

Prisons and Security Challenges in a Democratic Nigeria

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Abstract

Survival of every nation- state is a function of her ability to cope with security challenges. The security sector in Nigeria in recent years is faced with constant threat from within. It is against this background that this paper examines the roles of Nigerian Prison Service as an integral part of the security configuration of the country and the challenges facing the outfit towards stemming the tide of security problems facing the country. It further analyzes the symbiotic relationship between the prison system of a nation and its security challenges. Related data were obtained through secondary source and were descriptively analysed. The study concluded that Nigerian Prison is not well equipped to fulfil its mandate. Consequently, the paper recommends that training in modern day techniques of prison administration and effective funding are panacea for improved performance of Nigerian prison service.

Keywords: Prison service, Security challenges, Democratic Nigeria, Nation-state.

1.0 Introduction

In 1999 when Nigeria returned to the path of democracy, hopes were very high among the entire citizenry not only because democracy was the major “game in town” but also for the fact that it promises a free and egalitarian. It was expected that all aspect of the nation Nigeria will taste the joy and benefit of the system of government that concerns itself with the welfare of the citizens but this was not to be. In fact, the 1999 constitution identified welfare and security of the citizen of Nigeria as some of the major responsibilities of government. However the Nigeria Prison as an institution of government has not benefited from the new system in any concrete term. Problems that have affected the prison system during colonial and military rule have not only continued but became more biting under the civilian rule.

Security issues are treated with utmost diligence across the world. It is considered as one of the fundamental responsibilities of any state. Adam Smith (cited in Nwolise, 2010) opined that the first duty of sovereign is to provide security from the public purse. The Nigeria Prisons Service is a key member of security community though it comes as the third on the hierarchy of country’s criminal justice administration (the police and judiciary being the first and second respectively). It takes lawful custody of all those certified by the court to be kept and produces them in the court. Wright (1982) wrote that prisons are generally expected to carry out the following functions:

- Deterrence: Prisons are expected to deter individuals from committing crime. So one reason for sending the offender to prison for a crime is to make him less likely to commit further crimes through fear of more imprisonment.
- Protection: Protecting the public from certain offenders. The aim of this second reason is to send offenders to prison to render them incapable of committing crimes.
- Rehabilitation: Offenders are sent to prisons to rehabilitate them, so that they no longer need to commit crimes

However, the security challenges in contemporary Nigeria has become humongous that it becomes expedient to evaluate the ability of the Prisons Service to collaborate effectively with other security agencies in discharging the security functions of the Nigerian state on one hand and ability to carry out its assigned mandate on the other hand.

2.0 Conceptual Clarifications

The need for conceptual clarification in social science is imperative considering the fact that both cultural and ideological orientations are mostly responsible for shaping individual’s cognitive orientation. According to Chafe (1994:21) ‘the primary requirement for debating anything is to understand first and foremost the actual thing being talked about’. It’s for these reasons that contextual usages of the following words are explained.

2.1 Security

The word security has emerged as one of the most texted concepts in the 21st century. The term is used to describe guaranteed protection or assurance against danger, harm or threat of it on lives, property, resources and other materials of value to human existence. Hence, it is common to hear variants of securities such as energy, job, food, health, human security among others. Buzan (2007) opined that security is all about management of

threat. However, until recently, writings on security are concentrated on militaristic point of view. Nwolise (2006) opined that security should include not just the armed forces but also the police force, customs, immigration, prisons and even mobilisation of the entire citizenry. These are, of course, parts of elements of national security as noted by Paleri (2008). For him, national security has a number of component elements which when individually satisfied provide a nation with security of its value, interests and freedom to choose policies. He listed military, economic, resource, boarder, energy, food, environment security as key components of national security. Atwood (1995) opined that a whole lot of things are included in the security calculus of a state. He noted that what people do even in their privacy may constitute security threats or challenges. Security therefore entails management of factors which are capable of putting individual or collective interest of people at risk or real danger.

