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## **DOCTOR OF PHILOSOPHY**

### **Prison overcrowding in Nigeria : the nature of the problem, its causes, and consequences**

Sale, Ado

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Prison Overcrowding in Nigeria: the Nature of the Problem, Its  
Causes, and Consequences

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A thesis submitted in fulfilment of the requirements for the  
Degree of Doctor of Philosophy  
[Criminology and Criminal Justice]

School of Social Sciences  
College of Business, Law, Education and Social Sciences  
Bangor University

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## **Abstract**

This study titled ‘Prison Overcrowding in Nigeria’ seeks to extend knowledge and understanding of prison overcrowding through examining the views of Nigerian prisons’ inmates and staff, including criminal justice institutions and officials. Views explored include participants’ perspectives on overcrowding and whether it could be prevented, as well as coping mechanisms and general response strategies.

The research adopts a mixed methods research strategy based on ethnographic fieldwork conducted in Nigeria as well as interviews, focus groups, questionnaires and secondary data analysis. One hundred and sixty-six individuals drawn from thirteen Nigerian institutions presumed to have experience and knowledge of prison overcrowding as well as Nigerian criminal justice system participated in the study. In addition, observations were conducted at six Nigerian prisons.

Key findings unearthed in this study are that prisons in Nigeria are in constant overcrowding mode irrespective of their design, capacity, and location. Prison overcrowding in Nigeria is a systemic problem rather than an emergency issue. Prison design capacity is an insufficient and unreliable indicator for understanding Nigerian prison operation as well as overcrowding. Overcrowding in Nigerian prisons offers profitable opportunities for a number of individuals and companies. Nigerian criminal justice institutions lack the capacity to adequately respond to prison overcrowding, and the attempts by non-state actors to support prisoners in response to prison overcrowding are also undermined by corruption in the system.

This study points out that overcrowding in Nigerian prisons is a direct result of past and present Governments’ inaction. Thus, the study advocates that prison overcrowding in Nigeria is preventable and manageable through policy initiatives by the Nigerian stakeholders, particularly the elected politicians.

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# Contents

	Page
Abstract	II
Declaration and Consent	III
Contents	VI
Index of Figures	X
Index of Tables	XI
Index of Pictures	XIII
Preface	XIV
Acknowledgements	XVI
Acronyms/Abbreviations	XVII
Introduction	20
Chapter 1: Conceptualising Prison Overcrowding	25
Definitions and Measures of Prison Overcrowding	25
Spacing Issue in Prison	40
Drivers of Prison Overcrowding	43
Consequences of Prison Overcrowding on Staff and Inmates	48
Responding to Prison Overcrowding	51
Forms of Institutional Mechanisms Engaged in Responding to Overcrowding	51
Prisoner's Adaptation Tactics	59
Prison staff Adaptation Strategies	62
Chapter 2: Criminal Justice Administration in Nigeria	67
Demographic View of Nigeria	67
A Brief Political Overview of Nigeria	70
Criminal Justice in Nigeria	73
Components in the Nigerian Criminal Justice System	76
The Nigerian Police Force	78

Judiciary and Other Criminal Justice Institutions in Nigeria	86
Human Rights Principles and the State of Penal Policy in Nigeria	92
Constraints in the Administration of Criminal Justice Institutions in Nigeria	95
<b>Chapter 3: Penal System in Nigeria</b>	<b>102</b>
Historical Overview of the Nigerian Prison System	102
Structure and Organisation of Prisons in Nigeria	105
Population Trends in Nigerian Prisons	110
The purpose of Imprisonment in Nigeria	113
Reform Measures in Nigerian Prisons	117
Challenges in Nigerian Prisons	123
<b>Chapter 4: Getting In and Getting On: My Journey into the Nigerian Criminal Justice System</b>	<b>131</b>
Research Design	132
Brief Personal Biography	134
Ethical Issues	135
Access Processes	137
Pilot Study	139
Research Informants	141
Participants' Selection	141
Fieldwork Sites	143
Data Collection and Analysis Strategies	145
Rates of Participation	149
Reflections on the Fieldwork in Nigeria	150
<b>Chapter 5: Perspectives On Prison Overcrowding in Nigeria</b>	<b>155</b>
Micro Perspectives of Overcrowding in Nigerian Prisons	155
Kano Central Prison	156
Goron Dutse Prison	169
Wudil Prison	179
Rano Satellite Prison	185
Kiru Satellite Prison	187



Dawakin Tofa Satellite Prison	191
Macro Perspectives of Prison Overcrowding in Nigeria	195
<b>Chapter 6: Responses To Prison Overcrowding in Nigeria</b>	<b>204</b>
Individuals and Institutions Affected by Prison Overcrowding	204
Inmates' Reactions and Adaptation tactics in Overcrowded Nigerian Prisons	208
Prison Staff Reactions to Prison Overcrowding	221
Who Benefits From Prison Overcrowding?	230
<b>Chapter 7: Institutional Responses To Prison Overcrowding in Nigeria</b>	<b>239</b>
Nigerian Prison Service Response to Prison Overcrowding	239
Judicial and Other Government Agencies' Interventions	244
Non-state Actors' Responses to Prison Overcrowding in Nigeria	248
Perspectives on Preventive Measures to Prison Overcrowding in Nigeria	253
Is Prison Overcrowding Preventable in Nigeria?	253
Perspectives on Solutions to Prison Overcrowding in Nigeria	256
a. The Nigerian Prison Service	256
b. Nigerian judiciary and other related agencies	262
c. The Government	266
<b>Chapter 8: Reflections on Prison Overcrowding in Nigeria – Conditions Seen and Stories Heard in the Administration of Criminal Justice in Nigeria</b>	<b>272</b>
Definitions of overcrowding	274
Policy implications and recommendations	283
a) Government	286
b) Non-state Actors	289
Implications for Theory	291
Suggestions for Further Work	294
<b>Appendices</b>	<b>298</b>
Appendix A, Table 1.2: Different Ways of Determining Prison Overcrowding	298
Appendix B, Figure 2.1: Geopolitical Zones and States in Nigeria	303

Appendix C, Figure 4.1: Research Projects Facilitated by the Author	303
Appendix D, Figure 4.2: Research Participation Consent	304
Appendix E, Figure 4.3: Participants' Identification Codes	305
Appendix F, Figure 4.4: Access Request	306
Appendix G, Figure 4.5a: Access Approval	309
Appendix G, Figure 4.5b: Access Approvals Via Email	311
Appendix H, Figure 4.7: Semi-Structured Individual Interview	312
Appendix I, Figure 4.8: Focus Group Interview	318
Appendix J, Figure 4.9: Non-participant Observation Checklist Guide	324
Appendix K, Figure 4.10: Self-completion Questionnaire	329
Bibliography	339

## Index of Figures

Figure 1.2: Dimensions of Prison Overcrowding	34
Figure 2.2: Reporting crime to Police in Nigerian States	84
Figure 2.3: Courts Structure in Nigeria	87
Figure 2.4: Demands for Bribes by Government Officials by State	97
Figure 2.5: Nigerian Government Performance in Controlling Corruption (1996-2011)	99
Figure 3.1: Units in the Nigerian Prison Service	106
Figure 3.2: Designed Capacity and Actual Prison Population in Nigeria (1982-2012)	111
Figure 3.3: Prison Capacity and Population in Five States of Nigeria (2012)	112
Figure 4.6: Research Participants and Activity	145
Figure 4.11: Participation Rate, n=207	150
Figure 5.1: Perceived overcrowding by KCP residents and prison staff, n=42	158
Figure 5.2: Description of prison overcrowding at KCP, according to participants, n=42	160
Figure 5.3: Description of overcrowding by GDP residents and prison staff, n=41	171
Figure 5.4: Composition of stakeholder participants, n=32	196
Figure 5.5: Stakeholders' last visit to Nigerian prisons, n=32	196
Figure 5.6: Participants' views on overcrowding in Nigerian prisons, n=56	197
Figure 5.7: Macro description of prison overcrowding in Nigeria, n=56	198
Figure 6.1: Perceived gain as a result of overcrowding at six Nigerian prisons, according to prisoners, n=65	231
Figure 6.2: Perceived gain as a result of overcrowding at six Nigerian prisons, according to prison staff, n=69	233
Figure 6.3: Perceived benefits from prison overcrowding in Nigeria, according to other stakeholders, n=32	235
Figure 7.1: Participants' view on whether overcrowding in Nigerian prisons is preventable, n=166	254

## Index of Tables

Table 1:1 Prison Occupancy Rates by Continent (2009)	30
Table 5.1: Features of prison overcrowding at KCP, according to prisoners and prison staff, n=42	161
Table 5.2: Causes of overcrowding at KCP, according to prisoners and prison staff, n=42	162
Table 5.3: Overcrowded areas at KCP, according to prisoners and prison staff, n=42	164
Table 5.4: Prisoners' view of daily activities at KCP, according to prisoners, n=26	166
Table 5.5: Staff perspectives on the daily activities at KCP, according to prison staff, n=16	167
Table 5.6: Features of prison overcrowding at GDP, according to prisoners and staff, n=41	173
Table 5.7: Drivers of overcrowding at GDP, according to prisoners and prison staff, n=41	174
Table 5.8: Areas considered overcrowded at GDP, according to prisoners and prison staff, n=41	175
Table 5.9: Prisoners' view of daily activities at GDP, n=25	178
Table 5.10: Staff members' view of daily activities at GDP, n=16	178
Table 5.11: Features of prison overcrowding at WUP, according to prisoners and prison staff, n=12	182
Table 5.12: Causes of overcrowding at WUP, according to prisoners and prison staff, n=12	183
Table 5.13: Prisoners' view of daily activities at WUP, n=6	183
Table 5.14: Staff members' view of daily activities at WUP, n=6	184
Table 5.15: Features of overcrowding at RSP and KSP, according to prisoners and prison staff, n=10	189
Table 5.16: Causes of overcrowding at RSP and KSP, according to prisoners and prison staff, n=10	189
Table 5.17: Daily activities at RSP and KSP, according to prisoners and prison staff, n=10	190
Table 5.18: Structures at six Nigerian prisons observed	194
Table 5.19: Macro perspectives - the drivers of overcrowding in Nigerian prisons, n=56	199
Table 5.20: Participants' perspective on daily life in Nigerian prisons, n=56	200
Table 6.1: Groups of individuals affected by prison overcrowding in Nigeria, according to prisoners and prisons staff, n=110	205
Table 6.2: Institutions affected by prison overcrowding in Nigeria, according to prisoners and prisons staff, n=110	207
Table 6.3: Prisoners' reactions and adaptation strategies in six Nigerian prisons, according to prisoners, n=65	208
Table 6.4: Prisoners' reactions and adaptation strategies in six Nigerian prisons, according to prison staff, n=46	213
Table 6.5: Staff response strategies at the six Nigerian prisons, according to prisoners n=65	222

Table 6.6: Staff response tactics at the six Nigerian prisons, according to prison staff, n=46	226
Table 6.7: Profiteering individuals and institutions at six Nigerian prisons, according to prisoners, n=65	232
Table 6.8: Perceived profiteering individuals and institutions in Nigeria, according to other stakeholders, n=32	235
Table 7.1: NPS reported responses to prison overcrowding, according to study participants, n=166	240
Table 7.2: Nigerian Judiciary and other related agencies' response to overcrowding, according to study participants, n=166	245
Table 7.3: Non-state actors' responses to overcrowding in Nigerian prisons, according to study participants, n=166	248
Table 7.4: Participants' recommendation to the NPS regarding prison overcrowding, n=166	257
Table 7.5: Participants' proposal to Judiciary and other related agencies about prison overcrowding, n=166	262
Table 7.6: Participants' recommendation to the Nigerian Government on prison overcrowding, n=166	266

## **Index of Pictures**

Picture 5.1: A board indicating the number of inmates in a dorm	157
Picture 5.2: Two types of inmates' cells at KCP	159
Picture 5.3: Structures of large-size dorms, and a kitchen at KCP	163
Picture 5.4: The overcrowded vehicle	165
Picture 5.5: Female prisoners' skills acquisition workshop at KCP	168
Picture 5.6: GDP capacity and actual inmates' population	170
Picture 5.7: Remand prisoners' playing card game inside dorm while sentenced prisoners were playing football outside their cells	174
Picture 5.8: Overcrowded worship area at GDP	176
Picture 5.9: A toilet/bathroom in one of the GDP's medium-size cells	176
Picture 5.10: Inmates numbers at WUP	179
Picture 5.11: Structure/arrangement of a dorm, and a kitchen at WUP	181
Picture 5.12: Staff and inmate population at RSP	186
Picture 5.13: Physical structures of KSP	187
Picture 5.14: Actual inmate population and staff strength at DSP	190
Picture 6.1: Inmates' queuing to access toilet at GDP	215
Picture 6.2: Inmates' bed arrangements at GDP	215
Picture 6.3: Prisoners' bed arrangements at WUP	216
Picture 6.4: Prisoners' meal (Gari) ready to serve	218
Picture 6.5: Sources of water supply at WUP and GDP	219
Picture 6.6: Prisoners' way of storing food and water in dorms	219
Picture 6.7: Prisoners participating in prison work	224
Picture 6.8: Prisoner supervising a fellow prisoner - cleaning the latrine in a dorm	224
Picture 7.1: A hand-pump water supply constructed by ICRC	252

## Preface

In December 2011, a staff member and an inmate at one of Nigeria's medium-security prisons described their working and living conditions. The inmate who was awaiting trial lamented that:

Imagine the situation we are, our cell design for twenty inmates is now occupied by hundred. We use one toilet, one washing hand basin, and two of us share a blanket in a small space and a mat... , inmates are ill clothed and living in odious environment full of lice, bed bugs, flies, cockroaches and mosquitoes. The buildings are extremely old as they were built since 1930s and the little workshop and tools are worn-out. Therein, inmates cannot sleep due to noise and disturbance, and food served is poorly balanced. ... , the condition is not limited to our situation here but in almost all other prisons across the country (QIGP08)<sup>1</sup>.

In a similar vein, a staff member of the Nigerian Prison Service admitted that 'prisons in Nigeria are generally overcrowded with greater proportion of remand prisoners. Some of the awaiting trial inmates have been in prison for almost ten years due to much delay in the trial and investigation with the police and courts' (QKD01)<sup>2</sup>.

The above statements emanate after decades of prison and penal reform in sub-Saharan Africa and Nigeria in particular. The modern prison was first brought to Nigeria by European colonisers in the late 1800s. Since political independence in 1960, Nigeria has been striving towards improving the condition of prisons and the penal system through a number of national and international initiatives. Notable initiatives at national level include the unification and centralisation of prisons, administrative restructuring of the prison system, and aligning the prison department with other state organisations such as the Police Force, State Security Service, Border Control Agencies (Immigration and Customs) and the Civil Defence Corps. Internationally, Nigeria has adopted several international instruments such as the United Nations Standard Minimum Rule for the Treatment of Prisoners of 1955, the Kampala Declaration on Prison Conditions in Africa in 1996, The Abuja Declaration on Alternatives to Imprisonment in 2000 and the 2002 Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa.

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<sup>1</sup> View expressed by one of the study participants.

<sup>2</sup> *ibid.*

Of course, Nigeria passed through decades of colonial (1861-1960) and authoritarian regimes (1966-1979 and 1983-1998) and has been under democratic governance for only just over a decade (1999 to date); however, the question remains why prison conditions are still basic and poor. Those two voices reported above suggest non-compliance with the adopted instruments, which means prisons are overcrowded, conditions are appalling, health is threatened and justice is slow. In search of empirical explanations and appropriate policy responses to Nigeria's inability to transform its prison and penal system, stakeholders by and large tend to opt for theories, policy and practices developed in Western world with no or little consideration of the Nigerian context. Moreover, in order to gain a clear picture of the situation and prison overcrowding in particular, understanding how prison staff, inmates and other stakeholders in the criminal justice system perceive, react to and identify those responsible for the failure to tackle overcrowding in prison remains crucial.

The original impetus for this research work was prompted by the growing concern over the impact of overcrowding in prisons on the administration of criminal justice, particularly in developing countries, and the author's first-hand work and research experience in sub-Saharan African prisons in Nigeria and Liberia of more than sixteen years.

The goal of this thesis is to examine and illuminate patterns, facets, causes and consequences of prison overcrowding in Nigeria.



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## **Acronyms/Abbreviations**

AI	Amnesty International Organisation
ADP	Average daily population
BU	Bangor University
BSA	British Sociological Association
BSC	British Society of Criminology
CIP	Chief Inspector of Prison
CN	Constitution of Nigeria
CNA	Certified Normal Accommodation
CTL	Custodial time limit
CLEEN	Centre for Law Enforcement Education
CGPN	Controller General of Prisons in Nigeria
CHRI	Commonwealth Human Rights Initiative
CPT	The European Committee for the Prevention of Torture and Inhuman Degrading Treatment or Punishment
CIVITAS	Institute for the Study of Civil Society
DSP	Dawakin Tofa Satellite Prison
DPP	Directorate of Public Prosecution
DFID	Department of Foreign and International Development
EFCC	Economic and Financial Crimes Commission
FCT	Federal Capital Territorial
FGN	Federal Government of Nigeria
GDP	Goron Dutse Prison
HDC	Home Detention Curfew
HM	Her Majesty
HRCN	Human Rights Commission of Nigeria
HRW	Human Rights Watch Organisation
ICG	International Crisis Group Organization
ICJ	International Commission of Jurists
ICPC	Independent Corrupt Practices and Other Related Offences Commission
ICRC	International Committee of Red Cross
IMPS	Israel Ministry of Public Security
IIG	Improving Institutions For Pro-Poor Growth

J4A	Justice for All Programme
KCP	Kano Central Prison
KSP	Kiru Satellite Prison
LACN	Legal Aid Council of Nigeria
MEND	Movement for the Emancipation of the Niger Delta
MMD	Mixed methods research design
NACRO	National Association for the Care and Resettlement of Offenders
NPS	Nigerian Prisons Service
NPF	Nigeria Police Force
NPSC	Nigeria Police Service Commission
NPCN	National Population Commission of Nigeria
NOUN	National Open University of Nigeria
NBS	Nigeria Bureau of Statistics
NGOs	Non-Governmental Organisations
NNA	Nigeria National Assembly
NJC	National Judicial Council
NOPRIN	Network on Police Reform in Nigeria
NLRC	Nigerian Law Reform Commission
OMCT	World Organisation against Torture
OSI	Open Society Institute
PC	Researchers' Personal Contact
PRI	Penal Reform International Organisation
PRAWA	Prisoners Rehabilitation and Welfare Action Organisation
PSC	Police Service Commission
RSP	Rano Satellite Prison
SJC	State Judicial Commission
SJGP	Security, Justice and Growth Programme
SO	Nigerian prisons' Standing Orders of Operations
TLC	The Library of Congress
UN	United Nations
UNCEF	United Nations Children Fund
UNODC	United Nations Office on Drugs and Crime
UNHCR	The Office of the United Nations High Commissioner for Refugees

UNSMR	United Nations Standard Minimum Rules for the Treatment of Prisoners
WODC	Dutch Ministry of Justice Research and Documentation Centre ( <i>Wetenschappelijk Onderzoek-en Documentatiecentrum</i> )
WUP	Wudil Prison

### **Abbreviations**

ibid.	( <i>ibidem</i> ) reference that has been previously mentioned; the same (source that was cited in the preceding reference)
np	No page (in the source)

## Introduction

Prison overcrowding remains one of the most significant current challenges in the administration of criminal justice globally (Albrecht, 2010; Allen, 2010; Lappi-Seppala, 2010). Nevertheless, there has been no universal agreement on how to define the phenomenon (Albrecht, 2010; Allen, 2010; Murdoch and Griffiths, 2009; PRI, 2012). Thus, a number of definitions and explanations of prison overcrowding have been provided from different perspectives. In his recent seminal article, Albrecht (2010:65) describes overcrowding in prison as ‘an elusive phenomenon’ not simply because of its complexity but due to its ‘cross-sectional nature in which several important policy and crime research topics converge’. Given Albrecht’s claim, it is one of the aims of this study to investigate the extent to which penal policies and crime research issues interact and contribute to prison overcrowding and to examine the complexities of overcrowding and their implications for criminal justice theory, policy and operation in relation to Nigeria.

Thus, this research under the title *Prison overcrowding in Nigeria* intends to examine different stakeholders’ perspectives on, and their responses to, prison overcrowding in Nigeria. Despite decades of relentless commitments to realising effective access to justice, many African countries’ criminal justice systems’ ability to administer justice has been undermined by prison overcrowding (AI, 2010; PRI, 2012; Walsh, 2010; World Prison Brief, 2011). Nigeria is chosen for the study not only because of its position as the most populous and one of the most resource-rich countries in sub-Saharan Africa but also as a post-colonial and post-military regime nation. Nigeria’s current legal and economic systems remain colonial legacies and represent a mixture of western, mainly British, and Islamic (Sharia) values (Alemika, 1988; Alston, 2006; Oriola, 2006). This raises the question as to whether prison overcrowding in post-colonial and post-military regimes differs from the form of prison overcrowding in developed countries. Can criminological theories developed in the Western world fit in and adequately provide a framework for understanding and explaining overcrowding in developing countries’ prisons, particularly nations that passed through decades of colonial and military regimes? Thus, this thesis will examine overcrowding in Nigeria, and explore the relevance of existing theories and criminological discourses in understanding and explaining prison overcrowding in Nigeria.

There are some illuminating discourses that can be used as a framework to support this study in order to reveal a clear picture of prison overcrowding. Post-colonial criminological theory, for example, provides a framework for understanding the conditions within which Nigeria's criminal justice system was built. Post-colonial theory locates the inadequacies and ineffectiveness of justice systems in neo-colonial sub-Saharan African countries in colonial legacies, and the deliberate failure of the ruling elites that followed colonial powers to improve the system (Agozino, 2004; Agozino, 2005; Alemika, 1988; Bowd, 2009; Oriola, 2006; Shaidi, 1992). Post-colonial criminology theorists assume that one of the reasons why criminal justice systems in West African countries remain militarised and continue to operate as introduced by colonial authorities is because 'they were specifically designed as militaristic tools for the domination of the people of West Africa and they were retained by the ruling elite to whom the colonial officials merely handed power' (Agozino, 2005:126). This assumption coincides with several pieces of literature which indicate that Nigeria's current criminal justice system as well as its prison system is largely a replica of the colonial regime (Agozino, 2005; AI, 2010; Alemika, 1988; NLRC, 1991; Onyeozili, 2005).

In January 2012, the official prison capacity in Nigeria was 47,284 but facilities held 49,553 inmates (NPS, 2012; World Prison Brief, 2013a). This suggests that the overall occupancy level exceeded the design capacity by 4.7 per cent, thus Nigerian prisons were overcrowded because the rate of occupancy exceeded 100 per cent. According to occupancy rate measures, when a prison system occupancy level is above 100 per cent but less than 120 per cent, overcrowding in the prison system will not be serious in nature (Allen, 2010; Tournier, 1986; Walmsley, 2003). However, does the 104.7 per cent occupancy rate of the Nigerian prison system mean that the extent and severity of the overcrowding is less likely to be problematic? Recent published studies and commentators have suggested that Nigerian prisons have a few things in common: overcrowding, and substandard living and working conditions (AI, 2011; AI, 2012; Alabi and Alabi, 2011; Chukwuemeka, 2010; Ogwezzy, 2011). Due to appalling conditions, one commentator describes Nigerian prisons as 'hell on earth' (Ogwezzy, 2011:269). Moreover, of the 49,553 inmates in the Nigerian prisons, nearly 72 per cent were reported to be inmates awaiting trial (AI, 2012; NPS, 2012) and about 45 per cent of these inmates have been in prison for more than five years (AI, 2012). Against this background, this study intends to examine the role of Nigeria's criminal justice

institutions and actors, as well as the prison system in relation to Nigerian prisons' designed and actual capacity, work and living conditions, and overcrowding.

Crawley and Sparks (2006:344, citing Clemmer, 1940 and Sykes, 1958) noted that 'the notions of coping with or adapting to imprisonment were important concerns of prison sociology during the classic mid-century phase', but little is known about the response strategies of prison staff and inmates as well as other stakeholders in the event of prison overcrowding. Likewise, Allen (2010:c8), in his paper 'Current Situation of Prison Overcrowding', notes '[t]here is even less data about how prisoners perceive overcrowding'. This view indicates that very few studies have been able to draw on any structured study into the opinions of prison staff and inmates' perspectives, and coping strategies in the event of prison overcrowding (with the notable exception of Liebling and Arnold, 2002; Liebling, 2004 and 2008). Hence, this study will explore the perspectives on, and responses to, prison overcrowding of Nigerian prison staff and inmates as well as other stakeholders such as Ministry of Justice officials, public prosecutors, counsels, scholars, judges, and human rights and penal reform advocates.

While several studies have been conducted on Nigerian prison conditions including overcrowding (Alabi and Alabi, 2011; AI, 2008a; Alemika, 1988; Alemika, 2005; Alemika, 2011b; Alston, 2006; Chukwuemeka, 2010; Ogwezzy, 2011), far too little attention has been paid to how prison inmates and staff, including criminal justice officials, were coping with the challenges of prison overcrowding, as well as what their perspectives are and their views as to how overcrowding could be prevented altogether. Consequently, this study seeks to explore the views of prison staff and inmates including other stakeholders on how Nigeria's criminal justice system could be transformed, and more importantly, ways of responding to the challenge of prison overcrowding.

Above all, the research aims to shed light on some key questions surrounding prison overcrowding as a phenomenon in Nigeria and to appraise policy makers in Nigeria of the situation so that they can make informed decisions.

The study's objectives include:

- A. To explore perceptions of prison overcrowding among prison staff, inmates and other stakeholders in Nigeria's criminal justice system.

- To investigate how prison staff, prison inmates and other stakeholders in the Nigerian criminal justice system view overcrowding in prison.
  - To identify individuals and institutions affected by overcrowding, which spaces specifically are overcrowded in the affected institutions, and at what time the affected individuals and institutions are affected most in the event of overcrowding in Nigeria prisons.
  - To explore how overcrowding affects the daily activities of staff and inmates in Nigerian prisons.
- B. To examine the underlying causes and patterns of prison overcrowding in Nigerian prisons:
- To identify the features of overcrowded prisons in Nigeria.
  - To improve understanding on drivers of overcrowding in Nigerian prisons.
- C. To understand strategies adopted by prison staff, inmates and other stakeholders in Nigeria's criminal justice system in mitigating overcrowding in prison and averting future reoccurrence:
- To identify coping strategies (if any) of inmates as well as prison staff and Nigerian criminal justice officials and institutions particularly the prison authorities in the event of prison overcrowding.
  - To elicit the views of inmates, prison staff and criminal justice system officials including scholars and researchers, national and international agencies and organizations, on measures that would mitigate and prevent prison overcrowding in Nigeria.

The study is based on fieldwork conducted in Nigeria in which a mixed methods research approach was used. The research methodology was sketched on a multi-strand mixed methods research design (Teddlie and Tashakkori, 2009). The study's methodological approach is discussed in Chapter Four.

The thesis is divided into eight chapters. Chapter One contains the main substantive review of literature in relation to aspects of prison overcrowding. Chapter Two covers a brief overview of Nigeria's social, political and economic systems as well as an examination of crime and the criminal justice system in Nigeria. Topics discussed include the challenges, structure, functions and historical development of the criminal justice system during the pre-colonial, colonial and post-colonial periods. Chapter Three presents a critical overview of Nigerian prisons: the system, operations,



conditions and challenges. Chapter Four covers the research methodology design and explains the methodological techniques employed in conducting the study, and the challenges encountered at both the pilot and the main fieldwork phases. Chapters Five, Six and Seven present the study findings. Chapter Five contains different stakeholders' perspectives on overcrowding in Nigerian prisons. Chapter Six examines prisoners' and prison staff responses to, reactions to, and adaptation strategies to prison overcrowding. Other issues explored in Chapter Six are the individuals and institutions affected by prison overcrowding as well as those who may profit as a result of overcrowding in Nigerian prisons. Chapter Seven examines institutional responses and suggestions for solutions to prison overcrowding in Nigerian prisons. Finally, Chapter Eight summarises and discusses the study's findings and its implications for theory and policy.

# Chapter 1

## Conceptualising Prison Overcrowding

Over the last two decades, the challenge of prison overcrowding has been the dominant theme in literature on criminal justice system policy and research related topics (Albrecht, 2010; UN, 2013). This raises the questions as to what constitutes prison overcrowding and why overcrowding in prison remains an issue of great concern. This chapter intends to examine the definitions, measurements, drivers, and consequences of prison overcrowding as identified in the existing research and literature. In addition, existing research and literature on the issue of space apportioned to every inmate in prison, prison staff and inmates' reactions and adaptations strategies, as well as the response of institutional mechanisms in the event of prison overcrowding, will be explored.

### Definitions and Measures of Prison Overcrowding

In general terms, overcrowding in prison often refers to the condition in which the prison is overpopulated and congested. A prison design capacity and occupancy rate is used to define overcrowding (Allen, 2010; Coyle, 2002b; UN, 2013; UNODC, 2006). The amount of space a prisoner occupies determines the extent of overcrowding in prison (Allen, 2010; Haney, 2006; Walmsley, 2003). Others relate overcrowding to quality of prison life (Coyle, 2002a; Goyer, 2011; Liebling and Arnold, 2002; Liebling and Crewe, 2007; Martin *et al.*, 2014). This means that what is considered to constitute overcrowding in prison is subject to different interpretations at both micro- and macro-levels including subjective and numeric interpretation (Albrecht, 2010; Gaes, 1985). Overcrowding in prison is a serious impediment to safe prison management, effective care and treatment of prisoners, and compliance with set standards relating to the rights of both prisoners and prison staff (UN, 2010). The idea that prisoners have the right to humane treatment means that there are standards of treatment and activities in prison (Coyle, 2002b; Murdoch and Griffiths, 2009; UNODC, 2006; Van Zyl Smit, 2010). However, humane treatment and care of prisoners is contested.

When the conditions in prisons are relatively better than in the outside world, the tendency is that a prison population will keep growing because people will be prepared to enjoy the free amenities that they may not be able to afford in the free world (Katz, *et al.*, 2003). This means that the harsher the prison conditions, the less

likely people are to commit crime and eventually be sent to prison (Bedard and Helland, 2004; Katz, *et al.*, 2003). Often, the public regard resources allocated to the health, social welfare, education and vocational training needs of prisoners as unfair, and thus funds allotted to prisons are mainly for maintaining prison security and prisoners' basic needs (Coyle, 2002b). This in turn makes prison authorities concentrate efforts on security measures at the cost of reducing resources allocated to improving treatment and activities in prisons (Murdoch and Griffiths, 2009; UNODC, 2006).

Against this backdrop, this section explores different perspectives as to what constitutes overcrowding in prison. The section begins by examining various definitions of prison overcrowding, and later parts explore indicators of prison overcrowding based on the three adopted indicators, namely the numeric or arithmetic formulas, the physical tangible goods, and invisible or intangible services. Thereafter, problems associated with these measures of prison overcrowding will be examined.

Overcrowding in prison as stated by Albrecht (2010:67) is a concept that 'depends on a mix of normative and factual elements' such as a prison's design capacity and actual capacity, prisoners' right to minimum space and adequate accommodation, safety, as well as adequate provision for basic needs such as food and water, accommodation, access to sanitation and health care, availability of activities outside individual cells and rehabilitative services. It also includes a decent work environment and safety of staff members that operate according to established standards (Albrecht, 2010; Coyle, 2002a; Coyle, 2002b).

One of the common ways in which overcrowding in prison is described is by relating the phenomenon to a prison's designed capacity compared with the actual population. Gaes (1994:4) defines overcrowding in prison as 'the ratio of the number of inmates in a prison to its rated capacity'. Similarly, Bukurura (2003:84) relates prison overcrowding in terms of 'the actual number of inmates against the capacity a prison is established to hold'. The inference from the above definitions is that a prison is not overcrowded provided it does not exceed its rated capacity.

In another view, the UK Prison Service describes overcrowding in prison as a situation in which a prison 'holds more prisoners than the Certified Normal Accommodation (CNA) (Normal represents good, decent and standard accommodation), that the Service inspires to provide' (HM-Prison Service, 2001, cited in Sharkey, 2010:112). Thus, overcrowding in prison is not limited to capacity and

population but also includes the quantity and quality of services provided in the facility. Also, given the UK's description of overcrowding, it suggests that a prison may be overcrowded even when it holds fewer prisoners than its designed capacity if the prison authorities were unable to provide the services as stipulated (Kensey and Tournier, 1991; Tournier, 1986; Walmsley, 2003). Even though the definition provides some indicators of how capacity figures can be determined (good, decent and standard accommodation), it appears to be quite vague and contains many subjective elements. The UK's CNA has been criticized for a number of reasons. CNA is a tool designed by government appointed inspectors, and thus is likely to reflect government's political interest (Cavadino and Dignan, 2002; Sherman and Hawkins, 1981). Moreover, CNA measures do not categorically provide units of measuring standard accommodation in prison (Morgan, 1995). This is partly because not all accommodation in a prison may be actually useable - it could be under refurbishment (Cavadino and Dignan, 2002). Additionally, the definition deliberately ignores those parts of prison accommodations which are often reserved for prisoners in special confinement such as sick wards, solitary cells and isolation cells, as well as dormitories reserved for prisoners on transit or transfer, and lodgers/visitors in a system that allows conjugal relations (Cavadino and Dignan, 2002; King and McDermott, 1989; Morgan, 1995). The provision of CNA is context specific. In developing countries such as the Republic of Benin, Liberia, Nigeria, Bangladesh and Cameroon, the provision of CNA may not only be seen as a luxury to offenders, but also the government may not have the resources to provide the services. Studies at Nimba Prison in Liberia showed that the facility was overcrowded not simply because the inmates' population had exceeded the prison's capacity, but also due to lack of prisoners' rehabilitative services and understaffing (Mbadlanyana and Themani, 2009; United Nations, 2007).

A major criticism of the above definitions is that they are entirely based on numbers: prisons' designated numbers compared to actual capacity. This measure is open to manipulation and disregards other crucial issues such as staffing, inmates' satisfaction, and individual perceptions such as privacy, respect, safety and interpersonal relationship between staff and inmates and among inmates (Cohen and Taylor, 1972; Chung, 2000; Gaes, 1985; Lester, 1991; Lawrence, *et al.*, 2004; Liebling and Arnold, 2002). The extent of overcrowding in this sense depends largely on international, national or local standards. A country that operates a hostel or dormitory system of accommodation with a capacity of thirty inmates in its prison system, for

example, will consider cells occupied by ten inmates as normal and under-occupied. A country with a one inmate per cell policy will consider cells occupied by two or more inmates as overcrowded. Thus measuring overcrowding solely on prison design versus actual capacity can be misleading. In 2008, in its report to the UK Government, the Anti-Torture Committee of the Council of Europe (CPT) found that even with an ‘occupancy level of 95 per cent of the design capacity of a prison, it may be difficult or even impossible to deliver those services which are required to ensure respect for inmates’ human dignity’ (CPT, 2009:9). So, whilst a prison is technically not overcrowded the provision of good, decent accommodation may be impossible.

Moreover, the type of sleeping arrangements (for instance, single, double or triple bunk put in use in a cell) may pose challenges on the use of capacity to determine prison overcrowding (Albrecht, 2010). A small cell, for example, with space for two beds could be used differently: two inmates in case of single bedding, four prisoners in double-bunk bedding, and six persons in triple-bunk bedding. It depends on the type of bedding arrangement the system adopts. This means that the design and actual capacity of a prison may be one of the elements to consider, but cannot be the sole element in determining prison overcrowding (Albrecht, 2010; Haney, 2006; Lappi-Seppala, 2010).

Given the above explanation, it could be suggested that the perception of overcrowding in prison also depends on individual feelings. Haney (2006:266) contends that overcrowding in prison is determined by ‘more than just the ratio of prisoners to the rated capacity: it also includes the extent to which a prison, or prison system, houses more prisoners than its infrastructure can humanely accommodate’. Haney’s definition stresses the issues of infrastructural capability and humane treatment but these terms are vague and insufficiently defined. Infrastructural capacity and humane treatment are largely determined by the type of prison design in which the prison system operates and the country’s economic resources. Overcrowding in prison is subjectively determined because it considers individuals’ perceived satisfaction, including individual psychological feelings such as respect, human dignity, privacy and inter-personal relationships among inmates, and between inmates and staff. The prison staff plays a significant role not only for the prisoners but also for the general condition of the prison (Coyle, 2002b; Chung, 2000; Lawrence, *et al.*, 2004; Lester, 1991; Van Zyl Smit, 2010). Thus, at an individual level, what might constitute overcrowding in a prison may not only be subjective, but also relative as it depends

upon time and place (Cohen and Taylor, 1972; Gaes, 1985). This means that a prison may be considered overcrowded due to an individual's feeling of dissatisfaction with the prison conditions and its incapability to cater for the needs of both inmates and staff accordingly (Albrecht, 2010; Murdoch and Griffiths, 2009).

Understanding prison overcrowding at an individual level is also misleading. Assuming that a significant majority of inmates are in prison against their wish (Van Zyl Smit, 2010), thus they may tend to show dissatisfaction with living conditions and services provided even if these services meet the minimum standards (Haney, 2006). Hence, determining prison overcrowding through individuals' perceptions will always be subject to bias.

In response to criticisms of the above definitions, Sharkey (2010:115) moves further and offers a more practical definition of overcrowding in prison. She adds that overcrowding covers:

any condition in prison where there are reduction in hours of purposive activity, a stressful environment due to cramped cells, a strain on basic resources, a risk of prisoners being victimized and restricted opportunities for officers to gather information about individuals and identify those most at risk.

Sharkey's description of overcrowding in prison is more comprehensive than the previous ones in that the definition encompasses other social and psychological features of prison overcrowding both at subjective and objective levels. However, a close look at Sharkey's definition to some extent shows that it is restrictive in terms of scope. The definition appears to be based on prison systems that maintain rehabilitation as their central ideology. Sharkey's definition of overcrowding may not necessarily portray an overcrowded prison that was primarily designed to punish offenders and prevent reoffending.

Murdoch and Griffiths (2009:1) define overcrowding in prison as a 'situation in which the numbers of persons confined in a prison are greater than the capacity of the prison to provide adequately for the physical and psychological needs of the confined persons'. Murdoch and Griffiths' description of overcrowding in prison differ from that definition proposed by Sharkey as it incorporates the individual's physical and psychological needs, the actual prison population and the prisons' design capacity. However, Murdoch and Griffiths' definition seems to ignore social elements of

overcrowding such as the staff-to-inmate and inmate-to-inmate relationships that may have an impact on inmates, staff members, the institution itself and the public at large.

Understanding overcrowding in prison remains subjective, numeric and context specific largely because the phenomenon is not evenly distributed even within a given geo-political entity (McConville and Williams, 1987). It has been observed that overcrowding in prison occurs, to some extent, in ‘all sorts of prison systems, in rich and poor countries, common and civil law jurisdictions, and different types of polity’ (Allen, 2010: np). Table 1.1 below demonstrates that overcrowding in prison occurs in almost every continent but, what seems to differ between them is the degree to which it occurs. Given that a rate of prison occupancy above 100 per cent indicates overcrowding, some continents have very high occupancy rates and others have low, with African countries having the highest occupancy rates and Europe the lowest (see Table 1.1).

**Table 1:1** Prison Occupancy Rates by Continent (2009)

Region	Under 100%	100% but under 120%	120% but under 150%	150% but under 200%	200% and Over	Total
Africa	11	4	8	7	9	39
Americas	14	8	11	9	4	46
Asia	8	4	6	5	2	25
Europe	32	4	8	1	0	45
Oceania	7	16	2	2	1	28
Total	72 (39%)	36 (20%)	35 (19%)	24 (13%)	16 (9%)	183 (100%)

Adapted from Allen (2010)

Occupancy level mainly provides an overall or broad view of the situation. Tournier (1986) notes that a prison system may record occupancy level as below 100 per cent, which means the prison is under-occupied, while in reality at a prison level it may be found overcrowded because some cells within the prison may be temporarily out of use. In addition, the occurrence of overcrowding in prisons across countries may not necessarily mean that the prison conditions are comparable.

As shown in Table 1.1, in sixty-one per cent of countries in the five continents studied, the prison system occupancy rates exceed 100 per cent. There is variation, with certain continents (Europe, America and Africa) showing higher prison occupancy rates than others (Asia and Oceania). The proportion of prisons with occupancy over 100% is 72% (n=28) in Africa, 68% (n=17) in Asia, and 44% (n=13) in Europe. In addition, nine of the sixteen countries that have prison occupancy rates of

200 per cent and over are in Africa, which means that prison occupancy levels are higher in African prison systems.

Differences in prison occupancy levels exist not only between continents (as in Table 1.1), but can also occur within a single continent, with wide variation in some instances. Studies have shown that some countries or regions in Africa have higher prison occupancy rates than others (Ogundipe, 2009; Sarkin, 2009; UNODC, 2011), which means that overcrowding is not equally distributed. A country or regional prison may be overcrowded but the degree of the overcrowding may vary (see Walmsley, 2003). Again, the difference in the rates of prison overcrowding is not limited to region, country or continent, because the different levels of overcrowding are also found between rural and urban settlements (Welsheit, *et al.*, 1994). A prison may be overcrowded irrespective of its capacity and location, but urban prisons owing to their locations are more likely to house more inmates than rural prisons (Agomoh, *et al.*, 2008).

Arguably, describing overcrowding in prison in a phrase or sentence is very difficult. Allen (2010) provides a brief but all-encompassing description of overcrowding in prison, describing it as:

situations where there is not enough room for prisoners to sleep; not the facilities to provide sufficient food; health care or any form of constructive activities; insufficient staff to ensure that prisoners are safe; the lack of accommodation to hold separate types of prisoners who should be kept apart - women from men, juveniles from adults; untried from convicted; or lack of capacity to receive any more numbers so that emergency measures have to be taken - in the form of amenities, emergency accommodation or the holding of prisoners in police stations [Allen, 2010: np].

Describing overcrowding in prison seems to be difficult because the definition has to encompass reasons for confinement, how individuals in prison (inmates, staff or visitors) perceive the situation, and the specific prison space considered overcrowded. Assessing overcrowding in a prison setting is not limited to determining the housing capacity of a prison facility against the actual number of inmates it holds (Chung, 2000; ICRC, 2005; ICRC, 2012), but it also includes assessing the quality of life in prison (Gaes, 1985; King and Dermott, 1989; Liebling and Arnold, 2002; Liebling and Crewe, 2007). Indeed, the subjective element in prison overcrowding is among the reasons why there is no universally agreed definition and measurement of



overcrowding in prison (Albrecht, 2010; Allen, 2010; Lappi-Seppala, 2010). Thus, definitions and measurement of overcrowding in prison differ among world regions and more importantly depend on the country's resource capability and the degree of commitment to the penal system that is demanded from politicians, lawmakers, and judiciary and prison administrators (Albrecht, 2010; von Hofer, 2003).

The variations in definition and measurement of prison overcrowding allow almost every country, institution and individual to adopt their own way of measuring the phenomenon (Allen, 2010; Nembrini, 2005). These indicators of measuring prison overcrowding are presented in Table 1.2 in Appendix A, and are categorised into three core dimensions:

- a. Specific mathematical formulas have been developed and put to use to determine the state of a prison in terms of overcrowding. This approach uses population figures, a prison's designated capacity and official prison capacity, total inmate figure of the day, average daily population (ADP), and other institutional arrangements such as cells sizes, bedding provision, staffing and regime activities. The ICRC (2012) devised a formula for determining prison overcrowding by calculating the ratio of the actual number of inmates present at a specific date to the number of places specified by the prison's official capacity (Nembrini, 2005:17; see Table 1.2 in Appendix A showing how prison overcrowding is measured with the use of a devised arithmetic formula). The formula devised is as follow:

$$\text{Occupancy rate} = A/B \times 100$$

where:

**A** = the population density in the prison - which is determined by the actual number of inmates present at a specific date.

**B** = official capacity - that is the total number of inmates that it can accommodate while respecting minimum requirements, specified beforehand, in terms of floor space per inmate or group of inmates.

When the ratio obtained exceeds 100 (100 inmates per 100 places), the situation is one of over-population or overcrowding. Conversely, if the figure is lower than 100, the prison is under-occupied (Nembrini, 2005:17).

Also, the Israeli authorities devised a formula or model for determining prison conditions as well as predicting a prison population over a period

of time based on the amount of new crime cases under investigation and the size of the general population in Israel (see Table 1.2 in Appendix A).

- b. Physical characteristics refer to tangible services that are used to determine overcrowding in a prison. Unlike the mathematical formulas, tangible or visible goods or items are used to measure overcrowding in a prison setting. They include the number of inmates per cell, sanitary facilities in the prisoners' cells, spatial density or the amount of space in a cell per inmate, the amount of time spent outside the cell, and the number of regime activities including rehabilitative services.
- c. Difficult-to-measure indicators are invisible and intangible aspects of prison conditions which by mere visit or observations one may not be able to assess. Difficult-to-measure indicators are often referred to as 'quality of life in prison' (Liebling and Arnold, 2002:1). This is the subjective view of an individual, which includes the degree of decency, the degree of satisfaction with services provided, social density, privacy, feeling safe and secure, personal time, inmate-to-inmate and staff-inmate relationships, and treatment and care with dignity and respect (see Table 1.2 in Appendix A). This unit of measurement is based on the fact that exposure to unpleasant conditions in a prison may not only cause physical change or effect on an individual but is also accompanied by social and psychological discomfort (Chung, 2000; Lester, 1993; Lawrence and Andrews, 2004; Lepore, *et al.*, 1991; Murdoch and Griffiths, 2009). Additionally, intangible units of prison overcrowding are based on the assumption that overcrowding in prison is any condition that 'offends the contemporary standards of human decency' (Chung, 2000: 2394).

**Figure 1.1:** Dimensions of Prison Overcrowding

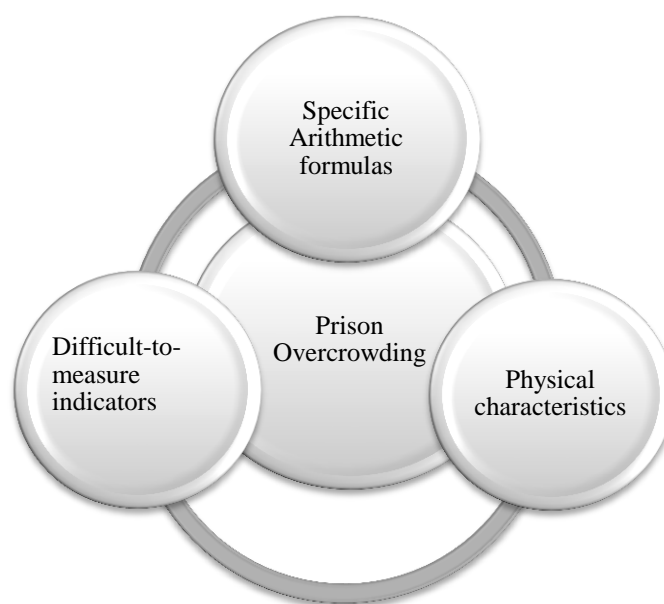


Figure 1.1 demonstrates how each of the categories of prison overcrowding is related to the other. Grouping these indicators into three categories does not mean that each unit of measurement or indicator is independent of the others, but rather that the three categories are mutually dependent upon one another. Measuring prisoners' amount of time spent outside sleeping accommodation, as proposed by NACRO and the ICRC, for example, may be meaningless without assessing what kind of activities inmates engage in if they are out of their sleeping accommodation. Gaes' contextual effect elements - social density, freedom, privacy and personal time - are indicators for determining prison overcrowding which fall under the difficult-to-measure category (see Table 1.2 in Appendix A). Gaes' proposed measures are a combination of two or more indicators that fall under arithmetic formulas and physical characteristics. Social and spatial densities are dependent on each other. For example, an increase in the occupancy level in a cell or prison causes an increase in social density and a decrease in spatial density (Gaes, 1985). Gaes (1985:108) added that if an increase in prison population was accompanied by an increase in the number of prisoners' dorms, the effects on spatial and social density would depend on the extent of the respective increases. Each of these perspectives as shown in Table 1.2 in Appendix A focuses on different aspects of overcrowding in prison settings and provides useful insights. Hence, the grouping of these indicators of measures is to gain clarity and a wider perspective of the phenomenon, and to serve as a guide in the course of analysis.

During Amnesty International's visit to some Northern Nigerian prisons in 2008, for example, they found that Goron Dutse was in practice overcrowded but officially was under-occupied. At the time of the visit, Goron Dutse held 520 inmates, 80 inmates fewer than its official capacity of 600, but four of the prison cell blocks built in 2007 to house 120 inmates had not been put into service for logistic reasons (AI, 2008a). Additionally, the visitors found that cellblocks for remand prisoners were overcrowded, with some inmates sleeping on the floor. However, there were vacant beds in some cellblocks where sentenced prisoners were held (AI, 2008a). Using country-wide occupancy rates to measure overcrowding in prison may be misleading, as shown in Table 1.2 in Appendix A, because following the arithmetic formula proposed by ICRC (2005), a country may report a lower occupancy rate at national level, while at individual prison level some of the prisons may be operating above their design capacity. In February 2010, Argentina and Russia reported their prisons' occupancy rate at less than 100 per cent, but at individual prison level many of their prisons were found to be grossly overcrowded (Allen, 2010).

NACRO, ICRC, Inter-American Commission and Tournier propose the use of space per inmate in a cell and the size of a cell as units for calculating prison overcrowding; however, the use of these measures has been criticised for a number of reasons (see Table 1.2 in Appendix A). Of course, space and size are visible and measurable but inmates are human beings who have senses and should be treated with dignity, as such human beings cannot be handled like goods: 'that statement about capacity which refers to the ability to accommodate human beings differs significantly from a capacity statement which might refer to the ability to keep or store goods' (Sherman and Hawking, 1981:29). Sherman and Hawking (1981:29) further contend:

[S]pace and capacity are derived from estimates provided by management of individual institutions or by the central agencies. Moreover, institutions and agencies differ in the way they calculate prison rated capacity, as variety of political, legal and financial considerations may influence them.

However, critics of space size and capacity measures of overcrowding agree that 'physical capacity can be measured in cubic feet of space but people are not packing cases and while living, at any rate, require more than the space measured in cubic units into which they can be compressed' (Sherman and Hawkins, 1981:30). In fact, measuring prison overcrowding involves more than physical features that can be

observed and verified; it also includes some judgement on value, feeling and decisions about sufficiency and adequacy (Bonta and Gendreau, 1990; Gaes, 1985; Sherman and Hawkins, 1981). Furthermore, employing a specific arithmetic formula to determine prison overcrowding tends to ignore individual aspects of overcrowding in prison (Bonta and Gendreau, 1990; Gaes, 1985; Liebling and Arnold, 2002).

The use of physical indicators to determine prison overcrowding appears to be simple and realistic, but in practice the measurement may not necessarily provide the required picture of the phenomena. NACRO and ICRC, for example, prescribe the number of hours prisoners should stay outside the sleeping accommodation daily without considering the availability of staff to supervise them (Bonta and Gendreau, 1990). Prison staff members have considerable ‘scope, influence and shape over the manner in which prisoners are processed’ (Bastow, 2010:2); and thus, prescribing time for prisoners’ regime activities without considering the staff strength will be fruitless (King and McDermott, 1989). A prisoner interviewed at Belmarsh Prison in the UK about his safety in prison stated, ‘I feel safe; security is beefed up all the time and the presence of officers ensures trouble is squashed’ (Liebling and Arnold, 2002:3). Staffing and staff composition in a prison setting significantly influence an individual inmate’s psychological and physical wellbeing (Bonta and Gendreau, 1990; Chung, 2000; Liebling and Arnold, 2002). Availability of staff in a prison setting significantly influences the amount of activities prisoners engage in, particularly outside their sleeping accommodation. If a prison is understaffed, ‘prisoners may be left locked in their cells for long because there is no staff to supervise out-of-cell activities or to escort them from place to place and also visits may be cancelled or restricted’ (Cavadino and Dignan, 2002).

