser, ATP in Owerri prison)

Also another respondent from Awka Prison argued thus:

The nature of the treatment we are given here is not encouraging. I was brought here simply because I had an issue with someone which escalated to a fight. He used police and money to arrest me, and that is how I ended up here. But that is not all, I have been here for the past 3 years, since 2016 and I have never been taken to court simply because I don't have money or anyone that will take up my case to court (Male, 37 years old, Commercial Motorist, ATP in Awka prison).

Also another respondent in Awka Prison admitted that,

Some of their fellow inmates whose lives have been reeled with narcotic drugs still engage some of the prison warders with money to help them smuggle illicit drugs such as Indian hems (marijuana), cracked cocaine, skel, among other hard drugs. This situation has rather put the lives of some of the inmates in more danger especially the ATPs who sometimes become victimized by some drug addicts who engage them in fight and all manners

of assaults due to the mental status of the later(Male, 41 years old, Cobbler, ATP in Awka prison).

Then, yet another FGD respondent explained thus:

Other factors wey I think say dey encourage this guys from intimidating us here, na because say we no get long leg. If na for some kain person, dem for don release them. My own matter be say, I no from this state and I no get anybody, an em make them dey handle us like goat for here. I dey beg you to help me tell government to come to our help. E get some wey come here with me, they don release them because say dey get connection (Male, 39 years old, self-employed, ATP in Owerri prison).

This respondent simply said that, he was arrested and detained just for a minor offence and that his detainee demanded money which he could not raise because of his financial status, thus he is being detained further in custody.

Test of Hypotheses

H₁: Male ATPs in Owerri and Awka Prisons tends to have a more positive opinion on the nature of their living conditions than their female counterparts. Their gender was recorded into male and female, while their living condition was recorded into very rich, rich, poor, very poor, I don’t know, and no response.

Table 15: Cross Tabulation between opinions of Male and Female ATPs in Owerri and Awka Prisons’ on the Nature of their Living Conditions.

	Living Condition						Total	χ^2
	Very rich	Rich	Poor	Very poor	I don't know	No response		
Male	4	24	92	91	8	0	219	Df = 5 P = 0.00 N = 358 113.861
Female	9	1	8	84	37	0	139	
Total	13	25	100	175	45	0	358	

X² = 113.861, df = 5, N = 358, P < 0.000 (Field Survey, 2019).

The computed value of chi-square is 113.861 while the value of chi-square at 0.05 level of significance with a degree of freedom (df) of 5 is 11.07. Since the computed value of chi-square is greater than the table value, the researcher accepted the alternative hypothesis. It follows therefore that Male and Female Awaiting Trial Persons of Owerri and Awka Prisons significantly differ in their opinions on the nature of their living conditions in the prisons. Thus there is no significant relationship between male and female awaiting trial persons in

Owerri and Awka Prisons and in their perception of their living conditions. Hence, the female inmates perceive their living conditions as poorer than their male counterparts.

Discussion of Key Issues

It is evident that the various ways through which the awaiting trial inmates still leave a lot to be desired. This is akin to the ways ATPs are treated in Nigeria prisons, which are not properly managed as it was found in the study conducted.

The study found that there is a gross inadequate treatment given to ATPs in Nigeria prisons, looking at their welfare; it is discovered that the ATPs are not properly given attention in the areas of feeding, sanitary, social amenities, healthcare delivery, etc. The issue of prison congestion formed one of the major cog on the wheel of progress towards effective prison reform in Nigeria as earlier noted by Alemika and Chukwuma (1995), where they noted that a vast majority of inmates in Nigeria prisons are those at awaiting trial roll, this postulated was seconded by the Nigeria Prison Service (NPS, 2018) reports and the paper presented by Dambazau (2016) which all pointed to the fact that over 70% of inmates in Nigeria prisons are people who are yet to enter into court appearance for the first time.

In this study also, it summarily found that the implementation of policies and programmes by the governments such as provision of more adequate facilities for the existing prisons and erection of new ones to ensure decongestion and remanding of ATPs in a separated facility is yet to be given serious attention. It is also found that, the court has not done enough through granting speedy trials of ATPs in custody which is found to be a more effective way to get justice for the ATPs in custody. The department of public prosecution (DPP) does not properly carry out their role of arraignment of criminal offenders with respect to ATPs in custody. The government and the prison management are yet to take the challenges of prison reform serious, holding the bull by the horn and leaving no stone unturned in a bid to revamp the myriads of challenges faced by prisoners, especially the ATPs in custody. Thus, the ordeal passed through by persons awaiting trial in Nigeria prisons needs to be given adequate attention, because it is found from this study that ATPs in custody are not properly managed, little or no efforts are put in place by the government and the prison management to arrest the ugly trend.