2.2 Prisons

The term prisons and corrections are often interchangeably used. Corrections are concerned with improving the behaviour of criminals while prison is seen as state institution whose principal objective is to punish offenders. Nwolise (2010) opined that “Corrections implies organisation and administration of prisons as a form of social clinic” in which psychologist, medical doctors, social workers, researchers, spiritual workers, and others operate hand in hand with the correctional personnel to achieve the best results of transforming the inmates away from being deviants to being disciplined, productive, useful and patriotic citizens. Thus, corrections imply a modern and more humane term for describing prison institution. Prison on the other hand is an old term meant to qualify that institution which seeks to punish the breakers of societal norms and codified laws. However, for the purpose of this paper, the two terms will be taken as one. Bamigbose (2010) described prisons the narrow funnels of the criminal justice system into which new offenders are poured. According to Coetzee (1990) prison is the stomach of the state. This is because the institution is expected to serve as the melting point for the activities of the security agencies. Prison/correctional service is one of the key tripod agencies in criminal justice system. It is responsible for the custody of the final product in the criminal justice process among other functions Nwolise (2010).

2.3 Democracy

Ojo (2000) noted that democracy does not seem to lend itself to any universally accepted definition because of the ideological, cultural and historical contextualizations that under-pin its several meanings. However, there appears to be a consensus among writers on the fundamental objective of the concept, which according to Osaghae (1992) is how to govern the society in such a way that power actually belongs to all the people. Oyewo (2012) defined democracy as a system of government based on collective decision, competition, political and economic equality, social justice, accountability and ultimately strict adherence to rule of law. Hungtington (1991) used a procedural method in defining democracy. According to him, democracy is that system of government in which collective decision makers are selected through fair, honest, and periodic elections in which candidate freely compete for votes and in which virtually all the adult population is eligible to vote. Democracy also implies the “Existence of those civil and political freedoms to speak, publish, assemble, and organisations that are necessary to political debate and conduct of electoral campaign”. Similarly Osaghae listed the following elements as a sine qua non for any democratised institution.

- Pluralism and Multipartism including free and fair competitive policies in which opposition parties have a realistic chance of coming to power and relatively continuous civil society.
- Popular participation in the political process including in the main, universal suffrage and free choice by the people of those to govern them, provided those elected remain accountable and can be voted out if they no longer enjoy the people’s support.
- Rule of law, respect for human rights and equality of access to all citizens and groups to state power and resources which does not, however include politics designed to enhance the access of members of disadvantaged and marginalised group(s).
- Constitutionalism or respect for the rule of the game, which includes civil control of the military, efficiency of representative and judiciary as over-sight institutions.

From the foregoing, it is evident that democracy entails establishment and carrying out the business of governance through a popular mandate for the benefit of the majority but not excluding the weak, poor, disadvantaged and minority interest in an open, fair and transparent manner.

3.0 Nigerian Prisons and Security Challenges in a Democratic Nigeria

The establishment and growth of the prisons in Nigeria is backed by various statutes from the colonial period till present. Among these statutes are the Prisons Ordinance of 1916; Laws of Nigeria (1948 and 1958) and the Prison Decree No. 9 of 1972. A Government White paper in 1971 outlined the functions of the prison service to include: custody, diagnosis, correction, training and rehabilitation of incarcerated offenders. According to

Nigerian Prisons annual report (2009) the Nigerian prisons has a total of one hundred and forty-four (144) convict prisons, eighty-three (83) satellite prison camps, ten (10) major farm centres, nine (9) cottage industries, nine (9) subsidiary farms, one hundred and twenty-four (124) market gardens, three (3) borstal institution, one (1) open prison camp, one (1) staff college, four (4) training schools. There are two major types of convict prisons in operation in Nigeria today. These are the Maximum and the Medium Security Prisons. The Maximum Security Prisons take into custody all classes of prisoners including condemned convicts; lifers, long term prisoners etc. The Medium Security Prison on the other hand also take into custody both remand inmates and convicts. However, short term convicts constitute the bulk of the inmates in the Medium Prisons. The Satellite Prisons can be described as intermediate prisons camps set up mainly in areas with courts that are far from the main prisons. They serve the purpose of providing Remand Centres especially for those whose cases are going on in courts within the areas. When convicted, long term prisoners could be moved to appropriate convict prisons to service their terms.