Provision of spacious accommodation with adequate facilities such as bedding and adequate sanitary facilities inside sleeping accommodation may not be a sufficient indicator of a good regime if the prison is understaffed, and there are poor relationships between staff and inmates or among inmates (King and McDermott, 1989; Sherman, 1997). The units for measuring prison overcrowding proposed by Gaes (1985) appear to have incorporated a wider perspective of prison overcrowding (see Table 1.2 in Appendix A). Even though Gaes’ proposed indicators do not consider staff composition, staff ratio or staff-inmates relationships (King and McDermott, 1989), Gaes’ strategy integrated both the difficult-to-measure and physical indicators of prison overcrowding, which he referred to as ‘the contextual effect or system impact’

that can be employed to measure specific overcrowding manifestation and also allows for comparison (Gaes, 1985:111). Contextual measures are did not specify indicators of measuring overcrowding that can be employed at either prison or national level, which others measures such as those proposed by Israelis Prison authorities (IMPS, 2009) and Kensey and Tournier (1991) (see Table 1.2 in Appendix A).

When the relationship between staff and prisoners is not cordial, a prison may be unpleasant to both staff and inmates regardless of the facilities provided (Bonta and Gendreau, 1990). A prisoner interviewed at Risley Prison in UK about his safety said that ‘the only time you feel safe in here [in prison] is when you’re locked up in your pad’ (Liebling and Arnold, 2002:3). Similarly, another prisoner interviewed at Doncaster Prison asserted that ‘to me, being treated with humanity means being provided with adequate, reasonably comfortable and clean accommodation and being acknowledged as a person with individual needs, desires, concerns, strengths and weakness’ (Liebling and Arnold, 2002:1).

The above claims suggest that analysis of prison overcrowding should also consider the psychological and physical safety and security of an inmate in a prison. Liebling and Arnold (2002) identify some core aspects of ‘quality of life in prisons’, which include respect, humanity, staff-prisoner relationships, support and trust, fairness, order, safety, decency and wellbeing, and personal growth and development activities. Quality of life indicators in prison are mainly issues around inmate and staff wellbeing, and are considered to be the core elements that make up a good prison environment (Liebling and Arnold, 2002). Thus, absence or renunciation of any of those elements of quality of life in prison may be considered as some of the indicators of overcrowding in prison. In her 2001-2 Annual Report, the Chief Inspector of Prisons (CIP) for England and Wales notes that ‘safety in prisons depends on dynamics, as well as physical security: relationships between staff and prisoners that provide both understanding and intelligence’ (HMCIP, 2005:15). Martin *et al.* (2014:14) use the term ‘prison climates’ to explain the ‘varied and diverse micro- and macro-dynamics of everyday prison practice’. Prison climates are the result of the interplay between governance, survival, and transition in prison worlds (Martin, *et al* 2014:15). Cautionary measures have to be taken when analysing prison overcrowding on the basis of quality of life in prison indicators. The units are subjective in nature and some conditions or behaviour cannot be assessed over a short period of time (Bonta and Gendreau, 1990; Liebling and Arnold, 2002). In addition, certain

unpleasant conditions including overcrowding in prison may be temporary but still impact upon prison staff, prisoners and the prison. Renovation work on a cellblock in a prison may cause a temporary situation of overcrowding (Bonta and Gendreau, 1990).

Above all, the indicators of prison overcrowding will largely depend on the staff-to-inmate ratio a prison system adopts. A prison must be staffed on a 24-hour and seven days a week basis, but 'prison size affects staffing needs - small facilities often require more staff per inmate than large facilities' (Krauth, 2006:3). It is assumed that the higher a staff-to-inmate ratio, the safer and more effective the operation of a prison is (Gaes, 2004; Krauth, 2006). An increase in the number of security staff, for example, will create a safer, more secure prison environment and an increase in staff-to-inmate ratio will improve inmates' morale (Krauth, 2006:2). Prison gang-related activities are often reduced when prisoners experience greater staff presence (Gaes, *et al.*, 2002; Wood, 2006). This means that the higher the staff-to-prisoner ratio, the less active prison gangs are. Arguably, a well-supervised prison hinders the development and functioning of prison gangs (Wood, 2006).

Nevertheless, there is no globally agreed standard concerning staff-to-inmate ratio (Elias and Milosovich, 1999; James, 2013; Krauth, 2006). Often, staff availability in prison is classified as 'adequate or inadequate', but in most cases the standards do not define what 'adequate' is (Elias and Milosovich, 1999:1). However, in some developed countries' systems, prisons with fewer than 50 inmates had an average ratio of 2.4 inmates to a prison officer, while medium- and maximum-security prisons designed have an average ratio of one staff member to 3.9 inmates (James, 2013). Staff-to-inmate ratio is also classified as low, average and high with low as 2.3 and high as 1.5 (Elias and Milosovich, 1999). The use of staff ratio in prison is more useful in budgetary planning (James, 2013; Krauth, 2006). In reality, the actual number of staff in a prison does not portray the true staff-to-inmate ratio. Staff distribution may be different in terms of gender and some of the personnel in prison are support or technical staff such as administrators, clerks, cooks and nurses. A staff-to-inmate ratio does not provide an accurate picture of how many people are working at one time. The ratio may ignore the fact that some prison staff members are in administration or support services and thus do not work directly with inmates (Elias and Milosovich, 1999). Also, staff-to-inmate ratio also does not take into account those agencies that are providing certain services through contracts with other groups or individuals rather than through the staff of the facility (Krauth, 2006: 2). Thus, a prison may have a high

staff-to-inmate ratio while the actual staff-to-inmate activities may be limited due to unavailability of staff to supervise (James, 2013; Krauth, 2006).

Susanna Chung (2000) suggests international instruments and court verdicts as another way of analysing overcrowding in prison. This is carried out through assessing a country's degree of conformity to certain international standards that a specific country has adopted. Of course, there are several international instruments that some countries have acceded to but for political and economic reasons were unable to implement into their national policies and practices. The United Nations Standard Minimum Rules for the Treatment of Prisoners (UNSMR), for example, has been accepted and ratified by many sub-Saharan African countries but governments have been unable to integrate them into their penal policies and operations due to resource constraints, and lack of determination to reform the system by the government (Sarkin, 2009). Thus, assessing these countries' performance on the basis of UNSMR provisions may not be sufficient as they have apparently met the standards, and reports on those nations' penal systems and policies may not be likely to provide the necessary indicators of analysis enshrined in the UNSMR.

A verdict from a court of competent jurisdiction can also provide further indicators for analysing prison overcrowding. The *Nami v. Fauver* case at the US Court of Appeal in 1996, for example, provided a number of indicators for analysing prison overcrowding. The housing of two inmates in a single cell, together with inadequate medical care, recreation, access to bathrooms, and rehabilitation programmes was confirmed as constituting prison overcrowding by the court (*Nami v. Fauver* 1996). Similarly, the *Labzov v. Russia* case at the European Court of Human Rights also ruled that the space available, the condition of the prison, time spent outside cell, among other things alleged by Labzov, constituted a violation of human rights and was considered as overcrowding (*Labzov v. Russia* 2005). Thus, international standards, instruments and court verdicts may be employed to assess prison overcrowding but court rulings are often specific to individual situations (Van Zyl Smit, 2010) and based on complaints filed by individual prisoners or other interested parties.

Above all, given the above ways of determining overcrowding in prison, it seems that none of the measures include a timeframe for overcrowding. That refers to the length of time an inmate would have to be exposed to a particular situation and prison setting for it to be considered or counted as an indicator of overcrowding.



Sundstrom (1978:31) describes overcrowding as a 'sequential process resulting from an interaction of person variables, high population density and situational variables'. Thus, for a condition to be considered as overcrowded, it has to be for some defined period of time (Bonta and Gendreau, 1990). An infrastructural renovation activity in a prison, for example, might reduce the space arrangements available to a number of prisoners but the effect of temporary arrangements may not be as significant as that of a sudden influx of new inmates into the prison (Bonta and Gendreau, 1990: 350).

In a nutshell, precise definitions and measures of overcrowding in prison remain a challenge not only to criminal justice administrators and policy makers but also to criminologists, sociologists and penal reform advocates. What constitutes overcrowding in a prison setting may differ from prison to prison and between different countries (Albrecht, 2010). Drawing on all perspectives, one may conclude that for an effective measurement of prison overcrowding, there is a need to devise a tool that would incorporate three dimensions: arithmetic formula, physical indicators and difficult-to-measure indicators. In the course of measuring overcrowding in prison, every cautionary measure should be taken to avoid analysing temporary indicators of overcrowding that may not necessarily provide the true perspectives of the subject under study. Examples of temporary conditions that create overcrowding in prison are suspension of regime activity due to construction work, reduction in regime activities such as visits and fresh air and exercise hours due to absence of staff. It is pertinent to note that many of the proposed units of measuring prison overcrowding may not be easily captured by a single visit to a prison. Also, not all conditions or behaviours may be considered as units of overcrowding until there has been exposure, repeated or exhibited over a span of time. Consequently, one should bear in mind that when measuring prison overcrowding there are many potential measurable overcrowding differences among inmates and prisons, and between regions and countries.

### **Spacing Issue in Prison**

The issue of universally acceptable minimum amount of space to be apportioned to inmates in prison remains contested (Allen, 2010). This section examines space in private and public spaces and how it relates to prison. Literature on space and its measurement will be drawn from a range of disciplines, as each has its own perspective, which in turn shapes a given space. The phenomenon of prison

overcrowding is related to space, space-related behaviour and its consequences (Gaes, 2004; Haney, 2006; Morelle, 2014). Gaes (2004:4) found that the

terms used in the [over]crowding literature are often unclear or confusing. The term ‘crowding’ fails to differentiate between the two operational definitions of density: social density, which refers to the number of persons in a given area, and spatial density, which refers to the amount of space apportioned to each individual.

Highlighting the contentions around space measurement as one of the units for determining overcrowding, Allen (2010:np) contended:

There is not however a straightforward way of measuring overcrowding because there is no universal agreement about how much space prisoners should have or the facilities to which they should have access. International standards state that each prisoner must have enough space, although definitions of adequacy vary from country to country and depend among other factors on how much time prisoners spend in their cells.

Thus, the question has been asked as to what constitutes space. The literature on space treats space mainly in two forms. On one hand, space is treated as a material property or physical object that occupies a geographical territory (Stoetzer, 2008). On the other, some regard space multi-dimensionally as an ‘abstraction that can only be understood in terms of its effects on agents and its positioning of these participants in their adopted physical space’ (Bourdieu, 1991, cited in Stoetzer, 2009:4). Therefore, the social construction of space is ‘determined by social goods and people and by the links between them. Only if both aspects are known, i.e., both ‘building blocks’ of the space and how they relate, can its constitution be analysed’ (Löw, 2005: 10).

Examining space from a psychosocial perspective, Goffman (1961) identifies three kinds of spaces or places which inmates occupy in prison: free places, group territories, and personal territory. According to Goffman (1961:216), prisoners have ‘limited control over free place and group territories’. Free places are shared with any other inmate, group territory is shared with a selected few, and personal territory is a space in which an ‘inmate develops some comforts, controls, and tacit rights that he shares with no other inmate except by his own invitation’ (Goffman, 1961:216). This implies that long-term serving or remand prisoners tend to develop personal territory more easily than those newly admitted. Often, inmates ‘develop favourite sitting or standing places and would make some effort to dislodge anybody who usurped them’

(Goffman, 1961:217). Again, territory formation in prison tends to be easily built through the use of an inmate's personal possession such as blanket and bed (Goffman, 1961).

The allocation of personal space to prisoners in some systems - particularly in developing countries - is challenging as the process may not be free from bias or corrupt practice. In principle, newly admitted prisoners spend some days in transit cells before the prison administration assigns them to a specific wing. Allocation of a 'decent' cell to a prisoner depends on the prisoner's status (Morelle, 2014). Morelle (2014:23) found that newly admitted prisoners with no money or connections in Yaoundé Central Prison in Cameroon are often assigned dirty and overcrowded cells with no bedding, adding that 'a place in prison can be bought through bribery' (ibid.). The poor prisoner will sleep at first on the floor, usually in the doorway, until another prisoner occupying a bed leaves (ibid.).

Another determining factor in space allocation per prisoner includes the amount of time prisoners spend outside their cells every day. The longer inmates are held in a confined accommodation space in any 24-hours period, the greater the amount of space they will require (ICRC, 2012).

In a normative sense, there is no single agreed unit of space per prisoner, and thus systems, regions and agencies across the world variously assign space to prisoners (Albrecht, 2010; ICRC, 2002). Often, the kind of accommodation a system adopts determines the amount of space a prisoner occupies (UNODC, 2006). Some systems have precise measurements of space size per inmate, while others are silent. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) considers 4m<sup>2</sup> per prisoner as the minimum but recommends 7m<sup>2</sup> as the most desirable and appropriate space (Albrecht, 2010). Chile specifies 6m<sup>2</sup>, which includes a single bed, a shower, a washbasin, a desk and a shelf (ICRC, 2012). NACRO recommends 5.4m<sup>2</sup> per prisoner whether in single or shared accommodation (Nembrini, 2005) and the ICRC (2012) recommend 20-30m<sup>2</sup> per person in all kinds of prison setting. In contrast, the UK prison system does not prescribe minimum space size but strives to provide a good, decent and standard accommodation (Sharkey, 2010). The UN does not specify minimum space, either, but recommends that the accommodation provided for 'the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum

floor space, lighting, heating and ventilation' (UNSM Rule, 10). In some jurisdictions particularly the developing countries, a dormitory or hostel system of accommodation is adopted. In Kenya, the minimum space requirement is 40 square feet or 3.7 m<sup>2</sup> per prisoner. In Senegal, no minimum space is specified but an internal study showed that the average floor space is 3.55 m<sup>2</sup> per person, the cubic capacity being 5 m<sup>3</sup>. In Mauritius, the per capita space requirement is 8.75 m<sup>2</sup> in a single cell, 4.08 m<sup>2</sup> in dormitories for 20 people and 5.58 m<sup>2</sup> in a hospital ward (ICRC, 2012:31).

### **Drivers of Prison Overcrowding**

The absence of a straightforward way of measuring overcrowding in prison to some extent makes it difficult to pin down a single factor that causes the overcrowding (Albrecht, 2010; Allen, 2010; Hucklesby, 2009). Several causes of overcrowding in prison have been suggested. These include the rise in crime rates, the greater use of imprisonment, the length of time spent in prison, rigid and limited early release practice, policy changes and or lack of political will to change policy, use of general public order offences law, weak economy, under-funding, and resource misappropriation in the criminal justice system (Albrecht, 2010; Bottoms, 2004; Lappi-Seppala, 2010; Lewis, 2004; Murdoch and Griffiths, 2009; Tonry, 2004; von Hofer, 2003). Other contributing factors include antiquated criminal procedural laws and slow judicial process, weak lines of communication and co-ordination between the criminal justice system's components, public pressure, limited prison capacity, and weak social protection policies for vulnerable people (Kuhn, 1994; Murdoch and Griffiths, 2009; PRI, 2008; Sarkin, 2009; Snacken and Bayens, 1994; Tonry, 2004).

Often, commentators relate increases in a country's prison population to growth in crime rate; however, this claim has been contested (Kuhn, 1994; Lewis, 2004; Tonry, 2004). It has been argued that 'crime rates alone cannot explain the movements in prison populations. In many countries, crime rates, including rates for the more serious crimes, have been stable or even decreasing; while prison populations have risen steadily' (Walmsley, 2003:71). Millie *et al.*, (2003:382) contend that 'increase in prison population is not a product of rising crime'. In their study of prison population trends in the US between 1973 and 1997, Caplow and Simon (1999) found that changes in penal policies and practices, not changes in crime rates were the primary driver of prison population growth. In 2006, England and Wales recorded the highest prison population for prisoners serving indeterminate and longer sentences, yet

its recorded crime rate declined by 44 per cent in the previous ten years (Home Office, 2006). Meanwhile, Albrecht (2010:71) found that ‘overcrowding can come with both low and high levels of prisoners rates’. Thus, an increase in recorded crime rate may not lead to an increase in the prison population because only a minority of a recorded crimes end up in the courts and there only a small proportion result in a prison sentence (Ashworth, 2010; Fuller, 1998). Consequently, the ‘preponderance of the responsibility for prison population growth lies in the sanctioning phase, the conversion of arrests into prisoners and the time they serve in prison’ (Blumstein and Beck, 1999:54). Lappi-Seppala (2010:51) contends that ‘high prison rates and overcrowding are not automatic results of high crime or increasing crime trends’. Defending his claim, Lappi-Seppala (2010:51) argues that ‘different systems react differently to trends in crime’. This means that what seems to bring about changes in prison population is largely the ‘greater use of imprisonment and longer sentences rather than the amount of arrests and prosecutions’ (Walmsley, 2003:72).

Hucklesby (2009:7) identifies two core factors that contribute to rises and falls in prison population, which are the number of defendants remanded in custody and the lengths of time prisoners spend in prison. One prisoner ‘serving five years takes up as many as prison beds as 30 prisoners serving two months each’ (Tonry, 2004:84). Moreover, one of the key factors behind prisons’ population growth is the manner in which ‘sentencers are making greater use of imprisonment, ... and when they do so, they tend to pass longer sentences’ (Millie, *et al.*, 2003:382). This means that over-reliance on imprisonment by the courts at the pre-trial and sentencing stages increases prison populations and potential overcrowding (Albrecht, 2010; Kuhn, 1994; Lappi-Seppala, 2010).

Nevertheless, limited alternatives to imprisonment trigger extensive use of imprisonment. Factors such as unnecessary criminalization of undesirable behaviour, overuse of default imprisonment for unpaid fines, and rigid early release practices are among the forces that encourage extensive use of imprisonment (Lappi-Seppala, 2010). It has been argued that a justice system that has alternative sanctions such as community service, probation and flexible early release programmes such as conditional and suspended sentences, and electronic monitoring is not likely to hold prisoners longer than necessary (Albrecht, 2010). Arguably, large numbers of people are held in prisons across the world due to mandatory minimum prison sentences and the absence of options that would allow offenders to be sentenced in the community

(Albrecht, 2010). In essence, the argument rests on the fact that ‘an increase in prison population occurs either as a result of offenders receiving unsuspended sentences rather than fines or other non-custodial sentences, or from longer sentences being imposed (Barre, 1986, cited in Kuhn, 1994:103). Also, the underutilization of mechanisms for early release from prison often results in prisoners spending long periods of time in prisons (Murdoch and Griffiths, 2009).

In another perspective, overcrowding in prison is associated with lack of suitable legislation and policy initiatives in a system. Advocates of this position assume that the growth in prison population and overcrowding are directly caused by lack of determination to transform the system by the government (Lewis, 2004; Tonry, 2004; von Hofer, 2003). Prison population, argues von Hofer (2003, cited in Lewis, 2004: 51) is:

a political construct, in the sense that prison populations are not, as is sometimes stated by politicians, the inevitable consequences of individual sentencing decisions, but are a choice made by politicians, taking into account public acceptability, media comment, resource costs and other social priorities.

The above statement implies that ‘any jurisdiction that wants to take control of its prison population and related expenditure can do so’ (Tonry, 2004, cited in Lewis, 2004:51). In 1973, Denmark curbed its rising prison population through the abolition of indeterminate sentences and the lowering of minimum penalties for property offences (Snacken and Bayens, 1994). Similarly, in January 1993, the prison population in England and Wales dropped to 42,000 due to changes brought about by the new Criminal Act of 1993, but by the end of 1993 the prison population had increased again because of another series of sentencing policy and legislative changes (Lewis, 2004; MOJ, 2013; Tonry, 2004). This means that changes in legislation and policy initiatives can affect prison populations and prison overcrowding.

In many post-colonial sub-Saharan African countries, the use of general public order offences that are inherited from old colonial law has been linked to prison overcrowding (Albrecht, 2010; Bernuault, 2003; Sarkin, 2009). Good examples of offences covered under the public order law are public drunkenness, vagabondage, loitering, belonging to gang of thieves, prostitution and failing to pay debts (Albrecht, 2010; Bernuault, 2003).

Overcrowding in prison is also associated with the problem of weak economies and under-funding of the criminal justice system, and prisons in particular (Albrecht, 2010). In almost all countries, prisons are owned and managed by the government, yet the institution, in some jurisdictions, is underfunded (Allen, 2010; Blumberg, 1979; Coyle, 2002a; Walmsley, 2003). This means prisons are often not among government priorities in terms of funding and supervision, which in turn could be another important reason why the institution is overcrowded and unable to function effectively (Albrecht, 2010; Sarkin, 2009). In addition, resource scarcity at several levels of the justice system results in prison overcrowding, according to Sarkin (2009). Studies have shown that prison overcrowding exists in developed or well-resourced countries as well as in developing or resource-challenged countries (Albrecht, 2010; Lappi-Seppala, 2010; Sarkin, 2009); however, the latter suffer from more severe overcrowding than well-resourced nations (Albrecht, 2010; Lappi-Seppala, 2010). In many African countries' conventions, notably the Kampala Declaration on Prison Conditions in Africa 1996, the Abuja Declaration on Alternatives to Imprisonment in 2000, and the 2002 Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa, overcrowding in prison has been made the central point.

Antiquated criminal procedure law, case mismanagement and slow judicial processes may create inefficiencies in the criminal justice system that result in poor case flow management and an overreliance on imprisonment at both remand and sentencing stages, which, in turn, may contribute to prison overcrowding (Murdoch and Griffiths, 2009: 21). Similarly, distance is often a factor in the delay in hearing cases, as courts may not be available in remote locations and there may be few provisions for transporting prisoners to court. In 1994, the Tanzanian Law Reform Commission identified slow delivery of justice as the main reason for prison overcrowding in Tanzania. Factors that lead to slow delivery of justice include tight processing of appeals from convicted prisoners, stringent bail conditions, a limited number of courts, unqualified judges in lower courts, and slow criminal investigation and proceedings (Tanzania Law Reform Commission, 1994).

At the second Pan-African conference on Accelerating Prison and Penal reform in Africa held in Ouagadougou, Burkina Faso in 2002, factors identified as causes for overcrowding in African prisons were the following: poor lines of communication between the criminal justice agencies and weak co-ordination and co-operation at the local and policy levels; poor knowledge of the laws; poor functioning of judicial

systems; the slow process of criminal procedures; lack of awareness of legal aid; insufficient budget in the justice system; hostile court environment; lack of interest and commitment by criminal justice administrations and staff; and overloaded case roll, and bad governance and corruption in the system (PRI, 2008).

From a different perspective, the overcrowding in many developing countries' prisons has been linked to the poor conditions of prison structure. In many countries, prison facilities are antiquated and in need of replacement or updating. In many post-conflict and transitional societies, 'the prison system has often been destroyed or severely damaged' (Murdoch and Griffiths, 2009:15). In most colonised countries, prisons were built by the colonial administrators and have received little attention in terms of maintenance since they were taken over from colonial rulers (Agozino, 2005; Albrecht, 2010; Bernuall, 2003 and 2007; Murdoch and Griffiths, 2009; Pete, 2009; Sarkin, 2009).

Vulnerable members of society may contribute to prison overcrowding. The poor, the homeless, people with mental health problems and socially excluded members of society may be at higher risk of being imprisoned even in cases involving minor offences, due to their vulnerability. These vulnerable groups are also likely to be held longer in prison (Lappi-Seppala, 2010; Murdoch and Griffiths, 2009; UN, 2010). In many systems, 'poor persons do not have access to adequate legal counsel or paralegal assistance that would assist them in remaining in the community until the hearing or trial date' or to appeal for an alternative to imprisonment upon conviction (Murdoch and Griffiths, 2009:16; see also PRI, 2008 and UN, 2010). Those unable to pay fines may spend a significant period of time in prison in lieu of fines (Aduba and Alemika, 2009). In some countries, prisons have become the only facilities available for persons with mental health problems (UN, 2010:10). In Ireland, prisoners serving sentences of six months or less are 'mostly poor and often homeless', (Archdiocese of Dublin, 2008, cited in Murdoch and Griffiths, 2009:16). This means that vulnerable defendants are remanded in prison not necessarily because of the seriousness of their crimes or the danger they pose but simply due to their vulnerability.

Public pressure on government may contribute to prison population growth. This comes mainly in two ways, either public pressure on the state to imprison offenders for longer periods of time or public resistance to prison reform programmes even when other stakeholders are unwilling to reform the system (Murdoch and Griffiths, 2009). Punitive public attitudes may influence prison populations remotely.



When the public become less tolerant of crime and more punitive toward criminals, the politicians as well as sentencing authorities may have no choice other than to adopt tougher penalties for criminals which may include imprisonment (Tonry, 2004). Sarkin (2008:2) argues that ‘the pressure citizens exert on states to penalise offenders is part of the reason why prisons remain the primary instruments of punishment.’ In 2005, Mexico’s legislators were persuaded by public pressure to extend the list of crimes for which an accused can be remanded and increase the number of offences for which imprisonment could be imposed (PRI, 2006:5). The argument primarily rests on public safety and security, and thus in societies or countries that are identified with high rates of crime, and inter-tribal and religious conflicts, public pressure may have an impact on prison populations (Coyle, 2002a; PRI, 2006; UNODC, 2006).

In short, many attitudes, decisions and policies at different levels of decision making within and outside a country’s criminal justice system, as well as the political context of the period, determine prison population and conditions (Snacken and Bayens, 1994). Some countries have experienced a rapid increase in the size of their prison populations as a result of a rise in crime rates that has a positive correlation with inequality, inadequate responses to poverty and social marginalization and illegal migrants (UN, 2010).

Given the above literature, it can be argued that prison overcrowding is the result of very complex interactions between a variety of factors (Snacken and Bayens, 1994) and the ‘specific contributors to situations of overcrowding in prison will vary across jurisdictions’ (Murdoch and Griffiths, 2009:12). Thus, one may argue that prison overcrowding is unlikely to be caused by a single factor, but by a numbers of combined issues.

### **Consequences of Prison Overcrowding on Staff and Inmates**

Prison overcrowding remains one of the ‘major sources of administrative problems’ (Haney, 2006:270) and has a number of negative consequences (Ruback and Carr, 1984; Tertsakian, 2014; Thornberry and Call, 1983).

The consequences of overcrowding in prison tend to be accompanied by a host of other major problems in prison which include: ‘restricted living space, poorer conditions of hygiene, poorer sanitation arrangements and less time for outdoor exercise’ (Walmsley, 2003:72). In addition, prisoners’ food may be less satisfactory in terms of quality and quantity, and the bedding and clothing for prisoners may be

insufficient. Effective and adequate health care services may also become more difficult to administer (Murdoch and Griffiths, 2009; Walmsley, 2003).

Overcrowding allows diseases to spread rapidly in prison (Tertsakian, 2014). Between 1994 and 1999, the death of thousands of prisoners in Rwandan prisons was caused directly by overcrowding (ibid.). Extreme overcrowding in Rwandan prisons 'posed particular challenges. While the prison administration, dramatically under-resourced and overwhelmed, played at best a passive role, the prisoners embraced these challenges with extraordinary efficiency [struggle for survival]. There was no time to waste: it was a matter of life and death' (Tertsakian, 2014:5). Overcrowding disrupts prisoners' sleeping hours. Overcrowding makes it 'almost impossible [for prisoners] to sleep, not only because of the lack of physical space but because of the constant noise of thousands of people crammed into each prison' (ibid.).

Moreover, studies have shown that there is a significant relationship between levels of overcrowding in a prison and inmate-to-inmate and inmate-to-staff violence (Ingraham, and Wellford, 1987; Vanderzyl, 1992). Ingraham and Wellford (1987:26) found that 'overcrowding contributes to violence in prison mainly by providing numerous opportunities for hostilities to break out into open violence'. Overcrowding in prison sets the stage for gangs among inmates (Goyer, 2011). This may generate more tension, with an increased risk of self-harm and suicide as well as more violence among prisoners and more violence directed against staff (Walmsley, 2003; Boin and Rattray, 2004; Murdoch and Griffiths, 2009). Often, prison gangs are formed along lines of race, age, length of sentence, tribe, and religious, political and regional affiliations, as well as the number of sentences served (Gaes, *et al.*, 2002; Wood and Adler, 2001; Wood, 2006). The most common activities of prison gangs are intimidation, drug trafficking, assault, abuse of weaker prisoners, extortion, protection, contraband weapons, theft, strong-arm robbery, organising prison riots and escape, rackets, robbery, prostitution, rape, sodomy for sale, murder, bribery, arson, slavery and explosives (Camp and Camp, 1985, cited in Wood, 2006: 609). The consequences of these are 'that some groups of prisoners have more control over events in the prison than do staff and that order in the prison may not be maintained' (Wood, 2006:605).

Again, overcrowding in prison sometimes 'sets the stage for an inmates' uprising' (Conklin, 1986:372). Frequent escapes, jailbreaks and riots, and inmates seeking to escape from custody, are all associated with overcrowding in prison (Alston, 2006; Boin and Rattray, 2004; Conkling, 1986). Haney (2006:237) provides a

summary of the impact an overcrowded prison may have upon its inmates. He notes that an inmate in an overcrowded prison:

would interact with more unfamiliar people, live in extremely close quarters that afford little or no privacy or respite, and their basic needs are less likely to be addressed or met. That is, overcrowding operates at an individual level to worsen the experience of imprisonment by literally changing the social context or situation to which prisoners must adapt on a daily basis.

Staff shortages resulting from prison overcrowding create obvious security and safety risks in prison (Coyle, 2002b). When there is population growth in prison, the ‘ratio of staff to prisoners invariably falls’ (Walmsley, 2003:73). A drop in staff-to-prisoner ratio may lead to reduction in the ‘effective supervision by the staff and less time for them to organize activities to ensure the existence of a positive regime that maximizes the chances of former prisoners being successfully reintegrated into the community’ (Walmsley, 2003:73). This means that reduction in staff in a prison may adversely affect the regime activities including pre-release training (Coyle, 2002b; Goyer, 2011). Furthermore, the increase in prison population and the resulting issues of increased tension and control problems are likely to have harmful effects on staff in terms of increasing their stress levels, sickness and absenteeism (Boin and Rattray, 2004; Walmsley, 2003). Staff violence towards prisoners could be one of the consequences of prison overcrowding. Often, the stress caused by overcrowding leads to anger, which in turn might increase staff aggression directed at the prison inmates (AI, 2008a; Boin and Rattray, 2004).

Moreover, in an underfunded justice system, prison overcrowding, to some staff, may encourage corrupt practices and unacceptable prison practices. It has been found that staff members who are not paid adequately or on time are also more likely to engage in petty extortion (AI, 2008a). Studies have shown that overcrowding in prison encourages staff corruption and abuse of prisoners, including extortion, as prisoners attempt to obtain food, clothing, and accommodation (Chukwuemeka, 2010; Murdoch and Griffiths, 2009). This means some staff in an underpaid prison systems are likely to take the advantage of the overcrowded conditions in prison to supplement their limited wages with bribes in return for inmates’ access to provision of basic needs and privileges.

Additionally, overcrowding overstretchers prison structures. This means that prisoners' classification will be difficult and inmates' living conditions may be appalling, particularly as regards food and water supply, sanitation and health care services, supplies, and contact with the outside world (Alabi and Alabi, 2011; Chukwuemeka, 2010; Murdoch and Griffiths, 2009). Overcrowding not only overstretchers structures but also limits space in prison (Murdoch and Griffiths, 2009). Juveniles confined in facilities with adults, and females mixed up with males, both increase the risk of sexual assault and exploitation (Egelund, 2014; Sloth-Nielson, 2008). The limited structures in prison also affect the working conditions of prison staff. Prison staff will be compelled to work in sordid, dangerous and unhealthy conditions that are demoralizing and upsetting for the management (Mc Conville and Williams, 1987).

### **Responding to Prison Overcrowding**

In the preceding section, it was observed that overcrowding in prison causes enormous challenges, not only in the administration of the criminal justice system but also to prisoners and prison staff. In this section, prison staff and inmates' reactions and adaptations strategies, as well as the response of institutional mechanisms in the event of prison overcrowding in general, will be examined.

Generally, addressing prison overcrowding can take many forms, but these forms are largely determined by interconnected factors such as the circumstances under which the overcrowding occurs, the country's penal ideology, available resources, and public or political pressure (Mullen, 1987; Lewis, 2004). Strategies and policies to address prison overcrowding have been developed across the world, yet overcrowding in many prison systems persists (Albrecht, 2010; Murdoch and Griffiths, 2009; UN, 2010). Commenting on institutional responses to difficult situations, Mullen (1987:80) argues that 'crisis remedies often do well in addressing the effect of a problem, but typically do little to attack its underlying causes'.

### **Forms of Institutional Mechanisms Engaged in Responding to Overcrowding**

Responding to prison overcrowding is basically enacted in two ways: (a) reduction of prison admissions through front-door or front-end solutions, and (b) the back-door or back-end solutions that attempt to reduce the prison population through releases. The two solutions are based on the fact that the number of people in prison is determined

by the number of people sentenced to imprisonment and remanded in custody, as well as the average length of sentences imposed and early release policies (Cavadino and Dignan, 2003; Freeman, 1999; Kuhn, 1999; Murdoch and Griffiths, 2009; Walmsley, 2003).

Front-door solutions to prison overcrowding involve adopting every measure that would regulate and reduce prison admissions. Measures include decriminalisation and controlling sentencing policies such as reduction in the use of mandatory minimum imprisonment terms, the use of fines, compensation and probation, reduction in the use of remands in custody, and an increase in the use of non-custodial measures (Lewis, 2004; Murdoch and Griffiths, 2009). Between 1908 and 1918, the average daily population (ADP) of prisoners in England and Wales fell by 42 per cent (from 22,029 in 1908 to 9,196 in 1918). The main reason for the drop in the prison population was due to promotion of non-custodial policies such as probation, the abolition of imprisonment for debt and allowing time for fines to be paid by offenders (Scott 2008). Similarly, in 1969, the prison population in Finland was reduced by almost one third when public drunkenness was decriminalised (Lappi-Seppala, 2010). In the late 1980s, Switzerland had one of the lowest prison populations in Europe because 92 per cent of all custodial sentences, including those for people convicted of relatively serious offences, were shorter than six months (Kuhn, 1994; Sattar and Killias, 2005). Between 2000 and 2003, the Russian prison population dropped by 16 per cent, from 722 imprisonments per 100,000 people in 2000 to 607 in 2003, due to changes in rules for arrest and pre-trial detention (WODC, 2006).

The above examples support a number of conclusions as to how prison numbers can be reduced. However, the implementation of such front-end strategies largely rests largely in the hands of government officials, and to some extent, the judiciary, thereby ignoring prison administrators who are in contact with prisoners on a daily basis (Coyle, 2002b). Additionally, some of the front-door solutions are medium-term strategies and do not provide emergency 'safety valves' in already overcrowded prisons (Cavadino and Dignan, 2002). However, a study found that in most countries 'non-custodial measures were introduced to replace short-term or medium-term imprisonment but recent prison overcrowding is mostly due to increase in longer prison terms and remand custody' (Snacken and Bayens, 1994:87). Another danger associated with the use of non-custodial sanctions is that the strategies allow 'net widening and mesh thinning' (Cohen, 1985, cited in Bottoms *et al.*, 2004:3). This

means that a greater use of community sentences could, in turn, bring greater numbers of less serious offenders into the penal net than might otherwise have been the case (Bottoms *et al.*, 2004). The application as well as monitoring of non-custodial sanctions may be hampered by lack of adequate infrastructure (Bottom *et al.*, 2004). Other challenges associated with front-door solutions to solving prison overcrowding are public interest and pressure. Decriminalisation, for example, depends largely on the political context, and the amount of public interest and pressure (Snacken and Bayens, 1994).

On the other hand, back-door solutions are mainly concerned with prison early release programmes and services such as early release, parole, jail delivery, reviewing bail conditions and dropping charges for remand prisoners, fast-track courts, weekend imprisonment, half-way-homes, transferring prisoners to another prison, home detention curfew (HDC) or electronic monitoring, custodial time limits (CTL) and sentence commutations and amnesties (Gottfredson, 1987; Lewis, 2004; Nellis, 2004). Back-door approaches are ‘relatively effective safety valves and serve as a way of dealing with deficiencies elsewhere in the criminal justice system’ (Cavadino and Dignan, 2002:279). Unlike front-door solutions, back-end strategies are a prison system’s administrative mechanisms to release prisoners before the end of their sentences. This approach ‘operates independently of the courts’ decisions on sentence, and bypasses judicial discretion’ (Cavadino and Dignan, 2003:262). This means that prison authorities who are in daily contact with prisoners administer the programmes but they need to be instigated by government. Back-door strategies tend to regulate and reduce the prison population, shorten sentences and accelerate release (Gottfredson, 1987).

Implementations of some back-door strategies seem to be expensive but provide short-term and medium-terms results. Fast-track courts and special court sessions in prison speed up criminal proceedings and address systems constrained by a lack of transport. The establishment of fast-track courts or ‘Jail Adalat’ in Indian prisons resulted in nearly eight thousand petty cases being disposed of within two years of inception, which in turn affected the Indian prison population (Bharadwaj, 2009; Sreekumar, 2000). The German criminal procedural law prescribes six months as the maximum custodial time limit for pre-trial remand in prison, unless there is a compelling reason for not completing the criminal trial before the end of the six-month period (Albrecht, 2010:99). Case reviews can take two forms: a prison sentence to

being commuted to a lesser term, or granting a pardon resulting in unconditional release from prison. However, in many jurisdictions, the power to grant special pardons or commute sentences is at the discretion of the executive arms of a state (Agomoh *et al.*, 2008). Jail delivery, unlike the case reviews, is a strategy in which judges are empowered ‘to go to specific prisons for the purpose of investigation, trying and then determining all outstanding charges’ (Agomoh *et al.*, 2008:6).

In August 2006, the Italian government released nearly one third of the nation’s prison inmates following the passage of national legislation on collective clemency aimed at relieving prison overcrowding (Buonanno and Raphael, 2011). Between August and September 2006, the Italian prison population declined by 21,863 individuals, equivalent to a 36 per cent decrease, with a corresponding decrease in the national incarceration rate from 103 to 66 inmates per 100,000 (Buonanno and Raphael, 2011:10). However, the Italian collective clemency releases only sentenced prisoners with three years or less remaining on their sentence, and thus remand prisoners are excluded. In addition, inmates convicted of offences involving organized crime, felony and sex offenders, and those convicted of terrorism, kidnapping, or exploitation of prostitution are ineligible for Italian collective clemency (Drago *et al.*, 2009). This illustrates that amnesties in prison are selective, as they may not be applicable to all categories of prisoners (Agomoh *et al.*, 2008). Another challenge associated with amnesty in prison is that it does not alter sentencing policy, and thus it provides only temporary or short-term solutions to overcrowding, and the pardoned inmates are not subject to any form of post-release supervision (Buonanno and Raphael, 2011).

Another form of amnesty is by shortening prisoners’ sentence terms by awarding administrative good time (Freeman, 1999). In some jurisdictions, awarding administrative good time rest with the prison authorities, which means, the approach is at the discretion of the prison administration (Freeman, 1999). Many states in USA, for example, have adopted some form of administrative emergency release provisions. Under this provision, if the capacity of a prison is exceeded for a specified period of time, the prison authorities will declare an emergency, such that the term of confinement will be shortened for some classes of prisoners (Freeman, 1999; Gottfredson, 1986). The state of Michigan Public Act 519 of 1980, for example, provides for a 90-day reduction of a minimum sentence term for those who have them, resulting in earlier parole consideration. If the prison population is not reduced

sufficiently, to 95 per cent of capacity, as a result then another 95-days reduction of minimum term will be granted (Freeman, 1999; Gottfredson, 1986). Similarly, in Illinois, the Commissioner of Corrections is empowered to reduce the prison population when it exceeds capacity by awarding emergency administrative good time - reducing terms for certain categories of inmates with mandatory releases dates and good disciplinary records for six months (Freeman, 1999; Harris, 1987). The good time system allows prison managers to release groups of inmates if they meet the set criteria (Freeman, 1999). However, the good time system provides only a short-term solution to prison overcrowding, is subject to bias (Freeman 1999; Gottfredson, 1986), and can create 'public perception that criminals are evading punishment' (Freeman, 1999:113).

Another back-end approach used by prison authorities has been to draw the attention of other stakeholders in the criminal justice system, including the public, to the situation in a prison. It could be done through the media or by organising an event in the prison. The government, philanthropists, charity organizations, religious bodies and willing individuals are often mobilized to support prisoners by paying fines for people imprisoned for default of fine, and supplementing prisoners' basic needs such as food, water, clothes and medicine (AI, 2008a; Sale, 2011).

Major criticisms of back-door approaches to solving prison overcrowding are that the programmes and projects are conducted without observing correct judicial process rules (Cavadino and Dignan, 2003). Arguably, back-end strategies demonstrate the inadequacy of the criminal justice system (Cavadino and Dignan, 2003). In the case of fast-track courts, Bharadwaj (2009:15) observed that, the strategy is a 'short cuts mechanism - that also dilutes the due process rights'. In Liberia, it was observed that the type of cases handled by fast-track courts was mainly petty or minor offences (UN, 2006). Transferring prisoners from one prison to another seems to be challenging as it may disrupt prisoners' regime activities. Many of the back-door programmes are not automatic, but rather conditional or a privilege, and are restricted to a particular category of prisoner dependent on the scheme. Remission of sentence terms and parole schemes, for example, is only applied to sentenced prisoners. In some jurisdictions, remission of sentence term for a particular category of prisoners is automatic and unconditional, while parole and HDC programmes are conditional - prisoners released on parole or HDC are subject to recall for non-compliance (Cavadino and Dignan, 2002; Nellis, 2004). In addition to the question of legitimacy, the back-door strategies



largely require supervision personnel and officers, probation services and advanced technology, which means additional costs (Nellis, 2004). Another criticism of back-door strategies is associated with the conduct of risk assessment. Prisoners could be wrongly assessed, and prisoners under many of the back-doors strategies such as electronic monitoring and HDC are readily branded as 'soft' prisoners (Nellis 2004:239). Also, early release programmes 'let prisoners off with a lesser punishment than the law and order mentality deems to be appropriate' (Cavadino and Dignan, 2002:262). However, early release schemes are largely at the discretion of prison governors and are not open to public scrutiny (Cavadino and Dignan, 2002; Gottfredson, 1987). Thus, back-end solutions to prison overcrowding may not be free from bias as the strategies have a tendency towards discrimination, abuse, and corrupt practices (Freeman, 1999).

One other solution to prison overcrowding is simply to expand prison capacity through the constructing of new facilities or the improvement of the existing ones (Snacken and Bayens, 1994). Between 1979 and 1985, in England and Wales the government responded to prison overcrowding by opening 28 new prisons and erecting new quick-assembly house blocks known as 'Ready-To-Use units' within the perimeter walls of existing prisons. Also, former military bases and holiday camps were converted for prison use (Flynn, 2002). In the 1990s, in response to a rise in the prison population, France built 13,000 cells over two years (Snacken and Bayens, 1994). Advocates of constructing new facilities claim that prison places must keep up with the number of offenders sentenced by the courts, and without enough prison cells dangerous criminals could be released onto the streets (Snacken and Bayens, 1994).

A contrasting viewpoint is that building new prisons is a huge cost to the state (Cavadino and Dignan, 2002; Conkling, 1986; Gottfredson, 1986). The construction of new prisons, or erection of new structures in in existing prisons, is largely associated with a country's economic resources. Lappi-Seppala (2010) found conflicting results on the correlation between expansions or building new prisons and overcrowding for wealthy and developing or poor countries. According to Lappi-Seppala (2010:52), 'to poorer nations with Gross Domestic Product below US \$15,000, more money means more prisoners while to developed countries, more money, [means] fewer prisoners - with the exception of the US'. Also, it was observed that prison capacity does influence prison population, based on the premise that the more new facilities are built, the more the prison population increases (Lappi-Seppala, 2010). When a new prison is

built, it 'would be filled to capacity in short order as long as judges send more people to prison and parole boards keep inmates behind bars longer' (Conklin, 1986:372). The US National Institute of Corrections (1981:14) found strong evidence that suggests 'prison populations are driven by the capacity and that criminal justice agencies will generally fill, and overfill, a state's facilities'. Rector (1977, cited in Zimring and Hawkins, 1977:17) contended that 'judges who had in the past been reluctant to sentence offenders to imprisonment because of bad conditions (perhaps due to overcrowding) in the prison would send throngs of inmates to any new ones that were constructed'. The expansion of prison structures is legitimised by 'prediction, forecasting a continued upward trend in prison population' (Snacken and Bayens, 1994:92). Albrecht (2010:110) found that prison construction programmes can ease prison overcrowding but, in addition to the financial burden to the state, expansion of prison capacity 'may in fact worsen the problem of overcrowding in the long run and furthermore reinforce a policy of reliance on imprisonment and the deprivation of liberty'. This means that an increase in a prison system's capacity per se may not automatically address the root cause of prison overcrowding (Kuhn, 1994; Riveland, 1999).

In most countries' prison system, some or all aspects of prison activities are contracted out to the private sector as one of the solutions to prison overcrowding (Goyer, 2011; Logan, 1990; Shichor 1998). A privatisation strategy largely depends on the country's economic position and the penal ideology it holds (Goyer, 2011). Privatisation in prisons can take different forms. Auxiliary services such as catering, escort duties and regime activities are contracted out to the private sector or to private contractors who design and build prison facilities for public use (Cavadino and Dignan, 2002). Also, it may involve contracting out the prison's managerial responsibilities including the security and control over inmates (Cavadino and Dignan, 2002; Logan, 1990). However, privatising a prison in any way, due to the monetary gains attached, is likely to encourage more admissions rather than releases (Mullen, 1987; Riveland, 1999).

Moreover, contracting out prison management contains 'many grim examples of corruption, profiteering and abuse of prisoners' (Logan, 1990:216). In 2011, two judges and a prison contractor in the US were sentenced to various imprisonment terms in relation to corruption charges. The convicted judges were found to be sending more juveniles brought before their courts, including those charged for minor offences,

to a private prison to increase the number of inmates in the detention facilities after being bribed by the owner of the private prison (Frank, 2009; Urbina, 2009). Prison contractors ‘do not always operate according to the highest standards’ (Shichor 1998: 85), based on the understanding that some of the contractors are retired members of prison staff or have held key positions in the administration of prisons (Shichor, 1998). Goyer (2011:22) contends that the awarding of government contracts in general ‘carries with it the risk of kickbacks and political favours. [And]..., the private prison companies have vested financial interest in covering up misconduct and would therefore be more prone to bribery and other dishonest practices’. Even though prison authorities have little or no control over how many people are to be held or released, prison contractors are paid based on the services rendered and the number of prisoners (Schonteich, 1999; Goyer, 2011). Hired monitoring agencies are expensive (Shichor, 1998) while government monitors are susceptible to co-optation (Ryan and Ward, 1989). Many systems across the world have demonstrated the benefits associated with privatisation in prison (Goyer, 2011; Logan, 1990; Schonteich, 1999), but responding to prison overcrowding through privatisation may create additional management costs, and encourage corrupt practices in the administration of criminal justice, as well as attracting more profit-making investments in prison (Riveland, 1999).

Of the two main approaches to solving prison overcrowding examined above, only the front-door strategies seem to offer a viable solution to prison overcrowding. Front-door solutions are not only sustainable and able to prevent people entering prisons, but also can reduce the length of time prisoners spend in prison on remand or sentence. Front-end solutions to prison overcrowding seem to be viable because the prison system is ‘only the recipient of prisoners sent to it by other components of the system’ (Carraza, 2001:17). Moreover, most front-door strategies are cost-effective (Freeman, 1999). The strategies do not require massive physical plant and large numbers of staff, and thus the inmate per-day cost of front-end diversion alternatives will be less than the inmate per-day cost of incarceration (Freeman, 1999:110). Above all, front-end diversion strategies tend to reduce prison overcrowding on the premise that the ‘fewer the number of inmates held in a prison, the lower the number of inmates who have to maintain and reduce the expensive wear and tear on the prison infrastructure’ (Freeman, 1999:111). This implies that the fewer the inmates the longer the life span for the prison infrastructure, translating into a lower overall cost of imprisonment. In essence, front-door diversion strategies are based on the premise that

the greater the number of offenders who are not imprisoned, the greater the reduction in prison numbers as well as prison-related expenditure (Freeman, 1999:110). In the next section, the literature on how prisoners respond to, and coped in, an overcrowded prison will be explored.

### **Prisoner's Adaptation Tactics**

People respond to difficulties in a variety of ways. Differences in circumstances within which the difficulty was encountered also influence individuals' response patterns (Williams, 1991). The way individuals cope with difficulties can vary from one day to the next, with some strategies having effects that are limited to one day, while others persist across days or even shift direction from one day to the next (DeLogis and Holtzman, 2005). Often, the response comes as a survival strategy - either to avert or adapt to a particular situation. Crawley and Sparks (2006) describe survival as a 'progressing from the event and its aftermath, and transforming the experience' (Hodgkinson and Stewart, 1991, cited in Crawley and Sparks, 2006: 68), and survival is 'not just the difference between living and dying, but has to do with quality of life' (Crawley and Sparks, 2006: 68). This section examines prison inmates' responses and coping strategies in the event of overcrowding.

Coping refers to 'those personal contextual, and /or social strategies which people use in dealing with situations perceived as causing stress or psychological distress' (Mohiro *et al.*, 2004: 41). Coping implies a flexible use of cognitive, social and behavioural skills in managing situations that are perceived to be ambiguous or stressful (Mohiro *et al.*, 2004; Weiten *et al.*, 2011). Thus coping includes the 'traits, skills or means both human and material that can be used to meet the demands of a situation' (Mohiro *et al.*, 2004: 42). An individual has two options when coping with stressful conditions - problem-focussed coping tactics and emotional-centred coping tactics (Folkman and Lazarus, 1980). Problem-focussed coping is when an individual 'acts directly on the situation in order to eliminate or reduce the demands of the situation or to increase one's resources for managing them' (Mohiro *et al.*, 2004:43). In this approach, an individual makes use of problem-solving strategies such as decision-making, time management, information sharing and goal setting (Biggam *et al.*, 1997) to alter the stressful conditions between the individual and the prison (Mohiro *et al.*, 2004).

Emotional-focussed coping implies that individuals cope with the situation by controlling or regulating the emotion generated from the stress. This is achieved by ‘avoiding the stressor, reappraising it cognitively, and/or attending to positive aspects of oneself and the situation’ (Mohiro *et al.*, 2004:43). It involves the use of minimizing, looking on the bright side of things, humour, talking to caring people and making an effort to escape (Biggam *et al.*, 1997). These two coping strategies can both be applied at the same time to a single stressful condition. However, problem-focussed coping strategies may be more effective when a prisoner believes the stress can be modified whereas emotional-focussed tactics are used in difficult or impossible-to-change situations (Mohiro *et al.*, 2004).

Although prisoners use multiple approaches in dealing with stress (Folkman and Lazarus, 1980), Mohiro *et al.*, (2004) acknowledged some differences in the use of the tactics in terms of prisoners’ age, length of time spent in prison and previous prison experience. Young prisoners tend to make use of avoidance more than problem-solving tactics (Mohiro *et al.*, 2004). Prisoners who have spent longer time in prison tend to use avoidance tactics more than those prisoners in their early days or months of imprisonment. Also, recidivists that are accustomed to prison make use of avoidance tactics more than first-time prisoners (Mohiro *et al.*, 2004). Picken (2012:3) added that the quality of programmes and opportunities offered to inmates in prison determines the level of adaptation. Inmates who are inactive or underutilized cope less effectively with a crowded environment (Picken, 2012). Another factor that affects prisoners’ adjustment to imprisonment and extreme conditions in prison is frequent visits from prisoners’ families and friends (UN, 2013). Cobean and Power (1978) found a link between frequent visits from prisoners’ family and friends and positive prison adjustment.

Goffman identified the primary mode of adaptation that inmates employ at different phases of their life in total institutions (Goffman, 1962, cited in Cohen and Taylor, 1972:132):

- a. Situational withdrawal: this is a tactic in which the inmate withdraws from all prison affairs but with immediate bodily involvement;
- b. The intransigent line: this is a tactic in which the prisoner intentionally challenges the institution by flagrantly refusing to cooperate with staff;

- c. Colonization: the sample of the outside world provided by the prison is taken by the inmate as the whole, and a relatively stable contented existence is taken up out of the maximum satisfaction procurable within the institution;
- d. Conversion: this is a tactic in which the inmate appears to take over the staff view of himself and tries to act out the role of the perfect inmate.