Hypothetically also, this study found that most male and female ATPs in Owerri and Awka prisons perceive their living conditions as very poor. Hence, this finding aligns itself with the finding made by Dambazau (2019) where he maintained that there are several incidences of prison congestions and poor living conditions in Nigeria prisons, hence urgent need for decongestion and improved standard of living for inmates in the Nigeria prisons.

Furthermore, there are series of efforts put in place by the governments as admitted by the inmates, although those efforts have been little less effective in the amelioration of the ordeals the ATPs pass through while in custody. Most of the efforts as found in this study were vocational training giving to them while in custody, opportunity to apply for further studies while in detention, opportunities to speak with their families and friends which, they

admitted was in rare cases. This is usually in the situation of gross ill health whereby the prison clinic does not have the required equipment for the treatment of the ailing inmate, s/he is recommended to be taken to an outside government hospital on the approval of the management. This assertion was earlier found in the investigation conducted by Muoneke (2018) where he found that there is gross decay in healthcare services and medical facilities among Nigeria prisons, this finding further corroborates with one of the findings made from this study.

Finally, there is other various efforts put in place by the government, prison management, individuals and cooperate bodies towards improvement of the welfare of ATP s in Nigeria prisons. In opinions of most respondents studied, it was found that they mostly opted for some more stringent punishments for the errant inmates and warders, as well as the defaulters of the prison rules and regulation. They also called for more reforms in the prison sector as one of the major ways to give detailed attention to hardship meted out to ATPs in custody, as well as creating a demarcation between the ATPs and their convicted or standing trial counterparts.

Also the Marxian theory and Social-Structural Functionalist theory of crime also aligned themselves to the rounding out of this social problem. Marxian theory for instance sees crime as a consequence of individuals' insatiable desire to amass wealth; as well as the social ill created in the society as a result of capitalist economy, which has succeeded in creation of classes in the society. In line with this theory, the inmates in Nigeria prisons are found to be in deplorable condition due to their positions in the society, which has encouraged high level of negligence from the government, which is found to be true from the study conducted in this work.

Symbolic interactionism succeeded in explaining crime as a result of social hiatus in which individuals are placed within the social ladder. This situation is also found during the research, whereby majority of the inmates interviewed were found to be persons of middle class or lower class in the society due to their level of income, education and socio-economic characteristics. Therefore, it could be rightly stated from this study that it was found that the major causes of the inadequate welfare treatments given to awaiting trial inmates in Owerri and Awka Prisons in particular and perhaps in Nigerian prisons are as a result of quest for wealth, high level financial crime, and bureaucratic corruption. Also, the conception and perception of the social hierarchy of the inmates by the criminal justice system and the government itself, which has encouraged negligence to the welfare of the inmates remanded in Nigeria prison custody.

Conclusion

This study succeeded in assessing the welfare of awaiting trial persons in Owerri and Awka Prisons, South-East Nigeria, ways awaiting trial inmates in these prisons are treated, factors that give rise to the prevalent forms of treatment of awaiting trial persons in prisons, major consequences of mode of treatments of awaiting trial inmates in custody, efforts put in place towards improving the welfare of awaiting trial inmates in prisons, and how the welfare of awaiting trial persons in prisons could be enhanced. This study has been able to provide

scientific answers to virtually all the questions raised on the topic under discourse, and how the challenges raised could be ameliorated.

Also, the study has been able to establish that awaiting trial persons in Nigeria prisons are not given the proper attention. However, there are still need for further studies on the treatments of convicted persons in selected Nigeria prisons, and the studies on the perception of the working conditions of prison officers and how it affect their job performance in Owerri and Awka Correctional Centres (prisons) to confirm, contradict or improve the findings in this study.

Recommendations

1. There is a need for the government to make policy that will improve on their living conditions, which include adequate lavatory facilities, social amenities, and beddings for persons in custody, specifically as it affects the ATPs in Nigeria prisons.
2. There is serious need to properly manage solid and liquid wastes in the Nigeria prisons, in order to prevent outbreak of epidemics such as cholera, dysentery, typhoid, water borne and air borne diseases.
3. It is essential for the prison management to ensure proper healthcare facilities, drugs, clinical equipment, first aid tools, etc. for the proper attention of ailing and injured inmates in custody. This would help prevent the task of ferrying the inmates out of the prison for treatment, which could lead to escape of the inmate.
4. There is need for prison officers to be given adequate trainings and retraining on their jobs towards the awaiting trial persons in custody.
5. There is need for the DPP to ensure proper handling of case files of ATPs in custody. This could be achieved by switching from analogue to digital documentations of the records and files of inmates who are remanded in custody.
6. The DPP should in collaboration with the court ensure that ATPs are charged to court as soon as practicable.

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