Having returned to democracy in 1999, hopes were high that the business of governance will henceforth be carried out according to the rule of law and of course, maximum respect for human lives and properties. Again, there was an expectation of a radical departure from the past in the operations of the Nigerian Prison Service. Ogundipe (2009) captured the situation in the Nigerian Prisons under the dark era of military dictatorship. He noted:

“We all know that the Criminal justice System fared very badly under the Military dispensation. We knew how ouster clauses suspended the portions of the constitutions, how arbitrary the laws were implemented and how civil courts were hounded, their directives ignored and judgements treated with contempt. We also know how the Prisons were made as dank and dark as possible so that those who opposed the military could eat the rod literally-speaking in detention. In fact in the course of the Military rule, soldiers followed prison officers into the prisons to ensure that the people they brought in or the opponents of the regimes are treated as punitively as possible”.

Fifteen years on however, democratic governance has not been able to lift the Nigerian Prisons Service up to the international standards. A cursory look into the Standard Minimum Rules for the Treatment of Prisoners vis a vis practices in the Nigerian Prisons reveals a lot of fundamental gaps in terms of operations and welfare of inmates. As noted by Nelson (2012) the greatness of any nation is judged by the kind of treatment given persons in her prisons. The overall objective of the Nigerian Prison Service is to play complementary role with other security agencies in achieving the security objective of the Nigerian state. The task of providing security and rehabilitative services in prisons is acknowledged to be both arduous and chancy. However, the problems of security breach, prison congestion, facilities and welfare challenges among others do not suggest that the Nigerian Prisons is ready to play its all important roles; at best the Service appears to be running against its objectives.

3.1 Jail Breaks and Riots

The Nigeria Prison has suddenly become a source of internal security threat. Prison facilities in Maiduguri, Kano, Bauchi, Enugu, Koton karfe, Oko among others have in recent times been attacked and a number of hardened criminals got released into the society. Also, fatal riots have been recorded in prison facilities in Agodi and Owerri. The growing influence of several non-state actors is one of the reasons why the prison service has become vulnerable. The growth of insurgency in the north eastern Nigeria in particular is a game changer. Security issues in the country can no longer be treated with a kid glove. The sophistication with which some of the armed groups carry out their attack seems to overwhelm the prison guards (allAfrica.com). The Minister of Interior, Abba Moro (2014) confirmed this ugly situation. He noted that security equipments in the prison facilities across the country are outdated and need to be fortified (Punch Newspaper, March 15, 2014). The training and armoury of the service are certainly not sophisticated enough for contemporary challenges. Machiavelli, in *The Prince*, considered provision of good arms and equipments as necessary for upholding a country's national security. He wrote:

The chief foundation of all states, whether new, old or mixed are good laws and good arms.... There cannot be good laws where there are no good arms and where there are good arms there must be good laws. (Machiavelli, 1950: 3-4)

It therefore follows that every state is expected to be well equipped to guarantee peace and security of its people and if a state can no longer punish those who break its law, the health of such state will need to be re-examined.

3.2 Improper Classification of Pre-Trial Detainees

As noted by Ochoche, threats to the security of a nation needs not necessarily be military in nature; other

practices may also constitute challenges to the peace and security of a nation. The preponderance of awaiting trial detainees in the Nigerian Prisons is a security risk and has been attracting a lot of commentaries from the concerned individuals and officers of the prison service, Ogundipe, voiced his frustration on the issue in 2009. According to him, "We are concerned that for some inexplicable reasons, the dominance of pre-trial detainees in our prisons has come to assume the permanence that was not intended for it in our original design of prisons". Although, this problem is the failure of the entire Criminal Justice Administration in the country but the way and manner with which the prisons authority handles the problem has made it a national security problem. Onimajesin (2013) claimed that the awaiting trial detainees are sometimes mixed up with the convicted inmates. This situation does not only portend danger for national security but also against international practices and conventions like Section 16 of the Prisons Regulations and section 11(3) and 15 of the Children and Young Persons Act as well as Rule 26(3) of Beijing Rules among others.