The only active resistance among the identified adaptation tactics is the intransigent line which involves a refusal to cooperate. However, Cohen and Taylor (1972:132) believe this 'is typically a temporary and initial phase of reaction, with the inmate shifting to situational withdrawal or some other line of adaptation'. Goffman's adaptation tactics suggest that 'inmates tend to adapt rather than actively resist' to conditions in prison (Cohen and Taylor, 1972:132). This is because inmates are fundamentally passive members of the institution and thus their resistance will be primarily about the nature of identity that the institution is trying to impose on them (Cohen and Taylor, 1972). Goffman's adaptation strategies tend to interpret inmates' experience in total institutions with little or no consideration for the system that contains them (Weinstein, 1982). In his thesis, Goffman does not seem to recognise the fact that most prisoners are adapting to prison conditions partly because they have lost some of their rights and they are powerless - with no control over the prison decisions (Weinstein, 1982; Van Zyl Smit, 2010). Goffman's analogy of mental hospital to prison, concentration camp, and monasteries 'seems to be overdrawn and spurious as the concept of total institution cannot fit a generic organizational type' (Levinson and Gallagher, 1964:18-23).

Generally, prison inmates devise means of adjusting to overcrowding conditions that often do not conform to institutional orders (Bronson, 2006; Fleisher, 2006). In a study of long-term imprisonment experience at one of the UK's prisons, Cohen and Taylor (1972:134-146) identify five types of resistance tactics which inmates displayed:

1. Self-protection: this tactic involves habitual attempts to make life more bearable in the prison through ingenious devices, in order to get more and better food, varying the daily routine, improving one's cell and building up some privacy;
2. Campaigning and petition: this mode of fighting back involves formalization such as moaning, niggling, complaining and making a nuisance of oneself.

Also, inmates leaks stories to the outside world such as the press, legal bodies and government offices through organising petitions and by writings letters;

3. Escaping: this resistance tactic may require some forms of cooperation with others. The collaboration may be active or passive, and the latter may involve keeping quiet about the escape preparation;
4. Striking: this involves a refusal to comply with institutional orders, such as a hunger strike. It could be individual or collective resistance;
5. Confrontation: this involves direct confrontation with the staff, prison authorities or both. The approach could be individual or collective.

The first two modes of resistance are personal, and in general these tactics are styles of inmates' resistance in the extreme situation of confinement. Cohen and Taylor (1972:134) added that the 'identified inmates' resistance tactics are not mutually exclusive. Different tactics may be adapted by the same prisoner at different times, and neither are they clearly linked to a particular period of the prisoner's sentence'. Also, when inmates choose to adapt to a prison situation, they 'tend to do so as a way of overcoming certain prison problems rather than as a method for dealing with the general problem of survival' (Cohen and Taylor 1972:132).

The five forms of prisoners' reaction identified by Cohen and Taylor (1972) suggest that prisoners exposed to extreme conditions such as overcrowding tend to resist rather than adapt to the situation. However, Goffman's mode of adaptation advises that when prisoners are exposed to extreme conditions, they tend to adapt rather than resist the situation. In Rwandan prisons following the genocide in 1994, one study found that prisoners are reacting to overcrowding in a multiple ways, which is 'a combination of brutal selfishness and unexpected generosity, rivalry, creativity, resilience, patience and despair' (Tertsakian, 2014:5).

Other studies have found that prisoners' struggles for resources and space in prison are associated with prison overcrowding. Limited resources and space in prison creates 'an atmosphere which impedes adaptation to prison life' (McNulty and Huey, 2005, cited in Picken, 2012:3). However, adapting to prison conditions rests on 'the quality of prison life [which in turn] depends more on management than any other variable' (DiIulio, 1990:6). Nevertheless, many of the prisoners' adaptation tactics have the capacity of creating interpersonal and institutional instability (Haney, 2006). Instability in prison means that staff members have to either devise new ways of dealing with the situation or forgo some of the prison's daily activities (Haney, 2006).

### **Prison Staff Adaptation Strategies**

On a day-to-day basis, what makes prison life either ‘tolerable or unbearable for prisoners are their relationships with staff’ (Coyle 2002b:76). It has been argued that ‘the way prisoners are treated and the conditions under which they live are largely determined by staff, by what they call ‘their skill, attitudes and behaviours’ (Jefferson 2005:493). Highlighting the importance of prison staff in prisoners’ life in prison, Van Zyl Smit (2010:504) notes:

In the process of imprisonment the prison authorities exercise direct and enormous power over those who are imprisoned. This power shapes the conditions under which prisoners are held. These conditions not only determine the quality of prisoners’ lives but also may literally be a matter of life or death for them.

This implies that prison officers not only influence ways in which prisoners react to stressful conditions but also have ways of dealing with prisoners under stressful situations such as overcrowding.

Recently there has been an increase in occupational stress studies but very little attention has been paid to prison staff coping tactics particularly in an overcrowded prison (Martin *et al.*, 2012). Generally, prison officers as a professional group are exposed to unique and powerful stressors (Coyle, 2002b; Martin *et al.*, 2012; Regan, 2009). Often, overcrowding in prison is one of the factors that exacerbates prison staff members’ stress, which in turn makes staff members react to the situation in more complex negative ways: trying to cope with prisoners’ resistance tactics while at the same time maintaining institutional standards.

Prison staff members in an overcrowded prison tend to adopt one of the three prison management approaches: the social control, consensus and responsible models (Reisig, 1998). The social control model is a prison management style ‘characterised by bureaucratic command-control regimes, formal modes of address between co-workers (such as ‘sir or boss’), strict punishment for rule violation and restrictions in all inmate activities’ (Martin *et al.*, 2012:91). The social control system of prison management instils trust among officers and inmates (Dilulio, 1990; Martin *et al.*, 2012), but tends to be harsh toward prisoners and can lead to officer-to-inmate abuse (Dawes, 1993; Reisig, 1998). The responsibility model is based on informality between supervisors, officers and inmates. Informal modes of address and self-



governance for inmates in some cases and affords officer the opportunities to apply judgment in enforcing prison rules (Martin *et al.*, 2012). Alternatively, the consensus model is a ‘hybrid of the control and responsibility models but lacks the fundamentals of either system (e.g., total control or shared governance). In this model, prison policies are modified to fit particular conditions of the facility or location’ (Martin *et al.*, 2013:91). In their study on the kind of management style adopted at three US overcrowded facilities, Martin *et al.*, (2012:101) found that ‘the consensus model, or rather an ambiguous system involving leniency (bending or ignoring the rules) and tight control (extended periods in lockdown), had been adopted for the sake of expediency’.

In their account of how prison staff accommodated prisoners in an overcrowded prison, Irwin and Owen (2005:101) reported as follows:

[M]ore than half of the Level II prisoners are jammed together in dorms, day rooms, and yard, where they live 24 hours a day in crowd with no privacy. Level III prisoners are housed in small double cells, which offer more privacy. However, for about fourteen hours every day, they are squeezed into an eight by twelve foot area with their ‘cellie’ whom they may or may not like to get along with, and in the presence of whom they must defecate, urinate, belch and masturbate.

This means that in the event of overcrowding, staff members tend to bend, bypass or ignore certain prison standards of operation, such as by keeping inmates in cells above their designed capacity and minimising the amount of time prisoners spend out-of-dorm activities so as to conform to the situation (Martin *et al.*, 2012; Reisig, 1998).

Several studies suggest that prison staff working under stressful conditions as a result of overcrowding engage in problem-focussed coping tactics more than emotional-focussed strategies for reducing the levels of stress (Anshel, 2000; Regan, 2009; Triplett, 1996). In order to strike a balance between the stressful situation and prison goals, prison staff engage in constant decision making, reviewing and setting goals, managing time and sharing their concerns with other stakeholders (Coyle, 2002b). Under stressful prison conditions, it was found that prison staff members who engage in problem-focussed coping approaches are more effective than those who engage in emotional-focussed coping tactics (Cooper *et al.*, 2001). Moreover, Regan (2009) found less frequent reported use of maladaptive coping strategies such as assaults, truancy, and use of drugs and alcohol among prison staff.

Another way in which staff members respond to prison overcrowding is by allowing prisoners to govern themselves (McCorkle and Korn, 1962; Morelle, 2014; Schrag, 1954; Tertsakian, 2014). In some extreme overcrowding conditions, prison staff members are compelled to enlist the help of selected prisoners, usually those ‘who have been convicted, have spent several years in prison, and are considered to possess good morality’ (Morelle, 2014:25). Prison staff appointment of leaders among prisoners is largely determined by factors related to prisoners’ maturity in their criminal career and their degree of institutional adjustment rather than social and economic background traits (McCorkle and Korn, 1962; Schrag, 1954). The degree of adjustment and maturity exhibited by inmates often breaks down some of the formal barriers between prison staff and inmates, thereby building some kind of personal and informal relationships with one other (Clemmer, 1958; McCorkle and Korn, 1962).

Prisoners’ self-governance is not uncommon in African prisons (Jefferson *et al.*, 2014). In her study on Rwandan prisons following the genocide in 1994, Tertsakian (2014) found that leadership among prisoners was well established and benefited both prisoners and prison staff. According to her ‘once the prison administration had set up a system of work for prisoners, the prisoners took that over too, organising work teams, schedules and rotas (Tertsakian, 2014:6). Prison staff members benefit from prisoners’ leadership both materially and in the consequent reduction in their workload (Morelle, 2014). Prisoners took care of everything from the ‘reception of new prisoners, the allocation of space, the distribution of food and water, to hygiene, medical care, discipline and security’ (ibid.). She added that ‘prisoners organise education, leisure, cultural and religious activities, as well as legal advice and the dissemination of information’ (Tertsakian, 2014:6). Because prisoners’ leadership was permitted, it unfortunately also allowed prisoners to organise a system of corruption, in which ‘every privilege, however small, had a price tag. Everything in prison was bought - food, water, soap, alcohol, mattresses, fabric for uniforms, fresh air, extra time with visitors - but the most important commodity was space’ (ibid.). The system for allocating spaces to prisoners was tightly regulated, with a system of tariffs. It was overseen by the *capita general* [General Captain] and implemented by the *capitas* [Block leaders] of the individual cell blocks. Although it was supposed to operate on a first-come first-served basis, in practice, wealth and favours determined who ended up where. For example, those with more money occupied spaces closer to

the doors, where air circulated more freely, while poorer prisoners often ended up on the top bunks, where it was extremely hot (Tertsakian, 2014:6).

In contrast, a number of studies have suggested that persons under stressful conditions turn to religion (Carver *et al.*, 1989; Picken, 2012). Similarly, Regan (2009) found that prison staff may engage in divine prayer or turn to religion as one of the techniques for coping with stress in prison. Religion provides emotional support or serves as a tactic for active coping with stressors. This means that religious activities such as prayer or any strong belief in a Supreme Being or God can reduce or change ones living or occupational conditions (Regan, 2009).

In summary, the chapter examined various definitions, measurements, drivers, and consequences of prison overcrowding. In addition, existing research and literature on the issue of personal space allocation to prisoner, prison staff and inmates' reactions and adaptations strategies, as well as the response of institutional mechanisms in the event of prison overcrowding were explored. In the next chapter, the arrangement and historical development of criminal justice system in Nigeria will be examined.

## **Chapter 2**

### **Criminal Justice Administration in Nigeria**

This section explores and discusses the historical development of Nigeria with the intention of providing an overview of the particular challenges faced by Nigeria's criminal justice system. The chapter begins with a brief historic discussion of Nigeria's demographic and political background. Subsequent sections critically examine Nigeria's criminal justice system.

#### **Demographic View of Nigeria**

Nigeria is a country located in the Gulf of Guinea in the western part of sub-Saharan Africa and has a land area of 924,760 square kilometres (Bankole and Surajudeen, 2008; TLC, 2008), which is equivalent to nearly three times the size of Germany (357,021 square kilometres). In 2011, Nigeria's population was estimated at 162.5 million with an annual population growth rate estimated at 2.8 per cent (World Bank, 2013). The population density is about 166 people per square kilometre, and Nigeria is thus considered the most populated nation in Africa (World Bank, 2010). Much of Nigeria's population is concentrated along the coast in the Southern region, and in the North around Kano and Kaduna (NPCN, 2008). The level of urbanization per year in Nigeria is very high: about 3.8 per cent compared to 0.5 per cent in the UK (UN, 2012), and the estimated net migration rate as at 2013 was 0.22 migrants per 1,000 population (CIA, 2013).

Nigeria's geography varies greatly, from tropical rainforest in the South to dry savannah in the North, which is flat, with only sparse vegetation. The average rainfall ranges from about 500 mm/year in the North to over 2,000 mm/year in the South (TLC, 2008; Bankole and Surajudeen, 2008). Nigeria is hilly and mountainous in the South East, along the border with Cameroon, and also in the centre where the Jos Plateau rises to up to 5,000 feet above sea level. Nigeria is bordered to the West by the Republic of Benin, to the North by the Republic of Niger, to the North East by the Republic of Chad, to the East by the Republic of Cameroon, and to the South by the Atlantic Ocean (Bankole and Surajudeen, 2008).

The most recent national census revealed that Nigeria has more than 250 ethnic groups (NPCN, 2008). Of the net Nigerian population, the Hausa/Fulani tribe constitute 29 per cent, the Yorubas represent 21 per cent, the Igbos represents 18 per

cent, while the Ijaws comprise 10 per cent. These tribes are not scattered, but rather they are concentrated in regions. The Hausa/Fulanis, for example, have traditionally dominated the North, the Yorubas the South West, the Igbos the East, and the Ijaws the Niger Delta (NPCN, 200; TLC, 2008; Thomas, 2010). Nigeria is roughly divided in half between Christians (40 per cent), who mostly live in the south and central parts of the country, and Muslims (50 per cent), concentrated mostly in the north (Pew Forum, 2011). The two dominant religions of Islam and Christianity co-exist with different forms (10 per cent) of traditional religions (Osita, 2004; Pew Forum, 2011). These divisions in culture including religion among Nigerian tribes and regions have been identified as one of the key sources of frictions, tension and violent clashes among and between religious and cultural groups in many parts of Nigeria (Lewis, 2011; ICG, 2011; Osita, 2004).

Internal security threats in Nigeria come from two principal sources: violence in the Niger Delta, and sectarian strife between Muslims and Christians. The catalyst for violence in the Niger Delta is the indigenous population's dissatisfaction with their impoverished conditions, despite the wealth generated by the area's resources, and the environmental degradation caused by energy-related development activities (Osita, 2004; Thomas, 2010). This disenchantment has spawned a number of militant groups in the Niger Delta region, notably the Movement for the Survival of Ogoni People (MOSOP) formed in 1992, the Ijaw Youth Council (IYC) (1998), the Movement for the Emancipation of the Niger Delta (MEND), and the Niger Delta People's Volunteer Force (NDVF) formed in 2003. The main goals of these groups appear to be distinct. While the MOSOP and IYC are seeking a more equitable distribution of Nigeria's oil wealth so that it benefits the local population particularly the indigenous Ijaw, Itsekiri, Efik and Ogoni tribes (ICG, 2011; Thomas, 2010), MEND and NDVF are agitating for total control of Nigeria's oil and seek reparation from the federal government of Nigeria for the pollution caused by the oil industry (Osita, 2004; Thomas, 2010).

Sectarian violence has cost the lives of more than 10,000 Nigerians since 1999 particularly in the Northern region where Muslims predominate - Islamic groups have introduced Sharia or Islamic law in 12 of the 19 northern states, causing many Christians to flee (Lewis, 2011). Similarly, in the Southern states where Christians predominate, Muslims have complained about discrimination and treatment as second-class citizens (ICG, 2011; Thomas, 2010; TLC, 2008). The emergence of the Boko Haram (literally meaning 'Western education forbidden') Islamist movement and the

unresolved tribal and religious crises in the Plateau State in Northern Nigeria are among the key internal security challenges in Nigeria (ICG, 2011; Lewis, 2011).

Nigeria's primary natural resources consist of petroleum, natural gas, tin, iron ore, coal, limestone, niobium, lead, and zinc. As of 2005, Nigeria had proven oil reserves of 36.1 billion barrels, which positioned her as the tenth largest reserve in the world (Lawal-Muhammad and Atte, 2006). Also, Nigeria's proven natural gas reserves, estimated at 182 trillion cubic feet, placed her as the seventh largest reserve in the world and the largest in Africa (Lawal-Muhammad and Atte, 2006; TLC, 2008; Thomas, 2010). Oil production and exploration in the Niger Delta began in the late 1950s; by 1974, Nigerian government participation in the oil industry had increased to 55 per cent, and as of 2010, oil sales comprise 95 per cent of Nigeria's export earnings (Lewis, 2011); this raises the 'stakes for control of the federal government and enables corruption, as oil earnings put huge patronage resources at the disposal of politicians' (Le Van and Ukata, 2011:1).

Nigeria's population is unevenly distributed and about 70 per cent of urban dwellers live in slums; and housing shortage is estimated to affect between 14 and 16 million people (UN Habitat, 2010). Also, about 46 per cent of the population has no access to safe drinking water while an estimated 47 per cent lack adequate sanitation services (World Bank, 2013). Seventy-five per cent of Nigerians use pit latrines to dispose their excreta (UNICEF, 2010). It was reported that Nigeria is a 'place within a group of countries that has one of the most unfavourable social environmental conditions in the world' (UN Habitat, 2010:8). In 2004, Nigeria adopted a housing policy (UN-Habitat, 2010), but at the present time (2014) housing in many public and private places is still poorly structured and substandard in terms of quality (Ademiluyi and Raji, 2008; UN Habitat, 2008). Urban centres in Nigeria are characterised by 'shortage of houses for the poor and for some low and middle-income earners. Both rental and owner occupied houses are affected. Homeless people have shelters on the streets, under bridges, on top of flyovers, churches, mosques, offices and parks and even in filling (gas) stations' (Ademiluyi and Raji, 2008:145).

A crude form of farming remains the predominant occupation in Nigeria (Lawal-Muhammad and Atte, 2006) and significant numbers of Nigerians continue to maintain farming as a profession not only because of the abundance of farm lands but also due to the persistent increase in the rates of unemployment, poverty, urbanization, illiteracy, corruption and resource mismanagement (Lawal-Muhammad and Atte,

2006). Despite the highlighted abundance of natural resources in Nigeria, the country is ranked 169 out of 210 economies in the World Bank's 2010 Development Ratings and considered as a 'lower middle income' nation (World Bank, 2010). In 2011, life expectancy at birth was 52 years, while the poverty level (living on less than one US dollar per day) among Nigerians remains at nearly 55 per cent. This means Nigeria's booming economy (since the late 1970s) has had no significant positive impact on its citizens (World Bank, 2013). Over the last ten years, the rate of literacy among adults has barely risen, moving from 55 per cent to 56 per cent (NBS, 2012; World Bank, 2013). In 2011, the level of unemployment in Nigeria was 23.9 per cent and the rate had not declined over the previous five years (NBS, 2012).

Above all, corruption is a significant problem in Nigeria affecting all tiers of government and the public sector (Alemika, 2009; Aluko, 2002; Nwabuzor, 2005). From 179 countries, Nigeria ranked 139 in the 2012 corruption perception index (Transparency International, 2013). In a recent survey on the level of corruption in governments and private sectors in many African countries conducted by the World Bank, it was found that about 40 per cent of firms in Nigeria that participated in the study have made informal payments to public officials in order to get things done, and nearly 25 per cent of these firms identified corruption as their major constraint (World Bank 2010). Arguably, corruption has become a permanent feature of the Nigerian polity (Aluko, 2002). Aluko, (2002:396) provides an account of corruption in Nigeria. He comments that corruption:

has become completely institutionalized, and entered into the realm of culture and the value-system; it is now a norm and no longer an aberration. The young ones are born into it, grow up in it, live with it, and possibly die in it. The aged are not left out as they are re-socialised and begin to conform to it. Succeeding generations now see it [corruption] as part and parcel of the social order and the normative system.

### **A Brief Political Overview of Nigeria**

Nigeria is a federal republic with a presidential system, and the constitution provides for a separation of powers among the three branches of government: executive, legislature and judiciary (CN, 1999). Figure 2.1 in Appendix B represents a map of Nigeria and the six different shades on the map signify its six geopolitical zones with

36 states including the Federal Capital Territory (FCT) Abuja. Nigeria emerged as a sovereign entity in phases that are summarised in three key political periods: the pre-colonial (before 1861); colonial period (1861-1960); and post-colonial (1960 to date). This section will briefly review the political history of Nigeria.

During the pre-colonial era, what is known as Nigeria today was a territory made up of a number of highly influential and diverse societies, empires and kingdoms scattered across the present day Nigeria. The Igbos and Ijaws communities lived in the Eastern region, the Benin and Oyo kingdoms in the West and mid-South regions, and the Kanem-Borno, Zaria and Gobir empires and Sokoto caliphate in the North. These pre-colonial territories were governed by monarchs, kings, queens, emirs, priests and chiefs, and their governments were based on individual cultures and traditions (Azuibuke, 2009, Onwuku, 2001; TLC, 2008). These kingdoms, emirs and empires were separate entities but related in many ways, importantly through trade and religious links that ran across the Sahara (Onwuku, 2001; TLC, 2008).

The British began colonising Nigeria in 1861 and ruled the country for a century, but they were not the first Europeans that came to Nigeria. Portuguese settlers began trading and missionary work in the coastal areas of Nigeria in the fifteenth century but they had no territorial desire so they restricted themselves to fortified trading stations (Falola, 2002; Killingray, 2003). In the sixteenth century, the British, French and the Dutch began to compete with the Portuguese and the focus shifted to the slave trade and explorations. The British colonisation of the different communities that nowadays constitute Nigeria began in 1861 from the territory of Lagos. By the 19th century, with the abolition of the slave trade, the British gained deeper access to interior territories (Bernualt, 2003; Falola, 2002; Killingray, 2003), and by the late 19th century, and in the first half of the 20th century, about 95 per cent of the territories making up the current Nigerian territory were under British rule (Falola, 2002).

For administrative convenience, after the World War II Nigeria was organised as a federal system divided into Northern, Western and Eastern regions (Lewis, 2011). The Northern and Western Protectorates were governed separately from the south under Lord Lugard's policy of 'indirect rule' (Lewis, 2011: 4). Indirect rule is a system whereby the existing traditional rulers, chiefs, emirs, priests and kings were employed by the colonial government to rule the natives on their behalf, under their guidance and supervision (Falola, 2002; Mamdani, 1996; Tamuno, 1970; TLC, 2008). The system



also maintained the status of Islamic legal and religious institutions (Lewis 2011). In the Eastern protectorate, the British colonial rulers instituted ‘warrant chiefs’ in every community, who were used to govern the protectorate (Afigbo, 1972). The British colonial rulers recognised and used the institution of Nigerian traditional rulers and warrant chiefs (known as the royal institution) to administer the colony (Lugard, 1922; Last, 2008). There are divided views on why colonial administrators applied an indirect rule policy in the colony. On one hand, some commentators have argued that the British indirect rule policy was adopted in order to silence native authorities’ resistance and for the colonizers’ economic interests (Njoku, 2005; Tamuno, 1970). On the other, it has been argued that the indirect rule system was adopted by colonial administrators in Nigeria as a means of reducing the costs of running the colonial bureaucracy (Lugard, 1922; Meek, 1969). Nevertheless, whatever the reason may be, it does suggest that the indirect rule policy allowed the colonial authorities to perpetuate their administration over the newly-created protectorates, and Nigerian traditional institutions played invaluable roles in the administration of colonial Nigeria.

In 1914, the British colonial administrators under the leadership of Governor General Lord Lugard amalgamated the Western, Southern and Northern protectorates of Nigeria into what is present-day Nigeria, and the name ‘Nigeria’ was coined out of the phrase ‘Niger river area’ (Falola, 2002). The unification of the Northern and Southern Protectorates in Nigeria set in motion dramatic changes in the political structure, which led to present-day Nigeria.

In October 1960, Nigeria gained independence from the colonial administrators and it became a republic in 1963. Independence marked the beginning of yet another long journey in the political history of the country. In the first 54 years of Nigeria’s political independence (1960-2014), the military governed Nigeria for 15 years (1966-1979 and 1983-1998) and democratic civilian governments were in control for 38 years (1960-1965, 1979-1983 and 1999 onwards) (Jauhari, 2011; Lewis, 2011). Nigeria went through a civil war that lasted three years, from 1967 to 1970, as the Igbos in Eastern Nigeria declared the creation of the Republic of Biafra (Jauhari, 2011). The war resulted in victory for the Nigerian state as the secessionist regions were brought back into Nigeria (Lewis, 2011). Since 1999 (up to 2014), Nigeria has managed three consecutive elections (2003, 2007 and 2011). This suggests that Nigeria’s civilian democratic governance appears to have ‘gained greater resilience

and that there is a sense that the country may have turned the page on its past failures' (Lewis, 2011:7).

As of 2014, Nigeria operates a federal political structure with 36 semi-autonomous states and 774 local government areas. As shown in Figure 2.1 Appendix B, these states and local government areas are grouped into 6 geopolitical zones. In addition to transitions in governance, Nigerian society is at present characterized by social malaise such as internal security threats, insecurity, tribalism, leadership crises and failure to conduct credible elections, a succession crisis, and a general lack of accountability by those entrusted with governance (Aluko, 2002; Thomas, 2010).

### **Criminal Justice in Nigeria**

Nigeria's criminal justice system is rooted in the judicial practices of her previous colonial rulers (Agozino, 2005; Alemika, 2009; Jefferson, 2007). This section traces the historical development of Nigeria's legal system and its structural arrangements.

In 1861, after colonization and the organisation of the Protectorates of Western, Eastern and Northern Nigeria, the British Consuls and the Royal Niger Company were chartered by Britain to administer Nigeria until 1900. The British Consuls and the Royal Niger Company Limited set up a legislative council to make laws, and established courts of justice, a prison system and an armed constabulary to enforce laws and regulations. When the British government took over direct administration of Nigeria in 1900, it retained all laws and regulations, courts, prisons, and armed constabulary units initially instituted by the Royal Niger Company Limited (Asein, 2005; Njuko, 2005).

In the Northern and Western Protectorates, as well as some communities in part of the Southern Protectorates, the British colonial rulers utilized the already existing political structure put in place by the Nigerian traditional rulers to administer the colonies through indirect rule policy. Prior to the advent of British colonialism in Nigeria, monarchical and republican, chief and chief-less, or non-centrally organized, states were the forms of government practised in Nigerian societies (Adewoye, 1977; Allot, 1962; Asein, 2005).

In the Protectorates of North and Western Nigeria, indirect rule succeeded because there were established monarchical systems of governance and people respected the judicial sovereignty of native authorities (Njuko, 2005; Okonkwo and Naish, 1980). At the top were the Emirs in the north, the Obas in the west and the

Kings in the south-east communities. Powers were often delegated to subordinate authorities at different levels - the county or district heads, village heads or chiefs and ward heads (Danbazau, 2007). The council of chiefs assisted by heads collectively exercised the functions of government. These subordinate authorities were empowered to settle minor disputes arising within their areas of authority, whilst appeals went to a higher chief, Oba or Emir. The Oba or Emir had his own court for this purpose and for the determination of the more serious disputes and offences against the state (Asein 2005; Danbazau, 2007).

However, in the Protectorate of Southern Nigeria that was predominantly organised in the shape of republican communities, the British colonial rulers introduced warrant chieftaincy as an administrative apparatus (Njoku, 2005). Igbo land, communities in the coastal areas and parts of the middle belt were examples of areas in Nigeria where republican societies existed. These communities were republican because there was an absence of any central authority or recognized heads such as emirs or kings (Meek, 1970). A council of elders governed each clan, community or village, and the adult male members of the community constituted the council. The council of elders jointly exercised criminal control in the society (Danbazau, 2007; Okonkwo and Naish, 1980).

A warrant chief was a native employed by colonial rulers and was made a member of the colonial Native Court and ruler of his community (Afigbo, 1972; Adegbulu, 2011). Often, warrant chiefs were 'arbitrarily' appointed (Adegbulu, 2011). In some cases, personalities chosen as warrant chiefs were local champions in wrestling, hunting and farming, but more often than not it was an accidental affair (Adegbulu, 2011:4). Natives considered warrant chiefs as the 'middlemen' between the British colonial rulers and the local communities, and more importantly they were used to control the flow of labour in the colony (Adegbulu, 2011). Even though some historians related the appointment of warrant officers in southern Nigeria to the shortage of colonial staff (Lugard, 1922; Meek, 1969), warrant chiefs were mainly required and empowered to defend the interests of the British colonial rulers (Afigbo, 1972; Njoku, 2005). Also, warrant chiefs took undue advantage of the authority bestowed upon them by the colonisers, and of the linguistic barriers between the people and the colonisers, to imprison innocent people (Afigbo, 1972; Isichei, 1976). British colonial rulers' recourse to the system of warrant chiefs in southern Nigeria resulted in extensive corruption, extortion and oppression, as well as forced labour

(Afigbo, 1972). This gave rise to frustration and hostility among the natives, notable examples being the Epe uprising of 1863 (Odinaku, 2005) and the Aba Women's Riot of 1929 (Afigbo, 1972). Achebe (1959:160) recounted a colonial judicial officer in his legendary Umuofia village in southern Nigeria:

.... [T]he white men had also brought a government. They had built a court where the District Commissioner judged cases in ignorance. He had court messengers who brought men to him for trial.... They guarded the prison, which was full of men who had offended the white man's law. .... Some of these prisoners were men of titles who should be above such mean occupation.

Thus, unlike in the northern and western regions, the indirect rule policy in southern Nigeria was rather unsuccessful.

Under the indirect rule system of administration adopted by the British colonial rulers in Nigeria, 'the practices of coercion were delegated to Native Authorities to collect taxes, to recruit forced labour, and to implement sanitary regulations and more generally to preserve law and order, including policing the city against criminals' (Killingray, 1986, cited in Fourchard, 2008:25). In theory, the colonial indirect rule policy of administration left the native monarchs and chiefs 'in charge of managing local police forces, penal laws, native courts and native prisons' (Killingray, 2003, cited in Bernuallt, 2007:61). In the early 1900s, for example, the British colonial government issued a 'comprehensive series of prison ordinances that allowed paramount chiefs to open their own facilities' (Bernuallt, 2007:66). In reality, however, the power to manage police, courts and prison granted to native rulers and chiefs was rather limited. The British ordinance enacted in 1861 obliged colonies in Nigeria to enforce all laws and statutes applicable in England as of January 1, 1863 (Alemika, 2009), which meant that Nigerians were British subjects. Also, under British colonial law (Article 1 of the West African Order-in-Council of 1872), the Governor of the Colony (Consul) was empowered to execute and enforce by fine, imprisonment or banishment the observance of any agreement between the British Crown and Local Chiefs. The Consul was given the power to make rules for peace, order and good government of British subjects in his area. In fact, sentences of imprisonment for upward of 12 months, including banishment and the death penalty imposed by the court, had to be sanctioned by the Consul before being carried out (Asein, 2005; Danbazau, 2007; Njoku, 2005). This thus suggests that during the British colonial rule

in Nigeria, native royal institutions continued to be in charge of most of the instruments of authority but were denied executive powers.

The first English-style court in Nigeria was established in the Olowogbowo area in the Colony of Lagos in 1862 by the colonial rulers. Ten different courts were established in the same year, with four devoted to criminal matters: one police court, a commercial court, a higher criminal court and a slave court. The police court (later replaced by the Supreme Court in the same year) was handled exclusively by the police and settled all petty cases. The higher criminal court, chaired by a stipendiary magistrate assisted by two British merchants as assessors, handled the more serious cases, while the slave court (staffed exactly like the criminal court) heard cases relating to slavery. The commercial court, managed exclusively by British merchants, handled all cases of debts and breach of contract (Ahire, 1991; Onyeozili, 2005). These courts, in effect, exercised jurisdiction and followed procedures similar to those exercised by the courts in England (Onyeozili, 2005).

The 1862 court structure, proceedings and the laws enacted by the British colonial legislative council in Nigeria were based on the laws, values and customs of the English people (Alemika, 2009; Okonkwo and Naish, 1985; Onyeozili, 2005). The principle motive behind the British colonial occupation of Nigeria was 'aimed toward fulfilling England's economic needs, and thus the legal system imposed on the Nigerian people emphasised maintenance of the ruling power's property and interests' (Alemika, 1988:199). Originally, the criminal codes introduced to the Protectorate of Northern Nigeria in 1904 and extended to the whole country after the amalgamation of Nigeria in 1916 were modelled on a code introduced in the state of Queensland, Australia, in 1899 by Britain (Okonkwo and Naish, 1985; Onyeozili, 2005). Many commentators contended that on independence in 1960, Nigerians changed very little from the judicial system inherited from the British colonial administrators (Aduba and Alemika, 2009; Ake, 1996; Alemika, 2009). Nigeria's court structures and proceedings are largely English models (Aduba and Alemika, 2009).

### **Components in the Nigerian Criminal Justice System**

The established arrangement of the criminal justice components in Nigeria are the Nigerian Police Force (NPF) and other law enforcement agencies such as the Civil Defence, the State Secret Service, the Federal Road Safety Corps, the Custom and Immigration Services, the Economic and Financial Crimes Commission (EFCC), the

Independent Anti-Corruption Practices Commission (ICPC), the National Drug Law Enforcement Agency, the National Agency for the Prohibition and Prevention of Trafficking of Persons, the National Agency for Food, Drug Administration and Control, and the Hisbah/Vigilante Board (recently established in most Northern Nigerian states operating Sharia law). Of all these law enforcement agencies, studies have shown that the NPF ranks top in contributing to prison population in Nigeria (AI, 2008a; Alemika, 2011; OSI and NOPRIN, 2010), and thus this study's examination on the role of Nigeria's law enforcement agencies in relation to prison overcrowding will focus on the NPF.

Other components in the Nigerian criminal justice system are the Ministry of Justice and the Public Prosecution Department, the Courts, the Prisons and the Nigeria Prisons Service (NPS), Borstal institutions, Remand homes and Approved schools, the legal counsels including the Legal Aid Council, and the Human Rights Defenders Commission. Nigeria uses a tripartite system of criminal law and justice. The criminal code is based on English common law. The penal code is based on Sharia law in the 12 northern states and customary law is based on religion and traditions of the people in the southern states (Alemika, 2009; Ocheme, 2006).

The Nigerian criminal justice system has been criticised not only because of the system's discrete structure but also because the activities of the system components are poorly coordinated (Alemika, 2009). Thus, scholars have refuted the conventional assumption that Nigeria's criminal justice components are operating as a system (Aduba and Alemika, 2009; Alemika, 2009). Alemika and Alemika (2005, cited in Aduba and Alemika, 2009: 88) argue that:

The Nigerian criminal justice system cannot be properly classified as a system. On the contrary it is more of an assemblage of uncoordinated institutions. Thus, the various institutions of criminal justice in the country are oriented towards the punishment of the offender and the control of the citizens. Consequently, there is minimal concern about the rights of the accused person at all levels of the system from the legislative to the prisons.

Nevertheless, the focus should be on what the components do rather than looking at how the components are organised. Supporting this position, Ashworth and Redmayne (2010:17) contend that:

the inappropriateness of the term 'system' should not be allowed to obscure the practical interdependence of

various agencies ... [as] many depend on each other for their case load or for their information, and decisions taken by one agency can impinge on those taken by others.

The current structure of the criminal justice system in Nigeria appears to be disjointed. Even though the Nigerian Police Force and the Nigerian Prison Service are centralised, funded and managed by the federal government, these agencies are not located under one Ministry or agency. The NPS, for example, is positioned under the Ministry of Interior, whereas the NPF is under the Police Service Commission and the Office of the President.

### **The Nigerian Police Force**

This section examines the operation, challenges and development of the Nigerian Police Force in order to extend knowledge and understanding of prison overcrowding in Nigeria. The first English-type police was established in 1861 when the British Consul in Lagos was authorized by the British to form a Consular Guard with an initial strength of 31 men; and before the end of the 19<sup>th</sup> century several police forces run by the British colonial rulers with both civil and military functions had emerged in different parts of the colony and protectorates of Nigeria (Alemika, 2009).

The colonial Nigerian police forces were established to support the indirect rule policy (Oyakhire, 2010). Studies have shown that the Nigerian colonial states were equipped with powerful paramilitary apparatus - the police, courts and prisons that enabled the British colonial rulers to exercise dominion over the indigenous population in the colony (Agozino 2005; Alavi, 1972; Onage, 1993; Onyeozili, 2005; Tamuno, 1970). Colonial Nigerian police forces were mainly created to protect the property and well-being of the colonizers against any form of opposition to their claim to power (Onoge, 1993). Onoge (1993:178) describes how the colonial Nigerian police were used:

Through armed mobile patrols, raids, arrests and detention, the raiding of labour camps and the violent suppression of strikes, the police ensured the creation, supply and discipline of the proletarian labour force required by colonial capitalism.

Supporting Onge's claim, Odinkalu (2005:38) commented that the 'main role of colonial Nigerian police units was to put down organised expressions of 'native' discontent; the first recorded such incident being the Epe uprising of 1863'.

In addition, many commentators share the view that the colonial Nigerian police forces were primarily established to make those who were colonised (i.e. native Nigerians) amenable to colonial exploitation and administration (Agozino, 2005; Alemika, 2009; Onyeozili, 2005; Onyakhire, 2010). Thus, the colonial Nigerian police played a leading role in the consolidation of the colonial state.

Principal actors in the colonial Nigerian police were the native authorities and the royal institutions. Traditional institutions played a vital role in the administration of the state and the colonial Nigerian police force in particular. Recruitment into the colonial Nigerian police force required no specific educational standard. The only requirement was 'physical fitness, and recruitment was largely based on the Emirs, Oba or chiefs' patronage' (Onyeozili, 2005:38). In some cases, 'native chiefs were given uniforms and asked to appoint whoever they wanted' (Vaaseh and Ehimore, 2011:218). Colonial Nigerian policemen were seen as the symbols of authority, and thus the colonial police force became a coveted job, which in turn made both appointments and police operation, to some extent, corrupted (Vaaseh and Ehimore, 2011). Many colonial Nigerian policemen considered the police uniform a 'license to loot' (Killingray, 1986:423). Colonial Nigerian policemen took advantage of their position and allegedly arrested people 'arbitrarily without giving reasons for their arrest, ...they mistreated people at the slightest provocation especially tax evaders... and they could take by force a person's property without challenge' (Vaaseh and Ehimore, 2011: 218). Rotimi (2001:146) summarises colonial Nigerian policing and appointment in Akigas' words:

[O]n his return to the village, things began to happen. He laid hands on people's property, saying you can't play the fool with me. I was not made policeman for nothing. It cost me a cow.

Despite the alleged authoritarian form of colonial Nigerian policing, however, it has been claimed that security in the colonial Nigeria period was at its highest because the native authorities were 'all-powerful..., and Native Authority police were ubiquitous' (Last, 2008:43). Describing the state of security during colonial administration in Nigeria, Tamunu (1993:147) argued that 'then [colonial Nigeria] law and order were maintained through well-structured though undemocratic methods..., Last (2008:44) added that 'the degree of surveillance was astonishing, with even the head of thieves reporting to the [royal] palace regularly'. State security and intelligence plans during



the colonial era were largely drawn from people's complaints as complainants could freely access the Emirs, Obas or the local headman (Last, 2008:45). Nevertheless, some studies have related the sudden increase in the crime rate in some parts of Nigeria in the 1930s to poor policing (Falola, 1995; Fourchard, 2005). Fourchard (2008:5) noted that in 'the 1930s and the 1940s, recurrent thefts and burglaries organised by gangs were also becoming a worrying issue both for Nigerian colonial administrators, the Nigerian press and Native Authorities'. This suggests that even during colonial Nigeria, the maintenance of law and order, as well as state security, was contested. It is worth mentioning here that before 1959, the only form of training colonial Nigerian police underwent was mainly unarmed combat, parades and occasional lectures on the duties of a policeman - how to keep station records, make arrests, and handle criminals (Onoge, 1993; Onyeozili, 2005).

After the amalgamation of the Southern and Northern Protectorates in 1914, there were two separate police force systems, the Federal Police Force and the Native Authorities Police. By 1967, the two police forces were integrated and centralised into a single Nigerian Police Force (NPF), and since then Nigeria has operated a federal policing system with full law enforcement powers over all parts of the country (Alemika, 2009; Tamuno, 1970). Primarily, the unification of the NPF in 1967 was for administrative expediency and to prevent the police from being influenced by local allegiances (Alemika, 2009), but the formation of the NPF added to the 'feeling that law-abiding local citizens have no local protection' (Last, 2008: 44). It has been argued that some of the security challenges faced by the Nigerian Government shortly after Independence in 1960 were associated with its lack of capacity to contain local uprisings, especially in areas where people had lost confidence in their traditional authorities (Mohammed, 2007; Vaaseh and Ehinmore, 2011). The Tiv riot in Benue Province (1960/64), the Agbekoya Tax Riot in the West (1968/69), and the Isaac Boro Revolt in the Niger Delta in 1966, were examples of popular uprisings related to the centralisation of the Nigerian police forces (Mohammed, 2007; Vaaseh and Ehinmore, 2011). The management and control of the NPF under the federal government was assessed to be remote and primarily seen to protect the state rather than native communities.

The Police Act and Regulations (1990), which describe the function, structure and operation of the NPF, were originally drafted during the colonial rule in 1943 and were last reviewed in 1967. A review of the Police Act (1990) began in 2004, but the

draft bill has remained pending since October 2006. In 2008, the Nigerian Government adopted a White Paper on how to reform the NPF based on the recommendations of two Presidential Committees set up in 2006 and 2008. Yet, since then little has changed in the NPF structure and operation (AI 2011), while legislation aiming to transform the system has still not been enacted.

Commentators relate the current NPF inadequacies to its colonial legacy (Ake, 2007; Alemika, 2009; Onyeozili, 2005; Odinkalu, 2005). According to Odinkalu (2005:38), the establishment of the current NPF was ‘driven by a confluence of the colonial commercial, political and strategic interests’. Odinkalu (2005: 40-41) further contended that the:

government that succeeded the colonial authority found it more convenient to retain all the colonial structures of coercion in dealing with the people. Therefore, instead of a major re-organization of the Police Force that would have included new body of laws governing Police activities in the country, what was witnessed was a ceremonial transfer of allegiance from the British Crown to the Federal Republic of Nigeria and a change of their former crests bearing the symbol of the British Crown to the Federal Coat of Arms. All other features that made the colonial Police widely feared and despised were left untouched.

In 1988, the NPF was the largest police force in Africa (TLC, 2008). The staff strength of the NPF was said to have risen from about 137,000 in 1999 to almost 258,000 in 2002 (Nwabuzor, 2005:134), and in 2012, the NPF staff strength was approximately 325,000 (Hills, 2012). In 2008, the Nigeria Police Force comprised 5,515 police stations, 1,115 police divisions, 123 area commands, and 36 state commands, and with a head office in Abuja the Federal Capital Territory (OSI and NOPRIN, 2010; UK-Home Office, 2012).

In principle, the NPF appears to be efficiently organised, but in practice the sector has been underfunded and understaffed (Alemika, 1988; Alemika and Chukwuma, 2009). Given the staff strength of the NPF (325,000), the police-to-population ratio is about 1:500, which means that the NPF is understaffed compared to an average ratio of one policeperson to 264 people in England and Wales (CIVITAS, 2012). Moreover, the distribution of the NPF personnel per duty post is another issue. In 2008, it was reported that about 27 per cent of NPF personnel were engaged in personal guard and protective duties rather than general policing duties (Yusuf

Committee Report, 2008, cited in OSI and NOPRIN, 2010:32). This implies that a significant proportion of the NPF staff are not only unavailable for general police duties but also are diverted for private purposes (OSI and NOPRIN, 2010). The NPF budget has risen steadily since 2000, but due to absence of political will required to effectively transform the sector (Hills, 2012), and alleged police internal corruption both at the budgetary and expenditure levels, this increase in resources has not led improvements in police performance and service delivery (Alemika, 2003; Alemika, 2011; OSI and NOPRIN, 2010).

The NPF operations have been characterised as ‘unlawful arrest and detention, extortion, torture, rape, extrajudicial killings and other forms of brutality’ (Dikko, 2008, cited in OSI and NOPRIN, 2010:21). The NPF ‘remains notoriously corrupt and inefficient’ (Alemika, 1993: 208). Serious crimes, such as extrajudicial killings, go unsolved as the Government appears quite incapable of checking the trend (AI, 2012; Alemika, 1988; Alemika and Chukwuma, 2009; Alemika, 2009; Nwabuzor, 2005; Osinbajo, 2009). In its ‘World Report 2012: Event of 2011’, Human Rights Watch (2012:144) described the NPF as an ‘undisciplined institution that was frequently implicated in human rights violations, including extrajudicial killings, torture, arbitrary arrests, and extortion-related abuses’.

Some studies and commentators relate the growing numbers of remand prisoners in Nigerian prisons to the NPF’s use of holding charges, a technique devised by the NPF to keep suspects in prison without trial (Aduba and Alemika, 2009; AI, 2008a; Alemika, 2011; OSI and NOPRIN, 2010; Olong, 2010). Nigerian police use holding charges to send suspects charged with indictable offences to prison pending completion of investigation. A central tenet to a holding charge is that Nigerian police cannot legally keep an arrested person in custody for more than twenty-four hours without either granting him bail or obtaining a warrant for her/his remand. Moreover, the NPF cannot grant bail to a suspect accused with an indictable offence and the arrested suspect must be brought to court within 24 hours or 48 hours (CN, sec 17 and 18, of 1999; Criminal Procedure Code Cap 23 and 24, 2004). Thus, the NPF arraigns the suspect before a Magistrates’ Court, which lacks jurisdiction to try indictable offences (Aduba and Alemika, 2009; Olong, 2010). The Nigerian High Court is empowered to try indictable cases but the Nigerian Magistrates’ Court is only legally allowed to remand a person arrested for committing any form of crime pending trial (see Criminal Procedure Act, sec 129 and 236, of 2004). The Magistrate only delivers

a vague ruling and orders the suspect to be remanded in prison without taking his/her plea or hearing an application for his bail (Olong, 2010). However, the legal provision requires that the accused person remanded by a Magistrate Court pending trial shall not be held in prison longer than fifteen days (Criminal Procedure Act, sec 129 and 236, of 2004). The accused person thus remains in prison and is often brought to the Magistrates' Court only for the case to be adjourned on several occasions pending his/her arraignment before a court of competent jurisdiction (Olong, 2010). The main reason for using the holding charge method by the NPF is lack of proper machinery in handling cases, more especially indictable offences (AI, 2011; OSI and NOPRIN, 2010; Olong, 2010).

In relation to the workings of the criminal justice system, the NPF has been blamed for the high population of remand inmates in Nigerian prisons for a number of reasons. According to Alemika (2011: np), the NPF contributes to the prison population because it largely operates on:

flawed and dysfunctional laws, repressive police arrest and detention practices, especially in respect of minor crimes; acute lack of skilled police intelligence and investigation officers; inadequate investigation resources; ... and inclination towards the detention of suspects pending and during trial.

It has been claimed that the NPF 'routinely relies on torture as its principal means of investigation and maintains designed chambers, instruments, and personnel for this purpose in most police stations' (OSI and NOPRIN, 2010:23). The NPF has limited capacity to gather intelligence and undertake scientific investigations (AI, 2011). The NPF lacks the resources to investigate complex crimes that require specialist skills, as most police stations do not keep adequate records of their work, and there is no database for fingerprints either at police stations or national levels (AI, 2011). In 2011, being a police officer in the NPF was perceived to be one of the most dangerous jobs in Nigeria, with nearly 110 police officers killed in the course of their duty every year (AI, 2011).

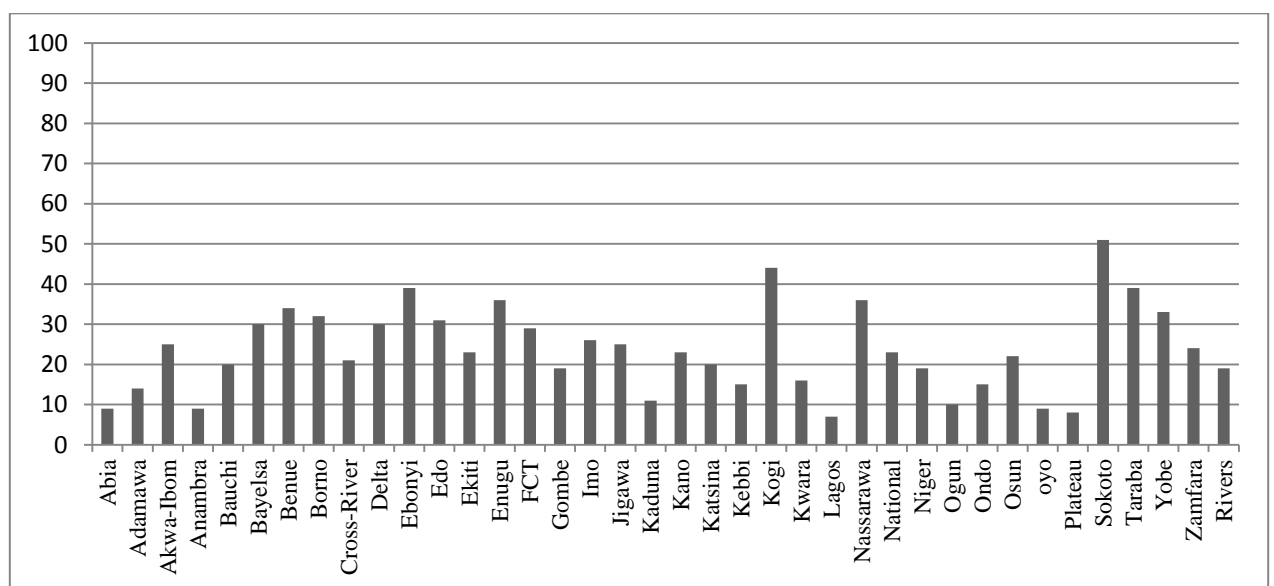
It has been argued that since Nigeria returned to civilian democratic governance in 1999 very little has changed in fostering civilian freedom of expression and association (AI, 2011). The atmosphere is certainly freer than under military rule as regards the exercise of some civil rights, but repression of political opposition, human rights defenders and the press, as well as other forms of human rights

violations, continues to take place (AI, 2012). Journalists have been frequently harassed and arbitrarily detained, and security agencies have invaded media houses and confiscated press property on the grounds that malicious information was being fed to the public (Akinwale, 2010; Andrew, 2011).

In addition, the NPF has allegedly been used as a mechanism to suppress political opposition. In northern Nigeria, for example, ‘the Police forces in the North..., were turned into the local arms of the parties in power’ (Nwabueze, 1992:120). In June 2005, the Nigerian High Court ruled that the NPF used unconstitutional legislation to repress public meetings held by an opposing political party (Jauhari, 2011). In April 2010, police in the city of Port Harcourt assaulted three human rights activists. One of the victims said he was ‘repeatedly hit with the butt of a gun, poked with a barrel in his arms and legs and slapped in the face’ (AI, 2011:66). The NPF have been used by the Government to prevent or break up protest gatherings, by using tear gas, firearms and physical violence, often targeting human rights or opposition activists (Alemika and Chukwuma, 2009).

Public trust in the Nigerian police has been identified as one of the problems of the NPF. Figure 2.2 below shows crime reporting rates in Nigeria between 2008 and 2009. Of the 37 states including FCT Abuja, only 10 states had over 30 per cent of rate of reporting crime to police, which means that the rate of reporting crime to police in Nigeria between 2008 and 2009 have not been encouraging.

**Figure 2.2:** Reporting Crime to Police in Nigerian States



Adapted from CLEEN (2010)

In 2012, a study on public trust in the Nigerian police involving 2,750 respondents showed that nearly half (45 per cent) of the respondents had no trust in the police at all, about a third of the respondents (18 per cent) thought that the police were somewhat trustworthy, and less than a quarter of respondents (6 per cent) showed a lot of trust in the Nigerian police (IIG, 2012). In addition, the study indicated that nearly half of the participants (48 per cent) felt very unsafe in meeting the Nigerian police (IIG, 2012). One of the Nigerian police force reform committees reported that the lack of confidence in the NPF by many Nigerians was largely due to ‘the high level of crimes in the force and its failure to carry out genuine police functions successfully’ (Yusuf Committee Report, 2008, cited in OSI and NOPRIN, 2010:21). Allegedly, many Nigerians viewed the NPF as an organisation ‘dedicated to extorting money from a helpless public, not to fighting crime’ (Nwabuzor, 2005:134). Due to the alleged poor performance and service delivery of the NPF, the organisation was reportedly ‘becoming a public burden instead of a public asset...’ (Yusuf Committee Report, 2008, cited in OSI and NOPRIN, 2010:21).

The emergence of ethno-religious vigilante arrangements such as the Bakassi Boys in the south, the Odua People Congress boys in the west and the Hisba (Islamic vigilant groups) Committees in the northern part of Nigeria in the past half-decade reflects an underlying trend in civil society’s engagement in curbing crime, allegedly due to the ineffectiveness of the NPF (Fourchard, 2008; Odinkalu, 2005). Also, the recent bombings of government offices, police stations including the NPF headquarters office and the United Nations head office in Abuja by the Boko Haram militant group, as well as the growing number of abductions for ransom of foreigners and prominent Nigerians in southern Nigeria, highlight deteriorating security in Nigeria, arguably as a result of NPF shortcomings.

The Nigerian constitution makes provision for the establishment of the Nigeria Police Service Commission (NPSC), which is a civilian oversight body, created in 1962 with powers to appoint, promote, discipline and dismiss all officers of the NPF with the exception of the Inspector General of Police (IGP), who is the chief executive officer. The Nigerian constitution (1999), section 214(1), provides that the appointment and dismissal of the IGP lies with the President of Nigeria. The NPSC is also mandated to improve the relationship between the police and public and to build public trust and confidence in the police (NPSC, 2011). In 2010, the National Human

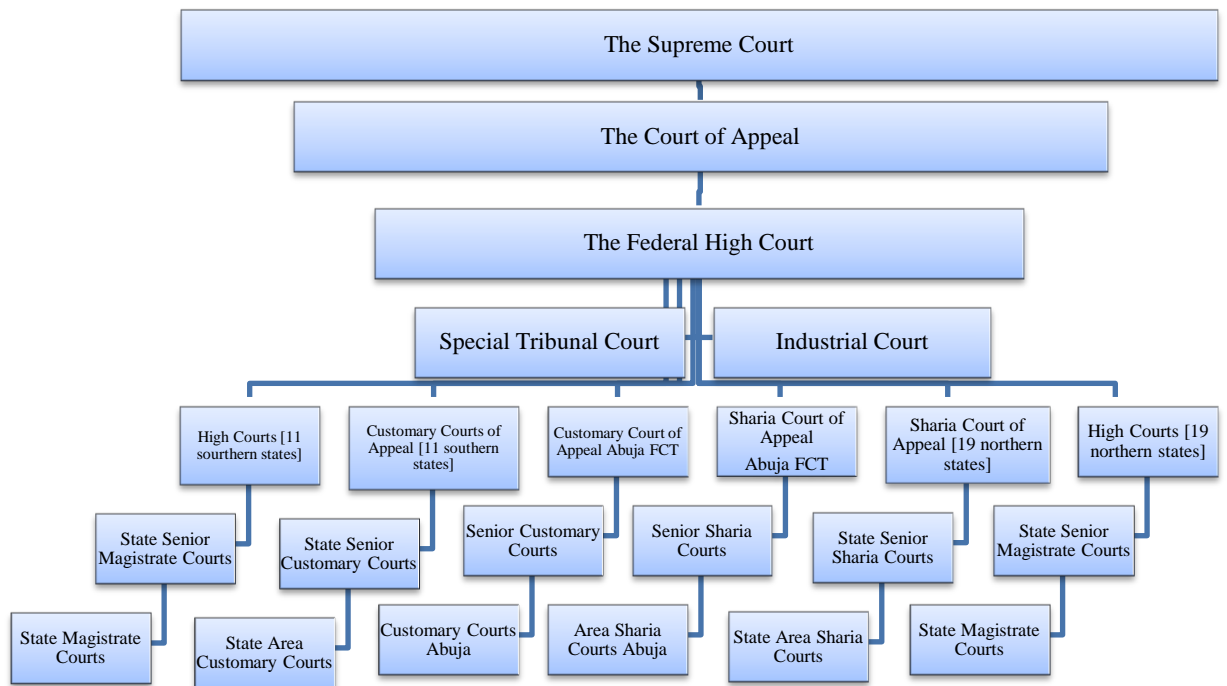
Rights Commission of Nigeria was empowered to investigate human rights violations and visit police stations and other places of detention. Nevertheless, despite these oversight arrangements, the NPF has still been accused of further extrajudicial executions, deaths in custody and cases of torture and other ill-treatment of alleged criminals in custody (AI, 2011; OSI and NOPRIN, 2010).

### **Judiciary and Other Criminal Justice Institutions in Nigeria**

Nigeria's legal system is based on a combination of statutory law, English common law, customary law, and in the north, Islamic law (Sharia). At federal and state levels, Higher and Magistrates' Courts apply statutory and English common law, while at local tiers, Sharia and Customary courts are set up to legitimatise customary and Islamic law (Aduba and Alemika, 2009; CN, 1999). Both federal and state governments have the legislative right to enact criminal laws. The Nigerian constitution (1999) makes provision for two broad jurisdictions with four main sets of statutes that contain similar provisions for the administration of the criminal justice system. The first two sets of statutes are the Penal Code and the Criminal Procedure Code that are applicable in Northern Nigeria, which consists of nineteen States, including the FCT Abuja. The other two sets are the Criminal Code and the Criminal Procedure Act, which are applicable in the Southern part, consisting of seventeen states. This duality is part of the legacy of colonial administration (Aduba and Alemika, 2009; Ake, 1996; TLC, 2008).

Figure 2.3 below demonstrates the hierarchical structure of courts in Nigeria across the country. In the South, at state level, Customary Courts and a Customary Court of Appeal operate under customary law, while Area Courts and a Sharia Court of Appeal in the North apply the Islamic Code with a mixture of customary rules (TLC, 2008; Aduba, 2009). At federal level, there are Federal High Courts and Courts of Appeal, with the Supreme Court being the highest Court in the country (Aduba and Alemika, 2009; TLC, 2008; Osinbajo, 2009).

**Figure 2.3:** Courts Structure in Nigeria



**Sources:** The Constitution of Nigeria (1999); Mamman (2010); Babalakin (2013).

In Nigeria, the Government recruits judges, magistrates and presiding judges in Customary and Sharia courts on a permanent and pensionable basis, and they enjoy special remuneration packages different from other public servants (NOUN, 2010). Section 153 of the Nigerian constitution (1999) established the National Judicial Council (NJC) and empowers the Council to recommend the appointment, discipline and removal of judges of the state High Courts, The Court of Appeal, and the Supreme Court (CN, 1999). At states level, the NJC acts in consultation with the State Judicial Commission (SJC): the SJC in is empowered to recommend the appointment and discipline of state judges and judicial officials (CN, 1999). As at December 2011, there were 961 judges in Nigeria’s High Courts at both state and federal government levels (NBS, 2012b).

Funding for the judiciary in Nigeria has significantly increased since 2002, but there have been concerns amongst judges over how the budgets are administered (NOUN, 2010). Judges enjoy other privileges such as police protection and official vehicles (NOUN, 2010). The Attorney General of the Federation and Minister of Justice is the Chief Law Officer of the Federation (Babalakin, 2013). The Attorney General is the head of the Federal Ministry of Justice and undertakes criminal proceedings before courts of law in Nigeria in respect of offences created under any



Act of the National Assembly. The Attorney Generals of the states have similar powers in respect of laws enacted by the Houses of Assembly of the respective states (Babalakin, 2013).

Under the current criminal prosecution process in Nigeria, the responsibility for prosecution of offenders in all courts, including Sharia and Customary courts, lies with the federal or state Attorney General. The Attorney General exercises powers through the Directorate of Public Prosecutions (DPP) in the Ministry of Justice at either state or federal level. Nigeria's Constitution of 1999 confers the NPF the power to initiate prosecution proceedings in Magistrates' Courts, and more than 80 per cent of criminal proceedings take place in Magistrates' Courts (Ojukwu and Briggs, 2005). Crimes in Nigeria are classified by their severity as either minor or serious. All serious cases such as rape, culpable homicide, murder, armed robbery and manslaughter, upon conclusion of investigation must be referred to the DPP for legal advice as to what kind of charge an offender should face in court. However, the office of the Attorney General, which is constitutionally empowered to advise on prosecution and to prosecute or to discontinue prosecution in criminal cases, has also been criticised 'for delays in giving advice, or for giving wrong advice, as a consequence of corruption' (Osinibanjo, 2007:148).

Another challenge associated with prosecution in Nigeria is the use of police as prosecutors, particularly in district or rural courts. This could be associated with a lack of competent counsels but use of police as prosecutors have been linked to prison overcrowding not only due to allegations of corruption among police prosecutors but also because 'the majority of them are not trained, incompetent and outrightly lazy. They do not read their files, and are usually uncoordinated, to the extent that simple cases are lost on the basis of their negligence' (NOUN, 2010:68).

At the federal level, the Federal Ministry of Justice is the legal arm of the federal government of Nigeria that is primarily concerned with bringing cases before the judiciary that are initiated or assumed by the federal government (CN, 1999; Okonkwo and Naish, 1980). The Nigerian judicial institutions and processes have for long been criticised not only because of their inefficiencies but also for being corrupt and causing long delays in legal proceedings. The courts are congested with cases and proceedings are very slow (Ojukwu and Briggs, 2005). Courts as well as the Prosecution Directorate are blamed for slow progress of individual cases through the criminal justice process in Nigeria (Osinbajo, 2009). Furthermore, in the Nigerian legal system, defendants are entitled to counsel of their choice, but 'there is also no law

preventing a trial from proceeding without representation, except in capital cases' (Le Van and Ukata, 2011:13).

One of the indices for measuring performance in the judiciary is the rate of disposal of cases (Ojukwu and Briggs, 2005). On average, standard criminal case proceedings in Nigerian courts take six months for a non-indictable offence while an indictable offence takes four years to complete (Lawal, 2005; DFID, 2010). However, case proceedings in Nigerian courts can take an average of seven years to go through the full appeals process (Osinbajo, 2009). Studies have shown that the delay in criminal proceedings in Nigeria is mainly caused by corruption in the judiciary, witnesses withdrawing statements or failing to appear in court, poor investigation and investigation police being posted out of the place where the crime was committed, poor record keeping, and shortage of competent courts officials, as well as tight work schedules and the frequent transfer of judges (Lawal, 2005; Osinbajo, 2009).

The British colonial administrators introduced a juvenile court in Nigeria in the 1940s (Winslow, 2013). This means that the Nigerian juvenile court was also modelled on the British juvenile justice system. The age of criminal responsibility in Nigeria is 12. Section 30 of the Criminal Code in Southern Nigeria and section 50 of the Penal Code in Northern Nigeria established that a child under the age of seven years does not have criminal responsibility. From seven years to twelve, a child can only be found responsible if it can prove that s/he had the capacity to know that the act or omission should not have been carried out. Above the age of 12, the person is deemed fully responsible for any act or omission (CLEEN Foundation and OMCT, 2004). However, the introduction of Sharia in some Northern states of Nigeria means that the age of criminal responsibility there is taken to be either 15 years or puberty in cases of adultery and fornication (CLEEN and OMCT, 2004). In the administration of juvenile justice, special provisions for juveniles are made. Juvenile courts are established in each of the 36 state magisterial districts, and they have the jurisdiction to try all types of offences committed by young persons of less than 18 years of age (NOUN, 2010). A Magistrate sits with other persons appointed by the Chief Judge of the state but the Magistrate chairs the panel. The Nigerian Constitution provides that young offenders should not be taken to prison except on special grounds. Official places of confinement for juveniles are the Remand homes, Approved schools and Borstal institutions (CLEEN Foundation and OMCT, 2004).

Other institutions that support and facilitate criminal justice system operations in Nigeria that are relevant to this research are the Legal Aid Council of Nigeria (LACN), the Human Rights Commission of Nigeria (HRCN) and the Non-Governmental Organisations (NGOs). Activities of agencies and organisations in Nigerian criminal justice are primarily in areas of oversight, research and advocacy, capacity-building and support services (Fayemi, 2005; Ikubaje, 2011). Notable contributions of agencies and organisations in the administration of criminal justice in Nigeria are the introduction of case management and tracking systems in the Nigerian criminal system (2002), and the review of the 1961 Nigerian prisons' institutional orders in 2011 by the UK-DFID. During 2011 and 2012, the LACN carried out a Legal Aid Clinic project in Nigerian prisons, providing free legal and paralegal services to prisoners.

The LACN is a body under the Federal Ministry of Justice established in 1976 and mandated to provide free legal services and assistance to the public as well as to strengthen public respect for the law and give people confidence in the legal system. The LACN also promotes access to justice. The LACN has offices in the 36 States including the Federal Capital Territory (FCT) Abuja. The LACN's Salaried Lawyer and Judicare programmes in 2009-2010 led to the release of over 5,000 remand prisoners in Nigerian prisons, either on bail or acquitted by courts. However, due to underfunding and staff constraints, the LACN has not been able to realise many of its objectives such as setting up of legal aid centres in all 774 local government areas of Nigeria and a legal aid unit/officer in prisons across Nigeria (LACN, 2011; Ojukwu and Briggs, 2005).

The Human Rights Commission of Nigeria (HRCN) was established in 1995 with offices in the six geopolitical zones including FCT. Among other roles, the HRCN is empowered to facilitate Nigeria's implementation of its various international obligations including, but not limited to, the Universal Declaration of Human Rights, the International Convention on Elimination of all forms of Racial Discrimination, and the African Charter on Human and People Rights. The HRCN is empowered to monitor and investigate all alleged cases of human rights violations in Nigeria and makes appropriate recommendations to government for prosecution and such other actions, as it may deem expedient in each circumstance. The HRCN has the mandate of undertaking studies in all matters relating to human rights and assists the Nigerian government in formulating appropriate policies on the guarantee of human rights. The

HRCN is constrained by budgetary limitations, as well as staff shortages and incompetency (HRCN, 2009).

For decades the burden of monitoring places of detention has rested on NGOs (PRI, 2011). Community participation in prison is a ‘partnership between community, prison officials and the prisoners undergoing punishment, to assess, identify and implement the areas and possibilities of reform in prisons’ (CHRI, 2008:11). The essence of community participation in prisons is to ‘ensure that the gap between the expectations of community members and that of prison officials are bridged by bringing the two in close contact and initiating a meaningful dialogue about the mutual problems and concerns’ (CHRI, 2008:9). The Commonwealth Human Rights Initiative (CHRI, 2008:11) identified reasons why a prison administration seeks and solicits the services of community, which include: a) to educate society about what prisons can or cannot do; b) to make the functioning of prisons transparent; c) to protect, educate and advocate prisoners’ rights and duties; d) to adhere to international human rights standards in the treatment of prisoners; and e) to ensure better allocation of resources. Many NGOs and individuals try to bring relief through humanitarian interventions; while others are concerned to ensure prisoners’ rights are safeguarded through provision of legal aid services (Mujuzi, 2007; PRI, 2011). Other organisations seek to improve administrative systems through the training of magistrates, or enhance general community participation through wider sensitisation and awareness programmes (CHRI, 2008).

However, NGO activities in criminal justice system reform particularly in sub-Saharan Africa have been criticised for being ‘largely insular in their design, the expected outcomes and overall impact’ (Walsh, 2010:83). In the Nigerian context, NGOs’ work in prisons is largely support services, and the support services provided by the NGOs are often selective (Adejumobi, 2005). The civilian democratic governance in Nigeria does not seem to allow NGOs to operate without interference. While some commentators believe that NGOs’ operation has improved since Nigeria returned to civilian democratic governance in 1999 (Alabi and Alabi, 2011; Fayemi, 2005), others believe that the state-civil society relations remain largely adversarial and antagonistic, thus creating conditions for hostility leading to brutality, arrest, detention and closure of offices (Adejumobi, 2005; Ikubaje, 2011).

One may begin to wonder why institutions such as the HRCN and LACN in Nigeria have failed to reduce the human rights violations and abuses in the criminal

justice system particularly in prisons (Aduba and Alemika, 2009; AI, 2010). In reality, these agencies were not established out of a national desire to address pressing issues, but they were primarily established in response to international pressures and conditions, or as a prerequisite for international loans, aids, grants or assistance (Ogundiya, 2009). The HRCN, for example, was not established out of a desire to protect and promote human rights principles in Nigeria. The agency was created in compliance with the resolution of the United Nations General Assembly that enjoins all members to establish a human rights institution (HRCN, 2009). Chinedu and Shedrack (2002:665) contended that the HRCN was established ‘amidst scepticism and cynicism that the Commission was a mere propaganda tool in the hands of a Junta seeking international relevance’. In the Commission’s annual report of 2009, it was clearly stated that the HRCN is ‘expected to operate in accordance with those principles set out in the first International Workshop on the National Institutions for the Promotion and Protection of Human Rights held on the 7-9 of October 1991 and adopted by the UN General Assembly resolution number 48/134 of 1993’ (HRCN, 2009: np).

### **Human Rights Principles and the State of Penal Policy in Nigeria**

This section explores and examines a wide array of human rights principles on prison and imprisonment and how some of these principles are applied in the Nigerian prisons’ policy and practice. The intention of this is to provide a background for the appraisal of the Nigerian prison situation. Human rights principles in penal policy and practices call for humane, just and effective treatment of a prisoner regardless of his or her status (Bal, 1994; Richardson, 1985; Van Zly Smit, 2010). Human rights principles can be applied in all kinds of penal policy and practices a country may wish to subscribe to, because the human rights approach is primarily concerned with how citizens, not only prisoners, are treated (Ashworth and Redmayne, 2010; UNHCR, 2005; UNODC, 2006).

A right-based approach to penal policy and practice is adopted on the premise that ‘respect of rights should be seen as a concomitant aim of an objective to be attained while pursuing [any kind of penal] aim’ (Ashworth and Redmayne, 2010:48). However, rights-based approaches to penal policy and practices raise the question as to why government and the criminal justice institutions care about the rights of wrongdoers when they do not care about the rights of victims (Cullen and Gilbert,

1999; Duffield, 2001; UNODC, 2006). A central tenet to rights-based approaches to prison practice is that ‘prisoners as human beings have rights to dignity that should be recognized notwithstanding their incarceration’ (Van Zly Smit, 2010:504). It has been argued that for a prison system to be managed in a humane manner, ‘national policies and legislation must be guided by the numerous international standards developed to ensure that the human rights of prisoners are protected and that their treatment helps to ensure their social reintegration as a priority’ (UNODC, 2006:2).

In the context of the Nigerian prison system, many parts of the Nigerian prison laws were drafted before some of those international frameworks were introduced. In a more specific context, the use of solitary confinement has been proscribed by the United Nations Standard Minimum Rules for the Treatment of Prisoners (UNMSR, sect. 31, of 1955) but solitary confinement is still in use in Nigerian prisons, as a punishment against breaches of prison discipline (see CN, cap 366, sect no. 491 and SO No. 350,357 and 367, of 2011). Nigerian prison law permits the use of instruments of restraints, reduction of diet and whipping or corporal punishment to inmates breaching prison rules (see Prison Act of 1990, CN cap 366 sect. 49 sub section ii and iv and 50, and the SO No. 189, 270, 351 and 359, of 2011). These provisions contravene many international instruments such as the UNSMR No. 31, and the 2002 Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa. Moreover, the Prison Act, CN cap 366 sec 61 and 72 (1999/2004) and the SO No. 205, 364 and 548 (2011) permits the use of instruments of restraint such as shackles, leg-irons and handcuffs on long-term and condemned prisoners, which contravenes the UNSMR of 1955 and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

Many international instruments call for the abolition of the death penalty; however, the death penalty is still being imposed and implemented in Nigeria (AI, 2008b). Mutilation by amputating parts of the human body and death penalty by stoning are still part of Nigeria’s legal statute and are imposed. Of the 37 states in Nigeria, twelve state governments in Northern Nigeria apply Sharia law as part of their criminal justice system (HRW, 2012). Sentences under Sharia law include the death penalty, amputations, and floggings. In September 2012, a Sharia Court in Zamfara State sentenced two men to amputation of their right hands (HRW, 2012). From January to December 2012, 56 death sentences had been imposed and 1,002 people

were under sentence of death in Nigeria (AI, 2013). These practices contravene many international human rights principles such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT, 2002).

In 2008, Amnesty International found that inmates' rights to legal representation in Nigeria were being breached. Only one in seven remand prisoners and one in five sentenced prisoners in the Nigerian prisons have legal representation (AI, 2012). Of those remand prisoners that were legally represented, only 25 per cent have legal representation from the LACN and other non-governmental bodies offering pro bono services (AI, 2011). This breaches both Nigerian laws and international standards - the International Covenant on Civil and Political Rights (1966), the Nigerian Constitution (1999) and the Nigeria Legal Aid Act of 2011, which call for access to legal counsel at all stages of proceedings whenever the interests of justice require it, and if necessary free of charge particularly for people charged with indictable offences.

The rights-based approach to penal policy and practices has come under attack for a number of reasons. International instruments, particularly those emanating from Europe and America, are criticised for being 'out of date, Eurocentric and woolly' (Stern, 1998:195). It is claimed that these instruments reflect views of the European style of imprisonment and that they set out provisions that are unrealizable in developing countries (Stern, 1998). In response to international instruments criticised for being Eurocentric and out of date, developing countries particularly in sub-Saharan Africa have developed continental instruments such as the Kampala Declaration on Prison Conditions in Africa in 1996, the Arusha Declaration on Good Prison Practice in 1999, the Abuja Declaration on Alternatives to Imprisonment in 2001 and the 2002, and the Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa. These African regional instruments have not only highlighted the challenges in the administration of criminal justice, particularly the problem of overcrowding in African prisons, but have also provided effective, viable and long-term solutions to the problems. Nigeria is a signatory to these documents but these strategies have not yet been implemented (AI, 2008b; Alemika, 2011).

### **Constraints in the Administration of Criminal Justice Institutions in Nigeria**

The administration of criminal justice in Nigeria has been constrained by a number of factors. In addition to the peculiar challenges inherent in each of the institutions within the Nigerian criminal justice system, as identified in the preceding sections, there exist some generic structural problems that hinder not only the smooth administration of the public institutions such as the criminal justice sector but also threaten the continuity of Nigeria as a sovereign entity. This section seeks to explore some of these threats and how they are sabotaging the operation of the State's institutions such as the police, judiciary and prisons.

The Government of Nigeria has admitted its shortcomings on the failure of the state to transform the criminal justice sector. In its periodic country report 2005-2008 on the implementation of the African Charter on Human and Peoples' Rights in Nigeria, the Nigeria Government admits that '[o]ne of the key challenges in the effective implementation of the Charter in Nigeria is the multi-ethno-religious-cultural character of the Federation coupled with its tripartite systems of law and administration of justice' (FGN, 2010:17). Another notable challenge acknowledged by the Government 'is the low level of literacy and high percentage of poverty among Nigerians. Furthermore, poor budgetary allocation to ministries and agencies responsible for the promotion of security, socio-economic welfare and poverty eradication programmes and projects presents another important challenge in the effective implementation of most of the provisions of the economic, social, cultural, environmental and developmental rights guaranteed under the Charter' (FGN, 2010:18).

Given the brief overview of historical developments in Nigeria including the criminal justice system, one may argue that Nigeria's legal system was not built out of Nigerians' desire but rather for the British colonial administration's convenience (Okonkwo, 1998). The federal system in Nigeria appears to be the best option that has and will continue to keep the nation as a sovereign state. Despite Nigeria's abundant resources, it has been observed that poverty, corruption, insecurity and resource mismanagement have remained major problems for the country's development. However, Nigeria's criminal justice system arrangements and particularly the constitutional provision that allows for a combination of three different legal systems (English common law, Islamic or Sharia law and customary law) have, to some extent, precipitated the system's current problems. Furthermore, the constitutional provision



that permits the unification and centralisation of the NPF and NPS at the federal level, while allowing individual states to establish courts and appoint judges, appears to have undermined the notion of criminal justice as a nationally coherent system. This may also provide part of the explanation for the persistent delay and congestion in legal proceedings in Nigerian legal system.

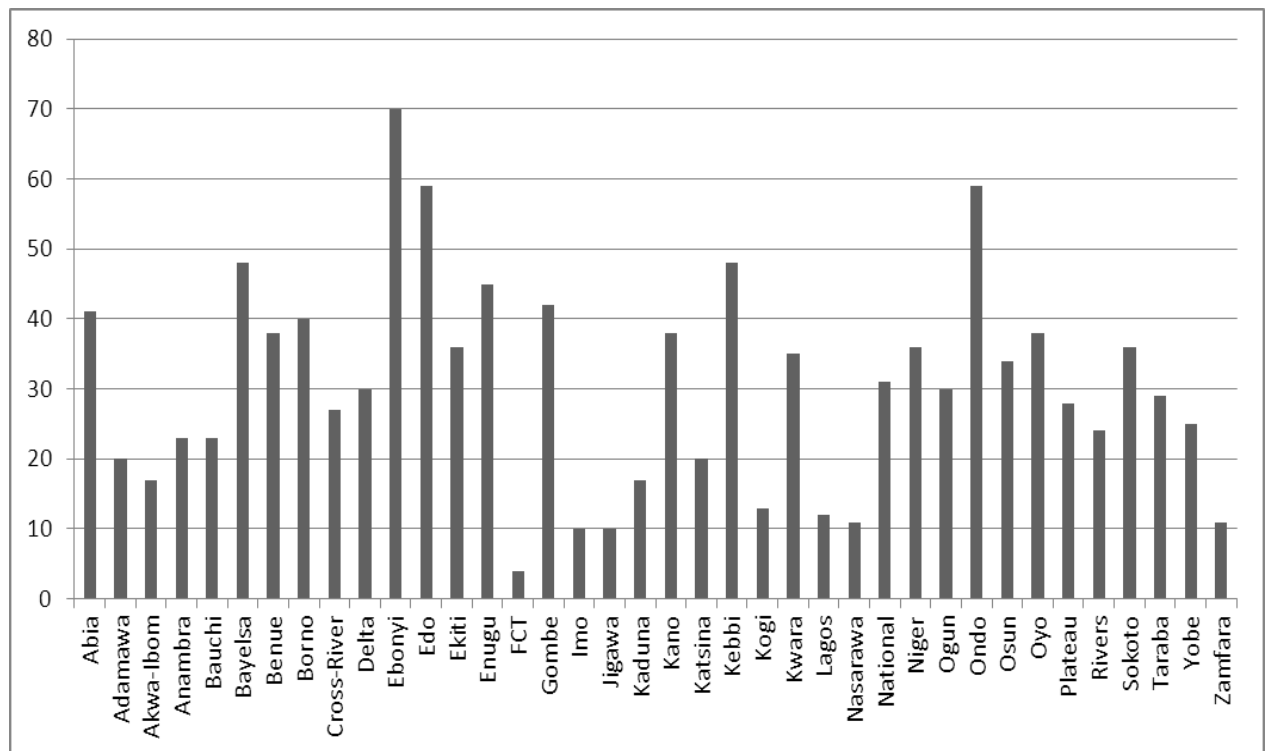
There is increasing evidence that the corruption pervading the NPF has spread to the judiciary (Nwabuzor, 2005; Ugochukwu, 2011). There are open allegations of judges demanding and receiving bribes that result in perverted judgments (Nwabuzor, 2005). In 1994, a panel of inquiry looked into the activities of members of the judiciary and indicted 47 judges for alleged corruption, incompetence, and dereliction of duty, lack of productivity or corrupt use of *ex parte* orders (Osinbajo, 2007:146). Similarly, in 1999, a study across the country on corruption in the Nigerian judiciary showed that nearly three-quarters (70 per cent) of the respondents believed the judiciary was corrupt (Osinbajo, 2007). A report by the International Commission of Jurists (ICJ) on Nigeria stated that ‘judicial corruption remains a major concern, and between 2002 and 2005, no fewer than six superior court Judges, including two Justices of the Court of Appeal, were removed from their posts on charges of corruption, while a number of other judges are under investigation’ (ICJ, 2005:2). According to Lang Seth and Michael (2003), corruption in the Nigerian judiciary takes two distinct patterns: administrative corruption and operational corruption. Administrative corruption occurs ‘when court administrative employees violate formal administrative procedures for their private benefit, while operational corruption takes place in grand schemes where political and/or considerable economic interests are at stake’ (Lang Seth and Michael, 2003, cited in Ugochukwu, 2011:73). Not only does operational corruption in the Nigerian judiciary involve the transfer of financial incentives to secure a favourable judicial decision, but also judicial proceedings and decisions are guided by personal sentiment and prejudice such as ‘ethnic considerations and political affiliation, friendship, gratitude for past favours, receipt of or expectation of gratification’ (Obgu 1992, cited in Ugochukwu, 2011:74).

While the Nigerian constitution (1999) has made provision for the establishment of a central body responsible for the appointment and discipline of superior judges, political office holders have continued to wield considerable influence over judicial appointments and removals (Osinbajo, 2007; NOUN, 2010). Additionally, funding and how funds are spent in Nigeria’s judiciary seems to cause

and aggravate the sector’s problems (Nwabuzor, 2005: 135). It has been argued that corruption persists in the Nigeria judiciary ‘due to ineffective sanctions and low detection rates due to high tolerance levels across society’ (Osinibanjo, 2007:148). The Lagos Ministry of Justice User Perception Survey (2000) indicated that 40 per cent of counsels surveyed would not report judicial corruption because ‘they felt that nothing would be done about it’ and 53 per cent of counsels would not report judicial corruption for fear of being victimised (Lagos Ministry of Justice, 2000, cited in Osinbajo, 2007: 148).

Even though the Nigerian Government has responded by enacting laws and establishing special bodies to mitigate and prevent corruption and corrupt practices, not very much appears to have been achieved. Even the legislative bodies in Nigeria have ‘suffered from a spate of corruption scandals. In fact, a Senate president was forced to resign in 2005 following accusations of corruption’ (Le Van and Ukata, 2011:16). Figure 2.4 presents perceived levels of corruption by government officials according to CLEEN Foundation (2010). Of the 38 states including the FCT Abuja, only three states were reported to have low levels of corruption practice (not over ten per cent).

**Figure 2.4:** Demands for Bribes by Government Officials by State



Adapted from CLEEN Foundation (2010)

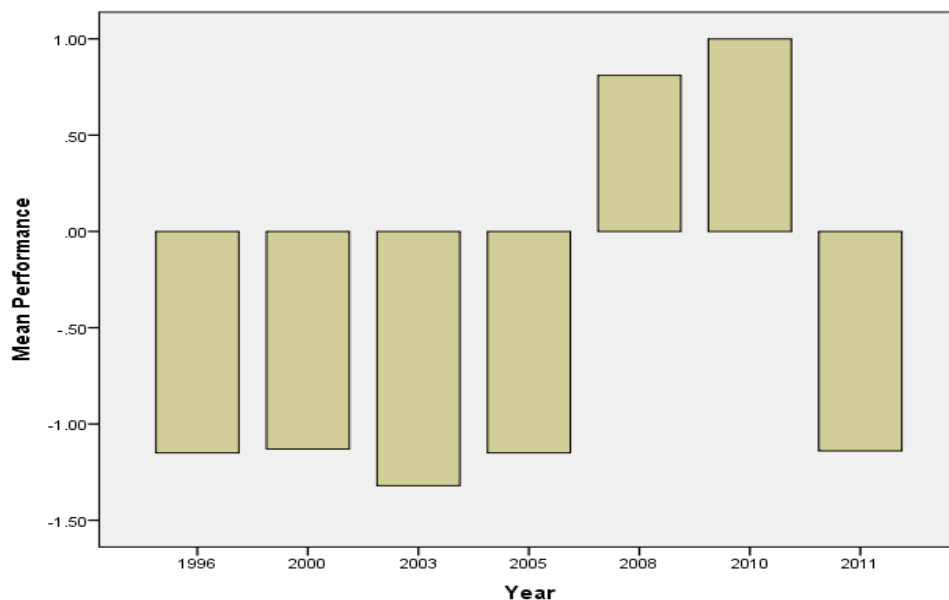
Some commentators have argued that both the Independent Corrupt Practices and Other Related Offences Commission (ICPC), and the Economic and Financial Crimes Commission (EFCC), were not primarily founded out of Nigerian Government yearning to convert corrupt practices, but rather they were created out of external pressures (Chinedu and Shedrack, 2002; Ogundiya, 2009; Onuaha, 2010). The World Bank's Federal Public Expenditure Review published in 1995, for example, is one of the forces that triggered the Nigerian Government to pass the law that led to the creation of the ICPC (ICPC, 2005; Ogundiya, 2009).

These anti-corruption agencies in Nigeria have been criticised for being selective in operation and are often used by the ruling government and elites to suppress opposition (Ogundiya, 2009; Onuaha, 2010). In 2007, the Human Rights Watch found that a majority of the 135 candidates accused of corruption by the EFCC either belonged to the opposition or had close ties to political opposition parties (Ekpunobi, 2007; Le Van and Ukata, 2011). Moreover, these anti-corruption agencies in Nigeria make little effort to monitor the Nigerian criminal justice system. Since the establishment of the ICPC in 2000 and EFCC in 2003, their top executive officials have been retired or serving officials drawn from Nigeria's criminal justice sector. In the EFCC, the pioneer chairman, Mr Nuhu Rubadu (2003-2007), his predecessor Ms Farida M. Waziri (2008-2011), as well as the incumbent chairman Mr Ibrahim Lamorde (2011- date), have all been serving NPF officers. The ICPC Act 2000, sec 3(3) provides that the Commission consists of a chairman and 12 members. Three of the 12 Commission members must be: 'a) a retired NPF officer not below the rank of commissioner, b) a retired judge of a superior court of record, and c) a solicitor/barrister with a minimum of ten years in legal practice' (The Corrupt Practices Act, 2000). Similarly, about 50 per cent of the two agencies' staff members are drawn directly from Nigeria's criminal justice institutions and officials (Ogundiya, 2009; Onuaha, 2010). Above all, despite a series of high-level charges and several resignations, neither the EFCC nor the ICPC has produced many convictions (Le Van and Ukata, 2011:15). The EFCC has arraigned many nationally prominent government and political figures on corruption charges, but cases remain stalled in the courts (HRW, 2012). Of the 35 corruption cases arraigned in 2012, only four convictions were made and only four cases resulted in prison sentences (HRW, 2012). This indicates that the operation of Nigerian agencies fighting corruption and resource

mismanagement is undermined by frequent interference from the executive and prominent politicians and a weak and overburdened judicial system.

Nevertheless, these agencies claim to have succeeded in restoring Nigeria's image within and outside Nigeria, to have enlightened and educated Nigerians about corruption, to have prosecuted many people including government officials and have injected some degree of patriotism into public and private institutions in Nigeria (ICPC, 2005). However, a report by the World Bank (2012) shows that there has been no significant improvement in the Nigerian government's performance towards controlling corruption since 1996. The World Bank report was based on surveys that measured perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption. Figure 2.5 demonstrates the Nigerian Government's attempts to contain corruption. Between 2008 and 2010, the Nigerian Government recorded slight progress, though by 2011, the performance level had declined to a position similar to those levels recorded between 1996 and 2005 (World Bank, 2012). Thus, it is clear that the Nigerian Government's efforts to control corruption from 1996 to 2011 have not been encouraging.

**Figure 2.5:** Nigerian Government Performance in Controlling Corruption (1996-2011).



(Note: -2.5 = weakest performance and 2.5 = highest performance)  
Source: World Bank (2012).

The lack of coordination and communication among the criminal justice institutions and officials in Nigeria can be attributed to stakeholders' lack of political will to improve the situation. For example, Nigerian government officials, particularly the elected officials, have failed to develop the 'Criminal Case Management and Tracking System' initiated by the British DFID in 2002, that would effectively bridge the coordination and communication gaps between and among the Nigeria's criminal justice institutions (DFID's SJGP-Nigeria, 2010). Several commentators blame staff incompetency, underfunding, and the disjointed structural arrangement of the Nigerian criminal justice institutions as the main causes of the sector's inefficiency (Aduba and Elemika, 2009; Alemika, 1988; Aluko, 2002; Chukwuemeka, 2010; DFID-Nigeria, 2010; NLRC, 1991; Nwabuzor, 2005; Osinbajo, 2009; TLC, 2008 and World Bank, 2010).

Due to growing insecurity and difficulties in accessing the formal justice system, many Nigerians have sought recourse to the use of informal or traditional institutions for justice, which seem to be accessible, cheap, prompt, and effective (Fourchard, 2008; Mohammed, 2007; Usman, 1987). Nigerian royal institutions have 'always been called upon and used to neutralize crises as and when they arose. In addition, successive governments realised that the surest way to win the hearts and minds of the citizens on major issues of the day was through the traditional rulers' (Usman, 1987:12). The recent Boko Haram Militants' activity in northern Nigeria proves the role Nigerian traditional institutions can play in the administration of criminal justice. In the areas most affected by the conflict, a number of indictable cases have been formally referred and resolved by the informal or traditional justice mechanisms. Vigilante groups (often composed of volunteer youths) have performed both the policing and prosecution tasks while the community, village or ward heads in consultation with religious kings administered justice based on Sharia law and tradition.

With the exception of judicial institutions and processes, all other components of the criminal justice system in Nigeria are centralised, owned and financed by the federal government but positioned in different Ministries. Despite continued support and monitoring by the Nigerian government, under-funding, corruption, staff incompetency and under-staffing have been identified as the cross-cutting challenges in Nigeria's criminal justice system. Moreover, the disappointing performance of

Nigeria's criminal justice system has been linked to poor coordination among the system's components and the reluctance of stakeholders to reform the system.

## **Chapter 3**

### **Penal System in Nigeria**

Prisons in Nigeria are centrally managed by the Nigerian Prison Service (NPS), which is answerable to the Ministry of Interior Affairs. This chapter examines the development of prisons in Nigeria from pre-colonial times to the present day. Also, the chapter explores the Nigerian prison system's structure and functions, as well as challenges that impede the system's efficient administration.

#### **Historical Overview of Nigerian Prison System**

This section provides a brief overview of the historical development of modern prisons in Nigeria with the aim of understanding how Nigeria's past colonial and military regimes directly or indirectly determined the current structures and administration of Nigeria's criminal justice and prison systems.

In pre-colonial Nigerian society, the treatment of offenders varied between communities. In the Igbo communities located in the Eastern region, for example, disputes and serious matters were settled by elders (Saleh-Hanna, 2008), whereas, in the Northern regions, Islamic laws or Sharia codes were applied particularly in those communities under the Sokoto Caliphate, and the Gobir and Kanem-Borno empires (Okonkwo and Naish, 1980). Punishments in pre-colonial Nigerian societies were mainly grouped into two categories, those used for less serious and those used for serious crimes. Less serious crimes often attracted penalties of manual labour, fines, compensation and restoration, and corporal punishment, whereas serious offences attracted harsher forms of punishments such as banishment, hanging, maiming, stoning, burying alive, ostracism, exile, and beheading (Adeyemi, 1993; NLRC, 1991). It has been observed that punishments in Nigerian traditional societies, particularly before the advent of colonial rulers, were 'instant, rough and severe' (NLRC, 1991:14). However, this does not mean that imprisonment, as a sanction, was not used in pre-colonial Nigerian communities.

Imprisonment as a mechanism for punishing offenders was used prior to colonial administration in many West African societies, including Nigerian communities (Alabi and Alabi, 2011). Although one study suggests that 'penal incarceration was rare in pre-colonial Africa' (Bernault, 2003:6), prior to colonial rule there was an established practice of imprisonment in many of the Hausa communities

of northern Nigeria (Danbazau, 2007; Last, 2008). In traditional Hausa society, two places served as prison: rooms in the Emir's palace where his court was held (Last, 2008) and the house of the official gaoler (Lugard, 1902). This form of prison was usually a large pit set deep in the floor of a stoutly walled room. The royal warders were slave officials called 'Makama/Dogari' who took charge of arrests and the execution. One study indicates that a prisoner sent to the pit remained there unless his kinsmen could compensate for the offence (Danbazau, 2007). This suggests that imprisonment was also used to enforce payment. Today, a numbers of satellite prisons in northern Nigeria are located in those Hausa communities' pre-colonial prisons (Alabi and Alabi, 2011:235).

The modern prison system in Nigeria emerged with colonisation, and it began in Lagos in 1872 with an initial capacity of 300 inmates. The facility was built by the then acting British Governor General of the Lagos colony (Alemika, 1988; Agozino, 2005; Killingray, 2003; Saleh-Hanna, 2008). However, questions remain as to why colonial rulers introduced prisons in African colonies and who the prisons served. It has been contended that 'colonialism was never intended to bring freedom to colonised people' (Nkrumah, 1968, cited in Agozino, 2005:126). Bernault (2007:56) noted that prisons in Africa 'were largely foreign to nineteenth-century African penal systems, and were imposed [by European colonisers] as tools of social disorder rather than civil discipline, consolidating social divides and colonial rulers' political control'. Thus, the European (colonisers) built modern prisons not primarily to institute a modern justice system, but as a tool for suppressing all forms of resistance by the colonised (Agozino, 2005; Saleh-Hanna, 2008). Bernault (2007:59) found that 'during the early colonial penetration in the 1880s - 1910s, the jails set up by European authorities seldom resembled reform prisons, but answered immediate military and political needs to tame political resistance'. Agozino (2005:125) contends that 'the British colonial officials only supported traditional social control institutions when they facilitated the enhancement of British control over all aspects of life in West Africa'. The colonial Nigerian prison system was perceived to be mainly an apparatus through which colonial rulers exercised dominion over the indigenous social class in the colony (Alavi, 1972). Africa's earliest experience with the modern prison system was not for rehabilitation of criminals; instead prison was established for the economic, political and social subjugation of indigenous peoples (Agozino, 2005; Bernault, 2007; Pete, 2008; Sarkin, 2009). It was in these early modern prisons that 'even minor offenders



were subjected to brutal confinement and conscripted as sources of cheap labour' (Sarkin, 2009:2). Bernault (2003:12) found that:

Administrative sentences in colonial African prisons entailed short arbitrary periods of detention affecting a high percentage of the indigenous adult male population. [Imprisonment served as] ... economic incentive to enforce tax collection, forced labour, or cultivation, and to provide colonial companies with a constant influx of cheap labour.

This highlights the fact that colonial prisons in Africa served 'as places of captivity rather than of custody' (Bernault, 2007:56). It also strongly suggests that the modern prison system was not mainly introduced into African colonies to improve the imperfect penal practices, but as a means of sourcing labour and repressing those who resisted colonial authority.

The development of the modern prison system in Nigeria goes hand-in-hand with the progressive incursion of the British into the Nigerian hinterlands and the establishment of the British Protectorate towards the end of the 19<sup>th</sup> century. By 1910, there were prisons in many Nigerian large towns and districts (Alemika, 1988; Killingray, 2003). However, the declaration of protectorates over the east, west and north regions in 1906 which effectively brought all Nigeria's regions under British rule did not bring together Nigerian prisons into a unified system. The unification and centralisation of prisons in Nigeria was not instituted until 1968, since when prisons have been governed through the NPS (Alemika, 1988; Chukwuemeka, 2010; Jefferson, 2007; NPS, 2010; NLRC, 1991; Orakwe, 2011b).

During Nigeria's military regimes (1966-1979 and 1983-1998), the military considered the prisons to be a 'punitive institution and thus paid little attention to develop its infrastructures and conditions' (Chukwuemeka, 2011:144). Ogundipe (2006:29) noted that 'the military did periodically visit the prisons but only to make sure that those they had detained were not allowed any measure of comfort'. Ogundipe (2006:29) further added that 'the population of inmates under them [the military regimes] became elastic in that the capacity of each prison did not matter; all detainees had to be held in custody. And if the prisons became places of torture, it served the purpose of the military regime very well' (Ogundipe, 2006:29-30). Alabi and Alabi (2011:238) confirm the above claim as they found that between 1999 and 2010 the proportion of detainees in Nigerian prisons had sharply declined compared to the

period between 1989 and 1999 when the repression and incarceration of people opposed to the military regime were at their peak. Moreover, death rates in Nigerian prisons declined from 1,500 inmates per year in the 1990s to 89 in 2011. The decline in the number of both prison inmates and prison deaths is associated with the Nigeria's return to civilian democratic governance and a subsequent increase in the activities of humanitarian organizations (NPS, 2010, cited in Alabi and Alabi, 2011:283).

However, the significance of changes in the Nigerian prison system with the return to civilian democratic governance remains contested. Van and Ukata (2011:9) observed that 'the use of torture and mistreatment of criminal suspects by the police and security services including the Nigerian prisons authorities remain rampant. These practices, carried over from the era of military rule, have continued due to poor training and lack of capacity to conduct criminal investigations'.

The first Nigerian prison regulation was published by colonial administrators in 1917, and primarily prescribed procedures for routine work as well as inmates' admissions, custody, treatment and classification procedures, staffing, dieting and clothing (Orakwe, 2011). By 1949, prisons in Nigeria had begun to offer vocational training programmes that later became one of the formal objectives of the NPS (Jefferson, 2007). British colonial rulers established the first prison staff training school in Enugu in 1947 (Egu, 1990:4), and training of staff was modelled on British methods (Jefferson, 2007). Until the late 1950s, the majority of teaching staff at the first Nigerian prison training school in Enugu were British nationals (Jefferson, 2007). The Nigerian Prison Service's Standing Orders of Operations (SO), published in 1961 (NPS, 2010), illustrate that prison governing procedures 'are quite clearly inspired by British models of prison management' (Jefferson, 2007:257). Thus, it is clear that the influence of British colonial rule on the Nigerian prison system is hard to overstate.

### **Structure and Organisation of Prisons in Nigeria**

This section examines the organisational structure of Nigerian prisons. The Nigerian Prison Service is solely owned, managed and financed by the federal government of Nigeria through the Ministry of Interior. The Nigerian Prison Service is a centralised government department with a paramilitary administrative structure (Jefferson, 2004 and 2007; Orakwe, 2011a). One of the most important administrative changes to the Nigerian prisons was the shift in management and control from native regional authorities to federal government in 1968. Nevertheless, even today much of the prison

structure remains as set up by the British colonial rulers (Saleh-Hanna and Ume, 2008). Saleh-Hanna and Ume (2008:60) further state that the unification and centralisation of Nigerian prisons was primarily based on the premise that ‘the best way [forward is] to work with what they left behind was to institutionalise their laws’.

Indeed, successive post-colonial Nigerian governments maintained the colonial rulers’ prison structure but failed to integrate Nigerian traditional institutions into the administration of Nigerian prisons. During Nigeria’s colonial administration, British colonial rulers found it convenient for the Nigerian royal institutions including the warrant chiefs to continue to oversee most instruments of authority such as the police and prisons (Last, 2008; Lugard, 1902; Danbazau, 2007). This shows that Nigerian traditional institutions played a crucial role in the administration of colonial Nigerian prisons, while post-colonial Nigerian governments largely ignored them.

The Nigerian Constitution caption 366, section 1 (1990) recognises the ‘Nigerian Prisons Service’ as the federal department that manages the affairs of all prisons and the ‘Controller General of Prison’ as the general officer in charge and superintendent of the prison system (CN, caption 366, section 1, of 1990). In December 2010, the NPS’s staff strength stood at 28,875 with eight regional coordinators, 36 states controllers and divisional superintendents in 234 prisons. For staff training and development, the NPS maintains six institutions (see Figure 3.1).

**Figure 3.1:** Units in the Nigerian Prison Service

Unit	Functions
National Head Office	Direct, coordinate and supervise staff and prisons in the federation.
Eight regional (zonal) Head Offices	Spread across the six Nigerian geopolitical regions and coordinate activities of staff and prisons within the region.
Thirty-six state Head Offices	Located in every state capital in the federation. The offices direct, coordinate and supervise staff and prison activities within the state.
Twelve maximum-security prisons	Admit all categories of inmates but more specifically those inmates charged with indictable offences and long-term prisoners including prisoners on death row, prisoners of war and debtors.
One hundred and thirty-two medium-security prisons	Admit all categories of inmates but accept those inmates charged with non-indictable offences and short-term prisoners including detainees and debtors.
Ninety-eight satellite prisons	Located in semi-urban areas, provides transitional

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	custodial services. Admit inmates charged with non-indictable offences, short-term imprisonment, debtors and detainees.
Twelve farm centres	Collect sentenced inmates from other prisons who are considered to be lower risk and willingly ready to acquire skills. The centres provide vocational skills and provide pre-release training to convicted inmates in agriculture. Funds are generated through the centres' activities and inmates' earnings from their labour.
Nine cottage industries	These are industries built around prisons. Selected inmates considered to be lower risk and willingly ready to acquire skills are sent to work daily. The factories provide vocational skills and provide pre-release training to convicted inmates in craft work, construction and production. The industries generate funds for the state and inmates earn money from their labour.
Three Borstal institutions	These institutions are built for the remand and treatment of juvenile offenders.
One Open prison	This provides pre-release resettlement skills for sentenced inmates selected from other prisons. The prison allows inmates to work around the community with minimal supervision. Half-way-home training allows inmates to earn money from their labour and boost their reintegration skills.
One Prison Academy at Ijebu-Igbo, Ogun State	The institution is under construction and will have university equivalent status. It is expected to provide advanced training and research knowledge and skills on penal policy and administration in sub-Saharan Africa.
One Prison Staff College at Kaduna State	The College provides training and retraining to senior prison staff.
Four Prison Staff Training Schools at Enugu, Kaduna, Lagos and Owerri	The schools offer training and retraining to junior prison staff.

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*Sources:* Jefferson, 2007; Orakwe, 2011; NPS, 2012.

Given the Nigerian prison population total of 49,553 in January 2012 (NPS, 2012), the ratio of staff-to-inmates is approximately 1:1.7, indicating the system is adequately staffed. According to staff-to-inmate ratio measures, a prison system with an average staff ratio of 1:1.7 implies that such a system has 'average staff ratio' and should be regarded as 'adequate' (Elias and Milosovich, 1999). However, as will be discussed later in this study, many prisons in Nigeria are understaffed.

As shown in Figure 3.1 above, prisons in Nigeria are mainly classified into three kinds: maximum-security; medium-security; and satellite. Maximum and medium-security prison types are mainly situated in urban centres, state capitals, and larger cities, while satellite prisons are predominantly located in rural towns or in local

government areas. Nigeria's penal system allows each of the three kinds of prisons to admit all persons duly committed by competent sentencing authorities; however, the kind of offence sentenced for, and the length of sentence, often determine the type of prison to which an offender is committed. Persons to be held in prison on remand charges for indictable offences or to serve sentence terms for indictable offences such as murder, culpable homicide, armed robbery and rape are taken to either medium-security or maximum-security prisons. Nigerian satellite prisons are designed to hold remand prisoners not longer than six months, and sentenced prisoners not longer than twenty-one days. In addition, Nigerian satellite prisons are not empowered to hold people charged with indictable offences. This means that satellite prisons in Nigeria are basically providing short-term or transitional custodial services (Orakwe, 2011a). However, as will be revealed later in this study, both sentenced and remand prisoners are held in Nigerian satellite prisons longer than the stipulated periods.

Inmates in Nigerian prisons consist of adult males and females, young persons, children from the ages of 12 to 16 years, pregnant women, nursing mothers (and newborn babies may accompany their mothers in prison if they are being breastfed until they are 18 months old), physically challenged and mentally ill people, debtors and detainees. They include remand and sentence prisoners: first offenders, recidivists, long and short-term prisoners, prisoners on death row, prisoners serving a life term, and inmates awaiting punishment such as flogging, stoning to death and part-of-body amputation (Ogundipe, 2008; Orakwe, 2011a).

The NPS SO No. 474 (2011) stipulates that adequate necessities such as food, clothes, shelter and medical provisions should be provided for pregnant prisoners and mothers admitted into prison with infants, while SO No. 476 (2011) provides that after the age of 18 months, a child born in prison or received into prison with his/her mother should be handed over to family members outside the prison or referred to a government approved hospital or child care centre (Dayil *et al.*, 2011). However, as will be discussed later in this research, babies with their mothers in Nigerian prisons are always poorly treated and some of the children are even older than 18 months.

Some aspects of the Nigerian prison system are now privatised (Orakwe, 2008). The supplies of prisoners' food, cooking gas and medicine are contracted to private companies. Food supply, for example, per prisoner carries a daily cost ₦ 200.00 equivalent to £0.85 GBP (AI, 2008a).