The awaiting trial detainees who are truly innocent would acquire negative values and criminal skills from the convicted inmates and thus, aggravating the security problem in the land. The Lagos Police command arrested a 22-year old for armed robbery. It was gathered that the suspect was among the awaiting trial inmates pardoned by the state Governor in pursuant to the provisions of section 1 (1) of the Criminal Justice Release from Custody Special Provision Act, CAP C40, 2007. Similarly, Punch Newspaper of Wed. June 19, 2013 reported the case of one, Majiyagbe Bashiru who was sentenced to a five-year prison term in Ikoyi Prison. He claimed that he formed his robbery gang from inside Ikoyi Prison. The above example further reveals how much of security risk being generated from within the prison facility and why the rate of recidivism is high.

3.3 Escort duty

The escort duty of the Nigerian prisons was transferred from the Nigerian Police to the prison service in June 2001 without the police returning worthy escort fleet. Rather, it returned 81 Black Maria vehicles 60% of which were scraps and since then, escort fleet remains as bad as ever. This responsibility entails the movement of awaiting trial detainees to and from prison facilities to the trial courts. However, this exercise has portrayed the security arrangement of the country as a laughable enterprise. A sight of prison officials and awaiting trial detainees on motorcycle enroute court will soon become a regular sight in the country if this trend is not reversed. The operational vehicles for this service where available are mostly in bad shapes. Consequently, it makes the conveyance of high risk offenders from one location to another a security risk for both prison officials and the country as a whole.

3.4 Welfare Challenges

Foucault (1995:105) opines that Prison "is not at first a deprivation of liberty to which a technical function of correction was later added; it was from the outset a form of 'legal detention' entrusted with an additional corrective task, or an enterprise for reforming individuals that the deprivation of liberty allowed to function in the legal system". From the foregoing, it is evident that inhuman treatment and deprivation of basic facilities are not a sine qua non for effective criminal justice administration. Prisoners have some rights, although they are incarcerated and some of their rights such as the right to freedom are suspended during the period of incarceration, other rights such as right to dignity must be respected especially in free and democratic societies. Offenders are sentenced to prison as punishment and not for punishment. The prison culture has always been dominated by aggression, running counter to the values of humaneness, softness, openness, and anti-oppression (Weschler, 1991).

The 1999 Constitution of the Federal Republic of Nigeria guarantees the welfare of every citizen of the country. Apart from this, the United Nations Standard Minimum Rule for the Treatment of Offenders (UNSMR) states in section 20 (1) & (2) "Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served. Drinking water shall be available to every prisoner whenever he needs it" In general, it is the expectation of all concerned that meals should be served to prisoners at regularly spaced intervals throughout each 24 hour period. In addition to this, CAP 366 Laws of the Federation of Nigeria 1990 says in section 22 that "Every Prisoner shall be allowed sufficient quantity of plain and wholesome food, with regard to the nature of the labour to be performed by him. The rationale behind all these provisions are meant to ensure that ex-prisoners are able to return to the society as rehabilitated individuals who will be able to live a normal life and contribute to national development. However, the above mentioned provisions and similar ones only remain a document in the country and not the practice. On May 29, 2014, Gov. Ibikunle Amosun of Ogun State was reported to have broken into tears at the pitiable sight of inmates at Oba Prison in Abeokuta (Sun Newspapers).