Over the past two decades, Nigerian prison population figures have consistently suggested that a large proportion of prisoners (70 per cent) are detained awaiting trial. During Nigeria's military regime in 1998, for example, a sample drawn from 30 prisons across Nigeria showed that 'as much as 98 per cent of the population of inmates were awaiting trial. Of the 98 per cent, nearly two-thirds of the inmates (63 per cent) were political prisoners, and almost a third (32 per cent) were social and human rights activists, while the remaining five per cent fell into various other categories' (Briggs and Ojukwu, 2005:22). Likewise, in 2005, the National Working Group on Prison Reform and Decongestion toured 144 Nigerian prisons and found that, over the past ten years, two-thirds of the population (65 per cent) of these prisons had been remand prisoners, with most remand prisoners concentrated in urban areas (Obioha, 2011:101). In June 2013, after the first phase of this research fieldwork, the aggregated Nigerian prison population was 54,144, and nearly three-quarters of the population (70 per cent) were remand prisoners (NPS, 2013; World Prison Brief, 20013b). Moreover, prison service data indicates that over half of the remand prisoners (53 per cent) had been in custody for more than 20 months (Researcher's personal communication with NPS staff in 2013).

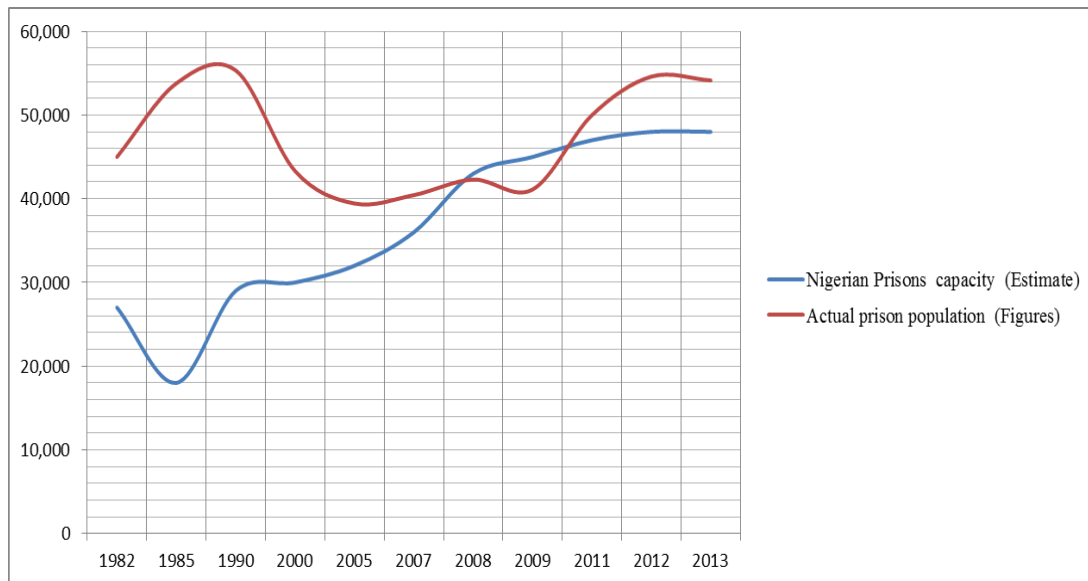
Over-population and appalling conditions in the Nigerian prison system are not new phenomena. During the colonial administration, many Nigerian prisons were reportedly overpopulated (Killingray, 2003; Lugard, 1902; Meek, 1969). However, a study conducted by the Nigerian Law Reform Commission (NLRC) found that the 'colonial prison system had a far better arrangement to what we have now in terms of receiving and reformation of persons so committed into it by legal process' (NLRC,1991:1). Until the late 1990s, the Nigerian prison system was not only characterised as old and out-dated but also as having limited facilities to accommodate the growing number of inmates. In their report, the NLRC (1991: vii) observed that 'prisons in Nigeria are few, too much-of-a makeshift, outmoded or old-fashioned, insecure, highly congested and seriously lacking in some vital offender treatment facilities'. Judging from the above positions, it seems that the current work and living conditions of the Nigeria prison system is not a by-product of British colonisation in Nigeria.

### **Population Trends in Nigerian Prisons**

Studies have shown that the Nigerian prison population has been on the increase since the inception of prisons by British colonial rulers in the late 1800s (NLRC, 1991; Orakwe, 2008; Saleh-Hanna and Ume, 2008). One of the British colonial administrators in Nigeria Lord, Fredrick Lugard, reported that ‘Kano prisons in Nigeria during colonial rule are highly congested to the extent that inmates have trodden on one another’ (Lugard, 1903, cited in Meek, 1969:83). Killingray (2003:101) noted that ‘at Owerri Prison by 1919, there were more than 900 prisoners in a structure designed to accommodate about 100 and the conditions there were unsanitary, there was little food and as a result many inmates died’. However, expressing a slightly different view, Saleh-Hanna and Ume (2008:61) contend that there was ‘no recurring record of prison overcrowding during colonial rule in Nigeria’. In 1991, the NLRC (1991) found that many prisons in Nigeria have been in constant overcrowding mode for over three decades. Recent studies have indicated that most Nigerian prisons are generally overpopulated and overcrowded (Alabi and Alabi, 2011; Alemika, 2011; Chukwuemeka, 2010; Obioha, 2011). Given the above situation, the next section reviews prisons population trends in Nigeria.

As shown in Figure 3.2 below, in 1985 the Nigerian prison capacity was 18,000 but prisons actually held 55,331 inmates. By 2000, the Nigerian prison capacity had improved by 67 per cent, but the prisons population had also grown. Again, in 2011, when the Nigerian prison capacity had risen to 47,284, the prison population stood at 50,000 (Orakwe, 2012). In other words, as the prison capacity has improved so the prison population has increased. It also suggests that prisons in Nigeria have not been operating within their rated capacity (Orakwe, 2008). However, assessment of the aggregate prison population without understanding its distribution per prison may not necessarily provide a clear picture of each prison population. Often, differences in the number of admissions and releases are found between prisons as they are unevenly distributed (Coyle, 2002a). Also, differences may be found in the category of inmate that constitutes the population. Coyle (2002a: 89) noted that in most prison systems ‘overcrowding is spread unevenly’. ..., the reason for this is that overcrowding is generally concentrated among certain groups of prisoners, usually those awaiting trial and sometimes particular groups of convicted prisoners, such as those serving shorter sentences’.

**Figure 3.2:** Designed Capacity and Actual Prison Population in Nigeria (1982-2012)



Compiled: Orakwe, (2008); Ogundipe, (2009); NPS, (2012a); World Prison Brief, (2011; 13a).

Nevertheless, the data shown in Figure 3.2 above may not necessarily mean that all prisons in Nigeria have been operating above their design capacity. Figure 3.3 below provides information on the distribution of inmates in fifteen prisons drawn from five states across Nigeria in February, 2012. The data presented in Figure 3.3 indicates some variation in the overall Nigerian prisons' designed and the actual prison capacity. In February 2012, the Nigerian prison population was 50,601, against a designed capacity of 47,284, implying the system is not relatively overpopulated. However, a close study of the 234 Nigerian prisons indicates that nearly three-quarters (n=168, 71%) of the prisons were operating above their rated capacity (NPS, 2012a). These differences in operational capacity between prisons are not indicated at aggregate level. The difference in the actual and the rated prison capacity is found not only between states and regions but also between prisons within states. In the northern Nigerian state of Yobe, for example, at aggregate level the state operated below its rated capacity by 47 per cent; 620 actual inmates against 1,180 capacity. On the other hand, Damaturu Satellite Prison is found to be operating above its rated capacity by nearly 45 per cent (see Figure 3.3).



**Figure 3.3: Prison Capacity and Population in Five States of Nigeria (2012)**

State	State prison design capacity	State actual prison population	Prison Location	Prison design capacity	Prison population by State actual prisons population (%)	Actual prison population by Design capacity (%)
Lagos	2,796	5,251	Maximum Security Prison - Kiri-Kiri.	1,056	846 (16%)	80% <
			Medium Security Prison - Kiri-Kiri.	704	2,307 (44%)	328% >
Kano	1,840	2,770	Badagry Prison.	130	207 (4%)	159% >
			Goron-Dutse Prison.	600	1,008 (22%)	168% >
			Dawakin Tofa Satellite Prison.	50	81 (3%)	162% >
			Wudil Prison.	160	99 (4%)	62% <
Yobe	1,180	620	Nguru Prison.	94	77 (12%)	82% <
			Damaturu Prison.	30	67 (11%)	223% >
Imo	1,188	2,052	Gashua Prison.	104	108 (17%)	103% >
			Owerri Prison.	548	1,784 (87%)	326% >
Edo	2,092	1,959	Okigwe Prison.	540	240 (12%)	44% <
			Orreh Prison Farm.	100	-	-
			Benin Old Prison.	230	524 (27%)	227% >
Rivers	1,354	3,495	Ubiaja Prison.	140	179 (9%)	128% >
			Auchi Prison.	200	159 (8%)	80% <
			Port-Harcourt Prison.	804	2,955 (85%)	368% >
			Degema Prison.	200	73 (2%)	37% <
			Eleme Prison Farm.	200	63 (2%)	32% <

**Source:** NPS, (2012). **Note:** > = greater than prison's design capacity and < = less than prison's design capacity

The data presented in Figure 3.3 above sheds light on the relationship between prison populations: prison type (medium-security, maximum-security and a satellite), and areas in which prisons are located. Some commentators are of the opinion that prison populations in urban Nigerian prisons are higher than in those located in rural areas (Ogundipe, 2009; Orakwe, 2011b), thereby suggesting that over-population and overcrowding in Nigerian prisons are urban phenomenon. However, this does not necessarily mean prisons located in Nigeria's rural areas are not over-populated and overcrowded. Differences among Nigerian prisons in terms of design and actual capacity at regional, state and prison levels have been found (see Figure 3.3). The Maximum Security Prison in Lagos, for example, was found to be operating below its rated capacity, while the Minimum Security Prison located at the same geographical

location was operating above its designed capacity (see Figure 3.3). It may thus be suggested that prison overcapacity may occur in a country or region selectively, with some prisons showing overcapacity occupancy while others operate below the level of accommodation capacity (Albrecht, 2010).

### **The Purpose of Imprisonment in Nigeria**

Generally, prisons mainly hold inmates awaiting trial and awaiting punishment, as well as convicted offenders. According to Andrews (2003:128), punishment is the ‘deliberate use of public power to inflict pain on offenders’. Imprisonment coerces people into compliance with the orders of the sentencing authorities - fine default, coercive function (Walker, 1985) or serves as a ‘standard defaults sanction’ (Cavadino and Dignan, 1977:111) when other penalties are insufficient responses to an offence or if offenders fail to comply with other sanctions. Prison also operates to protect the public, based on the notion of an offender’s incapacitation (Coyle, 2005; Walker, 1985). In another perspective, prison offers shelter, as some people might find prison a ‘refuge against the intolerable pressures of the outside world’ (Cavadino and Dignan, 2002:33). Furthermore, the activities involving inmates’ labour and industries, and the privatisation of some aspects of prison management, makes prison a profitable enterprise (Logan, 1990; Peters, 1995). Given the above positions, the purpose of prison can be contested (Cavadino and Dignan, 2002; Morgan, 2000), and imprisonment is used ‘as a means to various ends’ (Liebling and Crewe, 2007: 898). Against this backdrop, this section examines what Nigerian prisons are expected to achieve.

Prior to the advent of the modern prison system in Nigeria, prisons mainly held arrested people until their cases were heard, i.e. they had custodial functions (Last, 2008; Lugard, 1902). A Sharia court ‘normally does not sentence the convicted to serve a term in prison; sharia sentences punish the convict financially or physically’ (Last, 2008:56). This indicates that pre-colonial Nigerian prisons ‘had a custodial rather than a punitive or coercive role’ (Last, 2008:57). However, court proceedings especially before the Emir were often delayed (Last, 2008), meaning that British colonial rulers introduced imprisonment as a punishment (Last, 2008).

The colonial Nigerian prison system was characterised by intimidation, as the primary purpose of imprisonment in the colonial context was not to ‘reform but to intimidate’ the colonized (Pete, 2008:50). Corporal and capital punishment were used

both as an alternative to, and in conjunction with, the punishment of imprisonment (Pete 2008: 48). Pete (1986:104, cited in Pete, 2008:49) notes that:

The colonialists also believed that imprisonment, in itself, was not sufficient punishment for the African offenders. It was believed that imprisonment was 'too civilised a punishment for the black man, who received better food, clothes, treatment, and accommodation while inside prison, than during his normal life as a free man'.

Imprisonment as intimidation was not only restricted to colonial Nigerian prisons, as some studies have suggested that post-colonial Nigerian prisons have also been used to coerce offenders who fail to comply with other sanctions (Alabi and Alabi, 2011; Obioha, 2011; Ogwezzy, 2011). Commentators are of the opinion that the unification and centralisation of Nigerian prisons' administration in the 1960s brought little or no change to the infrastructure, operation or the laws. Arguably, the Nigerian prison system remains largely as it was in the colonial era (Alemika, 2009; Chukwuemeka, 2010; Saleh-Hanna and Ume, 2008). In 1991, the Nigerian Law Reform Commission's report and draft bill for the reform of prisons in Nigeria noted that 'there seems to be no set out philosophy for imprisonment' in Nigeria (NLRC, 1991: vii). Thus, if nothing has so far been changed in the Nigerian prison system, this means that the Nigerian prison system is primarily offering custodial, coercive and punishment roles.

The intended and recognized functions of Nigerian prisons are unclear, as many of the Nigerian prisons' functions are spelled out in various operational tools (Jefferson, 2007). Jefferson observes that '[t]he official functions of the NPS, determined not by law but internally, are the custody of legally detained persons, treatment and reform, preparation for discharge and the generation of funds for government' (PRAWA, 1999 and NPS Annual report, 2000, cited in Jefferson, 2007:256). Among these documents are the Prisons Ordinance of 1916 reviewed in 2011; Laws of Nigeria 1948 and 1958; Government White Paper in 1971; the Prison Decree No. 9 of 1972; the NPS Staff Duties Training Manual (1972) and the Cap 366, of the CN of 1990/2004.

The only law-sanctioned function of the service is to maintain prisoners in secure custody (Jefferson, 2004). Nevertheless, the NPS report of 1968 and the NPS Staff Duties Training Manual (1972) outlined the intended functions of the Nigerian Prison Service to include: a) to take into lawful custody all those certified to be so kept

by courts of competent jurisdiction; b) to produce suspects in courts as and when due; c) to identify the causes of prisoners' anti-social dispositions; d) to set in motion mechanisms for their treatment and training for eventual reintegration into society as normal law-abiding citizens upon discharge; and e) to administer prison farms and industries for this purpose and in the process generate revenue for the government. Moreover, Orakwe (2011a) identifies three foremost functions of the Nigerian prison system; custodial agency that is mainly concerned with keeping inmates in custody as stipulated in law. The second aspect is the provision of the welfare agency that involves provision of services such as guidance and counselling for personal and career development including skills acquisition. The last key function of the Nigerian prisons is the generation of revenue through industrial or commercial activities within the prisons system. According to Orakwe (2011a:20), the Nigerian prison system centres on three functions, which include 'devoted to keeping inmates, serving inmates and using prison facilities and inmates to generate revenue'. Orakwe admits that the Nigerian prison system has 'failed to realise those stated functions and attributed the failure to external factors such as higher rate of remand prisoners and slow judicial process' (Orakwe, 2011a:20). Inferring from the above position, it seems the intended or manifest functions of prisons in Nigeria are a combination of two or more of custodial, punishment and revenue generation. However, the extent to which these intended objectives are realised or put into practice has been a subject of controversy (Chukwuemeka, 2010; Obioha, 2011).

One of the purposes of prison in Nigeria is to generate revenue to government and income to prisoners through industrial activities (NPS, 2012; Orakwe, 2011b). There is little or no documented evidence on how much profit is realised from Nigerian prisons' industrial activities. But what seems to be clear about revenue generation and prisoners' labour related activities is that the NPS annually invest in prison industries. In 2012, about 0.21 per cent (₦130 million or £483,000 GBP) of the NPS annual budget was invested in its industries (NNA, 2012). In reality, however, activities of the under-funded Nigerian prisons' industries are contested. Nigerian prisons' industries are not only under-funded but also the NPS' SO No. 409 (2011) restricts all forms of prison labour and industrial activities to sentenced prisoners, which means that remand prisoners who are the majority in the Nigerian prisons (Obioha, 2011; Orakwe, 2008 and 2011a), cannot participate in prison industrial activities. Again, the fact that some aspects of the NPS activities such as prisoners'

food, cooking gas and medicine are privatised (Orakwe, 2007), and the growing population of remand prisoners in Nigerian prisons may not only undermine the prison industrial activities but could also increase the management burden. In 2012, about 9.2 per cent (over ₦5 million or £20,000 GBP) of the NPS budget was spent on inmates' food and medicine (NNA, 2012). This suggests that instead of generating revenue for the state and income for prisoners, Nigerian prisons are rather providing shelter for remand prisoners, which in turn increases profit for prison contractors. Supplies in Nigerian prisons are based on the actual prison population rather than prison rated capacity (Ogundipe, 2009; Orakwe, 2011b).

The kind of prisoners a prison holds may be used to gain perspective on what a prison is expected to achieve. It has been suggested that for nearly three decades, the proportion of remand prisoners in Nigerian prisons increased and continued to grow (Ogundipe, 2009; Orakwe, 2008). In addition, the Nigerian prisons population figures showed that while there is a continuous rise in the numbers of remand prisoners, the population of sentenced prisoners continued to decline from 77 per cent in 1982 to 28 per cent in 2012 (NPS, 2012; Ogundipe, 2009; Orakwe, 2008; World Prison Brief 2011 and 2013a). Thus, given the Nigerian prison population trends over the past two decades, it could be suggested that Nigerian prisons were serving the custodial function more than any other roles.

Furthermore, what the Nigerian prison system is expected to achieve could be determined by the reasons for imprisonment. In 1998, a study in 30 prisons across Nigeria showed that nearly 98 per cent of the population were remand prisoners. Of the 98 per cent, 63 per cent were political prisoners, 32 per cent were social and human rights activists, while the remaining five per cent fall into other categories (Oloyede, 1998; Briggs and Ojukwu, 2005, cited in Chukwuemeka, 2011:117). In this context, it could be argued that those 30 Nigerian prisons served as places for suppressing political opposition. Nevertheless, Chukwuemeka (2011:117) maintains that the situation in Nigerian prisons 'remained the same till date'. Chukwuemeka (2010:117) further notes that:

Nigerian prisons inmates are made up of the poor and defenceless, social activists, agitators of ethnic marginalization particularly from the minority tribes, dissident elements in the various authoritarian regimes that ruled Nigeria, strong political opponents and critics, and social crusaders.

Thus, it could be suggested that the Nigerian prisons have purportedly been used as ‘a repressive instrument in the hands of the dominant ruling class against others in the process of inter-and intra-class struggle for state power and public resources’ (Chukwuemeka, 2010:117). The above claim, on one hand, means that Nigerian prisons were used by authoritarian regimes and the ruling elites to hold people that resist political and economic subjugation while on the other, one may conclude that Nigerian prisons served as places of holding vulnerable members of Nigerian society.

In another perspective, due to the perceived appalling work and living conditions in the Nigerian prison system, Nigerian prisons have been variously described as ‘hell on earth’ and ‘training grounds for criminals’, and thus they are considered to be places used for, and as places of intimidation (Alabi and Alabi, 2011; Ogwezzy, 2011; Obioha, 2011). It has been argued that many countries regardless of their ‘ideological pretensions, employ imprisonment as their principal penalty for serious offences’ (Morgan, 1997:1143), but the rate at which Nigerian prisons are used - the growing number of remand prisoners and the alleged appalling work and living conditions, it could be suggested that the facilities are mainly used as a mechanism of repression and intimidation (Adeyemi, 2001; Chukwuemeka, 2010).

Given the official aims of imprisonment and the reports, complaints and observations about the conditions of Nigerian prisons, it may be difficult to solely outline what prisons are set to achieve. However, given the above situation, Nigerian prisons served as a tool for custodial, coercive and punitive purposes. Nevertheless, as will be discussed later in this study, the official goals of the NPS seem to be clear but its expectations are not often met.

### **Reform Measures in Nigerian Prisons**

Since the unification and centralisation of Nigerian prisons administration in 1968, the condition of service including staff remuneration and promotion were in accordance with the Nigerian civil service. However, upon their removal from the civil service in April 1992, the Nigerian Prison Service’s staff, organisational structure and wages were aligned with that of other law enforcement agencies (Saleh-Hanna and Ume, 2008).

After the return to democratic rule in 1999, the Nigerian Government has made substantive efforts in transforming the NPS. Funding for capital projects as well as the maintenance of infrastructure in the NPS increased. In 2006, the Federal Government

of Nigeria approved the creation of five (and later restructured to six) new directorates to manage the affairs of Nigerian prisons with an office of the Controller General of Prisons (CGPS) as the chief executive officer. The removal of the NPS from civil service structure also granted the prison service some degree of financial autonomy from the Interior Ministry, which was granted in 1992 but did not become operative until 2000 (Orakwe, 2011b). The approved directorates are: 1) operations; 2) administration and supply; 3) finance and accounts; 4) health and social welfare; 4) inmates' training and productivity; and 6) work and logistics (Chukwuemeka, 2010; NPS, 2011). Additionally, professionals such as medical staff and para-medics, psychologists, legal staff, catering staff, technicians and social workers were recruited (Chukwuemeka, 2010; Orakwe, 2013). In order to improve service delivery in the NPS, in 2007 the Nigerian Government came up with a new policy, which stipulates that 'superintendent cadre in the NPS must be a university graduate and those senior staff members that did not meet the new standards were either demoted or retired' (Abah, 2010:5).

In February 2011, the 1961 Nigerian prisons institutional policies otherwise referred to as 'standing orders' (SO) was reviewed. By December 2011, the revised SO was adopted in the Nigerian prison system. The NPS revised the SO with support from the Federal Justice Sector Reform Coordinating Committee and the UK-DFID-J4A (DFID-J4A, 2011). However, the revised NPS' SO (2011) has been viewed by some of the NPS staff as 'old wine in a new bottle' because the revised tool does not contain any new substantive provisions - only terms and wordings used in the old orders were updated<sup>3</sup>. Nevertheless, others consider the newly adopted SO as a step towards improving the work and living conditions in Nigerian prisons because the orders were last reviewed in 1961 (DFID-J4A, 2013; PRAWA, 2013a).

In order to improve the Nigerian prison system's capacity, the Nigerian Government embarked on a structural renovation project. Between 1985 and 2000, the Nigerian Government proposed building 47 new prisons to replace the old ones; however, by 1999 only seven prisons were constructed (Abah, 2010). Between 1999 and 2010, twelve satellite prisons and three prison hospitals were built (Orakwe, 2013). In the same period, about 250 cells were provided in 40 Nigerian prisons located in urban areas (Abah, 2010). In 2012, three Nigerian states of Akwa Ibom,

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<sup>3</sup> View expressed by four prison staff members working at two of the six participating Nigerian prisons interviewed by the author at the second phase of the research fieldwork (August, 2012).

Ekiti and Bayelsa have each built a prison for the NPS (NPS 2013a). Thus, in 2012, the Nigerian prisons capacity increased by 63 per cent - the number of beds increased from 29,000 beds in 1996 to 47,284 in 2012 (NPS, 2012; Orakwe, 2008). However, as will be discussed later in this research, despite the improvement in capacity, many Nigerian prisons are still operating above their design capacity.

Staff training and development programmes were expanded with a plan for a Prison Academy to train both newly recruited and serving senior officers based in Ijebu-Igbo, Ogun State (NPS, 2013). Additionally, the existing staff's training centres' curriculum and infrastructure were improved, particularly in the areas of library, information computer technology, logistics, conference facilities, and computer based training (Chukwuemeka, 2010). With support from international donor agencies, notably the UNODC and UK-DFID, the training curriculums at the Nigerian prison training schools were reviewed to reflect contemporary standards (DFID-J4A, 2011; 2013). However, the transformation of the NPS training schools' curriculums did not seem to bring any substantive change in the schools' teaching-learning conditions as well as the calibre of teaching staff. NPS training schools are under-funded and understaffed (Jefferson, 2004 and 2007).

The power of transporting prisoners to and from courts was added to the duties of the NPS. With this additional provision, additional escort vehicles were supplied and the old ones were renovated so as to reduce delays in bringing inmates to court (AI, 2008a; Chukwuemeka, 2010). Of the 40 vehicles the Nigerian Government pledged to provide to the NPS, in 2013, as part of the Nigerian prisons reform measures, only 25 were supplied (NPS, 2013a). The 25 vehicles comprise of twelve lorries to ease the challenge of producing prisoners to and from court, seven ambulance cars to support inmates' health care services delivery, and six water tankers to ease water problems in prisons (NPS, 2013a). However, as will be discussed later in the thesis, these attempts have not significantly improved the NPS performance and service delivery as well as prisoners' living conditions in many Nigerian prisons.

Amnesties were also carried out in Nigerian prisons. The clemency takes two forms: imprisonment term to be commuted to a lesser term, or a pardon resulting in unconditional release from prison. In Nigeria, the powers to grant mercy or amnesty rest in the hands of a few top elected government officials; the Nigerian President and the 37 State Governors (CN, section 175, 212 of 1999). Moreover, the provision for amnesties in the Nigerian constitution did not mention specific time when such



clemencies will be carried out. With the amnesties programme, large numbers of prisoners in Nigeria were released, as the exercises are not restricted to a particular category of prisoners (Agomoh *et al.*, 2008). Over the years, the Nigerian Government used sentence term commutation and pardons for prisoners as part of national celebrations (AI, 2008b). In January 2000, the then President of Nigeria granted amnesty to all prisoners under sentence of death. Prisoners on death row for 20 years or more were pardoned and released while those under sentence of death who served 10 to 20 years had their sentences commuted to life imprisonment (AI, 2008b). Amnesties in Nigeria are widely criticised for a number of reasons. Nigeria's legal provision for special pardon does not clearly prescribe guidelines on the process and implementation of amnesties. Commenting on amnesty in Nigeria, Ujuh (2008, cited in AI, 2008b: 24) contends that:

Nigeria does not have a system, which ensures cases of prisoners are reviewed. The Prerogative of Mercy Committees could fulfil this oversight function, however, it lacks coordination. We don't know who is released, when and why. There are no guidelines; for example, what constitutes good behaviour?

This means amnesties in Nigeria are carried out at the discretion of a few government officials. It also means that amnesties in Nigeria are subjected to biases and not open to public scrutiny (AI, 2008b).

Additionally, the Nigerian constitution of 1999 (amended version 2004) makes provisions for jail delivery exercises. Jail delivery exercise is an oversight mechanism provided by the law that empowers individuals in authority, particularly the judges or chief judges in the state, to order the release of persons whose detention are manifestly unlawful or persons remanded in prison for a period longer than the maximum period of imprisonment the remanded persons could have served if they were sentenced (PRAWA, 2013b). Jail delivery has been in effect in Nigeria since 1977 under the Criminal Justice Act of Decree No. 19. The Act authorises specially commissioned judges to carry out jail delivery exercises in any Nigerian prisons (CN, vol. 4, of 2004), which means jail delivery is not new. Jail delivery exercise in Nigeria has not been fully implemented, and largely favours remand prisoners (Agomoh *et al.*, 2008; PRAWA, 2013b). One other criticism of Nigerian jail delivery exercise is that the provision empowers only commissioned judges who seldom carried out the task due to high workloads, and there are limited numbers of commissioned judges in Nigeria

(Agomoh *et al.*, 2008). Nevertheless, in March 2010, through the jail delivery scheme, over 210 inmates at Port Harcourt Prison in Rivers state were released, and the event significantly impacted on population levels at the affected prison (Vanguard, 2010).

At a prison administrative level, the prison authorities in Nigeria are empowered to award automatic one-third remission to a prisoner serving a sentence of more than 30 days (see SO No. 84 and 85, of 2011). Also, prison officials are empowered to transfer inmates between prisons in the country. However, due to lack of transportation means, weak communication facilities, as well as understaffing in the Nigerian prison system, moving prisoners between prisons remain problematic (Chukwuemeka, 2010).

Often, in the event of prison overcapacity or extreme overcrowding, Nigerian prison officials notify other stakeholders about the situation. The public, including NGOs respond through rendering support. Most frequently, public and NGOs' interventions in Nigerian prisons were helping to meet prisoners' daily needs; food, water, clothes, medical services. In some cases, the public paid fines on behalf of people imprisoned for default of fines (AI, 2008a; Sale, 2011).

Other Nigerian Government efforts to improve the prison system included the development and improvement of inmates' reformation and rehabilitation programmes. The Inmates' Training and Resettlement Project initiated in the 1990s was reviewed (Abah, 2010). This in turn, increased the number of prisoners' vocational acquisition skills workshops as well as after-care services. New workshops deployed include woodwork and cabinet making, metal and welding work, tailoring, electrical and electronics workshops, hair-cut and hair dressing saloons, laundry, and bead-making and tie-dye (Abah, 2010). Literacy and remedial education programmes for prisoners were also introduced at medium-security and maximum-security prisons in Nigeria (Abah, 2010). Similarly, through the improved after-care mechanism scheme, upon completing the training and sentence term, prisoners were given financial, technical and post-release counselling and guidance free-of-charge (Abah, 2010). In 2013, 84 prisoners at four maximum-security prisons based in Lagos, Enugu, Port Harcourt and Awka enrolled in undergraduate (degree) programmes organised by the National Open University of Nigeria (NOUN) with a 50 per cent waiver for the tuition fees (NPS, 2013b). However, the degree programme is not only carried out at only four of the 234 Nigerian prisons but also the programme is limited to sentenced prisoners who were able to pay the fees. In essence, the impact of these programmes to prisoners and staff,

prison and public could not be established, and the schemes basically targeted sentenced prisoners who were not the dominant population in Nigerian prisons (Ogundipe, 2008).

In spite the tremendous reform effort of Nigerian prisons claimed by the Nigerian Government (Abah, 2010; NPS, 2013), some commentators are of the view that the enthusiasm to transform prisons in Nigeria, particularly at a policy level, seems to be largely absent (Alemika, 2011; AI, 2012; Chukwuemeka, 2011). As of October 2013, the Prison Act Amendment Bill passed by the legislative bodies in 2011 was still awaiting the President's assent (J4A-Nigeria, 2013). Some of the core issues integrated in the new Prison Act Amendment Bill are additional prisoners' regime activities with emphasis on inmates' rehabilitation and reintegration, full application of provisions of various regional and international instruments such as: the United Nations Standard Minimum Rule for the Treatment of Prisoners (UNSMR) of 1955; the Kampala Declaration on Prison Conditions in Africa in 1996; the Arusha Declaration on Good Prison Practice in 1999; the Abuja Declaration on Alternatives to Imprisonment in 2000; and the 2002 Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa. Other issues integrated in the new Prison Act are the introduction of more early release programmes to be administered by the prison authority, the prohibition of all forms of penal hard labour and the use of instruments of restraints, and the establishment of a legal service office in each Nigerian prison (J4A-Nigeria, 2012).

Above all, the Nigerian prisons reform process embarked on by the government is making progress at a very slow pace. Prison inmates do not seem to have benefitted from these efforts (AI, 2008a; Obioha, 2011), not only because the prison population has not dropped but also prison conditions do not seem to have significantly improved (Chukwuemeka, 2010; Obioha, 2011). Even though the staff strength in the NPS has improved by 20 per cent: from 25,000 in 2008 (AI, 2008a) to 30,000 in 2011 (NPS, 2011), the ratio of staff-to-inmate and the quality of the staff remain issues of great concern (Chukwuemeka, 2010; Obioha, 2011). One study found that the main cause that 'negates quick computerisation of the NPS operations is the seemingly low educational qualification of some of the staff, even at the management cadre' (Obioha, 2011:105).

## **Challenges in Nigerian Prisons**

It has been argued that ‘prison as an institution does not attract a great deal of public attention in the normal course of events. Politicians, the media and the public generally become aware of prisons only when something goes wrong; for example, when a high profile prisoner escapes or when there is a major incident such as a riot’ (Coyle, 2002a: 9). This is not different in Nigeria. The NPS is considered to be one of the most under-developed institutions in the Nigerian criminal justice system (Chukwuemeka, 2010). The living and working conditions in Nigerian prisons, to some extent, do not seem to reflect the country’s socio-political and economic realities. This section examines some of the Nigerian prison system’s challenges in terms of policy, practices and resource constraints.

Internally, the Nigerian Government has taken several preliminary steps towards reforming Nigerian prisons through the establishment of several working groups and committees with different mandates and terms of reference; but the extent of implementation of these committees’ reports and plans of action remains problematic. Notable working groups and committees set up were: a) the National Working Group on Prison Reform and Decongestion in 2005; b) the Inter-Ministerial Summit on the State of Remand Inmates in Nigeria’s Prisons in 2005; c) the Presidential Committee on Prison Reform and Rehabilitation in 2006; d) the Presidential Commission on the Reform of the Administration of Justice established in 2006; and e) the Committee on the Harmonization of Reports of Presidential Committees Working on Justice Sector Reform in 2007 (AI, 2008a). Despite these, conditions in Nigerian prisons have not significantly improved because stakeholders seem to lack ‘the political will to adopt humane and efficacious criminal justice policies’ (Alemika, 2011: np). This suggests that Nigerian authorities seem to be incompetent to address the problem, and prison reform is not one the Nigerian Government’s priorities.

In a contrary view, the Nigerian Government admitted that the lack of effective implementation of reforms in its public sector, particularly the criminal justice system, is not due to absence or lack of political will; rather reforms are constrained by the ‘multi-ethno-religious-cultural character of Nigeria as a federation coupled with its tripartite systems of law and administration of justice’ (FGN, 2008:18). Moreover, in its ambitious National Development Plan document ‘Vision 2020’, the Nigerian Government acknowledges the conditions of prisons and pledges to reform the

institution in the 2020 Plan of Action. The Vision 2020 document states that ‘decongestion of the prison, enhancement of access to justice for offenders and improved living conditions of congested prisons will be prioritised’ (FGN, 2010:144). First phase of Vision 2020 entails enforcing timelines in criminal prosecution, conduct a case-by-case audit of the prison inmates to ensure that people are not kept unnecessarily in the prisons, improve prisons capacity through constructing new prisons and renovating existing structures, organise training programmes to enhance the professionalism and efficiency of criminal justice administrators, and the establishment of a national criminal database/case tracking management system to be used by the Nigerian police, prison service, and courts (FGN, 2009:136). The first phase of the Nigerian prisons reform as contained in the Vision 2020 Plan of Action was to be completed in 2013. Yet, it seems very little progress has been made.

Often, prison budget cuts by stakeholders are justified by the argument that many people regard resources allocated to prisons as unfair and unjustifiable - spending public funds on improving conditions for wrongdoers (Coyle, 2002b; UNODC, 2006). Thus, many stakeholders might be in favour of keeping offenders behind bars for security concerns rather than transforming the system. Often, this attitude is ‘guided by public pressure and concerns for the next election, the main priority of politicians may be to ensure that prisons are secure (no escapes take place), which can result in pressure on prison managers to concentrate efforts on security measures, at the cost of reducing resources allocated to improving treatment and activities in prisons’ (UNODC, 2006:1). In 2000, no capital project funds were allocated to Nigerian prisons and in 2001 only six months’ capital project funds were allocated (Orakwe, 2004). In 2001, NPS was unable to pay staff salaries and allowances (Orakwe, 2004). A former CGPN, Ogundipe confirmed this claim in 2010. He admits that:

Between 2000 and 2005 and to some extent even until this day, the staff of the NPS went through a process of inadequate and irregular payment of salaries and allowances known as shortfall. Within this period many Prison officers did not receive their full salaries and allowances. Government embarked upon the renovation of Armed Forces and Police Barracks all over the country. Compared to the Prison Barracks, the Military and Police Barracks slated for refurbishment were angelic and utopian [CGPN 2010 cited in Chukwuemeka, 2011:115].

Given the above comment, it is clear that prisons in Nigeria were and are under-funded and the neglect is not limited to prison structure and inmates but also affects the staff.

Even though financial autonomy was granted to the NPS in 2000, the sector has never been free from under-funding and that is reflected in the ways in which staff salaries and wages are paid (Orakwe, 2011). The payment of staff salaries and allowances has been erratic (Orakwe, 2011). Since July 2000, the NPS has continuously and consistently suffered from shortfalls in the funds allocated for the payment of salaries and allowances of staff (Orakwe, 2011). As a result staff received half of their salaries and where staff members are promoted they do not receive full salaries and allowances, which are appropriate to their ranks. Between the years 2000 and 2006, many staff members were owed their leave grants and other benefits for up to two years (Orakwe, 2010:23). It was claimed that staff salaries and wages in the NPS 'was one of the worst in Africa' (Chukwuemeka, 2010:118); as a result many people outside the system consider the staff in the NPS as prisoners of the system too (Chukwuemeka, 2010). Chukwuemeka (2010:118) found that in 'June 2008, of the 16,000 personnel at the Nigerian Prison Service no fewer than 600 staff resigned their appointments due to poor conditions of service'. Additionally, due to the growing number of inmates in Nigerian prisons and the deplorable working environment, it was observed that the NPS staff stress levels have been on the rise when compared with other public sector workers (Okoza *et al.*, 2010).

The challenges in Nigerian prisons are not restricted to past colonial and authoritarian regimes but rather extend to the current system under democratic governance. Even though many commentators suggest that it is too early to appraise the current democratic government's reform effort in Nigerian prisons, it appears that even the democratic government in Nigeria has put little effective effort into improving the prison system. It may also be that because of the scale of the problem in the Nigerian prisons, the Government does not have the financial means to address them.

Another pressing issue in Nigerian prisons is the lack of structure. Facilities such as bed, beddings, dining room and fresh air and exercise area are limited or absent in most Nigerian prisons. The few facilities available in Nigerian prisons are in deplorable state mainly due to poor maintenance and under-funding. It was observed that 'over 90 per cent of Nigerian prisons were more than one hundred years old' (Concord Newspaper, 1986, cited in Agozino, 2005:126). This claim was confirmed

by several published studies that found four of every five prisons in Nigeria were built before 1950, and many have never been renovated (AI, 2008b; Le Van and Ukata, 2011; Ojukwu and Briggs, 2005; Saleh-Hanna, 2008). Under-funding of the Nigerian prison system has not only worsened the inmates' living conditions but has also lessened staff capacity to effectively manage prisons' activities. The physical infrastructures including the housing facility in Nigerian prisons have been described as 'uncivilized' (Obioha, 2011). Inmates' sleeping rooms are not good for human habitation, while the beds are in most cases absent as many prison inmates in Nigeria routinely share beds or sleep on the bare floor (AI, 2008a; Obioha, 2011).

Even though minimum space per inmate in prison remains contentious globally (Allen, 2011), Nigerian prison laws have not in any way stipulated the minimum amount of space an inmate is entitled to. It has been argued that the absence of a clear definition of minimum space for inmates in prison makes not only appraisal and legal claims difficult but it also impedes effective accountability in the provision of services by the prison authorities (Coyle, 2002b).

In 2005, the then Chairman of the Senate Committee on Internal Affairs toured some Nigerian prisons and commented that 'by the time of our visit, we went to a prison that was designed for 805 inmates, but was found housing almost 3,000 inmates'. Furthermore, he added that "you can imagine a prison cell supposed to harbour 10 to 15 people or 20 maximum, harbouring 80, 90, and even 100' (HRCN, 200:9). Possible explanations to this situation are manifold. In Alemika's view (2011:np), a 'substantial amount of violation of prison inmates rights ..., are borne out of negative perceptions of prisoners and through inhuman conditions in prisons the relative powerlessness of prisoners, professionals and staffs in the prison system'.

In his account on the living conditions of inmates in Nigerian prisons, a retired Army General and a former prisoner in Nigeria, Gen. Ishaya Bamaïyi, admits that:

my perception of Nigerian prisons is that even my enemy should not be sent there...our prisons are in a very bad shape and not in a position to reform anybody. The worst thing that is happening to Nigerian prisons is the prison staff themselves; the prison staffs are the ones who even need to be reformed. The environment is also very bad, due to...greed [Nigerian Tribune, 25 Sept 2010, cited in Bamaïyi, 2010].

The above comment raises questions of the kind of orientation and training staff in the Nigerian prisons receive.

Since the inception of the formal prison system during the colonial period to date, prisons in Nigeria are run on tight paramilitary lines of structure of hierarchy (Agozino, 2005; Alemika, 1998; Jefferson, 2007). The formal alignment of the NPS with paramilitary services in January 2006 seemed to perpetuate the staff structures and trainings. Jefferson found that the ‘conduct and activities at the [NPS] training school are strictly regimented’ (2007:258). Even dorms at the NPS staff training school were overcrowded (Jefferson, 2007:259). At one of the Nigerian Prison Training Schools, a female officer described her training experience. She added that ‘in school (you) behave like a military person the whole time from when you wake up till when you are asleep’. For some, the military ethos even pervades their sleep. At night they are heard shouting ‘left, right, and left, right!’ (Jefferson, 2007:258). Thus, the orientations and training undergone by staff of the NPS may be one of the reasons why Nigerian prisons’ inmates living and prison activities are strictly regimented. Alabi and Alabi (2011:239), observe that the ‘inmate [in Nigerian prisons] is constantly enveloped under the atmosphere of constraints - speech, movement [and], social intercourse ...’ (Alabi and Alabi, 2011:239). Thus, ‘the desire to stay out of “trouble” is normally common among the inmates which most time leads them to avoid certain levels of sociability with fellows’ (Alabi and Alabi, 2011:239).

Again, the militarised nature of orientation and training that Nigerian prison staff underwent is reflected in, and affects prisons activities (Jefferson, 2007). Studies have shown that experienced military men were largely those employed to work in colonial Nigerian police and prison departments (Agozino, 2005; Bernault, 2007). Additionally, colonial prison staff members were used to monitor labourers in farms and camps, and administered capital and corporal punishment (Sarkin, 2009). This implies that the alleged military approach to work by the Nigerian prisons staff are a legacy of Nigeria’s colonial and military regimes. Some commentators believed that Nigeria’s past colonial and military regimes have significantly contributed to prison staff’s military approach to work, as well as the regimented nature of Nigerian prisons (Agozino, 2005; Alabi and Alabi, 2011; Ogundipe, 2009).

The poor condition of work in the NPS, to some extent, was related to widespread corruption in Nigerian prisons. In 2008, Amnesty International found that many inmates in Nigerian prisons have to pay to enjoy some fundamental rights such as being transported to a court on time, receiving visits by relatives and friends, access to water and medication (AI, 2008b). It was observed that the conditions of service in



the NPS have been characterised as highly underpaid, understaffed and under-trained with no reasonable staff benefits coupled with long working hours (AI, 2008b). Thus, it is suggested that staff supplement their limited wages with bribes in return for access to what should be fundamental rights. Amnesty International confirmed the above claim in 2008 in which they found that:

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' [AI, 2008b:1].

Delay in producing prisoners to courts is another common practice that impedes prison management, breaches the rights of inmates and encourages cases to be adjourned repeatedly in Nigerian courts. It was reported that prisoners that could afford and are willing often pay for the costs of transport to courts while those who cannot afford to pay remain in prison untried and without remedy (AI, 2011:16). The CN (1999) guarantees prisoners the right to be brought before a court of law within a reasonable time. If there is a court of competent jurisdiction within 40 km, a reasonable time is defined as one day. In all other cases "reasonable" is considered to be two days or longer, depending on the distances and circumstances.

Another pressing issue in Nigerian prisons is the growing numbers of remand prisoners in which nearly half of them have been in custody for upwards of 10 years (AI, 2008b; Ogundipe, 2009). About 90 per cent of those remanded prisoners were charged for indictable offences (Ogundipe, 2009: 2). Orakwe (2011a: 25) argues that the NPS has less responsibility over remand prisoners as the system mainly provides custodial services to remanded persons. The NPS is 'primarily concern with the treatment of convicted prisoners and not for the management of remand inmates' (Orakwe 2011a: 25). According to Orakwe (2011a: 25) the 'influx of remand prisoners in Nigerian prisons is as a result of the slow judicial processes'. The above cited author failed to realise that irrespective of who should be responsible for caring, prison authorities have an obligation to keep inmates with decency and humanity (Cavadino and Dignan, 2002).

Drawing upon inmates' perspectives, Nigerian prison conditions and regime activities are appalling. An array of literature has shown that inmates in Nigerian prisons were always struggling to survive (AI, 2008; Ogwezzy, 2011). Life in Nigerian prisons is overly regimented to the extent that there is strict control in virtually all activities of the inmates (Jefferson, 2004; Obioha, 2011). The awful situations in Nigerian prisons often 'leave prisoners in a mentally brutalized manner with broken body and spirit, which destroys the individuals' (Obioha, 2011: 98).

Correspondingly, in 2008, a national newspaper in Nigeria supported this claim. The editor of *The Sunday Tribune*, Mr. Gbenga-Ogundare (2008:9) added that, 'poor funding, sexual assaults, corruption and fraud are parts of the decay which has turned Nigerian prisons to a breeding ground for criminals'. In a similar vein, a study conducted in the Nigerian prisons found that many of the urban prisons were hazardous and insecure for work and to live in not only because the infrastructures are limited and over-stretched by the growing number of inmates but also because the facilities are dilapidated (Alabi and Alabi, 2011).

Given the above report, it is clear that not very much has changed in the Nigerian prisons system since the return to democratic governance in 1999. The old structure, operational law and pattern of operation inherent to colonial and authoritarian regimes do not seem to have changed significantly.

In conclusion, this chapter traced the historical development of prisons in Nigeria from pre-colonial to the present day and examined the structure, organisations, functions and some of its challenges. It was observed that prior to colonial rule in the 18<sup>th</sup> century Nigerian societies had alternative forms of social control mechanisms in place including detention facilities in the Hausa communities of northern Nigeria. The modern prison system was introduced in Nigeria by the European colonisers primarily as a tool to repress all forms of resistance by the colonised people. It was observed that since the political independence of Nigeria in 1960, not very much has been changed. In order to perpetuate the militarisation of prisons in Nigeria, in 1992, the NPS staff, organizational structure and wages were aligned with that of the paramilitary services. Thus the NPS is centralised run on tight paramilitary lines of structure of hierarchy.

More so, it was observed that the Nigeria's return to democratic governance has not brought about significant change in the Nigerian prisons system. Stakeholders have failed to improve Nigerian prisons structures and facilities, and have not been able to change staff orientation, and training patterns or operational laws. It was argued

that the challenges in the Nigerian prison system were intentional rather than accidental. What prisons are meant to achieve in Nigeria today is unclear and contentious because in the past prisons were used by the ruling elites as an instrument of domination, particularly, to intimidate all those who dare to defy all forms of economic and political oppression. The next chapter will present the methodological approach within which the study was based upon.

## Chapter 4

### Getting In and Getting On: My Journey into the Nigerian Criminal Justice System

This research aims to extend knowledge and understanding of some key questions surrounding prison overcrowding as a phenomenon in Nigeria through examining the views of Nigerian prisons' inmates and staff including criminal justice institutions and officials on key aspects of overcrowding. To accomplish the research goals and objectives, the fieldwork aimed to answer the following specific research questions:

- How do prison staff and inmates, and other stakeholders in the Nigerian criminal justice system view prison overcrowding?
- What are the facets and drivers of overcrowding in Nigerian prisons according to research participants?
- How does overcrowding affect the daily activities of staff and inmates in Nigerian prisons?
- Which individuals and institutions are most affected by overcrowding in Nigerian prisons?
- What coping strategies (if any) do prisoners and prison staff use in the event of overcrowding in Nigerian prisons?
- What are the views of prison staff, inmates and other stakeholders on measures that would mitigate and prevent overcrowding in Nigerian prisons?

The study is designed on a mixed methods research approach and the research methodology was sketched on a multi-strand mixed methods research design in which focus group and individual interviews, self-completion questionnaire and non-participant observation tools were employed to gather data. Non-participant observation was conducted at six Nigerian prisons between November 2011 and February 2012. Additional observations at two of the six Nigerian prisons visited were subsequently undertaken between June and October 2012. This research was augmented by a review of relevant existing research and literature, legislation and official reports, as well as secondary materials including NGO reports. The research design was piloted at one of the Nigerian prisons and observations drawn from the pilot study were reflected in the main research. In preparation of this thesis,

participants were identified by codes instead of their names in order to protect their identities and hence their safety.

The research methods consisted of individual and focus group interviews and self-completion questionnaires with Nigerian prisons staff, inmates, and other stakeholders in the Nigerian criminal justice system. In total, forty-six individual interviews and four focus group interviews involving thirty-seven participants were conducted, and a total of eighty-three self-completion questionnaires were completed: thirty-two by prison staff, twenty-nine by other stakeholders and the remaining twenty-two by the prison inmates. In addition, fieldwork visits to six prisons were undertaken and a total of forty hours of non-participant observation was conducted. The fieldwork visits focussed on the northern Nigerian state of Kano. Kano state was chosen largely because of its high population density, crime rate and prison population. This chapter proceeds by delineating the study's research design, ethical issues encountered, access processes, a discussion of the pilot study and the study's main fieldwork.

### **Research Design**

This section explains the chosen research approach and the design of the study. One of the reasons for conducting this research is to examine the facets, causes of, and responses to overcrowding in Nigerian prisons. Thus, the author adopted a mixed methods (MM) research strategy. Mixed methods research involves the 'integration of qualitative and quantitative research strategies' (Feilzer, 2009:7). The first part of this section explains the research design. Additionally, the effect of my work and research experience in Nigerian prisons on the chosen research approach is outlined.

A research paradigm refers to a 'basic set of beliefs [worldview] that guide action in inquiry or research' (Bettis and Gregson, 2001:2). To a large extent, decisions about research design and methodology are determined by the kind of research paradigm an investigator subscribes to (Teddlie and Tashakkori, 2009). This study research design is based on a pragmatist research paradigm and the choice was guided by a number of reasons. Doing research in criminal justice institutions and prison in particular is challenging due to the complex nature of the study area and the diverse composition of the participants (Bonta and Gendreau, 1990; Liebling, 2009; Martin *et al.*, 2014). The research was conducted in the context of a pragmatist research paradigm on the grounds that this approach allows the choice of research method that best has the potential of answering the research questions (Feilzer, 2009; Teddlie and

Tashakkori, 2009). Moreover, the chosen research paradigm guided this study as the approach is not only suitable 'for top-down deductive research design but also for grounded inductive or abductive research' (Feilzer, 2009:14). Also, the research paradigm has not only justified the choice of research design and methodology but also shaped and guided my knowledge and understanding of the research process (Bettis and Gregson, 2001; Darlastone-Jones, 2007; Teddlie and Tashakkori, 2009). In fact, the research approach was chosen not only because of 'the degree of freedom, openness and flexibility associated with the approach' (Feilzer, 2009:14) but also due to the complex nature of the study area and the divergent composition of the research participants as well as the research questions the research set out to answer.

Nigerian prisons operate as total institutions in which almost all activities are regimented or carried out under strictly prescribed laws and orders (Jefferson, 2007). Knowledge, understanding and experience of overcrowding in prison are never the same or equally shared among prison inmates, staff and other stakeholders in Nigeria's criminal justice system. The pilot study confirmed an expectation that prison inmate experiences and understanding of prison overcrowding differ between prison staff, prosecutors and counsels. Thus, the research was grounded in the context of a pragmatists' research approach, which allowed both the numeric and narrative experiences, and views of participants on the research themes to be explored. In adopting a pragmatic research paradigm, cautionary measure were taken to minimise bias and sidestepping some scientific research guidelines. Thus, the study was sketched on a multi-strand mixed methods strategy so that potentials of both qualitative and quantitative methods and analysis can be integrated into the study (Feilzer, 2009).

The choice of multi-strand mixed methods is due to a number of factors. The pilot study informed this research on the appropriateness of the use of a range of methods. The pilot study showed that the diverse composition of the research participants in terms of their literacy level, access and participation required the use of a flexible research approach. Significant numbers of inmates in the Nigerian prisons are illiterate and access to some of the research participants proved difficult. Access to magistrates, counsels, public prosecutors and other representatives of the Nigerian criminal justice system was problematic due to their tight work schedules. The fieldwork was conducted in two phases - the first phase was between November 2011 and February 2012 while the second phase ran between June and October 2012.

The study activities were restricted because of the security situation in the fieldwork areas. Several government buildings - especially the police stations, courts, and prisons - and the officials (the prison staff, prosecutors and magistrates) became potential targets of the Boko Haram Islamists militia. Observations at prisons and interview sessions particularly at prisons, courts and government buildings were suspended so I switched to administering the questionnaire to participants. I found the application of the chosen research approach not only very helpful but also inevitable. The fieldwork was conducted with some degree of flexibility and openness, and offered me the opportunity to combine both the micro and macro levels of research issues (Feilzer, 2009; Onwuebuze and Leech, 2005).

As mentioned earlier, the research was based on a mixed method design (MMD). According to Teddlie and Tashakkori (2009:144), MMD is a 'type of research design in which qualitative and quantitative approaches are mixed across the stages of a study'. The methodological approach was chosen because it matched with the research units and elements; fitted into qualitative and quantitative techniques in data collection as semi-structured interviews, focus group interviews, observations and open/closed-ended questionnaire were used. However, it is worth noting that the use of any particular strategy in data collection is largely determined by the practical situation in the field (Creswell *et al.*, 2003). During the course of the study fieldwork, when the security situation in the research area deteriorated, access to the chosen prison sites was suspended and prison staff and inmates, magistrates, prosecutors and counsels preferred questionnaires over interviews and observations. I was left with no option than to comply even if questionnaires were not my preferred research method. Due to professional role of some of the research participants, interviewing public servants particularly at their offices was very laborious and sometimes impossible.

### **Brief Personal Biography**

My sixteen years (fourteen in Nigeria and two in Liberia) of work as a corrections officer and research experience, as a facilitator/coordinator in sub-Saharan African prisons were invaluable in undertaking this research. Not only has this experience strengthened my research interest and research skills in prison, but it also shaped and guided my research design, facilitated access to Nigerian prisons, informed the research process, and its conduct. I have first-hand knowledge and experience of how government officials, criminal justice system institutions and officials respond to

researchers (particularly those from the Western world), the time it takes for a researcher to negotiate access and what it takes for a researcher in prison to gain access to prison staff and inmates. As a social welfare and after-care officer in the NPS, I attended various professional training programmes related to penal administration, and facilitated numerous national and international research projects in Nigerian prisons (see Figure 4.1 in Appendix C).

In 2011, one of the research projects I was involved in at Goron Dutse Prison in Nigeria which is relevant to this study was published under the title ‘Payment of Fines and Decongestion of Prisons: A Study of Fine Payment Schedule at Goron Dutse Prison, Nigeria’, *African Journal of Crime and Criminal Justice*, Vol. 2, No.1, Pg. 31-44. The award of a prestigious Ford International Fellowship in 2004 has not only strengthened my passion for social justice and penal reforms in Africa but has also enriched my professional capacity. In Liberia, I worked under the United Nations Mission in Liberia as a Corrections Advisory/Mentor at the Corrections Advisory Unit, deployed at Monrovia Central Prison.

Thus, knowledge and experience gained both at relatively stable but developing and post-conflict prisons in West Africa has greatly contributed not only in the choice of research topic and methodological design but also in the research processes and its conduct.

### **Ethical Issues**

Ethics refers to rule of conduct; typically, to conformity to a code or set of principles (Reynolds 1979). Conducting fieldwork in prison raises a number of ethical questions which include informed consent, vulnerability of participants, confidentiality and anonymity, data recording and handling as well as the researcher’s status (Jupp, 1989; Liebling, 2009; Martin, 2000).

To adhere to research ethics guidelines, prior to the fieldwork in April 2011, ethical approval was sought from Bangor University (BU) Research Ethics Committee. By June 2011, the application was granted. This is based on the understanding that the research design and conduct will be based on the BU’s research ethics framework and the ethical research requirements of BU as well as complying with other relevant professional bodies such as the Statement of Ethical Practice for the British Sociological Association (BSA, 2002) and the British Society of Criminology Code of



Ethics for Researchers in the Field of Criminology (BSC, 2006). Thus, this study was conducted within these professional bodies' research ethical guidelines.

In order to avoid harm, discomfort or put the participants at risk in any way, prior notification was given and permission was obtained from individuals and areas covered in the research. Informed consent was obtained before individuals participated in the research. Before participation in the research, a consent form (see Figure 4.2 in Appendix D) was given to each participant to complete. The consent form included a brief information sheet and details of how to contact the author as well as the supervising institution. The information was relayed verbally to illiterate participants. The consent form was useful as informants were clearly and accurately informed of the reasons for the study and were assured of confidentiality and anonymity. Also, through the consent form, I pledged to send a copy of the research report to interested participants, particularly the prison staff and other stakeholders. Upon completing the PhD, I proposed developing a summary report of this thesis and to submit it to participating institutions particularly the NPS, HRCN, LACN and Kano state Ministry of Justice.

At the data collection stage, rules guiding informant consent were strictly adhered to. Throughout the research, confidentiality and anonymity was maintained, as some participants could be considered as vulnerable. Prison inmate participants could be targeted by staff for fear of disclosing unpleasant activities as a consequence of their cooperation in the research. Therefore prison inmate participants are sensitive to issues of confidentiality. Research participants were predominantly male but a number of women representing the three groups of research participants participated in the study.

Furthermore, I was mindful that ethical problems could arise in the use of the non-participant observation technique particularly in aspects of confidentiality and consent, as well as disclosure of harm, which may require intervention. Additional consent was sought from prison superintendents and prisoners before pictures and videos were taken. The additional consent is based on the understanding that participants' identities were never to be disclosed or pictures made publicly available (Denscombe, 2003; Silverman, 2005). In instances where the images of individuals were not necessary, participants were asked to move before pictures and videos were taken. At three of the six prisons visited, for example, inmates were moved out of their dormitories before pictures were taken.

In essence, the conduct of the research was based on BU's research ethical framework and the relevant professional bodies' guidelines. More importantly, research participants' consent was sought on the understanding that concealing their names and other identifying information in the research would strictly protect their anonymity. Thus, throughout this work, pictures that clearly showed participants' faces were blurred and participants were identified by special codes (see Figure 4.3 in Appendix E). In addition, audiotapes and footage taken for the study would only be accessed by the author (where applicable), and the author's supervisor.

Other factors that facilitated the conduct of this study's fieldwork are the use of incentives to prison inmate participants and participants' familiarity with the author as a former insider (prison staff). Participants' familiarity with the author not only made me to appear approachable and accessible to participants but also encouraged participation. Five of the twenty-two prison staff interviews in the current study were conducted at their own homes. This is largely related to the author's familiarity with the participants. At prisons, only prison inmates including ex-prisoner participants (n=65) were rewarded for their participation. However, the incentives were given immediately after participation. Thus, the measures taken have encouraged participants' cooperation and participation throughout the fieldwork (Frankfort-Nachmias and Nachmias, 1996; Creswell, 2003 and Babbie, 2004).

### **Access Processes**

Issues to discuss include access through gatekeepers. Eleven institutions and nine groups of individuals which include prison staff, prison inmates and ex-prisoners, and a number of criminal justice officials at the state office of public prosecution, counsels, courts officials and magistrates as well as human rights commission, scholars, and representatives of non-governmental organisations (NGOs) were served with formal invitations to participate in the study (see Figure 4.4 in Appendix F). The process of gaining access to the study locations and participants began in June 2011. Of the eleven institutions and nine groups of individuals in Nigeria originally contacted, four institutions (LACN, HRCN and two NGOs) expressed their approval for participation verbally to me, four institutions formally sent their approval for participation (The NPS, Kano State Ministry of Justice, the Federal Ministry of Justice and Network for Justice/British-DFID) (see Figure 4.5a and b in Appendix G) and three did not respond to my request. Also, five of the nine groups of individual originally contacted (former

prisoners, counsels, magistrates, scholars and penal reform advocates) verbally expressed their approval for participation and the remaining four did not reply.

My work and research experiences in the NPS contributed to the success of negotiating access. I have many former colleagues in the NPS head office in Abuja and Ministry of Justice in Kano, and thus I used informal contacts to speed up the access process. However, I acknowledge the fact that personal contact may introduce bias but the main study depended on gaining access to prisons for observation and to prison staff and inmates for interviews and focus groups discussion. Thus the priority was to gain access through the NPS. Normally, access requests to Nigerian institutions and agencies take a minimum period of thirty days. However, through the informal contacts my access was granted within two weeks. Access to court officials and judges was negotiated through former colleagues at the NPS who were deployed to the courts. Again, work relationships developed with other criminal justice institutions and officials, including scholars and non-governmental organisations during my work at the NPS eased and accelerated the access process. The British DFID-Nigeria and Justice for All (J4A) Units, for instance, were not included originally as organisations to contact for the research but as a result of face-to-face discussion with a member of the prosecution team at Kano State's Ministry of Justice department, I was referred to these agencies' country programme directors in Abuja and approval was immediately granted. Negotiating access for research in developing countries, particularly of this nature, is made easier if the researcher is familiar with the organisation to be contacted, can draw on informal contacts, and is willing to follow up requests repeatedly and if necessary, in person (Noak and Wincup, 2004).

My familiarity with the research areas and elements however, does not mean negotiating access was not tedious and laborious process; the process of obtaining access for research in the criminal justice system, particularly in prison is never free from challenges (Jupp, 1989; Martin *et al.*, 2014; Naok and Wincup, 2004). Sending access requests online, by phone or by post was not sufficient to gain access. Several follow-ups were made through telephone, text messages, face-to-face or a combination. Moreover, I had several informal face-to-face discussions with some of the participants for additional clarification concerning the study and some even requested my personal dossier. As shown in Figure 4.4 in Appendix F, the invitation for participation letter sent out clearly explained the study's aims and objectives, scope, format and time frame but one of the ten institutions originally contacted for the

study responded differently. A representative sent an email inviting me to meet for further clarity: '[t]he Director General, Legal Aid Council [of Nigeria] was in receipt of your request on the above subject and I have been directed to discuss with you about it.' Thus, face-to-face discussion as well as follow-up facilitates access in research. Moreover, as the research originated from the United Kingdom, some individuals contacted for participation suspected that the study is a Western research aimed at exposing Nigerian criminal justice institutions and officials' operations to the international community and Western world in particular.

### **Pilot Study**

A pilot study is a 'small scale version[s], or trial run[s], done in preparation for the major study' (Polit *et al.*, 2001, cited in Teijlingen and Hundley, 2001:1). Pilot studies are a crucial element of a good study design. Conducting a pilot study remains essential as it 'might give advance warning about where the main research could fail, where research protocols may not be followed, or whether proposed methods or instruments are inappropriate or too complicated' (Teijlingen and Hundley, 2001:1). Also, a pilot study identifies logistical problems, which might occur using the proposed methods and data analysis techniques. A pilot study determines the needed resources for the research and trains the researcher in as many elements of the research process as possible (Teijlingen and Hundley, 2001). Above all, the validity and reliability of this study's developed research design including the data gathering tools were tested through the pilot study (Bowling 2002; Creswell, 2007). Reliability here is concerned with stability and consistency and whether the adopted research design including data gathering tools could yield stable and consistent results over time, whereas validity considered how well the developed research design would investigate overcrowding in Nigerian prisons.

However, conducting a pilot study 'does not guarantee success in the main study, but it does increase the likelihood' (Teijlingen and Hundley 2001:1). The security threat in the study areas caused by Boko Haram was not identified as one of the likely obstacles to the study during the pilot study. Also, it is claimed that a pilot study 'may contaminate the context of the research by creating participant expectancy, reactivity, and awareness of the purposes and procedures' (Teddlie and Tashakkori, 2009:204). The pilot study was conducted in one of the six Nigerian prisons involved in the actual study and no significant differences were found among the four

participants involved in both the pilot and main study in terms of reaction and expectancy.

The pilot study ran from July to August in 2011; that is immediately after I received access from the NPS (see Figure 4.5 in Appendix G). The pilot study was undertaken at Goron Dutse Prison in Kano. Twenty-four research participants consisted of twelve prisoners, ten prison staff and two counsels involved in the pilot study. The designed research ethical guidelines were strictly adhered to, research participants were fully informed and consent forms were completed. The data collection tools employed included individual interviews and group interviews, self-completion questionnaires and non-participant observations. Prison staff and inmate participants were selected through a random sampling technique. Other categories of research participants were selected through a purposive sampling technique; participants were selected based on their expertise (registered legal counsel) and knowledge of the research subject.

The pilot study revealed deficiencies in sampling techniques and indicated ways of improving access to participants. Amendments to the design include a set minimum period of work or living experience for participants; prison staff and other stakeholders must have worked for a minimum of five years in Nigeria's criminal justice sector while prison inmates must have lived in prison for at least three months. The use of token incentives to reward prison inmates for participation and the use of identification codes in identifying participants were informed by the pilot study. Additionally, the pilot study informed this study of the need for backup gadgets during the fieldwork as recording equipment might fail or develop problems at any time. Other amendments are the improvement of data collection tools in terms of spelling, typing errors and appropriate use of words. The pilot study also informed the present study in terms of the need for a logical presentation of questions and wording in the data collection tools. Other considerations include: amendments in research participation duration; building good rapport with participants; minimising participants' acquiescent and socially desirable responses to questions; avoid framing questions that will encourage participants' uniformity of answers; and inappropriate use of Likert scale questioning format in the focus group interview tool.

In response to findings from the pilot study, the interview *pro formas*, questionnaires and observation check-lists previously used were amended and improved.

## **Research Informants**

An investigation in a total institution such as a prison will involve drawing information from participants presumed to have knowledge and first-hand information on the criminal justice system and prison which can adequately inform the research (Cohen and Taylor, 1972; Goffman, 1961; Martin *et al.*, 2014). Teddlie and Tashakkori (2009:181) provide three types of units that can be drawn for research which include cases, materials and other elements in the situation. Cases in this study include individuals or groups of individuals that were presumed to have adequate knowledge or experience in criminal justice system and prison in Nigeria. Thus, cases include: prison staff and inmates, criminal justice institutions and officials which include public prosecutors, defence counsels, court judges and officials as well as human rights advocates, scholars or researchers in fields of law, psychology and social sciences, and representatives of NGOs working specifically on criminal justice/prison reforms and the legal aid service providers.

Additionally, the research drew on regional and international instruments, CN, NPS laws and SO, NPS Training Manuals, national, regional or states and individual prison statistics, Government's special committees reports on criminal justice sector reforms, and NGOs and scholarly reports and papers.

Observations focussed on a number of elements including the observable attributes in prisons such as the prison design and capacity, structural arrangements in prisons, inmates' accommodation, and regime activities. The six prisons observed in the study were drawn from a northern Nigerian state of Kano (see Figure 4.4 in Appendix F).

## **Participants' Selection**

This section explains how participants were selected from the thirteen institutions involved in the study. The one hundred and sixty-six individuals who participated in the present study were drawn from the study population via sampling. Sampling ensures representativeness of the whole aggregate study population and contributes to generalisability (external validity) of a research (Gaskell and Bauer, 2000; Nachmias and Nachmias, 1981; Patton, 2002). In addition, sampling was used in this study because of security concerns in the study area and some of the members in the population, particularly other stakeholders, were difficult to get and unwilling to participate. Moreover, the size of the research populations were large; thus sampling

was used to reduce participants' selection errors and biases (Gaskell and Bauer, 2000; Patton, 2002). Sampling is based on the premise that large sizes of participants in a study do not guarantee representativeness; it depends on the logic of the procedure of selecting participants (Gaskell, 2000).

Hence, in the sampling process, both probability and purposive sampling approaches were employed. Probability sampling technique involves 'selecting relatively large number of units from a population, or from specific subgroups of a population, in a random manner where the probability of inclusion for every member of the population is determinable' (Tashakkori and Teddlie, 2003:713). Purposive sampling technique 'involves selecting certain units or cases based on a specific purpose rather than randomly' (Tashakkori and Teddlie, 2003:713). In this study, however, emphasis was given to the representativeness of prison staff and inmate participants because it was hoped to draw some reliable conclusions as to how overcrowding was experienced by prison inmates and staff in the prisons examined.

A purposive sampling technique was employed to identify participants that were difficult to locate due to their tight work schedules. These participants were selected as they provided an indication as to how prison overcrowding is assessed from outside the prison establishment itself. Purposive sampling strategy is mainly concerned with credibility rather than representativeness (Patton, 2002). Thus a purposive sampling technique was adopted in this study to substantially increase the credibility of the information gathered from other participants drawn through probability sampling. To simplify the sampling processes, participants were grouped into two. The first group of participants were those stationed at specific locations, which include: the prison inmates and staff; public prosecutors; courts officials; staff at the HRCN and LACN; scholars; and the staff at NGO offices. In the second group were those participants considered as itinerant: they include the magisterial judges and counsels.

The first group of participants were selected through two probability sampling techniques, namely the stratified and systematic random sampling methods. Stratified random sampling is obtained by separating the population elements into groups so that each element belongs to a stratum and then the target populations were randomly selected from each stratum (Kemper *et al.*, 2003; Teddlie and Tashakkori, 2009; Turner, 2003). Systematic random sampling involved selecting every odd (1, 3, 5, 7) or even (2, 4, 6, 8) number of the target population from a randomly ordered list of the

population obtained (Kemper *et al.*, 2003). The sixty-five prison inmate participants were selected based on the adopted sampling techniques. Over three-quarters of prison staff participants (n=54, 78%) and one-third of other stakeholder participants (n=12, 38%); officials at the HRCN, LACN and the DPP were selected by their official positions or ranks and designated schedules. Also, NGOs' members were selected based on their past records of engagements in Nigerian criminal justice or penal reforms activities. The prison staff and inmates' list in each of the prisons were obtained and separated into groups such that each individual belong to a single stratum. Prison inmates were grouped into three: sentenced; remand; and debtor. Prison staff members were grouped into two strata based on their employer's (NPS) ranking; junior staff (already rated by NPS from level 01-08) and senior staff on level 09 and above. The sample interval in each of the units was determined by the size of the population. At six of the thirteen prison units involved in the study, participants were selected using a sampling frame in which the list of all members in the population were numbered (equally in both even and odd numbers) and the required number of participants were selected through picking the 'odd' numbers such as 1, 3, 5 and 7 to generate the required number per strata in each of the category of participants. An overwhelming number of participants (n=130, 78% of the study participants) consisted of prison staff (n=54, 78%); prison inmates (n=64, 98%) and other stakeholders (n=12, 38%) were selected through this technique.

A purposive sampling technique was employed for participants who were not working or living in prison. Thirty-six research participants (n=36, 22%) including twenty other stakeholders (n=20, 62%), fifteen prison staff (n=15, 22%) and a former prison inmate (n=1, 2%) were selected under this category. Participants in this category were selected based on their role, knowledge and work experiences in the Nigerian criminal justice system (Tashakkori and Teddlie, 2003; Teddlie and Tashakkori, 2009).

### **Fieldwork Sites**

Research participants were drawn from seven other NPS units; six prisons; a state justice ministry and university; two government legal and human rights organisations; five NGOs; and two legal firms in four northern Nigerian states. In addition, fieldwork site observations were carried out in six of the thirteen NPS units involved in the study.



The six Nigerian prisons in which the fieldwork observations were conducted are based in Kano state. The fieldwork was restricted to six prisons due to the security concerns in Nigeria, and the selected prisons symbolise three main forms of prison in Nigeria in terms of infrastructure, location as in both rural and urban, and operational capacity. Three of the six prisons observed (Rano Prison, Kiru Prison and Dawakin-Tofa Prison) are situated in rural/local government areas while two prisons (Kano Central Prison and Goron-Dutse Prison) are located in Kano city, and one (Wudil Prison) is situated in a semi-urban centre. In addition, the NPS rated Kano Central Prison as a maximum-security prison while Goron-Dutse Prison and Wudil Prison are rated as medium-security prisons, and Rano Prison, Kiru Prison and Dawakin-Tofa Prison are designated as satellite prisons (NPS, 2012; Orakwe, 2009).

It is worth mentioning here that the study's fieldwork being restricted to Kano State does not mean prisons situated in other states in Nigeria were not involved. Fourteen per cent (n=10) of prison staff participants were drawn from four other northern Nigerian states: Kaduna, Katsina and Jigawa.

Furthermore, other stakeholder participants (n=32, 19%) were drawn from various organisations and government agencies based in Kano state. They include the Ministry of Justice, Bayero University Kano, LACN and HRCN offices in Kano. Also, five NGO members participated which include the British DFID-J4A, Network for Justice Organisation, the Federation of Women Lawyers Association of Nigeria, Youth Society for the Prevention of Infectious Diseases and Social Vices (YOSPIS), and the Kano Human Rights Network (KHRN). Staff members of two private legal firms (SIM Abarshi Legal Services and YADUDU Associates & Co Legal Chamber all based in Kano) participated in the current study.

Research participants were drawn mainly from Kano state due to a number of factors. Kano state is one of the Nigerian states with higher population density, crime rate and prison population (CLEEN, 2010; NPS, 2012). The most recent population census in Nigeria showed that Kano state has a population of nearly 9.5 million which represents over seven per cent of the country's total population (NPCN, 2006). Between 2010 and 2012, the NPS statistical report indicated that Kano state had the highest prison population among the nineteen states in northern Nigeria and the third highest prison population after Lagos and Rivers states (NPS, 2012).

### Data Collection and Analysis Strategies

The study was based on a mixed methods research approach. Thus qualitative and quantitative data collection tools were used. As demonstrated in Figure 4.6, one hundred and sixty-six participants were involved in the study. Of the one hundred and sixty-six participants, thirty-nine per cent of the participants (n=65, 39%) were prison inmates including one released prisoner, forty-two per cent (n=69, 42%) were serving and retired prison staff and nineteen per cent (n=32, 19%) represented other stakeholders in the criminal justice sector. A significant majority of participants (n=139, 84%) were male; only a small number of women (n=27, 16%) participated in the study.

**Figure 4.6: Research Participants and Activity**

Participants	Individual Interview		Focus Group Interview		Questionnaire		Total		
	M	F	M	F	M	F	M	F	-
<b>1 Prison inmates</b>	M	F	M	F	M	F	M	F	-
Inmates	12	8	22	-	22	-	56	8	64
Ex-prisoner	1	-	-	-	-	-	1	-	1
<b>total</b>	<b>13</b>	<b>8</b>	<b>22</b>	<b>-</b>	<b>22</b>	<b>-</b>	<b>57</b>	<b>8</b>	<b>-</b>
<b>2 Prison staff</b>	M	F	M	F	M	F	M	F	-
Serving Staff	16	6	15	-	25	4	56	10	66
Retired Staff	-	-	-	-	3	-	3	-	3
<b>total</b>	<b>16</b>	<b>6</b>	<b>15</b>	<b>-</b>	<b>28</b>	<b>4</b>	<b>59</b>	<b>10</b>	<b>-</b>
<b>3 Other Stakeholders</b>	M	F	M	F	M	F	M	F	-
Legal aid counsels	1	-	-	-	-	2	1	2	3
Private counsels	-	-	-	-	2	-	2	-	2
Magisterial judges	1	-	-	-	1	2	2	2	4
Human rights advocates	-	-	-	-	3	-	3	-	3
Penal reform organisations (NGOs)	1	-	-	-	5	1	6	1	7
Scholars/researchers	-	-	-	-	2	-	2	-	2
Public Prosecutors	-	-	-	-	7	4	7	4	11
<b>total</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>0</b>	<b>20</b>	<b>9</b>	<b>23</b>	<b>9</b>	<b>-</b>
<b>Participants total</b>	<b>32</b>	<b>14</b>	<b>37</b>	<b>0</b>	<b>70</b>	<b>13</b>	<b>139</b>	<b>27</b>	<b>166</b>

Additionally, Figure 4.6 presents each data collection tool per number of participants. The tools were semi-structured and focus group interviews, non-participant observations, and a self-completion questionnaire. Half of the participants (n=83, 50%) completed questionnaires, just over a quarter (n=46, 28%) were individually interviewed, while slightly under a quarter (n=37, 22%) attended focus group interviews, as shown in Figure 4.6. The average duration for a focus group was

eighty minutes and individual interviews lasted for forty-five minutes on average. Over three-quarters of the interviews and focus group sessions (n=66, 80%) were conducted in English and only a small number of interview sessions (n=17, 20%) were conducted in Hausa language; a native dialect in Kano state. Six prisons were visited and observed for forty hours in which thirty images and video clips and six written materials were obtained.

The semi-structured individual interviews involved 'one-to-one interaction between researcher and participants' (Teddlie and Tashakkori, 2009:229). The tool consisted of six subsections and twenty-four items and questions were worded in a completely open-ended format (Teddlie and Tashakkori, 2009) (see Figure 4.7 in Appendix H). Semi-structured interview as a technique of data collection allowed participants to fully discuss the research topics and helped clarify issues during the interview (Howard and Jerry, 1979; Jupp, 1989; Maxwell, 2005). Also, notes were taken and interviews were recorded in the course of the interview. I found the semi-structured individual interview tool quite suitable for this study because it allowed participants to discuss overcrowding from their own perspectives without imposing preconceptions or constraints (Babbie, 2004; Blaikie, 2000; Creswell, 2003; Vaus, 2002).

Focus group interviews used in the study provided first-hand data and verified other data gathered through other tools. The focus group guide contained twenty-three items (see Figure 4.8 in Appendix I). In this approach, the discussions were recorded and notes were taken during the focus group discussion. I acted as a facilitator/moderator who presented questions to the participants (Bryman, 2004). I found the data collection technique quite suitable as it allowed group interaction and provided insightful data on the research themes (Blaikie, 2000). The author being the focus group moderator actively encouraged all the participants to talk and to respond to other group members' comments and observations. Participants collectively explained their experiences or situation. Also, a large number of participants separated into small groups, particularly prison staff and inmates participating in the study through this approach. Nevertheless, focus group interviews were challenging as it was difficult to control participants' discussion due to the sensitive nature of the research topics and their numbers: thus it consumed time. Finding a convenient venue was also a challenge because of security concerns, and it was not possible to address gender issues in this approach, particularly for the prison inmate participants. There were also differences in

the participants' level of understanding or experience in regard to some of the research topics (Berg, 1989; Bryman, 2004; Jupp, 1989). A difference among prison staff views on how government and non-state actors were responding to prison overcrowding in Nigerian prisons was found. This difference in views between participants could be linked to frequent transfer/deployment of prison staff between the NPS units. Additionally, some of the prison staff participants had not worked for very long in the current prison they were in while others worked in a supporting role (no contact with prisoners) within the prison. The prison staff participants who were unable to fully comment on issues around non-state actors' response to prison overcrowding are amongst the two categories of prison staff mentioned above.

In essence, I found both individual and focus group interviews very helpful as the techniques allowed participants to talk at length in their own terms, and with time to reflect on their knowledge and experiences concerning prison overcrowding in Nigeria prisons. Additionally, the data gathered via the two forms of interviews allowed the author to obtain clarification and amplification of issues surrounding prison conditions and daily life with appropriate probing (Gaskell, 2000).

Field observations involve 'recording of units of interaction occurring in a defined situation based on visual examination or inspection of that situation' (Teddlie and Tashakkori, 2009:219). Three sources of observation were used. First, a structured (checklists) observation guideline was employed in which I recorded series of activities or attributes as they occurred as well as the regime activities, prison operational capacity, inmates' dormitories and dormitory arrangements (Teddlie and Tashakkori, 2009). The developed observations guide consisted of fifty check-list items in eight subsections (see Figure 4.9 in Appendix J). Secondly, I kept a fieldwork diary in which additional data that were not captured in the observations guide list were recorded as field notes. Third, archival records such as photographs were collected. I found the non-participation observations tool valuable as it provided additional information about the prison structure, capacity and daily activities, which interviews and questionnaires did not provide. Also, the technique empowered me to observe prison staff and inmates in the prison setting (Bandyopadhyay *et al.*, 2013). However, reliance solely on observation as a research tool may be misleading, as Liebling (2009:872) noted that 'observation [in research] does not adequately capture the process of being present in others' worlds'. Therefore, I was focussed and sensitive

to the prison environment, as there were many other interesting activities to observe in prison (Jupp, 1989; King and Wincup, 2000; Martin, 2000; Martin *et al.*, 2014).

A questionnaire using a combination of closed/open-ended questions was employed in this study, not only to provide data but also to supplement other tools in the data collection and more importantly to serve as a contingency plan (Teddlie and Tashakkori, 2009). Of the thirty-two items in the questionnaire, twenty-one were open-ended questions and the remaining eleven were closed-ended questions. The questionnaire contained thirty-three items in six subsections (see Figure 4.10 in Appendix K). The copy of the questionnaire was sent to some participants enclosed with a participant consent form, a pen, and where appropriate, with a copy of research access approval. Even though the technique is limited to literate participants, it allowed participants the opportunity to express their views with some degree of freedom (Babbie, 2004; Bryman, 2004). Also, a questionnaire appeared to be appropriate in this study not only due to its flexibility and security concerns in most of the study areas, but also the majority of the research participants (n=115, 69%) were literate: all prison staff (n=69, 100%) and other stakeholders (n= 32, 100%), with the exception of fourteen prison inmate participants (n=14, 22%) can read and write in English.

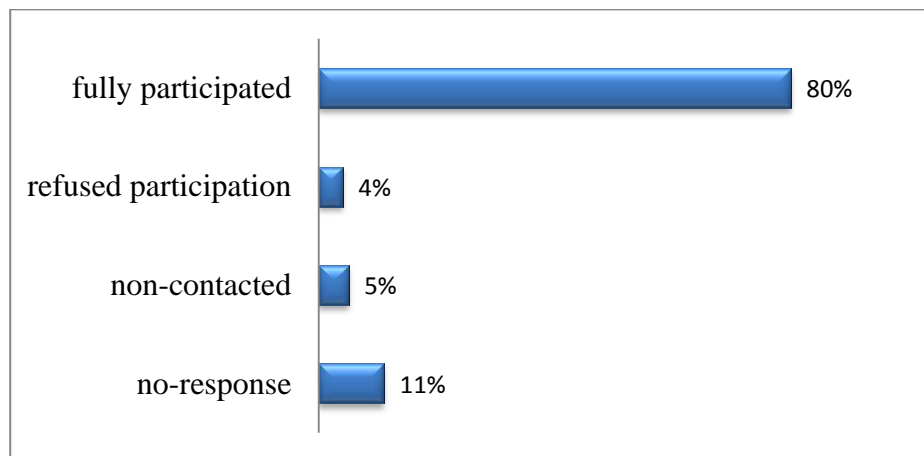
The data obtained via these different methods were transcribed, coded and entered into Nvivo and SPSS. Subsequently, data were analysed through a conversion mixed methods analysis (Teddlie and Tashakkori, 2009). Conversion mixed methods analysis involves converting qualitative data gathered into numbers and then analysing the data statistically (Teddlie and Tashakkori, 2009). In conversion mixed data analysis, 'collected quantitative data are converted into numbers (quantitizing) or quantitative data are converted into narrative or other types of qualitative (qualitizing) data' (Teddlie and Tashakkori, 2009:269). Central to conversion data analysis is that qualitative and quantitative data are inherently related, and all quantitative data are based on qualitative judgements, thus all qualitative data can be described numerically (Teddlie and Tashakkori, 2009; Wheeldon, 2010). The chosen data analysis is based on the fact that the research data were generated at the same time and sites and emergent themes were counted on frequencies (Teddlie and Tashakkori, 2009). Raw data obtained from all sources were grouped and coded on the basis of questions and emergent themes (Feilzer, 2009). Again, at every stage of data analysis, data obtained from different sources and tools were corroborated through triangulation techniques (Jupp, 1989).

Triangulation is the use of different methods in a research to study a phenomenon (Denzin, 1970; Jupp, 1989; Martin, 2000; Teddlie and Tashakkori, 2002). Denzin (1970) identified two forms of triangulation; within-method and cross-method. Cross-method triangulation refers to the ‘procedure of using dissimilar methods of research to examine the same phenomenon’ (Denzin, 1970, cited in Jupp, 1989:72). Within-method kind of triangulation involves ‘the use of different strategies within a broad research method’ (Denzin, 1970, cited in Jupp, 1989:72). Thus, a cross-method triangulation technique was used in the analysis process.

### **Rates of Participation**

It is important to establish participation rates in order to assess the reliability and external validity (generalizability) of data collected. Figure 4.11 below, indicates that of the two hundred and seven individuals originally contacted, eleven per cent of those contacted (n=22, 11%) failed to respond and four per cent (n=9, 4%) refused to participate in the study. A further five per cent (n=10) of individuals originally contacted and agreed to participate, but could not be reached during the study. In total, the participation rate was 80 per cent (n=166). Also, of the twenty per cent of individuals (n=41) that did not participate in the study, an over-whelming majority (n=33, 80%) were among other stakeholder participants (magistrates, counsels and courts officials), and the remaining individuals (n=8, 20%) were among prison inmates (former prisoners). This may be due to respondents’ tight work schedules and the security threats in the areas. It is pertinent to note that none of the prison inmates identified through the prison lists could not be found, refused to participate, or prison staff did not allow me to talk to.

**Figure 4.11: Participation Rate, n=207**



Moreover, in spite of the formal approval sought and the written explanations about the study's goals and objectives, a small number of individuals (n=5, 2%) among other stakeholders that refused to participate in the study told me (informally) that they will participate only if I will pay for their time. Also, the fact that the research originated from the United Kingdom, those individuals considered the study as a way of exposing the Nigerian criminal justice institutions and officials' operations to the international community and Western world in particular.

As a way of appreciation, a token amount of one hundred Nigerian Naira which is about 40 pence (GB) or essential commodities (sugar and soap) of the same value were given to prison inmates and ex-prisoner participants (n=65). However, in order to minimise acquaintance and social desirability response (Babbie, 2004; Blaikie, 2000), incentives were handed out after participation. Moreover, special letters of appreciation were sent to institutions, prison staff and other stakeholders who participated in the study.

### **Reflections on the Fieldwork in Nigeria**

Several published studies have shown that doing research in criminal justice systems and more importantly in prison is not only a challenging task but also potentially dangerous (Jupp, 1989; King and McDermott, 1989; King, 1998; Martin, 2000; King and Wincup, 2000; Liebling, 2009; Martin *et al.*, 2014). However, many of the authors that claimed research in prison is challenging and risky were doing research in countries in which the criminal justice system is regarded as relatively safe and stable. Doing research in 'developing' countries, some of which are in a state of active internal conflict, is even more dangerous, difficult and challenging. This section

reflects on some of the key challenges encountered and how they were managed in the conduct of the research.

The most significant challenge encountered during the fieldwork was the security threats at the fieldwork sites, which in turn restricted the study's activities. Under normal circumstances, researching in a prison requires vigilance, patience and tolerance because prisons are not only potentially dangerous settings (King, 1998; Jupp, 1995; Leibling, 2009; Martin *et al.*, 2014; Noak and Wincup, 2004) but because of their highly regimented nature which requires researchers to fit into, and work around the daily prison routine.

The bomb explosions and attacks of various criminal justice institutions and government offices by the Islamist group 'Boko Haram' in January 2012 made the study trip difficult as it coincided with the period of fieldwork. The Boko Haram deliberately targeted state representatives, including police officers, court officials, magistrates, and prison guards. The rate of participation in the study significantly dropped, visits and activities in prisons were suspended, court sessions were suspended, government offices were closed, and curfews were imposed across the whole of Kano. Thus, scheduled interviews in prisons and government offices were unconditionally cancelled on security grounds. I had made significant progress in the data collection by that point; nearly half of those contacted (n=87, 42%) had participated. In order to make further progress, I used informal contacts to recruit further participants. I succeeded in conducting interviews with some of the participants particularly the prison staff in their own homes. However, the shift in the fieldwork did not alter the sample, as it was already determined. The shift was rather in the medium of participation.

The layers of gatekeepers also posed a serious setback during the fieldwork. In theory, the approvals sought from higher authorities/senior managers at various government departments were expected to be sufficient for gaining access, but in reality, this was not necessarily the case. The hierarchical relationship was so complex that an approval from the top might not be recognised at the bottom level. In the NPS, for example, the copy of the approval sought from NPS head office in Abuja in August 2011 was allegedly lost or had not been sent to the regional (zonal) office and states headquarters, which meant, I was compelled to seek another copy. Also, at the office of public prosecution in Kano state, the officer who endorsed my research was transferred; thus I had to reintroduce myself to the new officer and give him a copy of



the approval endorsed by his predecessor. What seemed to be clear is that records were poorly kept and that there were communication gaps in many of the Nigerian government offices and departments. The delay in the verification of access approval at Kano state prison head office consumed much of my time and in turn affected the fieldwork.

Interviewing public servants particularly at their offices was laborious and sometimes impossible. For example, I scheduled an interview session with a magisterial court judge up to seven times and when I succeeded on the eighth day, the interview was stopped half way through due to work pressures. At the six Nigerian prisons visited, due to staff shortage and tight work schedules for the few available staff, I was unable to interview staff deployed at courts.

As a result of the risk of attacks at the fieldwork sites that led to the suspension of some aspects of the fieldwork activities, particularly in prisons, the credibility and reliability of over a quarter of prison staff and inmate participants (n=27, 20%) in terms of how the questionnaires were distributed and completed could not be validated because the researcher employed an insider (prison officer) who administered the questionnaire to them. Because I gave the list of staff and inmate names to the prison officer for distribution, I had little chance to validate the distribution of some of the questionnaires. Thus, the issue around validation was whether he actually distributed the questionnaire according to the sampling frame. To confirm the above claim, of the twenty-eight questionnaires administered by the insider, eight were disregarded - for three staff and five inmates. It seemed that the 'insider' did not hand over the questionnaires to the selected participants: the disregarded questionnaires indicated that the participants were inexperienced about prison activities or they seemed to have spent little time in prison as they were unable to respond to the topics under discussion. Over half of the items in those eight questionnaires were left blank.

Another challenge encountered during the study trip was the failure of participants to turn up. Despite the fact that notices of participation were sent to prospective participants far ahead of time with two months written notification, a number of participants responded as if they had not been informed of the research.

A copy of the questionnaire was sent to prospective participants including prison inmates; however, the problem encountered in this approach was not only on the reliability of how the questionnaires were administered to some prison staff and inmate participants but also the manner in which the completed questionnaires were

returned. Of the one hundred copies of questionnaires distributed, ninety-one completed copies were returned. Of the ninety-one completed returned copies, only nine were returned by post, which means, ninety per cent (n=82) of the completed questionnaires were manually gathered: hand-to-hand and that was really challenging. I frequently made telephone calls or went in person to remind participants as to whether they have completed the questionnaire and also to arrange a time as well as a way of returning them.

Furthermore, despite assurance by the researcher that the survey was purely for academic research purposes, the degree of freedom and privacy in terms of researcher-participant interaction in some prisons was not satisfactory. Of the six prisons observed, only two allowed the researcher to interact freely and with some degree of privacy with the prison inmates. Many staff and prisoners, particularly at the three satellite prisons visited do not consider me as a former insider coming to them as an outsider to examine their work and living conditions including daily life in prison as it relate to overcrowding, instead they regarded me as an insider (still a prison staff member), and thus our interactions were not only restricted but also treated with some degree of suspicion. In fact, at four of the six prisons visited, the staff closely monitored my interactions with the inmates. This has not only restricted our interactions but also caused some participants to refuse to disclose much needed information about their personal experience of daily prison life. Of course, the author's familiarity and prior knowledge and experience of Nigerian prisons contributed in easing the negotiation of access with gatekeepers, and made the author appear approachable and accessible to many participants, but that did not automatically guarantee some of the participants' cooperation and participation in the research.

Another concern associated with the adopted methodological research design in the current study is its generalizability (external validity). The number of prisons and study participants involved in the current study do not represent a significant proportion of prisons and study population in Nigeria. Moreover, the three main data gathering tools used in the study were not administered in equal numbers to participants; individual interviews (n=46), focus group interviews (n=37) and questionnaires (n=83). This study was based on a mixed methods research design, and was basically adopted due to the complex nature of the study area and divergent composition of study population as well as the sudden insurgencies in the study area.

Thus, the research design adopted in the current study may be appropriate in some but not in all other relatively calm Nigerian regions.

In conclusion, this chapter has presented the research design, including the challenges encountered during the study fieldwork. The study was designed on a pragmatist research paradigm based on a mixed methods strategy. Participants were drawn from four northern Nigerian states of Kano, Kaduna, Katsina and Jigawa. One hundred and sixty-six study participants were selected in two ways, probability and purposive sampling techniques. Qualitative and quantitative data for the study were obtained through four data collection tools: semi-structured individual interviews, focus group interviews, non-participant observations, and self-completion questionnaires. The obtained data were transcribed, coded, and analysed through a conversion mixed methods analysis strategy with the aid of SPSS computer program. Also, arithmetic analysis was used for interviews. Further issues discussed include: challenges encountered in access through gatekeepers; pressure on participants on what is acceptable to say; gatekeeper involvement in selecting participants; and interruptions during participation. The research was in danger of being abandoned as northern Nigeria was suffering from internal insecurity during the period of research, due to a significant number of terrorist attacks on government targets.

The research findings will be presented in later chapters.

## **Chapter 5**

### **Perspectives on Prison Overcrowding in Nigeria**

This chapter provides summary perspectives of prison overcrowding based on the primary research findings in which non-participant observation was carried out at six prisons in northern Nigerian state of Kano, and three other different data collection tools; individual and groups interviews and a self-completion questionnaire were employed. In total, 166 individuals participated in the study belonging to three categories; prison inmates (n= 65), prison staff (n=69) and other stakeholders (n=32) within the criminal justice system. The study findings will be presented and analysed from micro and macro perspectives. At micro level, the analyses will focus on findings concerning life at the six Nigerian prisons where observations and interviews took place. The analysis at macro perspective will concentrate on the wider views of prison overcrowding in Nigeria, based on findings from stakeholders in the Nigerian criminal justice system such as the prosecuting counsels, magistrates, human rights advocates, counsels, academia, NGOs as well as retired and serving NPS staff deployed in other Nigerian prisons units. It also includes a former prisoner.

#### **Micro Perspectives of Overcrowding in Nigerian Prisons**

In total, sixty-six per cent of study participants were prison staff and inmates (n=110), and they were drawn from the six Nigerian prisons involved in this study. The sample consisted of sixty-four prison inmates and forty-seven prison staff. The section begins by presenting the profiles of the six Nigerian prisons as well as background information relating to the participants. Subsequent parts assess the participants' perspectives of prison overcrowding as well as their views as to whether the particular prisons they resided or worked in were overcrowded. Participants' views on the features and drivers of prison overcrowding as well as their understanding of the seasons, timing, and places within the six prisons that were overcrowded will be assessed. Finally, participants' viewpoints regarding daily life in the prisons they work or live in will be analysed.

The analysis began by going through the data, prison by prison rather than drawing from national, regional or state prisons capacity figures. Review of prison population trends in Nigeria (see Chapter Three) supported by other studies (Alabi and Alabi, 201; AI, 2008a; Alemika, 2011; Chukwuemeka, 2010; Obioha, 2011) showed

that national or state prisons population figures in Nigeria are insufficient for assessing overcrowding in Nigerian prisons as the data may not be generalizable. Nigerian prisons population figures do not provide data on prisons' physical goods units such as number of dorms, toilets, staff distribution and prisoners' rehabilitation facilities. It fails to provide data concerning intangible services indicators in prisons. Additionally, different prisons have different levels of overcrowding based on the fact that Nigerian prisons are not comparable in terms of capacity, population and institutional arrangements. Moreover, the review indicated that some Nigerian prisons based in rural areas were officially under-occupied but practically operating above their rated capacity (see Chapter Three).

### **Kano Central Prison**

Kano Central Prison (KCP) is one of the colonial Nigerian prisons built in 1910 with a capacity of 690 inmates. KCP is situated in the centre of Kano city, adjacent to the renowned Emir's palace. As a maximum-security prison, the average daily admission (ADA) at KCP was 30 people. In December 2011, the actual prison population at KCP was 1,348 with 248 prison staff. KCP's occupancy rate was at 195 per cent, which means KCP was overcrowded (ICRC, 2005; Nembrini, 2005; Tournier, 1986). Of the 248 staff at KCP, seven per cent (n=18) were females. Given KCP's capacity, the ratio of staff per inmate should be 1:2.7. However, the actual staff-to-inmate ratio was 1:15.3, which means KCP had very low staff-to-inmate ratio and has implications on prison daily life including the degree of overcrowding (Gaes, 2004; James, 2013; Krauth, 2006). To confirm the above assumption, the observations results revealed that of the 248 staff at KCP, a third (n=84, 34%) were administrative and technical support personnel, twenty per cent were (n=56) deployed to courts, and eight per cent (n=20) were on training, leave of absence or special duty outside the prison. This means that just over a third of staff (n=88, 35%) at KCP were directly managing and controlling prisoners and the actual ratio of staff-to-inmate was 1:15.3. KCP actual staff-to-inmate ratio is low (Elias and Milosovich, 1999) compared to other developed countries' systems in which maximum-security prisons have an average ratio of one staff to 3.9 inmates (James, 2013; Krauth, 2006).

Of the 1,348 inmates, 85 per cent (n=1146) were remand prisoners. Of the 15 per cent (n=202) sentence prisoners at KCP, 16 per cent (n=32) were condemned to death. Of the aggregate inmates' figure at KCP, only nineteen (1.4%; 12 remand and 7

sentence prisoners) were females. Of the nineteen female inmates, three were nursing mothers accompanied by their babies. The three babies at KCP were neither added to KCP's prison population figure nor to the facility's visitor list.

This study's observations findings revealed that KCP consists of a total 41 cells - six large-sized dorms and 35 medium-sized dorms. Of the 35 medium-sized dorms, male sentence prisoners occupied 29 and females occupied two (one each for both sentence and remand). Male remand prisoners occupied the remaining six large-sized and four medium-sized dorms. As shown in Picture 5.1, one of the large-sized dorms (cell 3) contained 129 remand prisoners.

**Picture 5.1:** A board indicating the number of inmates in a dorm

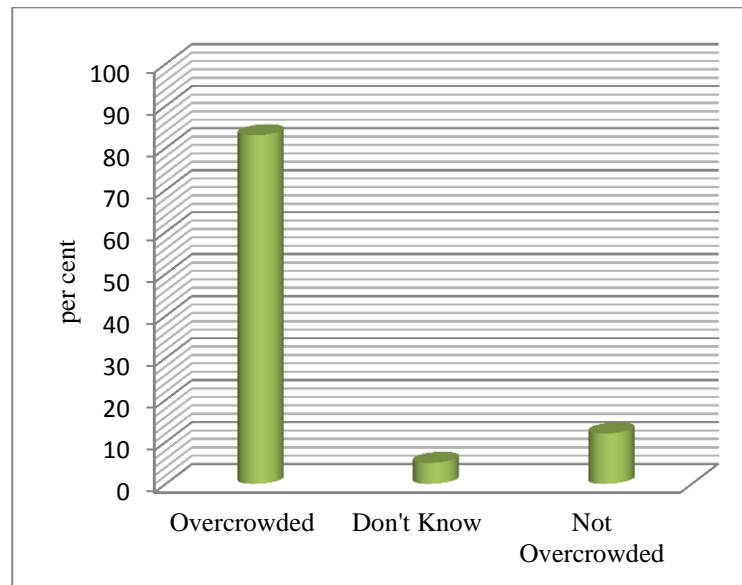


*Source:* observation at KCP (2011)

Almost a third of prison staff and inmates (n=42, 31%) who participated in this study were at KCP. The participants (n=42) consisted of 26 prison inmates and 16 prison staff. Of the 26 prison inmate participants, over half (n=14) were remand prisoners and the remaining (n=12) were sentenced prisoners. Nineteen per cent (n=8) of the participants were females and three of the females were prison staff. Again, of the 42 participants, nearly 40 per cent (n=16, 38%) had lived or worked in KCP for more than ten years, and a third (n=13, 31%) had lived or worked in KCP for between one and five years.

The research began by investigating participants' opinion as to whether KCP in which they were working or residing in was overcrowded and the results are presented in Figure 5.1 below.

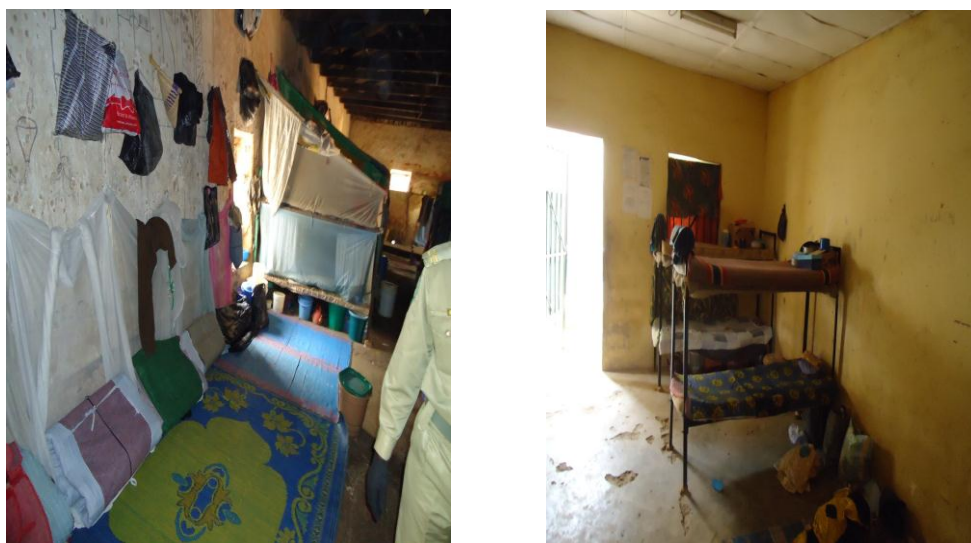
**Figure 5.1:** Perceived overcrowding by KCP residents and prison staff, n=42



As shown in Figure 5.1, in line with the occupancy rate, an overwhelming majority of participants (n=35, 83%; 16 staff and 19 prisoners) reported that KCP was overcrowded. Only five prison inmates (n=5, 12%) said they did not consider KCP to be overcrowded. Three of the five participants that expressed the belief that KCP was not overcrowded were females. This suggests that dorms occupied by female prisoners in KCP are under-occupied.

Of the significant majority of participants who considered KCP overcrowded, a 42 year old sentence prisoner, who had been in prison for more than ten years stated that ‘cells of 30 people capacity is now taking at least 150 inmates’ (QIKC02). In an opposing view, a female prisoner serving a long-term sentence reported that KCP and more particularly where she lived in was not in any way overcrowded because ‘the rooms are neat ...and very ok’ (IIKC04). The results showed a variation in views between male and female prisoners. This maybe explained largely due to the structural differences between prisoners’ cells and the relatively small number of women in prison. Prison observations revealed that at KCP, female dorms were superior to those of men in terms of space, bedding arrangement, ventilation and toilet facilities. Picture 5.2 best illustrates the interior structural differences between male and female wings at KCP. The left hand side depicts a male dorm picture while the right side shows a picture of a female dorm (see Picture 5.2).

**Picture 5.2:** Two types of inmates' cells at KCP



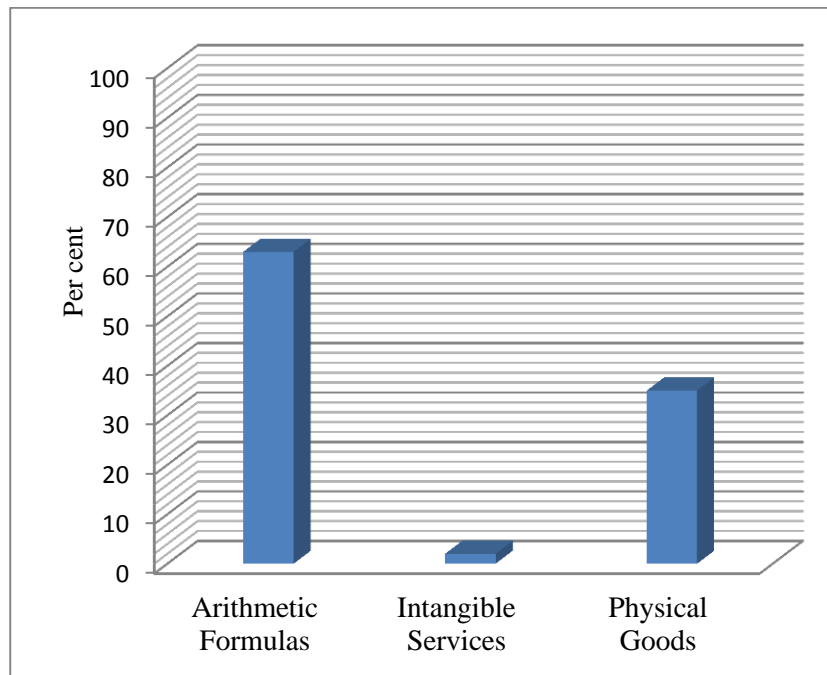
*Source:* observation at KCP (2011)

Participants were asked to briefly describe how they defined overcrowding at KCP. This study acknowledged the contention surrounding the definition of prison overcrowding (Freedman, 1975; Bonta and Gendreau, 1990; Murdoch and Griffiths, 2009; Allen, 2010; Albrecht, 2010) thus, the participants' description of prison overcrowding were assessed based on the adopted three categories of measures presented in Chapter One.