3.5 Prison Congestion

Congestion of prisons has their consequences on the inmates, the prison system and the society. Overpopulation puts a lot of strain on maintenance cost, stretches the work force and various other facilities provided in the

prison. The few facilities available become grossly inadequate for inmate population. Life in prisons has become degrading, brutal and dehumanising. In reality, it is harsh and life-threatening. The prison institution leaves the inmates with the poorest preparation for re-entry into the society. The criminal justice system was so backlogged that a good number of the country's prison population consisted of pre-trial detainees rather than convicts. Reforms and rehabilitation program were nominal and the prisons were aptly dubbed "colleges for criminals" or "breeding grounds for crime". In prison, the individual is exposed to a criminal subculture that provides rationales for illegal activities; the prisoner is also educated into 'new' techniques for committing crimes when eventually released thus increasing the number of recidivists (Adebisi, 2008). Prison is primarily for the treatment of convicted prisoners and not for the management of remand inmates because the law sees them as innocent until proven guilty. Keeping these people in custody without trial for that length of time negates democratic credentials. More importantly, locking people up for that length of time in congested and squalid condition have so many consequences which may be legal, physiological, economic, sociological, psychological and above all criminological.

4.0 Recommendations

The security challenges facing Nigeria in recent years has become more precarious than ever. The sophistication with which crimes are committed, challenges of insurgent groups as well as dwindling financial resources make a new form of 'thinking' a worthwhile exercise, hence the following recommendations:

4.1 Inmate welfare

Inmate health and other welfare issues should be considered important in the Nigerian prisons. As noted by Nelson Mandela, the former South African President, the greatness of a nation is evident in the way its prisoners are treated. Health profile of every inmate must be identified and properly classified. This will help to separate inmates with communicable diseases from others and consequently reduce mortality in the prison. An effective prisoner information management system which will include bio-data of inmates will help a lot in this direction. Feeding allowance should also be taken serious. The two hundred naira (₦200) feeding allowance for prisoners per day is barely enough for a meal and therefore efforts should be made to increase this amount. Provision of adequate water, bed-space among other welfare facility should be improved upon. The court should speed up the trial of Awaiting Trial Prisoners who constitute the bulk of prison inmates. Proper classification of inmates on the basis of offence committed should be taken as a matter of urgency. This will ensure that the inmates do not further criminalise others.

4.2 Physical and Psychological Architecture

Nigeria prison has generally been regarded as animal cage. This is due to the nature of architecture of the cells and detention facilities. The architecture of the cells constitute both physical and psychological burden on the inmate to the extent that they either get physical deformity or psychological problems upon release. This paper therefore calls for structural changes in the Nigerian prison facilities so as to ensure that inmate are treated in a way that they can still contribute to national development after they are released rather than becoming more criminal than before. The prison authority should consider a larger place where at least conglomeration of security agencies could be accommodated. This will reduce the possibility of jail breaks and also improve the overall criminal justice administration.

4.3 Funding

There should be an improved funding for the Nigerian prison service. Most state governments now have security agencies with power of arrest and this has put additional burden on the existing facilities in the prisons. Therefore, state governments should participate in prison administration especially the funding aspect. Provision of operational vehicles for escort duty and essential services must be prioritised.

4.4 Training and Development:

Effective training should be embarked upon for the officials of the Nigerian prisons. This will enable them operate within internationally accepted standards. Preferential treatment to high profile inmates, corporal punishments e.t.c. are unprofessional conducts which proper training could address. Discipline must be maintained in the prison to stem the tide of riot and other violent activities in the prisons. Prison guards must be trained on the use of modern weaponry so as to be formidable and contemporary enough for the contemporary society.

5.0 Conclusion

In most of the countries following the western tradition of libertarianism and democratic values, the penal philosophy adopted is that which is based on crime deterrence, retribution, and rehabilitation and re-integration

(Oyewo, 2014). This is in agreement with the objectives of the Nigerian Prisons Service as stated in its enabling laws. However, the Prison Service has not only been unable to fulfil its mandate, it has not been able to cooperate effectively with other security agencies in the country towards ensuring the provision of adequate security in the country. A situation whereby both convicted inmates and awaiting trial detainees find it easy to escape from detention portends a great danger for the country. This study therefore concludes that the service has not lived up to expectations.

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