As shown in Figure 5.2 of the 42 participants, half of the participants (n=21, 50%; 10 staff and 12 prisoners) described prison overcrowding at KCP in the context of specific arithmetical formulas: through calculating KCP rated capacity by actual prison population, and thirty-eight per cent of participants (n=16, 38%) who defined prison overcrowding at KCP on the ground of physical goods such as shortage of water, food, bedding materials and medicine, only a minority (n=5) were staff. Only a small number of participants (n=5, 12%) described prison overcrowding in relation to difficult-to-measure indicators such as lack of privacy in dorms, personal development activities and convenient living atmosphere.



**Figure 5.2:** Description of prison overcrowding at KCP, according to participants n=42



Differences in views between the participants were found. The majority of prison staff participants (n=10, 63%) at KCP described the prison overcrowding in the context of arithmetic formulas and only one of the participants referred to prison overcrowding at KCP in relation to intangible services. Nine prison inmate participants (35%) who defined prison overcrowding in relation to lack of access to essential goods such as food and medicine were remand prisoners. A remand prisoner described the KCP overcrowding as ‘any situation in prison whereby the amenities is not able to sustain the inmates, for example, lack of food, water or hunger crises’ (GIKC01).

Participants were asked to state the features of overcrowding at KCP as they have experienced it. Table 5.1 presents fifteen features of overcrowding at KCP listed in order of frequency.

**Table 5.1:** Features of prison overcrowding at KCP, according to prisoners and prison staff, n=42

Feature	Frequency	Percentages (%)
Overcapacity both in terms of prison overall and cells.	37	89
Unpleasant odours in cells.	30	71
Noisy atmosphere.	26	62
Prisoners sleeping on the bare floor.	20	47
Reduction in amount of time spends outside cells.	15	36
Diseases breakout.	13	31
Queuing at toilets and clinic.	12	29
Reduction in the amount of space a prisoner occupies in the cell.	10	24
Untimely supply of food.	8	19
Reduction in the quality and quantity of food and water supply.	8	19
Delay in producing inmates to courts.	7	17
Staff doing compulsory overtime.	6	14
Rampant trafficking and unruly/discriminate acts by staff.	5	12
Reduction in amount of time spends during visit.	5	12
Improper inmates' classification at cells.	4	10

Judging from Table 5.1 above, it is apparent that the majority of participants (n=37, 89%) considered overcapacity at KCP to be the main feature of overcrowding. Also, a significant number of participants (n=30, 71%) reported unpleasant odours in cells and a noisy prison atmosphere (n=26, 62%). The least reported feature of overcrowding at KCP was improper inmates' classification at dorms (n=4, 10%). Only fourteen per cent of prison staff (n=6) reported staff doing compulsory overtime as one of the features of overcrowding at KCP. Only prison inmate participants reported the reduction in time prisoners can spend outside their dorms (n=15, 58%) and with their visitors (n=5, 19%), as well as the reduction in the quality and quantity of food and water supply (n=8, 31%). This suggests that overcrowding in prison affects not only inmates' accommodation but also affects their time, daily life as well as sufficiency of daily prisoners' basic supplies.

Commenting on the unpleasant odours in dorms, a remand prisoner reported that 'inmates were given three cups of water per day and many of us spent three to four weeks without bathing and soap is not regularly provided to prisoners' (GIKC01). The observation findings revealed that the odours in prisoners' cells and mosquito nets hanging all over the inmates' dormitories were largely due poor sanitary conditions in the dorms which also create a breeding ground for flies and mosquitoes. The seven remand prisoners who participated in one of the group discussions at KCP confirmed that the poor sanitation including the unpleasant odour at prisoners' dorms were

mainly due to shortages of water, personal hygiene supplies as well as the absence of a separate dining hall for prisoners (GIKC01). The author also observed that prisoners' meals including water were served at their dorms' passages. Toilets inside prisoners' cells were poorly maintained due to water shortage and lack of detergent to clean. The inability of Nigerian prison authorities at KCP to regularly provide soap to prisoners contradicted the NPS SO No. 332 (2011) which requires that:

[e]very prisoners shall receive a weekly issue of two tablets of soaps for his personal use (and three tablets in the case of female prisoners) and the washing of his uniform. Soap for other cleaning purposes shall be issued to the staff-in-charge of the party concerned.

The findings also lent support to other studies that found overcrowding in prison impedes prison authorities' ability to provide effective care and treatment of prisoners (Murdoch and Griffiths, 2009; UN, 2010).

Participants were asked what they believed was causing overcrowding at KCP and multiple responses were permitted. Table 5.2 presents fourteen factors listed as causes of overcrowding at KCP in order of frequency.

**Table 5.2:** Causes of overcrowding at KCP, according to prisoners and prison staff, n=42

	Factor	Frequency	Percentages (%)
1	Corruption in the criminal justice system.	39	93
2	Slow judicial process.	39	93
3	Lack of political will to reform the system by stakeholders.	37	88
4	Dilapidated structures.	35	83
5	Limited building structure.	25	60
6	Rise in crime rate.	20	48
7	Excessive use of imprisonment as penalty.	16	38
8	Stringent bail conditions.	16	38
9	Indiscriminate arrest and detention.	15	36
10	Absences of custodial time limit for remand prisoners.	13	31
11	Limited early release programmes.	10	24
12	Logistical constraints in terms of transportation and communication.	8	19
13	Profiteering by certain individuals and companies.	7	17
14	Unrealistic/unchecked prison design capacity.	5	12

As shown in Table 5.2 above, the findings revealed that overcrowding at KCP was caused by several interconnected factors. The most frequently mentioned factors were corruption in the justice system and the slow judicial process (n=39, 93%), lack of political willingness to transform the system by criminal justice stakeholders (n=37,

88%) and dilapidated structures (n=35, 83%). The least reported causes were unrealistic prison design capacity (n= 5, 12%), profiteering by some individuals and companies (n=7, 17%) and logistical constraints in terms of transportation and communication (n=8, 19%). The thirteen participants (31%) who reported the absence of custodial time limits for remand prisoners were themselves on remand and the five participants (12%) who reported unrealistic prison capacity were prison staff. Again, seven of the ten participants who stated limited early release programmes were sentenced prisoners serving long-term sentences. Ten of the fifteen participants (36%) who stated indiscriminate arrest and detention by law enforcement officials as the cause of prison overcrowding were remand prisoners who had resided in prison for between one and five years. Thus, it could be suggested that the overcrowding at KCP is linked to several interconnected factors that are not limited to prison.

With regard to the limited and dilapidated structures at KCP, the observation findings confirmed that claim. At KCP, it was found that most of the offices were without furniture, and in the few offices that contained furniture, the furniture was antiquated and insufficient. Beds at the men's dorms are not sufficient, cooking utensils such as spoons, plates, bowls, pots, cutleries at the kitchen were inadequate and the few available kitchen utensils were in poor condition mainly because they were overstretched and poorly maintained. Pictures 5.3 best describe the main form of building structures at KCP.

**Picture:** 5.3: Structures of large-size dorms, and a kitchen at KCP.



*Source:* observation at KCP (2011).

The research went further to identify particular times as well as the areas or places at KCP where overcrowding occurred. Eight places and areas considered overcrowded at

KCP and these are listed in order of frequency mentioned by research participants in Table 5.3 below.

**Table 5.3:** Overcrowded areas at KCP, according to prisoners and prison staff, n=42

	Location	Frequency	Percentages (%)
1	Prisoners' cells.	37	88
2	Toilets and bathrooms.	35	83
3	Clinic.	25	60
4	Worship areas.	25	60
5	Prisoners' visiting lodge.	25	60
6	Vehicle transporting prisoners to courts.	10	24
7	Staff offices.	8	19
8	Workshops.	5	12

The emergent results yielded mixed views between participants. An overwhelming majority of participants reported prisoners' cells (n=37, 88%) and toilets/bathrooms (n=35, 83%) as places that were overcrowded. However, none of the female prison inmate participants (n=5, 12%) stated this. This implies that female dorms at KCP were superior to those of men cells in terms of toilet and bathroom facilities. The five female prison inmate participants (12%) were among the participants (n=25, 60%) that reported prisoners' visiting lodges as overcrowded places. Again, only a small number of sentenced prison inmate participants (n=5, 12%) reported workshops, indicating that only sentenced prisoners are allowed to engage in training. Only half of prison staff participants (n=8, 50% of prison staff) said staff offices were overcrowded. All participants (n=10, 24%) who said the vehicle transporting prisoners to court was overcrowded were remand prisoners, which means remand prisoners at KCP were experiencing some difficulties in terms of transportation to and from courts. Picture 5.4 illustrates the interior arrangements of the vehicle used for transport to court. In December 2011 during the fieldwork at KCP, I saw one vehicle transporting 76 prisoners to court. The researcher was informed that the vehicle is designed for 35 prisoners.

**Picture 5.4:** The overcrowded vehicle



*Source:* observation at KCP (2011)

Participants were asked to state the particular periods of the day in which the identified areas were particularly overcrowded. The majority of the participants (n=37, 88%) who cited those eight overcrowded places (see Table 5.3) at KCP also expressed the belief that those areas in the facility were always in overcrowding mode. However, the five per cent who said KCP is not overcrowded at all was the small number of female prison inmate participants (n=5, 12%).

Another intriguing finding from the research was that there appeared to be particular seasons when KCP tended to be more overcrowded than at other periods. A small number of participants (n=10, 24%; six prison staff and four prisoners) expressed the belief that seasons did affect KCP's population. Four seasons believed to be affecting KCP's population identified by participants are: a) the religious, traditional and national festivals, b) raining/ wet season, c) winter/Harmattan, and d) during political rallies and elections. The emerging findings imply that during national festivals such as Bank holidays, Christmas, the (Islamic) Muslim's Eid festival, New Year and national celebration days, the population at KCP increased. Supporting some of these claims, a prison staff member argued that 'because of poverty and harsh climatic condition, people prefer to come to prison [in order] to get something to eat and have free accommodation to sleep' (FGKC01). Seeking refuge in prison during rainy and winter seasons as claimed by participants (n=4) is in line with a study that claimed 'not all imprisonment may cause discomfort or unpleasantness to imprisoned

persons instead some people might find prison a refuge against the intolerable pressures of the outside world' (Cavadino and Dignan, 2002:33).

However, while seasons may affect prison population, these findings would need to be further explored. Thus, the researcher analysed Kano state prison population figures between May 2011 and February 2012 but no significant patterns were found. Again, between July and October 2012, prison population figures of two prisons that participated in this study were analysed. The results showed no significant patterns by seasons. The claims that seasons are factors in prison overcrowding could be refuted on a number of reasons. About 60 per cent of Nigerians are farmers (World Bank, 2012), thus during rainy season, people engage in agricultural work (Olawepo, 2010) instead of seeking refuge in prisons. Additionally, some politicians engage unemployed youths as political touts during political rallies and elections in Nigeria (Raddah, 2009). Thus, during rain and election seasons Nigerian prisons should be emptier than normal. Nevertheless, the evidence from the research participant has raised some interesting questions and provided basis for further research.

In order to gain a comprehensive view of daily life at KCP and some implications of overcrowding on daily life, some daily activities at KCP were assessed, and participants were asked to state their agreement or disagreement with a number of statements. Table 5.4 presents prison inmate participants' responses.

**Table 5.4:** Prisoners' view of daily activities at KCP, according to prisoners, n=26

Statement	Agree		Disagree		Don't know	
	FQ	(%)	FQ	(%)	FQ	(%)
Work is compulsory to all inmates.	5	19	16	62	5	19
This prison is safe and secure to live.	3	12	22	85	3	12
Prisoners don't rest because of noise by staff or inmates.	24	92	2	8	-	-
Prisoners' activities outside their cells depend on the availability of staff to supervise them.	21	81	3	12	2	8
Staff-inmates relationship is satisfactory.	5	19	20	77	1	4
The sleeping accommodation provided to inmates is satisfactory.	1	4	25	96	-	-
Prisoners are allowed to spend some time outside their cells.	10	38	16	62	-	-
Remand prisoners' stay outside their cells more than sentenced prisoners.	2	8	19	73	5	19
Inmates engage in work or training every day.	10	38	14	54	2	8

Judging from the findings summed up in Table 5.4 above, it implies that the expression of prison inmate participants (n=26) about daily life activities at KCP varied. The

difference in views may be linked to participants' status in prison. The ten participants (38%) that agreed with the statement that inmates engaged in work training every day were sentenced prisoners. Five female participants (19%) were among the ninety-six per cent of participants (n=25) who expressed their disagreement over the statement that sleeping accommodation provided to inmates at KCP is satisfactory. Of the five female participants, a remand prisoner with an eight month old baby described her accommodation including prison daily necessities provided to her baby:

We [nursing mothers' inmates] that have babies here are not getting things well. My baby food, medicine, play toys, soap and beddings are not provided by the government. We are mixed up together, I am happy my roommates do understand my condition otherwise keeping baby here will be very challenging for me. I can manage the cool water but I cannot bath my baby with cool water. So, to me nothing here is moving fine' (IIKC02).

The emerging findings somewhat contradicted the initial views of the female participants (n=5, 12%) who said they did not consider KCP to be overcrowded (see Figure 5.1). It implies that accommodation may be unsatisfactory even if a prison is not overcrowded. The female prisoner's comment lent support to other studies that showed prison capacity and prison population is not the sole issue in determining overcrowding in prison (Albrecht, 2010; Bonta and Gendreau, 1990; Haney, 2006; King and Dermott, 1989; Lappi-Seppala, 2010; Liebling and Arnold, 2002; Liebling and Crewe, 2007; Sherman and Hawkins, 1981).

Similarly, the response of the prison staff participants (n=16) to the nine statements yielded mixed views, as shown in Table 5.5.

**Table 5.5:** Staff perspectives on the daily activities at KCP, according to prison staff, n=16

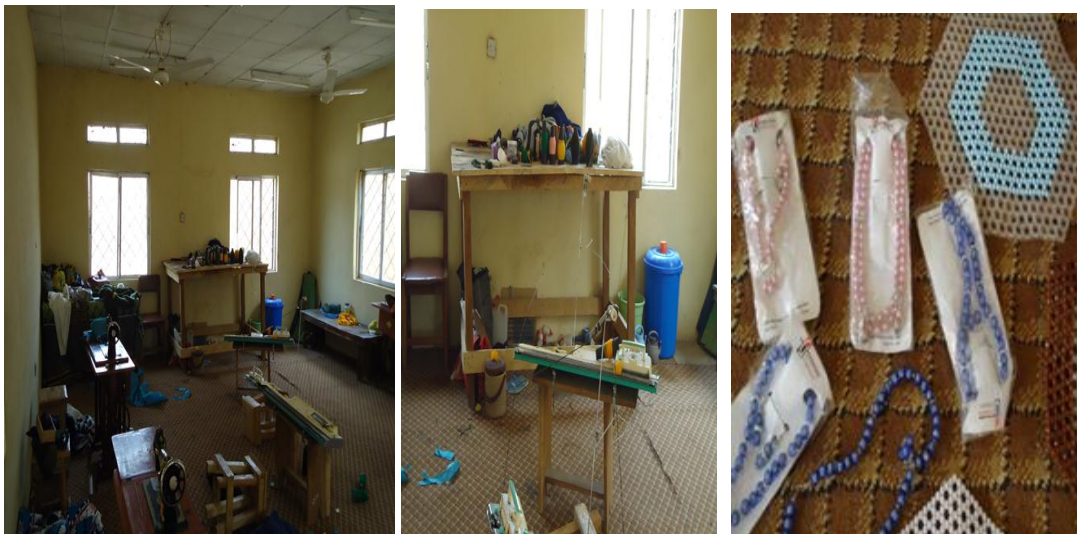
Statement	Agree		Disagree	
	FQ	(%)	FQ	(%)
Work is compulsory to all inmates.	2	13	14	88
This prison is safe and secured to work in.	5	31	11	69
Prisoners don't rest because of noise by staff or inmates.	8	50	8	50
Prisoners' activities outside their cells depend on the availability of staff to supervise them.	16	100	-	-
Staff-inmates relationship is satisfactory.	12	75	4	25
The sleeping accommodation provided to inmates is satisfactory.	7	44	9	56
Prisoners are allowed to spend some time outside their cells.	15	94	1	6
Remand prisoners' stay outside their cells more than sentenced prisoners.	14	88	2	13
Inmates engage in work or training every day.	10	63	6	38



The sixteen prison staff participants expressed their agreement with the statement that prisoners' activities outside their cells depended on staff to supervise them. Only one prison inmate participant felt that sleeping accommodation is satisfactory and seven prison staff (44%) expressed their agreement.

Another issue revealed by the findings is about safety and security at KCP. An overwhelming majority of prison inmate participants (n=22, 85%) did not believe that KCP is safe and secure to live in (see Table 5.5). However, the majority of prison staff (n=11, 75%) expressed their disagreement over that statement. Even though there are no globally agreed standards concerning staff-to-inmate ratio (Krauth, 2006; James, 2013) studies have shown that the higher the staff-to-inmate ratio the more safe and effective operation a prison will be (Gaes, 2004; Krauth, 2006). The actual staff-to-inmate ratio at KCP stood at 1:15.3, which means work, or residing at the facility could be challenging.

**Picture 5.5:** Female prisoners' skills acquisition workshop at KCP



*Source:* Observation at KCP (20110)

As shown in Table 5. 4 and 5 above, nearly half of prison staff and inmate participants (n=20, 48%) agreed with the statement that prisoners engage in training or work every day. To validate their claim, the observations findings revealed that KCP had ten workshops for prisoners' training and vocational skills. Tailoring, carpentry, laundry, car wash, metal and welding work, electronics repairs and craft work for males and tailoring, bead-making and tie-dye for females. Picture 5.5 best describes some of the activities females were engaged in. Nevertheless, these training activities at KCP were

restricted to sentence prisoners who were only fifteen per cent (n=202) of the prison population.

### **Goron Dutse Prison**

Goron Dutse Prison (GDP) is a Nigerian colonial prison originally built in response to the growing prison population at KCP (Last, 2008). It is based on the premise that building new prisons expands prison capacity and in turn addresses overcrowding in prison (Flynn, 2002; Snacken and Bayens, 1994). Since its establishment in 1925 and up until 2011, GDP accommodated only male inmates with a capacity of 600. In June 2011, a female wing was commissioned but GDP capacity remained at 600. The two medium-sized dorms occupied by female prisoners replaced one large-sized cell that was destroyed in 1998 as a result of flooding. As a medium-security prison, the average daily admission at GDP was 20 inmates. In December 2011, GDP's actual population was 1,079 against 165 staff. Of the 165 staff at GDP, only eight per cent (n=14) were females. The occupancy rate was 180 per cent and GDP was overcrowded (ICRC, 2005; Nembrini, 2005; Tournier, 1986). Moreover, given GDP's capacity, the ratio of staff per inmates should be 1:3.3, but going by the actual ratio of staff-to-inmates, it was 1:6.5, which implied that GDP had a low staff-to-inmate ratio (Gaes, 2004; James, 2013; Krauth, 2006). The observations revealed that of the 165 staff at GDP, 42 per cent (n=69) were administrative and technical support personnel, eighteen per cent (n=30) deployed to courts, and eight per cent (n=13) were on training, leave of absence and special duty. Practically, it implies that only 32 per cent (n=53) of the staff members were directly managing and controlling prisoners every day. This means the actual staff-to-inmate ratio is 1:20.3 which is lower than KCP discussed above.

**Picture 5.6:** GDP capacity and actual inmates' population

CAPACITY...600.....		GORON DUT		
	MALE	FEMALE	TOTAL	
INMATES LOCK-UP			1077	
OPEN OUT			269	Kamal A-7
CONVICTED	263	6	269	Muttaka
AWAITING TRIAL	785	19	804	R-Bole Musa Ganku Abuwal-2-501
DEBTOR			2	
LUNATIC <small>Was added Convict</small>	2		2	
LIFER	2		2	
C.C. <small>Special provision</small>	2		2	Nura G
DETAINEES <small>for sale S.T.M.</small>				Muttaka B
LODGERS <small>LODGERS FINE PAID</small>				Lawan R
HOSPITAL <small>Discharge</small>	10		10	
TOTAL	1052	25	1077	
FINAL LOCK-UP				
REMARKS				

**Source:** observation at GDP (2011)

As shown in Picture 5.6 above, the overwhelming majority of inmates (n=803, 74%) at GDP were remand prisoners. Of the 1,079 populations, only two per cent (n=25) were females. Moreover, two babies resided with their mothers at GDP but were not accounted for in any official numbers. This means even if there is a special provision for babies in Nigerian prisons system such a provision is not clearly recognised at GDP, as it is not mentioned in any of the institution's workbook thus it may be subject to neglect or manipulation by staff.

Forty-one participants (n=41; 25 prisoners and 16 prison staff) participated in this study at GDP. Of the 25 prison inmate participants, twelve (48%) were remand prisoners. Of the 25 prison inmate participants, four (16%) were females. Of the 16 prison staff participants, six (38%) were females. Also, of the 41 participants at GDP, sixty-three per cent (n=26, 63%; 18 prisoners and 8 prison staff) had lived or worked in prison for between one and five years and over a third of them (n=15, 37%; 7 prisoners and 8 prison staff) had resided or worked in prison for more than ten years.

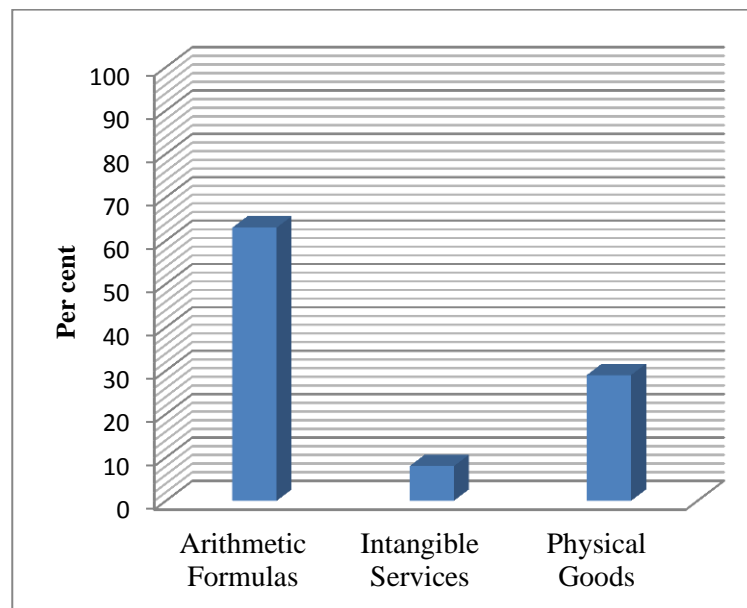
Participants were asked to state whether they thought GDP is overcrowded. The overwhelming majority of participants (n=33, 80%; 19 prisoners and 14 prison staff) considered GDP overcrowded and only a small number (n=6, 15%) expressed the belief that GDP was not overcrowded. The six participants (15%) that did not consider GDP overcrowded were two female staff members and four female prison inmates. Of the large majority of participants (n=33, 80%) who considered GDP overcrowded, a male remand prisoner who has been in prison for more than one to five

years stated that GDP was overcrowded because ‘in the cell, we are 150 prisoners sharing one toilet, most of us [sleep] on the floor and some few on bed. That is not normal’ (QIGO09).

It was observed that GDP had a total of twenty cells, consisting of three large-sized dorms with a capacity for 150 prisoners and seventeen medium-sized dorms with a capacity of 340. Remand prisoners (n=803, 74%) were kept in the three large-sized dorms and seven medium-sized dorms, while sentenced prisoners occupied the remaining eight medium-sized dorms. Females who constituted only two per cent (n=25) of GDP’s population were held in two medium-sized dorms. It is worth mentioning here that most prisoners at GDP were not aware of their cells’ capacity because it was not indicated at the dorms.

Participants were asked to describe overcrowding at GDP. Multiple response were permitted and based on the three dimensions of overcrowding adopted by this study, participants’ responses are summed up in Figure 5.3 below.

**Figure 5.3:** Description of overcrowding by GDP residents and prison staff, n=41



As shown in Figure 5.3, a significant majority of participants (n=26, 63%) related GDP’s overcrowding to arithmetic formulas and only a minority of participants (n=8, 20%) described overcrowding at GDP in the context of intangible services. Only a small number of female participants (n=4, 10%) related overcrowding to intangible services. Also, none of the prison staff participants (n=16) related GDP’s overcrowding to intangible services.

A long-term sentenced prisoner uttered one of the comments which describe GDP overcrowding in the context of arithmetic formula. He added that, ‘overcrowding at GDP means any situation when inmates’ population exceeds prison capacity’ (IIGP03). The above description of prison overcrowding is congruent with other studies that related prison overcrowding to prison capacity and prison population (Bukurura, 2003; Gaes, 1999). A remand prisoner relates GDP overcrowding to absence or limited physical goods. He added that overcrowding is any situation when ‘the number of people living in a particular cell and using materials which is not enough to their number. a cell designed for 20 inmates, for example, is occupied by 100; using one toilet, one washing hand basin, sharing blankets and mats’ (QIGP08). The above position lent support to those studies that showed that a prison might be overcrowded even when a prison holds less than it designed capacity as long as the prison authorities were unable to provide the services as stipulated (Tournier, 1986; Kensey and Tournier, 1991; Walmsley, 2003).

In intangible services measures, a long-term serving inmate prisoner described overcrowding at GDP to ‘any condition when inmates in prison are inconvenient in any way’ (IIGP01). A remand prisoner prison described overcrowded prison as ‘any situation where the dormitories are characterised by too much noise, fighting, quarrelling, sickness, no rest and no recreation’ (QIGP09). Similarly, a remanded female prisoner described the overcrowding at GDP to any situation where ‘you [inmate] don’t have freedom for yourself, limited time and no privacy during visit or contact with your counsels, the quality of food is very poor and inmates fight and disturb you too much all the times’ (GIGP03). The description of prison overcrowding in the context of intangible services provided by prisoners are in line with other studies that found overcrowding in prison is not limited to prison capacity and numbers as well as the quantity of services provided but it also relates to quality of life in prison (Coyle, 2002a; Goyer 2011; Liebling and Arnold, 2002; Liebling and Crewe, 2007; Martin *et al*, 2014).

Table 5.6 presents fifteen features of overcrowding at GDP as identified by participants in order of frequency.

**Table 5.6:** Features of prison overcrowding at GDP, according to prisoners and prison staff, n=41

Feature	Frequency	Percentages (%)
Prison actual number exceeds design capacity.	37	90
Queuing at toilets, bathrooms and sickbay.	36	88
Unpleasant odour in cells.	30	73
Noisy atmosphere.	30	73
Cells capacity exceeds designed capacity.	25	61
Reduction in the amount of time spent during visit.	23	56
Diseases outbreak.	23	56
Rise in complaints by staff and inmates about the conditions.	19	46
Prisoners sleeping on the bare floor.	20	49
Improper beds arrangement in cells.	15	37
No more fresh air and exercise for remand prisoners outside their cells.	15	37
Shortage in water supply.	12	29
Fewer releases and more admissions.	8	20
Rise in violent behaviour by inmates	7	17
Reduction in the amount of space a prisoner occupies in the cell.	4	10

The most frequently mentioned feature of overcrowding at GDP were actual capacity in cells and the prison exceeding design capacity, queuing at toilets, bathrooms and sickbay. The least reported features of overcrowding at GDP were reduction in the amount of space a prisoner occupies in the dorm and a rise in violent behaviour by prisoners. However, the results showed variation in perspectives between participants with different status. Four female prison inmate participants were among the participants (n=36, 88%) that reported queuing at toilets, bathrooms and sickbay. Over a third of participants (n=15, 37%) reported restrictions of fresh air and exercise activities for remand prisoners. Also, the group (n=8, 20%) who stated that there was less release and more admission were remand prisoners. Only prison staff participants (n=7, 17%) reported a rise in prisoners' violent behaviour.

Supporting the claim put forward by over a quarter of participants (n=15, 37%) who said the amount of time remand prisoners stayed outside their cells were reduced, the observations results confirmed that many of the remand prisoners were locked up for 23 hours every day. Remand prisoners have an hour (daily) for fresh air and exercise while sentenced prisoners enjoy seven hours daily. The twelve remand prisoners that participated in the study were brought out of their dorms on my request. Picture 5.7 shows on the left side remand prisoners' playing card games inside their cell while on the right side are sentenced prisoners playing football outside the dorm in the morning hours.

**Picture 5.7:** Remand prisoners' playing card game inside dorm while sentenced prisoners are playing football outside their cells.



*Source:* Observation at GDP (2011)

Participants were asked to consider the causes of overcrowding at GDP and multiple responses were permitted. Table 5.7 presents fifteen factors in order of frequency, identified by participants suggested as a cause for overcrowding at GDP. The most frequently stated factors were corruption and the slow judicial processes (n=37, 90%) and the least reported factor for the overcrowding at GDP was the inclusion of Sharia penal codes in the Nigerian legal system (n=1, 2%).

**Table 5.7:** Drivers of overcrowding at GDP, according to prisoners and prison staff, n=41

	Factor	Frequency	Percentages (%)
1	Corruption in the criminal justice system.	37	90
2	Slow judicial processes.	37	90
3	Lack of political will to reform the system by stakeholders.	30	73
4	Limited and poorly maintained prison structures.	23	56
5	Excessive use of imprisonment as penalty.	20	49
6	Rise in crime rate.	15	37
7	Staff incompetency.	15	37
8	Indiscriminate arrest and detention by law enforcement officials.	15	37
9	Ignorant of prison capacity by sentencing authorities.	14	34
10	Profiteering by selected few individuals and companies.	14	34
11	Absences of custodial time limit for remand prisoners.	12	29
12	Tight criminal justice proceedings.	12	29
13	Fewer release more admissions.	10	24
14	Under-staffing.	10	24
15	Inclusion of Sharia penal codes in Nigerian legal system.	1	2

The findings yielded interesting results as each category of participants explained the overcrowding based on their experiences. Of the thirty-six per cent of participants that stated indiscriminate arrest and detention by law enforcement officials (n=15), fourteen of them were remand prisoners. One inmate who mentioned the inclusion of Sharia law was a Christian who had been remanded by a Sharia court. Also, the ten participants (24%) who reported fewer release and more admissions were remand prisoners charged for indictable offences. It could be suggested that remand prisoners, particularly those charged with indictable offences, are held for longer than prisoners charged for non-indictable offences at GDP. Only prison staff participants (n=10, 63% of prison staff) reported under-staffing as a cause. Of the fifteen participants (37%) who reported staff incompetency, only one (n=1) was a member of prison staff. The four female prison inmate participants (10%) were among the participants (n=15, 37%) who mentioned indiscriminate arrest and detention by law enforcement official as the cause of GDP' overcrowding.

The research went further to identify particular times and areas and places in which these prisons are overcrowded and multiple responses were permitted. Participants' responses are presented in order of frequency listed in Table 5.8 below.

**Table 5.8:** Areas considered overcrowded at GDP, according to prisoners and prison staff, n=41

	Location	Frequency	Percentages (%)
1	Prisoners' cells.	37	90
2	Toilets and bathrooms.	35	85
3	Sickbay.	30	73
4	Prisoners' visiting lodge.	25	61
5	Worship areas.	10	24
6	Vehicle transporting prisoners to courts.	5	12

The results revealed that the most frequently mentioned areas that were overcrowded at GDP were the prisoners' cells (n=37, 90%) and the toilets and bathrooms areas (n=35, 85%). To a lesser extent participants considered the vehicle that transport inmates to courts (n=5, 12%) and worship areas (n=10, 24%) as overcrowded. However, the six female participants (15%) who did not consider GDP overcrowded were among the participants (n=35, 85%) that mentioned toilets and bathrooms among areas that were overcrowded. This indicates that toilets in prisoners' dorms can be overcrowded even when the dorms are not overcrowded. It also means



that overcrowding is not only about excess numbers of people in a limited physical space but also involves an individual's accessibility to basic needs.

Picture 5.8 illustrates the twenty-four per cent of participants (n=10; 8 prisoners and 2 prison staff) position that worship areas are among the overcrowded places at GDP. Observations at GDP showed that Muslim prisoners had access to a mosque (a room) while the Christians were conducting their religious activities in an open space. Picture 5.8 best illustrates area where Christian inmates were conducting prayers.

**Picture 5.8:** Overcrowded worship area at GDP



*Source:* observation at GDP (2011)

The observations revealed that prisoners' toilets/bathrooms at GDP were not only insufficient and inconvenient but, also dilapidated and offered no privacy. Picture 5.9 shows a typical toilet and bathroom in a dorm used by at least seventy inmates in a medium size dorm at GDP.

**Picture 5.9:** A toilet/bathroom in one of the GDP's medium-size cells



*Source:* observation at GDP (2011)

Nevertheless, the perceived overcrowding at GDP's sickbay was refuted by a female staff member participant. She argued that:

[M]ere seeing inmates queuing at the prison's clinic during morning hours does not mean the clinic is overcrowding not only because it is temporary, but also the queue last for just two to three hours. Also, the queue is a routine way of controlling and managing prisoners. Inmates are taken out of their dormitories in turns (IDGP03).

However, waiting for two to three hours in a queue may be considered unbearable by many. The above assertion lent support to a study that claimed not all conditions or behaviours in a prison setting may be considered as indicators of prison overcrowding until such conditions or behaviours have been perceived as unbearable (Mohiro *et al.*, 2004), and repeatedly experienced or exhibited over a span of time (Bonta and Gendreau, 1990; Sundstrom, 1978). However, queuing at GDP's sickbay could be regarded as overcrowding as the sickbay has only one nurse and a pharmacist, thus it could be possible that prisoners wait longer than necessary or it being unattended (Fieldwork observations, 2011). It also supports earlier findings, which suggest that overcrowding in prison is not solely about the number of people in a defined space but also includes people's accessibility to basic needs.

With regard to particular times when GDP is overcrowded and the impact of seasons on overcrowding most participants (n=37, 90%; 21 prisoners and 16 prison staff) expressed the belief that the GDP was always in overcrowding mode. More so, none of the participants at GDP (n=41) mentioned any particular season that affects GDP's population.

With regards to daily life at GDP, participants were asked to respond to nine statements. Table 5.9 shows prison inmate participants' responses, while Table 5.10 presents prison staff participants' perspectives. As shown in Table 5.9, all prison inmate participants disagreed with statements about remand prisoners staying outside their cells more than sentenced prisoners and sleeping accommodation provided to inmates as being satisfactory.

**Table 5.9:** Prisoners' view of daily activities at GDP, n=25

Statement	Agree		Disagree	
	FQ	(%)	FQ	(%)
Work is compulsory to all inmates.	21	84	4	16
This prison is safe and secured to live in.	7	28	18	72
Prisoners don't rest because of noise by staff or inmates	21	84	4	16
Prisoners' activities outside their cells depend on the availability of staff to supervise them.	22	88	3	12
Staff-inmates relationship is satisfactory.	3	12	22	88
The sleeping accommodation provided to inmates is satisfactory.	-	-	25	100
Prisoners are allowed to spend some time outside their cells	11	44	14	56
Remand prisoners' stay outside their cells more than sentenced prisoners.	-	-	25	100
Inmates engage in work or training every day.	10	40	15	60

The five female participants at GDP were among the majority of participants who agreed with the statement, which stated that work is compulsory to all inmates (n=21, 84%). Also, the five females were among the minority of participants (n=7, 28%) who agreed with the statement that said GDP is safe and secure to live in. None of the participants (n=25) agreed that the sleeping accommodation provided at GDP was satisfactory. Only a small number of participants (n=3, 12%) agreed that the staff-inmates relationship was satisfactory. Of the majority of prison inmates (n=21, 84%) who agreed with the statement that talked about noise at the prison, a female awaiting trial lamented that: 'I am personally disturbed by fellow inmates; and that is why I happily participated [in the study] in order to avoid them' (GIGP02).

**Table 5.10:** Staff members' view of daily activities at GDP, n=16

Statement	Agree		Disagree	
	FQ	(%)	FQ	(%)
Work is compulsory to all inmates.	3	19	13	81
This prison is safe and secured to work in.	10	63	6	38
Prisoners don't rest because of noise by staff or inmates.	4	25	12	75
Prisoners' activities outside their cells depend on the availability of staff to supervise them.	16	100	-	-
Staff-inmates relationship is satisfactory.	12	75	4	25
The sleeping accommodation provided to inmates is satisfactory.	10	63	6	38
Prisoners are allowed to spend some time outside their cells.	10	63	6	38
Remand prisoners' stay outside their cells more than sentenced prisoners.	-	-	16	100
Inmates engage in work or training every day.	10	63	6	38

From contrary views, prison staff responses to the nine statements differ from prison inmates' participants significantly. While a significant majority of prison inmate

participants (n=17, 68%) disagreed with the statement that GDP was safe and secure to live in, the majority of prison staff participants (n=10, 63%) expressed their agreement with that statement. This indicates that prisoners were not satisfied with the security arrangements at GDP. Also, a majority of prison inmate participants (n=20, 80%) agreed that work is compulsory to all prisoners but only a small number of prison staff (n=3, 19%) agreed with that statement. It could be the case that prison staff engaged remand prisoners in unpaid work and against their wishes. Female participants (n=10) were among the fifty-four per cent of prison staff and inmate participants (n=22) who disagreed with the statement that prisoners engage in work or training every day. This means female prisoners at GDP are not participating in any prison training or work. To validate their views, the observations revealed that the workshops at GDP, which include carpentry, tailoring, laundry and car wash, were only provided to a minority (n=276, 26%) of sentenced male prisoners. No provision for vocational skill workshops as well as out-door sports and recreational facilities were made for females' prisoners.

### Wudil Prison

Wudil Prison (WUP) is located in a semi-urban town of Wudil, which is about 30 miles away from Kano city. WUP was established in 1976, and the facility represents one of the post-colonial Nigerian prisons designed for males and females prisoners. As a medium-security prison, the average daily admission at WUP was three persons.

**Picture 5.10:** Inmates numbers at WUP

WUDIL DIVISIONAL PRISON CHART				DATE 4 DEC 2011	
CAP. 160 EST. 1976					
CLASSIFICATION		M	F	CELLS	
CONVICTED PRISONERS	SHORT TERM	39	37	1	56
	LONG TERM	35	35	2 ATM	29
	DEBTORS	-	-	3	12
UNCONVICTED	DEMAND & ATM	29	30	4	26
DETAINEES	CIVIL	-	-	5	-
	MILITARY	-	-	HOSPITAL	
	SPECIAL ORDER	-	-	FEMALE	CONV
GRAND TOTAL		133	104	ATF	1
				GRAND TOTAL	104

Source: observation at WUP (2011)

As shown in Picture 5.10 above, in December 2011, WUP was holding 104 inmates against its designed capacity of 160. This means the occupancy rate at WUP was 65 per cent. It also implies that WUP was under-occupied (Tournier, 1986; ICRC, 2005; Nembrini, 2005). The staff strength was 57, with only two female members of staff. The observations findings revealed that of the 57 staff at WUP, twenty-two were administrative and technical support personnel, six staff were on six months training, and five deployed to courts. Only twenty-four (42%) staff members were directly managing and controlling prisoners in twenty-four hours. Judging by WUP's capacity, the ratio of staff-to-inmates was 1:1.8, but going by the actual work force, the ratio was 1:4.3, which indicates that the WUP's staff-to-inmates ratio was high (Elias and Milosovich, 1999; Gaes 2004; James, 2013; Krauth, 2006) compared to KCP and GDP prisons discussed above.

Of the 104 prisoners at WUP, seventy-one per cent (n=74) were sentenced prisoners serving short-term sentences and the remaining twenty-nine (n=30) were remand prisoners. Prisoners at WUP were predominantly males (n=103, 98%); there was only one female prisoner. This means WUP will be having more prisoners' rehabilitation programmes than the other two prisons - KCP and GDP.

Twelve individuals (n=12; six prisoners and six prison staff) participated in this study at WUP. Of the six prison inmate participants, half (n=3) were remand prisoners. Of the six prison staff participants, only one (n=1) was a female and there were no females participants among the six prison inmates. Also, of the 12 participants, eight (n=8) had lived or worked in prison for between one and five years, and two (n=2) of prison staff had worked in prison for more than ten years.

Participants were asked whether they consider WUP overcrowded. The findings revealed that the participants were divided about overcrowding in WUP with half of the participants considering it to be overcrowded despite the 65 per cent occupancy rate. Perceptions of overcrowding were equally divided between prison staff and inmates. Highlighting differences in how overcrowding is defined, a prison staff member, who did not believe WUP was overcrowded, reported that 'the number of awaiting trials is less than the sentenced inmates' (QWP02). Similarly, another prison staff member added that 'prison overcrowding is an urban phenomenon' (QWP01). However, a prison inmate participant disagreed and argued that 'despite the fact that this prison is operating far below its designated capacity, in reality, the prison is already overcrowded because the prison cannot contain us and we are not properly

treated' (IDWP02). The statement is congruent with other study that showed prison may be practically overcrowded but officially under-occupied (AI, 2008a). It also lent support to that claim which argued that prison space and capacity are derived from estimates provided by management of individual institutions or by the central agencies (Sherman and Hawking 1981), thus prison capacity per se is an insufficient indicator for determining overcrowding in prison.

Observations revealed that WUP had a total six of mediums-sized dorms. Of the six dorms, sentenced prisoners occupied three (n=74, 71%), the 29 male remand prisoners occupied two, and the female was held in one dorm. This indicates that all categories of female prisoners at WUP are accommodated in single dorm.

With regard to the description of prison overcrowding, based on the three adopted categories of prison overcrowding. Seven participants (n=7; five prison staff and two prisoners) related WUP overcrowding to an absence or limitation of physical goods, three (n=3; prison staff) defined overcrowding in arithmetic formulas and two (n=2; prisoners) described the overcrowding in the context of intangible services. It was not a surprising result, on one hand, as indicated earlier; WUP actual population has not exceeded the designed capacity. On the other hand, however, observational findings at WUP suggested that the inmates' living conditions were appalling. Additionally, the structures at WUP are overstretched. Picture 5.11 best describes an interior part of a dorm and the kitchen structure at WUP.

**Picture 5.11:** Structure/arrangement of a dorm, and a kitchen at WUP



*Sources:* Observation at WUP (2011).

Participants were asked to state the features of overcrowding at WUP and their multiple responses were permitted. Table 5.11 presents ten features of overcrowding at WUP listed in order of frequency below.

**Table 5.11:** Features of prison overcrowding at WUP, according to prisoners and prison staff, n=12

Feature	Frequency	Percentages (%)
Cells capacity exceeds capacity.	12	100
Queuing at toilets, bathrooms and sickbay.	10	83
Diseases outbreak.	9	75
Inadequate bedding and toilet facilities in cells.	7	58
Improper beds arrangement in cells.	7	58
Unpleasant odour in cells.	7	58
Fewer release and more admissions.	6	50
Noisy atmosphere.	6	50
Prisoners sleeping on the bare floor.	6	50
Prison actual number exceeds capacity.	6	50

As shown in Table 5.11, the most frequently reported feature of overcrowding at WUP was that prisoners' cells exceeding their designed capacity (n=12, 100%). Another interesting finding revealed was that only prison staff participants (n=6, 50%) stated that prison's actual capacity exceeding designed capacity. Staff view may be based on the theoretical aspect of overcrowding they were thought at Prison training schools or heard from the public, including the media. Also, only prison inmate participants (n=6, 50%) reported prisoners sleeping on the bare floor, absence of regime activities, noisy atmosphere and tight bed arrangement in cells and fewer releases and more admissions as features of overcrowding at WUP.

When participants were asked to state time, places and areas they thought overcrowding in WUP occurred, all participants (n=12) stated that prisoners' dorms and toilets are overcrowded all the time. Given the capacity at WUP, one could argue that the facility is not overcrowded but that practically prisoners' cells including their toilets are always overcrowded.

Table 5.12 presents ten factors listed in order of frequency that were perceived to cause overcrowding at WUP.

**Table 5.12:** Causes of overcrowding at WUP, according to prisoners and prison staff, n=12

	Factor	Frequency	Percentages (%)
1	Governments' failure to reform prison and expand its structures.	12	100
2	Corruption	10	84
3	Slow judicial process.	10	83
4	Rise in crime rate.	8	67
5	Limited and poorly maintained prison structures.	6	50
6	Ignorant of prison capacity by sentencing authorities.	6	50
7	Indiscriminate arrest and detention by law enforcement officials.	5	42
8	Unrealistic/unchecked prison design capacity.	5	42
9	Excessive use of imprisonment as penalty.	4	33
10	Physical space constraint: small sizes and limited number of prisons.	3	25

Participants' views varied significantly. Only prison staff participants (n=6) reported ignorance of prison capacity by sentencing authorities, while only prison inmate participants (n=6) stated limited and poorly maintained prison structures. Only prison inmate participants (n=5, 42%) stated indiscriminate arrest and detention by law enforcement officials as a cause of overcrowding at WUP. Of the small number of participants (n=4, 33%) who mentioned excessive use of imprisonment three were sentenced prisoners. The most frequently reported cause of overcrowding at WUP was government failure to reform and expand the prison structures while the least reported cause was physical space constraint: small sizes and a limited number of prisons.

With regards to daily life at WUP, participants were asked to respond to nine statements. Table 5.13 summarises prison inmate participants' responses while Table 6.14 presents prison staff participants' perspectives.

**Table 5.13:** Prisoners' view of daily activities at WUP, n=6

Statement	Agree		Disagree	
	FQ	(%)	FQ	(%)
Work is compulsory to all inmates.	6	100	-	-
This prison is safe and secure to live in.	3	50	3	50
Prisoners don't rest because of noise by staff or inmates.	4	67	2	33
Prisoners' activities outside their cells depend on the availability of staff to supervise them.	6	100	-	-
Staff-inmates relationship is satisfactory.	2	33	4	67
The sleeping accommodation provided to inmates is satisfactory.	-	-	6	100
Prisoners are allowed to spend some time outside their cells.	4	67	2	33
Remand prisoners' stay outside their cells more than sentenced prisoners.	4	67	2	33
Inmates engage in work or training every day.	4	67	2	33



As shown in Table 5.13, the prison inmate participants (n=6) at WUP expressed the belief that work was compulsory to all inmates, but only two-thirds of them (n=4, 67%) agreed that prisoners engage in work or training every day. Also, all the participants (n=6) disagreed that sleeping accommodation provided to inmates is satisfactory. Only two participants agreed that staff-inmates' relationship is satisfactory and opinions were equally divided between participants about the statement that said WUP is safe and secure to live in.

**Table 5.14:** Staff members' view of daily activities at WUP, n=6

Statement	Agree		Disagree	
	FQ	(%)	FQ	(%)
Work is compulsory to all inmates.	-	-	6	100
This prison is safe and secure to work in.	6	100	-	-
Prisoners don't rest because of noise by staff or inmates	2	33	4	67
Prisoners' activities outside their cells depend on the availability of staff to supervise them.	-	-	6	100
Staff-inmates relationship is satisfactory.	4	67	2	33
The sleeping accommodation provided to inmates is satisfactory.	4	67	2	33
Prisoners are allowed to spend some time outside their cells	6	100	-	-
Remand prisoners' stay outside their cells more than sentenced prisoners.	-	-	6	100
Inmates engage in work or training every day.	5	83	1	17

Given the findings from the two groups of participants (n=12) presented in Table 5.13 and Table 5.14, the results suggest that there is a variation between participants. While all the prison staff participants (n=6) agreed that WUP was safe and secure to live or work in, only half of prison inmate participants (n=3, 50%) agreed. This means prisoners were not satisfied with the security arrangements at WUP. The six prison inmate participants agreed that work is compulsory to all inmates and none of the prison staff participants (n=6) expressed their agreement with the statement. This indicates that prison staff members at WUP were engaging remanded prisoners in some unpaid work. This study's observation findings revealed WUP had only a tailoring workshop for prisoners but the author was unable to confirm which category of prisoners (remand or sentence) are working at the workshop.

Additionally, at WUP, no provision was made for prisoners' out-door sports and recreational activities. One of the obvious reasons was physical space constraint. WUP was originally built as a satellite prison but later in the 1980s was upgraded to medium-security prison status. However, the change in status was not reflected in WUP's physical structures. It could be that the change in WUP status was derived

from estimates provided by the management of the institution or by the top officials at the NPS headquarters with no consideration to physical structures at the prison. It was observed that the structural design of prisoners' dorms and staff office arrangements at WUP's were similar to the other three Nigerian satellite prisons observed. This means WUP is officially under-occupied but in reality overcrowded. It also implies that poor prison structures as well as insufficient daily prisoners' basic needs supplies such as food and accommodation is not limited to Nigerian prisons with a higher population or that had exceeded their capacity. Thus, suggesting that overcrowding in Nigerian prisons is not likely to be the main reason why prisons authorities in Nigeria were unable to adequately cater for the prisoners' basic needs.

In the next section, the three participating Nigerian satellite prisons will be examined. Two of the three prisons (Rano Satellite Prison and Kiru Satellite Prison) appeared to be similar in terms of capacity, prison population, structural arrangements, and were found during the fieldwork visit operating (officially) below their rated capacity. Thus, after discussing general aspects of each separately, thereafter I combined the three Nigerian satellite prisons' assessment in one table.

### **Rano Satellite Prisons**

As demonstrated in Picture 5.12, in December 2011, records at Rano Satellite Prison (RSP) indicated that the prison was holding 26 males and one female prisoner. In total, RSP was holding 27 inmates against its designed capacity of 80 and 13 male staff strength.

**Picture 5.12:** Staff and inmate population at RSP

RANO SATELLITE PRISON									
CAPACITY 80			DATE 16-12-2011						
OPEN OUT 27			HIDRA 21-12-2011						
STAFFS STRENGTH			TOTAL CONVICT 20						
RANK	M	F	COURT	NEW ADM. CONV.	NEW ADM. ATM/F	ATM/F TO COURT	DISCH.	FINES	
SOP	1	—	RANO HIGH						
DSP	—	—	RANO MAGT.						1
ASP	—	—	RANO S.C.						
SIP	1	—	RANO S.C.						
IP	4	—	BUNKURE S.C.						
AIP	4	—	KIBYA S.C.						
SPA	—	—	SAYA-SAYA S.C.						
PA I	—	—	GIMALAM S.C.						
PA II	2	—	KURA S.C.						
PA III	1	—							

**FINAL LOCK UP**

*Source:* observation at RPS (2011)

Thus, RSP's actual occupancy rate was 34 per cent and the ratio of staff-to-inmates was 1:2. This implies that RSP was under-occupied and had high ratio of staff per inmates (Elias and Milosovich, 1999). In reality, the staff strength at RSP was far below the suggested figure. The observation findings revealed that three members of staff were on six months training in Kaduna and four staff were administrative staff. Thus, six staff members who ran three shifts every day carried out the direct management and control of prisoners. In December 2011, RSP's inmates were predominantly males (n=26, 98%), and three-quarter of the inmates (n=20, 74%) were sentenced. Of the three sentence prisoners, one was serving an 18 month term. Nigerian Satellite prisons often refer to Lock-ups is relatively small compared to conventional prisons with average capacity of 50 beds. Satellite prisons are places of detention in rural areas in Nigeria where there are courts but an absence of conventional prisons (Jefferson, 2004; Orakwe, 2008). RSP was one of the post-colonial Nigerian prisons established in 1976. The facility is located in a semi-urban town of Rano, about 35 miles from Kano city. The average daily admission at RSP was one person.

At RSP, only a small number of prison staff and inmates (n=4, 3%) participated in this study. Half of them (n=2) were prison inmates. Of the two prison inmate participants, one was a female remand prisoner and the other was a male sentenced prisoner. The two prison inmate participants had resided in prison for less than 12 months. Whereas, the other halves of the study participants (n=2) at RSP were prison staff that had worked in prison for more than ten years.

Participants were asked whether they consider RSP overcrowded. Three of the four participants consisting of two staff and a female prison inmate said RSP was not overcrowded, while only one prison inmate participant (n=1) expressed the belief that RSP was overcrowded. Of the two prison staff participants that did not consider RSP overcrowded, one of them argued that:

In reality, RSP is overcrowded despite the fact that the facility is operating quite below its design capacity. I don't know why the capacity is 80. As you can see, with only 27 inmates the prison is already overcrowded. We all know the official capacity of this prison does not represent the reality on the ground. Since we don't have the power to change it, I assume is not overcrowded (IDRP01).

With regard to the description of overcrowding at RSP, two prison inmate participants described overcrowding in the context of physical goods and intangible services. While the other two participants who were prison staff members described overcrowding in the context of arithmetic formulas.

### **Kiru Satellite Prison**

Kiru Satellite Prison (KSP) is located at Kiru town in the Northern Nigerian state of Kano. As shown in Picture 5.13 below, KSP is one of the colonial Nigerian semi-urban prisons built in 1945. KSP maintains the original designed capacity of 50 inmates.

**Picture 5.13:** Physical structures of KSP



*Source:* observation at KSP (2011).

In December 2011, KSP was holding 27 inmates against 13 staff. Of the 13 staff at KSP, three were administrative personnel and two were on six months development training in Kaduna, all staff were males. The occupancy rate at KSP was 54 per cent

which means KSP was under-occupied. Actual staff-to-inmates ratio at KSP was 1:2, which implies that staff ratio was high (Elias and Milosovich, 1999; Gaes, 2004; Krauth, 2006). All but one of the inmates at KSP was male, and nearly three-quarter of inmates (n=20, 74%) were sentenced prisoners. The average daily admission at KSP was one person.

Only a small minority of prison staff and inmates (n=6, 5%) participated in this study at KSP. Four of the six participants were remand prisoners who had resided in prison for less than 12 months. The other remaining two participants (n=2) were prison staff that had worked in prison for more than ten years.

Participants' views with regard to whether KSP was overcrowded were mixed. Five of the six participants who expressed the belief that KSP was overcrowded were prisoners while, the two staff participants did not consider KSP overcrowded. One of the two prison staff who did not consider KSP as overcrowded argued that:

Our [KSP] total number of inmates did not reach the design capacity of 50. Thus, for our own [prison staff] convenience, KSP is not overcrowded. This because we can arrange the inmates in rows per rooms but, if is for the inmates' conveniences, I would agree the prison is overcrowded because it's not spacious (IDKP01).

When participants were asked to describe overcrowding at KSP, the prison staff participants related it to arithmetic formulas where the actual population is greater than the designed capacity. While the prison inmate participants described overcrowding in the context of physical goods and intangible services, one of the two prison staff participant defined overcrowding as 'a situation whereby the prison house excess number of inmate that exceed its installed capacity' (QKP01).

With regard to the features of overcrowding at RSP and KSP, nine features identified by participants are listed in order of frequency in Table 5.15 below.

**Table 5.15:** Features of prison overcrowding at RSP and KSP, according to prisoners and prison staff, n=10

Feature	Frequency	Percentages (%)
Fewer releases and more admissions.	10	100
Inadequate bed/mat, bedding and toilet facilities in cells.	10	100
Queuing at toilets, bathrooms and sickbay.	10	100
Cell capacity exceeds design capacity.	7	70
Diseases outbreak.	7	70
Unpleasant odour in cells.	7	70
Prison actual number exceeds design capacity.	5	50
Noisy atmosphere.	5	50
Physical space constraints.	3	30

The most frequently reported features of overcrowding at RSP were more admissions and fewer releases; shortage of bedding and toilets facilities in dorms; and queuing at toilets and bathrooms. The least reported feature was physical space constraint reflecting the capacity numbers. The half of participants (n=5, 50%; three at KSP and two at RSP) who mentioned noisy prison atmosphere as one of the features of overcrowding in RSP and KSP were prisoners.

Table 5.16 presents eight factors listed in order of frequency that was perceived to cause overcrowding at RSP and KSP.

**Table 5.16:** Causes of overcrowding at RSP and KSP, according to prisoners and prison staff, n=10

Factor	Frequency	Percentages (%)
1 Rise in crime rate.	10	100
2 Governments' failure to reform prison and expand its structures.	8	80
3 Limited number of cells and small sizes cells.	7	70
4 Unrealistic prison design capacity.	7	70
5 Excessive use of imprisonment as penalty.	6	60
6 Corruption in justice sector.	6	60
7 Slow judicial process.	5	50
8 Indiscriminate arrest and detention by law enforcement officials.	2	20

Only prison inmate participants (n=2, 20%; one each at RSP and KSP) reported indiscriminate arrest and detention as the cause of overcrowding. Also, the participants (n=7, 70%; four in KSP and two in RSP) who reported corruption in the justice sector and excessive use of imprisonment as penalty were prisoners. Of the five participants (n=5, 50%; three at RSP and two at KSP) who reported slow judicial process as the one of the causes of overcrowding at RSP and KSP, only one participant (n=1; from RSP) was a prisoner.

The research went further to identify particular times, areas and places in which RSP and KSP are overcrowded and multiple responses were permitted. An overwhelming majority of participants (n=9, 90%; six at KSP and three at RSP) said prisoners' dorms and toilets are the places that were overcrowded all the time. However, the participant (n=1) who did not mention any place where overcrowding did occur was a female prison inmate participant at RSP as she had a cell to herself. This means the two satellite prisons are in constant overcrowding mode.

With regard to daily life at RSP and KSP, participants' views concerning the nine statements about daily life at RSP and KSP were summarised in Table 5.17.

**Table 5.17:** Daily activities at RSP and KSP, according to prisoners and prison staff, n=10

Statement	Agree		Disagree	
	FQ	(%)	FQ	(%)
Work is compulsory to all inmates.	10	100	-	-
This prison is safe and secure to live in.	10	100	-	-
Prisoners don't rest because of noise by staff or inmates.	4	40	6	60
Prisoners' activities outside their cells depend on the availability of staff to supervise them.	4	40	6	60
Staff-inmates relationship is satisfactory.	5	50	5	50
The sleeping accommodation provided to inmates is satisfactory.	2	20	8	80
Prisoners are allowed to spend some time outside their cells	9	90	1	10
Remand prisoners' stay outside their cells more than sentenced prisoners.	6	60	2	20*
Inmates engage in work or training every day.	2	20	8	80

\*Two participants did not know whether remand prisoners stayed outside their cells more than sentenced prisoners.

The results revealed some variations in views between participants. All participants agreed that work is compulsory to all prisoners and prisoners' activities outside their cells depend on the availability of staff to supervise them. This indicates that prisoners, irrespective of their status - remand or sentence, at RSP and KSP were engaging in unpaid work. Prisoners were the half of participants who disagreed that staff-inmate relationship is satisfactory. This indicates tension among prisoners despite the fact that the two satellite prisons were officially under-occupied. The participant (n=1) who disagreed with the statement that prisoners are allowed to spend some time outside their cells was a female prisoner, which means prison population is not always a factor in relation to prisoners' out-of-dorm activities. The differences in opinion between prison staff and inmate participants at RSP and KSP are largely linked to the prisons' staffing and structural constraints see Table 5.18 below.

### Dawakin Tofa Satellite Prison

The British colonial administrators built Dawakin Tofa Satellite Prison (DSP) in 1920. DSP capacity is 50 inmates.

**Picture 5.14:** Actual inmate population and staff strength at DSP



Source: observation (2011)

In December 2011, the DSP's actual population was 71 against the staff strength of 20. Unlike RSP and KSP, DSP has vehicle for prisoners' use and of the 20 staff, one was a female. However, given the design capacity by the actual prison population at DSP, the facility was said to have a high occupancy rate of 142 per cent, which means it was over-populated. Again, going by the actual prison population and the staff strength, the DSP staff-to-inmates ratio was 1:3.5, which implies high staff-to-prisoners ratio (Elias and Milosovich, 1999; Gaes, 2004; James, 2013; Krauth, 2006). The observations revealed that the actual staff ratio was approximately 1:5.9. Of the 20 staff at DSP, five were administrative personnel, two armed guards, and one member of staff was on training. This means the direct management and control of prisoners at DSP rested in the hand of 12 staff every day.

All but one of the 71 inmates at DSP were male and nearly two-thirds of the inmates (n=45, 63%) were awaiting trial. The average daily admission at DSP was one person.

Only a small number of the total number of prison staff and inmates (n=5, 4% of total sample) participated in this study at DSP. Four of the five participants (n=4) were prison staff including a female staff member. Three of the five participants, including the remand prisoner, had lived or worked in prison for between one and five years, while the remaining two prison staff participants had worked in prison for more than ten years.



Participants were asked whether they consider DSP overcrowded. All the five participants (n=5) expressed the belief that DSP was overcrowded. The study went further to ask the participants to describe what they consider to be overcrowding at DSP. Also, the five participants' responses were in the context of arithmetic formulas. Participants described overcrowding as a situation where the actual prison population exceeded the designed capacity. This means physical space is also a factor in explaining overcrowding at DSP.

Participants were asked to state the features of overcrowding at DSP. In addition to the ten identified characteristics of overcrowding at RSP (see Table 5.15), the only prison inmate participant reported an absence of privacy. More so, one of the four prison staff participants reported growing tension among prisoners as a feature of overcrowding at DSP.

With regard to the drivers of overcrowding at DSP, the seven factors, which caused overcrowding at RSP and DSP, were also reported by the participants (n=5) at DSP (see Table 5.16). However, one of the four prison staff participants added to a limited number of prisoners' dorm as being one of the drivers of overcrowding at DSP. When participants were asked to state when and where DSP was overcrowded, participants stated prisoners' cells. Unlike the condition at RSP and KSP, the five participants at DSP expressed the belief that DSP was more overcrowded during the night hours when prisoners were locked up.

The participants' responses to the nine statements about daily life activities at DSP were not different from those reported at RSP and KSP (see Table 5.17). The only difference in opinion was on the statement regarding prisoners spending some time outside their cells. Participants (n=5) at DSP said that due to understaffing and physical space constraint, prisoners were not engaging in any work or training, and the minor work (daily routine) such as cleaning prison premises, often carried out by few prisoners, were largely dependent on the availability of staff to supervise them. Of the three satellite prisons visited only DSP had armed men on patrol.

As shown in Table 5.18 below, of the three satellites Nigerian prisons participated in this study, only Dawakin Tofa Satellite Prison had a vehicle for inmate transport to and from court and a structure for prisoners to worship outside their cells. In the three prisons, inmates were separated by gender, but cells holding male prisoners had higher occupancy rates while the female cells were under-occupied. Only Rano Satellite Prison had a kitchen and laundry for prisoners. The most common

feature in the three satellite prisons was that each had three medium-sized dorms; males occupied two, while females were held separately in one. This meant that despite the two of the prisons being nominally under-occupied, male cells were in fact overcrowded. Other common features among the three satellite prisons were the absence of a sickbay; absence of workshops for prisoners; absence of a water source within prison premises; and inadequate physical space inside the prisons. In fact, daily life in inmates' dormitories at the three Nigerian satellite prisons visited is routinely structured: eat, sleep and perform their basic social, spiritual and bodily functions within the restricted physical spaces.

Arguably, different views expressed by participants concerning daily life including overcrowding at the six Nigerian prisons involved in the research relate to amenities and structures provided at those facilities and how these services and structures are distributed to prisoners. As shown in Table 15.18 below, of the six Nigerian prisons, only KCP had a vehicle (ambulance) used to shuttle for emergency and a separate dorm for sick prisoners such as leprosy and tuberculosis. Table 5:18 presents some of the observation findings, which reveal some of the common features of the six Nigerian prisons, involved in this study.

**Table 5.18: Structures at six Nigerian prisons observed**

Structures	KCP	GDP	WUP	RSP	KSP	DSP
Clinic/ sickbay.	Y	Y	Y	-	-	-
Separate cell for sick inmates.	Y	-	-	-	-	-
Ambulance vehicle to shuttle emergency.	Y	-	-	-	-	-
Sanitary condition of the prison.	Poor	Poor	Fair	Poor	Poor	Poor
Sanitary condition in prisoners' dorms (male).	Poor	Poor	Poor	Poor	Poor	Poor
Sanitary condition in prisoners' dorms (female).	Fair	Fair	Fair	Poor	-	-
Hygienic condition of inmates (male/female).	Bad	Bad	Bad	Bad	Bad	Bad
Adequate physical space/ premise.	Y	Y	-	-	-	-
Outdoor sport/recreation (male).	Y	Y	-	-	-	-
Outdoor sport/recreation (female).	-	-	-	-	-	-
Indoor sport/recreation (male).	Y	Y	Y	Y	Y	Y
Indoor sport/recreation (female).	Y	Y	-	-	-	-
Workshop(s) (male).	Y	Y	Y	-	-	-
Workshop(s) (female).	Y	-	-	-	-	-
Educational classes (male).	Y	Y	-	-	-	-
Educational classes (female).	-	-	-	-	-	-
Library.	-	-	-	-	-	-
Worship house/place (male).	Y	Y	Y	-	-	Y
Worship house/place (female).	Y	-	-	-	-	-
Kitchen.	Y	Y	Y	Y	-	-
Dining room.	-	-	-	-	-	-
Toilet inside prisoners' dorms.	Y	Y	Y	Y	Y	Y
Toilet outside prisoners' dorms.	Y	Y	-	-	-	-
Water source inside prison.	Y	Y	Y	-	-	-
Water supply (regularly running).	-	-	-	-	-	-
Running water in prisoners' dorms.	-	-	-	-	-	-
Laundry.	Y	Y	Y	-	-	-
Solitary confinement cell.	Y	Y	-	-	-	-
Provision for inmates with special needs.	-	-	-	-	-	-
Means of transportation (vehicle).	Y	Y	-	-	-	Y
Prisoners' visiting lodge.	Y	Y	-	-	-	-
Inmate separation by gender.	Y	Y	Y	Y	Y	Y
Prisoners' separated by status in dorms (sentence/ remand) (male).	Y	Y	Y	-	-	-
Prisoners' separated by status in dorms (sentence/ remand) (female).	Y	Y	-	-	-	-
Inmate separated in dorms by crime.	-	-	-	-	-	-
Cells holding prisoners above designed capacity (male).	Y	Y	Y	Y	Y	Y
Cells holding prisoners above designed capacity (female).	-	-	-	-	-	-
Prisoners are sleeping on mats/floor in dorms (male).	Y	Y	Y	Y	Y	Y
Prisoners are sleeping on mats/floor in dorms (female).	-	-	-	Y	-	Y

*Source:* fieldwork observations (2011). Note: Y= available.

As shown in Table 5.18 above, services were provided differently to prisoners even within a given prison. Education classes and outdoor sports and recreational activities are only available to male prisoners at GDP. Of the six Nigerian prisons involved in

the research, only KCP had a worship place/area for female prisoners. None of the six Nigerian prisons has provided outdoor sports and recreational activities for female prisoners. The differences in the prisoners' treatment and infrastructural arrangements within and between the six the Nigerian prisons observed indicates disunity of purpose between prisons, which in turn, impacts the prisoners' rehabilitation objective the NPS strives to achieve (see Chapter Three).

In summary, three of the six prisons included in the study were not found operating above their designed capacity. However, based on several other objective indicators used by this study such as actual population and the conditions of living or work, it is apparent that the six Nigerian prisons that participated in this study were overcrowded regardless of their designed capacity, location and size. It is apparent that overcrowding in Nigerian prison is a systemic problem rather than a temporary issue or crisis. Moreover, it implies that prison overcrowding is not restricted to urban prisons (Ogundipe, 2009; Orakwe, 2008) and over-occupied and officially understaffed prisons. The findings revealed that four of the six prisons were understaffed, which means that regime activities in those prisons were restricted or suspended. Also, staff distributions by gender at the six prisons were imbalanced and two of the six prisons had no female staff despite having female prison inmates. Moreover, the findings revealed that the use of prisons designed capacity to determine overcrowding may not be a reliable indicator in the Nigerian context (King and McDermott, 1989). The emerging findings have not only extended knowledge and understanding of prison overcrowding perspectives but also lent support to numerous studies that explored scope and complexities surrounding overcrowding in prison (Albrecht, 2010; Allen, 2010; Lappi-Seppala, 2010; Murdoch and Griffiths, 2009; Sarkin, 2009; Walmsley, 2009).

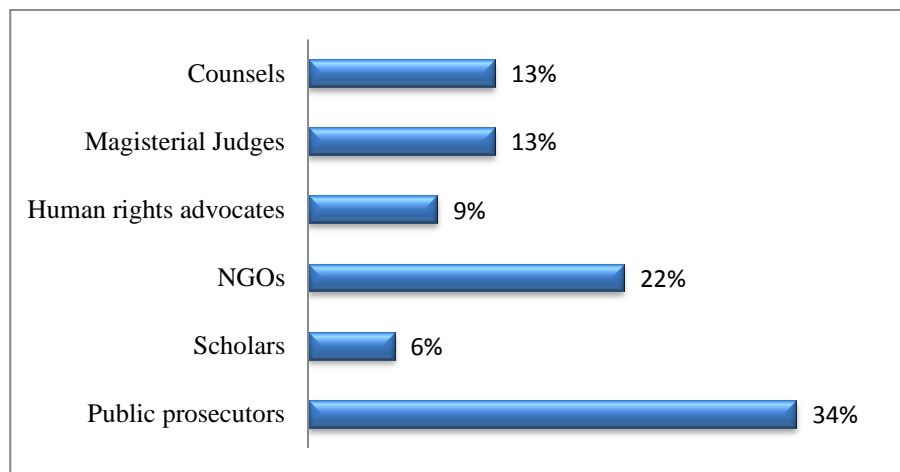
The following section will explore the views of criminal justice stakeholders who are removed from the daily experiences in Nigerian prisons but they provided an indication as to how prison overcrowding is assessed from those outside the prison establishment itself.

### **Macro Perspective of Prison Overcrowding in Nigeria**

In this section, thirty-four per cent of the study participants (n=56) were involved which consisted of thirty-two other stakeholders (57%) and twenty-four prison staff and a former prisoner (43%) who were not living or working at the six prisons earlier

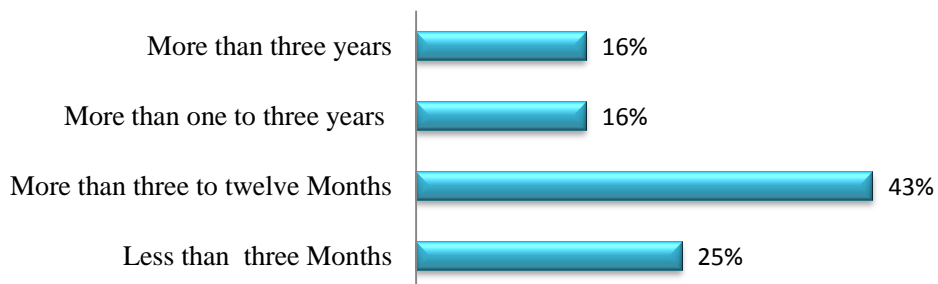
discussed at micro perspective. As shown in Figure 5.4, almost a quarter of other stakeholder participants (n=11, 34%) were public prosecutors and only a small number (n=2, 6%) were scholars. Participants' views on four key questions were assessed. These include opinions as to whether prisons in Nigeria are generally overcrowded, the description and drivers of prison overcrowding as well as their views about daily life in Nigerian prisons.

**Figure 5.4:** Composition of Stakeholder Participants, n=32



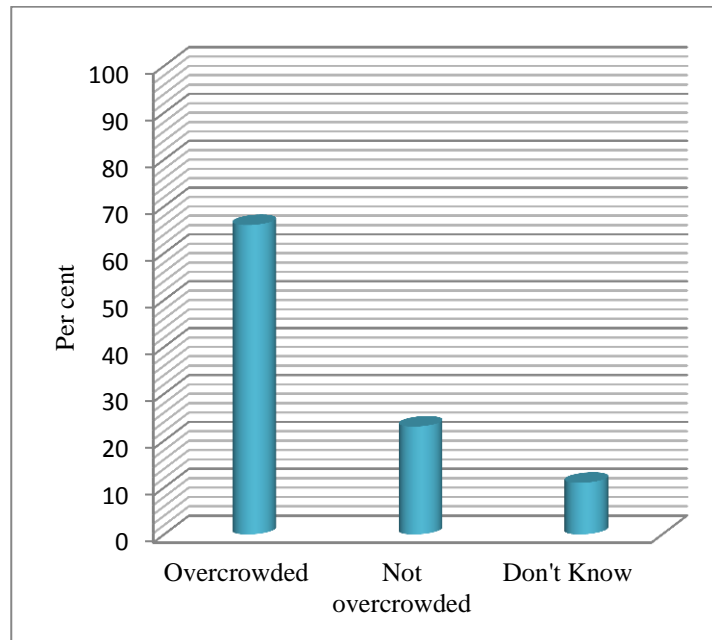
Moreover, all but one of the stakeholder participants were university graduates, only one public prosecutor had a secondary school leaving certificate. With regards to stakeholder's familiarity with Nigerian prisons, Figure 5.5 indicates that nearly half (n=14, 43%) had visited Nigerian prisons three to twelve months prior to the interviews and only a quarter (n=8, 25%) had visited Nigerian prisons in the last three months prior to the interviews.

**Figure 5.5:** Stakeholders' last visit to Nigerian prisons, n=32



Participants were asked to express their views as to whether prisons in Nigeria are generally overcrowded. Figure 5.6 presents the participants' responses. Two-thirds of the participants (n=37, 66%) expressed the belief that prisons in Nigeria were generally overcrowded and a minority of participants (n=18, 11%) said they did not know about prison conditions in Nigeria.

**Figure 5.6:** Participants' views on overcrowding in Nigerian prisons, n=56



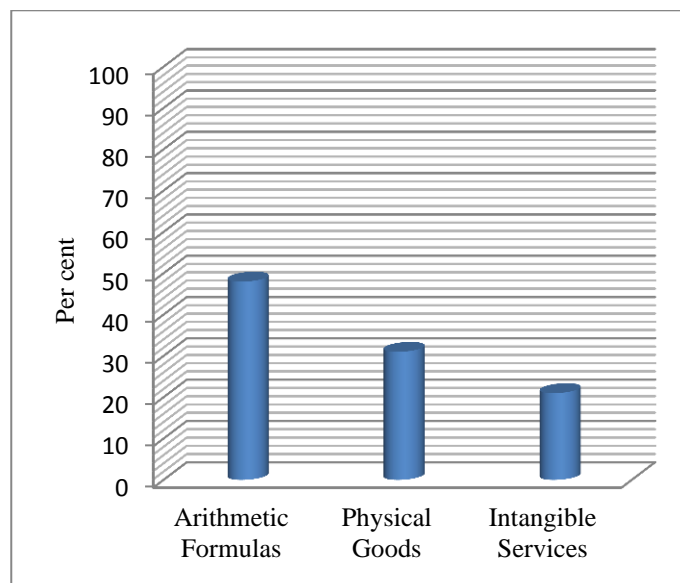
The following quotations best illustrate some of their claims. Of the thirteen participants (23%) that did not believe that Nigerian prisons were generally overcrowded, a penal reform advocate claimed that 'satellite prisons in Nigeria are not overcrowded and they are considered as prisons too' (QPR05). In a similar sentiment, a retired prison officer added that 'statistics have shown that the current number of prison inmates nationwide has not exceeded the total capacity of prisons in Nigeria' (QRO03).

From a contrary view, a human rights advocate reported that 'the recent prisons breaks or riots in Kano, Kaduna and Enugu prisons where inmates overpowered the security and prison warden were clear indications that prisons in Nigeria are overcrowded' (QPR04). More so, a private counsel felt prisons in Nigeria were overcrowded because '80 per cent of the Nigerian prison inmates are awaiting trials category, [and] ..., the prisons capacities have not increased proportionate to Nigeria's growing [prison] population' (QPC01). This means that prisoners' distribution in a

prison should also be taken into account when determining overcrowding in prison. Similarly, a female counsel informs the study that ‘the decongestion exercise embarked by the federal government of Nigeria through the federal Ministry of Justice attests prisons in Nigeria are generally overcrowded’ (QLC01).

Participants were asked to briefly describe what they consider to be overcrowding in a prison and multiple responses were permitted. Figure 5.7 summarises participants’ views based on the adopted three categories of prison overcrowding measures.

**Figure 5.7:** Macro description of prison overcrowding in Nigeria, n=56



As shown in Figure 5.7 above, half of the participants (n=27, 48%) defined prison overcrowding in Nigeria in the context of arithmetic formulas and only a minority (n=12, 21%) related the prison overcrowding to intangible services. Seventeen participants defined prison overcrowding in the context of physical goods and associated the phenomenon to the absence, limitation or malfunctioning of physical goods, structures and facilities. A public prosecutor stated that prison overcrowding is ‘any situation in which both sentenced and awaiting trial inmates are mixed up in a single room within a prison’ (QPP02). In another view, a magisterial court judge described overcrowding in prison as a ‘situation whereby prison inmates’ number superseded the capacity of the prison provision in terms of facilities or social amenities which the inmates are supposed to enjoy’ (QMG04). A staff member at a medium security prison defined prison overcrowding as ‘any condition whereby the space,

facilities, infrastructure, drugs and logistics are not available’ (QJP01). Of the group (n=12, 21%) that related the Nigerian prisons overcrowding to intangible services, a public prosecutor defined prison overcrowding ‘as any condition in prison whereby the number of inmates in a particular prison is more than the number the prison can contain with proper care and maintenance’ (QPP06). Similarly, a prison staff member at a medium security prison described prison overcrowding as ‘the failure of both staff and government to comply with the national and international standards of operations’ (IDKH02). In another opinion, a prison staff member at a satellite prison defined overcrowding in prison ‘to any undesirable condition in a prison’ (QTW02).

With regard to the drivers of Nigerian prisons overcrowding, participants identified twenty-five factors and these are listed in order of frequency in Table 5.19 below.

**Table 5.19:** Macro perspectives - the drivers of overcrowding in Nigerian prisons, n=56

	Factor	Frequency	Percentages (%)
1	Corruption in the criminal justice system.	50	89
2	Slow judicial processes.	50	89
3	Lack of political will to reform the system by stakeholders.	40	71
4	Weak policing and crime handling/management.	37	66
5	Rise in crime rate.	36	64
6	Antiquated or inappropriate criminal laws and procedures.	30	54
7	Delays by prosecution team/Holding charges.	30	54
8	Under funding of criminal justice institutions.	30	54
9	Excessive use of imprisonment as penalty and longer sentences.	29	52
10	Absence or limited number of competent judges, counsels and specialized courts.	26	46
11	Understaffing and infrastructural constraints in courts.	26	46
12	Tight criminal justice proceedings.	25	45
13	Delays in trial procedures and unnecessary case adjournments.	25	45
14	Absence or improper inmates’ classification/separation.	20	38
15	Ignorant of prison capacity by sentencing authorities.	18	32
16	Understaffing.	15	28
17	Criminal justice officials’ incompetency.	15	28
18	Absence or limited access to reliable and affordable counsels.	12	21
19	Limited and poorly maintained prison structures.	12	21
20	Ignorant or limited knowledge of prison capacity and conditions by other stakeholders in criminal justice system.	8	14
21	Absence of centralised coordinating body for criminal justice system.	7	13
22	Absence or limited non-custodial sanctions.	5	9
23	Elitism in recruitment and posting of judicial officials.	3	5
24	Public ignorance of human rights.	3	5
25	Centralised prison system.	2	4



As shown in Table 5.19 above, the three most frequently mentioned drivers of Nigerian prison overcrowding were a corruption in the system, slow judicial process and Nigerian stakeholders' lack of political will to transform Nigerian criminal justice system. This suggests that prison overcrowding in Nigeria has certain connections with corrupt practices in the criminal justice system. Whereas, the three least frequently stated factors that cause Nigerian prison overcrowding were the centralisation of Nigerian prison system; the Nigerian public were ignorant of their rights; and elitism in recruitment and posting of judicial officials.

Four statements regarding daily life in Nigerian prisons were presented to participants. Table 5.20 shows participants' responses. The results showed differences in views between categories of participants. The overwhelming majority of the participants (n=45, 80%) who disagreed that the sleeping accommodation provided to inmates in the Nigerian prisons is satisfactory were stakeholder participants. This implies that even other stakeholders outside prisons were aware of the appalling conditions in Nigerian prisons. Over half of stakeholders (n=35, 63%) disagreed with the statement that said Nigeria prisons are safe and secure to live or work in. The eighteen per cent of participants (n=10) who said they did not know whether work is compulsory to all prisoners are other stakeholders participants. Additionally, the eleven participants (20%) who said they did not know whether prisoners don't rest because of noise by staff or inmates are other stakeholder participants.

**Table 5.20:** Participants' perspective on daily life in Nigerian prisons, n=56

Statement	Agree		Disagree		Don't know	
	FQ	(%)	FQ	(%)	FQ	(%)
Work is compulsory to all inmates.	16	29	30	54	10	18
This prison is safe and secure to live or work in.	16	29	35	63	5	9
Prisoners don't rest because of noise by staff or inmates.	10	18	35	63	11	20
Staff-inmates relationship is satisfactory.	20	36	30	54	6	11
The sleeping accommodation provided to inmates is satisfactory.	6	11	45	80	5	9

The following quotations best exemplify two of the claims summed up in Table 5. 20. Of the majority of participants (n=45, 80%) who disagreed with the statement that sleeping accommodation provided to inmates is satisfactory, a former inmate at one of the Nigerian prisons reported that 'prison staffs don't really show interest on how we [inmates] are sleeping. They [prison staff] appoint and empower leaders among prisoners in every cell who allocate sleeping spaces and beds to us [inmates] and the

leaders normally collect money or material gifts from us before they serve us' (IIGO05). The above statement lent support to a study which showed that the process of allocating personal space to prisoner in a cell, particularly in understaffed and overcrowded prison, is not free from bias and corrupt practice (Morelle, 2014).

Commenting on daily life in Nigerian prisons, a staff member at the NPS argued that:

I strongly believe the type of prison in context largely dictates daily life in prison. In some modern prisons, inmates engage in daily activities with minimal supervision, but in old and dilapidated Nigerian prisons, the staff must be around to supervise or otherwise anything might happen (IDKH03).

The two comments presented above imply that daily life in Nigerian prisons is not solely determined by prison capacity and population but also influenced by the pattern of prison management. While a former prisoner claimed that prison staff attitudes to work and to prisoners were usually negative and were the main driving force dictating daily prison life, the prison staff member interviewed insisted the problem was elsewhere, drawing attention to the functional limitation of the building structures themselves in Nigerian prisons. Arguably, both positions seem to dwell around the micro-and macro-dynamics of prison climates (Martin *et al.*, 2014), and the pattern of management adopted by the prison staff members which is congruent with other literature that showed 'quality of prison life depends more on management than any other variable' (DiIulio, 1990; Haney, 2006; Van Zyl Smit, 2010).

In conclusion, the emergent findings raise more questions than they have answered. The chapter assessed perspectives of Nigerian prisons overcrowding in micro and macro perspectives. This study's findings revealed that overcrowding in Nigerian prisons is differently perceived and explained among prison staff members and prisoners even within a given prison. The experiences of overcrowding differ between individuals and institutions irrespective of the design, size or location of the prisons included in the study. Four of the six participating Nigerian prisons were practically overcrowded but officially under-occupied. An overwhelming majority of participants felt that the prisons they lived or worked in were overcrowded. This implied that overcrowding did not only occur in prisons in urban areas or in over-occupied and understaffed prisons. Although physical goods and intangible services were mentioned as aspects of overcrowding, this study's findings revealed that

Nigerian prison overcrowding was largely construed in the context of arithmetic formulas. Over half of the study participants (n=77, 46%) related prison overcrowding to prison capacity and prison population. The findings also revealed that Nigerian prisons were in overcrowding mode at all the times.

The most common feature of the six Nigerian prisons overcrowding were unearthed by this study. Features include: actual prison population exceeds a prison's designed capacity; unpleasant odours; overcrowded cells; reduction in amount of time spent outside cells; and in regime activities (where available) and queuing in toilets, bathrooms and sickbay (where available). Study participants expressed views on the drivers of Nigerian prison overcrowding. The most frequently mentioned factors include: stakeholders' lack of political will to overhaul the Nigerian criminal justice system; corruption and slow judicial process; excessive use of imprisonment; limited early release programmes; antiquated operational laws; and prisons' structures. The features of prison overcrowding identified by participants were not limited to prisons with higher prison population.

A difference was found among prisoners concerning safety and security in Nigerian prisons. The findings indicate that prisoners at all the six Nigerian prisons visited felt unsafe and unsecured. Tension continued to grow among prisoners largely because the majority of prison inmate participants were not satisfied with the security arrangements, regime activities were often reduced, relationship between staff and prisoners were not very cordial, and prisoners were compelled to work. Stakeholders also expressed concern on prison staff and prisoners' safety and security in Nigerian prisons, as the majority of participants (n=35, 63%) reported that prisons in Nigerian are not safe and secured to live or work in.

The study explored certain daily life activities at the six Nigerian prisons. The findings showed that staff and inmates agreed that the accommodation provided to inmates is unsatisfactory. The findings revealed that in the six Nigerian prisons, prisoners' regime activities were largely dependent on the availability of staff to supervise them, yet many of the Nigerian prisons were understaffed, and structures (where available) were overstretched and dilapidated. The findings showed that the ratio of staff-to-inmates as well as their distribution by gender at the six participating Nigerian prisons was imbalanced. Due to understaffing, particularly in rural areas Nigerian prisons, there were no female staff members available to work with female

prisoners. In the next chapter, some of the complexities accompanying overcrowding in Nigerian prisons will be explored.

## Chapter 6

### Responses to Prison Overcrowding in Nigeria

In the preceding chapter participants' perspectives of overcrowding in Nigerian prisons were assessed. In addition, based on participants' viewpoints, some issues associated with prison overcrowding in Nigeria, particularly at the six Nigerian prisons that participated in the study, will be examined in this chapter. The chapter begins by identifying those affected by overcrowding - individuals as well as institutions, and identify those who may profit in the event of overcrowding. Additionally, responses to, reactions and adaptation strategies to overcrowding of prisoners and prison staff will be examined.

The assessment of affected institutions and groups of individuals as well as the reactions and adaptation strategies of prison staff and inmates to the problem of prison overcrowding will concentrate on those who experience overcrowding directly. This means that only the views of prison staff and prison inmate participants (n=111) who were working or living at the six Nigerian prisons and that were observed as part of the research will be presented. As shown in Chapter Four, only a small number of other stakeholder participants (n=8, 25%) were reported to have visited Nigerian prisons in the three months prior to the study (see Figure 5.5). Thus, many of other stakeholder participants might not be adequately informed regarding daily life in Nigerian prisons.

One aspect focussed on individuals and institutions that may profit in the event of the overcrowding. Thus, the examination of participants' views on profit derived from prison overcrowding will be drawing on all three categories of participants (n=166).

#### **Individuals and Institutions Affected by Prison Overcrowding**

This section explores institutions and groups of individuals affected by prison overcrowding and multiple responses to the questions asked were permitted. Participants' responses are presented in two sections. The first section presents an overview of all individuals and institutions believed to be affected by prison overcrowding, while groups of individuals and institutions consider most affected by prison overcrowding will be examined in the second section.

The one hundred and ten participants (n=110; 65 prisoners and 45 prison staff)<sup>4</sup> at the six Nigerian prisons were asked to state the groups of individuals they believed were affected by prison overcrowding. Participants' responses are listed in order of frequency in Table 6.1 below. The most frequently reported groups of individual were prisoners, while the Nigerian Police Force and other law enforcement personnel were the least cited individuals affected by overcrowding.

**Table 6.1:** Groups of individuals affected by prison overcrowding in Nigeria, according to prisoners and prisons staff, n=110.

Individuals	FQ	(%)
Prisoners.	91	83*
Prison staff (field staff).	74	67*
Prisoners' families and friends.	20	18*
Counsels.	17	15
Courts' judges and officials.	15	14
Police and other law enforcement personnel.	13	12

\*Identified by respondents as the groups of individuals most affected by prison overcrowding.

Differences in participants' views were noted. The seventeen participants (15%) who cited counsels as well as the fifteen participants (14%) who mentioned courts' judges and officials were prison inmates residing at KCP. Also, of the thirteen participants (12%) who reported police and other law enforcement agencies among the affected individuals, three (n=3) were prison staff working at KCP. While the twenty participants (18%) who reported prisoners' families and friends among the affected individuals were working or living at KCP and GDP. This implies that in the event of overcrowding, prisoners' basic needs for water, food and medicine are not met and instead prisoners seek support and assistance from their families and friends. It also means that prisoners' families and friends are financially affected by prison overcrowding in Nigeria as they take over the burden of providing the basic needs of their friends or families held in prison because prisons authorities are unable to cater adequately for prisoners. This also indicates that the impact of prison overcrowding in Nigeria affects individuals outside of the prison and criminal justice system.

Of the six reported groups of individuals considered to be affected by prison overcrowding in Nigeria in Table 6.1 above, prisoners, prison staff and prisoners' families and friends were believed to be most affected groups of individuals by prison

<sup>4</sup> The number of participants was supposed to be 111, however one participant, a former prisoner refused to respond to this question and he did not comment about his decision.

overcrowding. Commenting on prisoners as one of the most affected groups, a remand prisoner at KCP added that ‘all prisoners are powerless and are suffering but we remand prisoners suffer most because we are not doing any work here, we remain in our cells all day and night, and we don’t know when we will be released’ (GIKC01). This indicates that remand prisoners are most affected by prison overcrowding than sentence prisoners. It also means that the Nigerian criminal justice system has no custodial time limits provision for remand prisoners.

Defending his position on individuals most affected by the overcrowding, a long-term serving prisoner asserted that ‘our [prisoners] families suffer most because they have to complement or support us here with all those basic needs the prison system cannot provide’ (IIGP04). This means that visits and support by prisoners’ families and friends in Nigerian prisons affect prisoners’ adjustment to imprisonment, particularly in an overcrowded prison. The findings lent support to other studies that found a connection between frequent visits from prisoners’ families and friends and positive prison adjustment (Cobean and Power, 1978; UN, 2013).

Despite their similarity in operation and structure (see Chapter Five), however, the findings at RSP, KSP and DSP reveal some differences in views among the fourteen participants (n=14). Of the eight participants at the three Nigerian satellite prisons who mentioned prison staff among the groups of individual believed to be most affected by prison overcrowding, only one (n=1) was a prisoner. This indicates that prisoners at the three Nigerian satellite prisons observed have not seen any significant change in prison staff approach to work despite the overcrowding. From a contrary viewpoint, commenting on individuals affected by the overcrowding, a staff member at KSP reported that ‘prison staff members were the most affected by the overcrowding because of the apparent difficulties in the management of the affected prison’ (QKP01), which suggests that overcrowding in Nigerian prisons affects both prison staff and prisoners.

Furthermore, differences of opinion on the category of prisoners most affected by overcrowding were found between the six prisons. While observation results from KCP, GDP and WUP indicate that the remand prisoners are the most affected group, the observation findings at RSP, KSP and DSP show that both remand and sentenced prisoners are equally affected by overcrowding. The contrast could be due to the fact that of the six Nigerian prisons observed, only three - KCP, GDP and WUP separated prisoners in dorms according to their status - remand and sentence (see Chapter Five).

With regard to institutions perceived to be affected by overcrowding in the six Nigerian prisons, the participants (n=110) were asked to mention institutions believed to be affected by prison overcrowding. Their responses are listed in order of frequency in Table 6.2 below. As Table 6.2 shows, the most frequently cited institution affected by overcrowding at the six Nigerian prisons observed was the Prison, while the Ministry of Justice was the least repeatedly mentioned institution affected by the overcrowding.

**Table 6.2:** Institutions affected by prison overcrowding in Nigeria, according to prisoners and prisons staff, n=110.

Institution	FQ	(%)
Prison.	79	72*
Nigeria Prison Service.	64	58*
Government and Public.	18	16*
Department of public prosecution.	15	14
Ministry of Justice.	10	9

\*Identified by respondents as the institutions most affected by prison overcrowding.

Participants' responses to this question were also varied. The sixty-four participants (58%) who mentioned the NPS among the affected institutions were all prison staff members. The fifteen participants (14%) who cited Department of Public Prosecution among the institutions affected by overcrowding were prison inmate participants. This would suggest that the impact of prison overcrowding does not remain within prison.

Of the five reported institutions believe to be affected by prison overcrowding in six Nigerian prisons observed, the Nigerian Government and public, Prison and the Ministry of Justice were reportedly cited institutions considered to be most affected by prison overcrowding. None of the participants (n=110) mentioned the NPS among the most affected institutions. Commenting on Government and public among the most affected institutions, a long-term serving prisoner reported that 'I believe the Government would be the most affected institution because of the management costs it incurred, particularly with the growing numbers of inmates' (IIKC01). Only prison staff participants (n=7) at the three Nigerian satellite prisons cited prison among the institutions consider to be most affected by overcrowding in Nigeria. This result supports earlier findings which suggest that the impact of prison overcrowding in Nigeria is not restricted to the prison establishment.

In summary, the findings revealed that overcrowding at the six Nigerian prisons observed affect not only prison staff and inmates and institutions such as the



government, judiciary, counsels, and prison management, but also affect groups of individuals and institutions outside the criminal justice system such as the prisoners' family and friends, and the public. The findings indicate that participants showed that six groups of individuals and five institutions were affected by overcrowding at the six Nigerian prisons observed. Despite differences in opinions, the overwhelming majority of participants expressed the belief that prisoners were the most affected individuals by the overcrowding in Nigerian prisons. Among the prisoners, it was observed that the remand prisoners are more affected than others. Naturally, the prison was the most affected institution by prison overcrowding particularly at the six Nigerian prisons.

### **Inmates' Reactions and Adaptation Tactics in Overcrowded Nigerian Prisons**

In this section, the inmates' reactions and adaptation strategies in overcrowded Nigerian prisons will be assessed. The analysis will focus on the views of prison staff, and inmates including former prisoner participants (n=111, 67%), at the six Nigerian prisons observed in this study. Participants were asked to describe how inmates reacted and adapted to the overcrowding in their respective prisons, and multiple responses were permitted.

Sixty-five prison inmates (n=65; 36 remand prisoners and 29 sentenced prisoners) responded to this question. Table 6.3 presents seven kinds of reactions and adaptation tactics, which are listed in order of frequency. The most frequently cited prisoners' reaction was that prisoners complained about the overcrowding to other prisoners and prison staff, while the least reported reaction was that inmates frequently screamed and shouted.

**Table 6.3:** Prisoners' reactions and adaptation strategies in six Nigerian prisons, according to prisoners, n=65

Reaction	FQ	(%)	Adaptation strategy	FQ	(%)
Complaint to fellow inmates, staff and visitors.	64	98	Develop queuing culture.	62	95
Quarrel one another over minor issue.	51	78	Turn to religion: pray to God to ease the overcrowding conditions.	46	71
Restlessness, defenselessness and hostility.	46	71	Sought family and friends' support and assistance.	45	69
Defy prison's rules and orders.	36	55	Formed gangs.	42	65
Fell sick.	25	38	Accept the condition.	38	58
Protest, attempt escape, escapes and rioting.	24	37	Frequent change in bed or sleeping arrangements.	36	55
Frequent screaming and shouting.	23	35	Petty trafficking.	28	43

Reactions in this context refers to those behaviours or actions exhibited by prisoners in the event of prison overcrowding in order to tell or show other prisoners and prison staff about the extent and or severity of the condition. Depending on the circumstances, prisoners often react first and thereafter adjust and adapt to the situation (Brehm, 1972; Goodstein *et al.*, 1984; Porporino and Zamble, 1984; Weiten *et al.*, 2011). During one of the fieldwork visits at KCP, I heard some remand prisoners screaming and protesting at the Prison Gate over the manner in which the vehicle that transported prisoners to courts is often overloaded and overcrowded. But, after the protest, which lasted for about thirty minutes, the seventy-two prisoners embarked the vehicle in a queue, arranged themselves within the meagre space inside the vehicle and were transported to various courts. One may find it difficult to differentiate between reaction and adaptation as sometimes the two are exhibited simultaneously.

The findings revealed variations in views between participants. The twenty-four prison inmate participants (37%) who cited protest, attempting escapes, escapes and rioting as one of the prisoners' reactions to prison overcrowding were remand prisoners at KCP and GDP. Also, the twenty-three participants (35%) who stated frequent screaming and shouting as one of the prisoners' reactions to prison overcrowding were remand prisoners at GDP. However, in most prison systems, attempting to escape, protesting, rioting as well as frequent screaming exhibited by prisoners are prohibited actions (Boin and Rattray, 2004; Goodstein *et al.*, 1984; Porporino and Zamble, 1984; Weiten *et al.*, 2011). Thus, it could be said that remand prisoners at KCP and GDP were displaying those disorderly behaviours largely because they are the individuals most affected by overcrowding. Additionally, remand prisoners at KCP and GDP spent less time outside their cells than sentence prisoners (see Chapter Five). As shown by observation findings, both sentence and remand prisoners at the three Nigerian satellite prisons observed were housed together in dorms (see Chapter Five), thus none of them (n=7; prison inmate respondents at RSP, KSP and DSP) mentioned screaming or protest as part of prisoners' reactions to overcrowding. This result supports earlier findings that suggested that remand prisoners at KCP, GDP and WUP were more affected by the overcrowding than other prisoners.

With regard to adaptation tactics, the most frequently reported tactic devised by prisoners was the queuing habit in accessing basic needs such as toilets, food, water

and medical care. Also, prisoners were queuing or participating in shifts for daily activities such as visits, vocational skills training, laundry, worship, as well as sports and recreation at the six Nigerian prisons observed. The least cited adaptation strategy was engaging in illegal petty trafficking such as selling and buying food stuffs, water, blankets, clothes, soap and cigarettes to other prisoners.

Moreover, variations in participants' views on the adaptation strategies were found. The sixty-five per cent of respondents (n=42, 65%) who cited formation of gangs as one of the adaptation tactics engaged in by prisoners at KCP, GDP and WUP. This indicates that overcrowding in prison facilitates prisoners to form gangs. A prison gang is a 'group of three or more prisoners whose negative behaviour has an adverse impact on the prison that holds them' (Wood, 2006: 608). None of the prison inmate participants (n=7) at the three Nigerian satellite prisons mentioned formation of gangs as one of the prisoners' adaptation strategies. Prisoners at RSP, KSP and DSP may find it difficult to form gang as the ratio of staff-to-inmates at these prisons was relatively high or adequate compared with KCP, GDP and WUP (see Chapter Five). In addition, prisoners at RSP, KSP and RSP were closely monitored due to their numbers - smaller prison populations, and the sizes of prisoners' dorms were relatively small. This result lent support to other studies that showed that a well-supervised prison hinders the development and functioning of prison gangs (Gaes *et al.*, 2002; Wood, 2006).

However, it would be incorrect to say that prisoners at the three Nigerian satellite prisons observed were not exhibiting disorderly behaviours in response to overcrowding. Seven of the 51 prison inmate participants (78%) who reported that prisoners wrangled with one another over minor issues as one of the prisoners' reactions to prison overcrowding were inmates at the three Nigerian satellite prisons. This suggests that even prisoners at the three Nigerian satellites prisons observed were also exhibiting disorderly behaviours in response to overcrowding.

In essence, the results reveal that some prisoners' disorderly actions such as quarrelling, protesting, rioting, defying prison orders, and prison gang related activities (including petty trafficking) are caused and escalated by overcrowding in prison. Commenting on prisoners' disorderly behaviours resulting from overcrowding, a remand prisoner reported that when a prison is overcrowded, inmates reacted by 'becoming aggressive in the cells, fighting one another, breaking the law and some [inmates] in the cells went to the extent of committing unwanted offences like homosexuality' (QIGP08). The findings lent support to a study that found

overcrowding in prison sets the stage for forming gangs among inmates (Goyer, 2011). When prisoners formed gangs, as suggested by other studies, managing prisoners and the prison becomes difficult or impossible, thus threatening the safety and security of both staff and prisoners (Stevens, 1997; Wood and Adler, 2001; Wood, 2006). Prison gang related activities also disrupt prisoners' reformation and rehabilitation activities (Murdoch and Griffiths, 2009; UN, 2010).

As presented in Table 6.3, seventy-one per cent of respondents (n=46%) stated that prisoners are turning to religion as one of the adaptation strategies. Turning to God for solution to overcrowding is congruent with a previous study that found prison inmates in stressful conditions engaged in religious activities such as praying for change (Regan, 2009). This is based on the belief that religion can be used as an adaptation strategy for stress (Carver *et al.*, 1989; Regan, 2009). The results suggest that prisoners have a strong religious belief that may, from their perspective, result in a change of the overcrowding conditions.

Judging from the findings summarised in Table 6.3 above, one could argue that prisoners at the six participating Nigerian prisons used both emotional-centred tactics and problem-focussed strategies of coping with the overcrowding. Emotional-centred coping strategies relate to non-conforming, anti-social, violent or aggressive behaviour, and are unacceptable in prison whereas, problem-focussed strategies are non-violent, and tend to offer relatively more acceptable solution to stress (Biggam *et al.*, 1997; Cohen and Taylor, 1972; Mohiro *et al.*, 2004). Queuing habits and frequent changes in sleeping arrangements are direct actions aimed at alleviating the overcrowding situation. Seeking outside support and assistance and the formation of gangs are ways of sharing the problem with others with the goal of alleviating or reducing the stress of the situation or to increase collective resources, while, accepting the condition and turning to religion are strategies that centre on accepting the stressful conditions between the individual and the prison (Biggam *et al.*, 1997; Mohiro *et al.*, 2004). Of the seven reported adaptation tactics exhibited by prisoners, six are problem-focussed strategies and only petty trafficking is emotional-focussed coping tactic. The results confirm previous studies that found prisoners used multiple coping approaches in dealing with stress (Folkman and Lazarus, 1980; Mohiro *et al.*, 2004).

With regards to prisoners' reactions, the results were different. Of the seven reactions, only making a complaint about the overcrowding is a problem-focussed reaction. All other are emotion-focussed reactions (Biggam *et al.*, 1997; Cohen and

Taylor, 1972; Goffman, 1962; Mohiro *et al.*, 2004). Given the results, it implies that prisoners resisted rather than conformed to the overcrowding condition. The findings revealed that inmates engaged in violent actions in reaction to the overcrowding (see Table 6.3). This suggests that the inmate-to-inmate and inmate-to-staff disorderly behaviour was connected to the overcrowding in the six Nigerian prisons observed. Thus, this finding supports previous studies that found unruly behaviour between and among prison staff and inmates were linked and heightened by overcrowding in prison (Boin and Rattray, 2004; Ingraham and Wellford, 1987; Vanderzyl, 1992). It also supports studies that found a relationship between prison overcrowding and prisons' violence, riots, protest, insecurity, disobedience and escapes (Albrecht, 2010; AI, 2011; Boin and Rattray, 2004; Haney, 2006; Murdoch and Griffiths, 2009; Walmsley, 2003).

Forty-six prison staff sampled from the six participating Nigerian prisons participated in the study. Participants were asked to describe how inmates reacted and adapted in the event of overcrowding in their respective prisons. Table 6.4 presents eight types of reactions and nine adaptation tactics, which are listed in order of frequency. The most frequently cited prisoners' reaction was that prisoners complained about the overcrowding to other prisoners and prison staff while the least reported reaction was that inmates frequently screamed and shouted. The twenty-five participants (56%) who reported prisoners defying prison rules and orders as one of the prisoners' reaction to overcrowding worked at KCP and GDP. Also, the sixteen participants (36%) who cited protest, attempted escape, rioting as one the prisoners' reaction to overcrowding worked at KCP and GDP. These findings support earlier results, which indicated that prisoners' reaction to overcrowding at KCP, and GDP were more disorderly than in other three participating Nigerian satellite prisons (see Table 6.3 above).

**Table 6.4:** Prisoners’ reactions and adaptation strategies in six Nigerian prisons, according to prison staff, n=46

Reaction	FQ	(%)	Adaptation strategy	FQ	(%)
Complaint to fellow inmates, staff and visitors.	44	98	Develop queuing culture.	43	96
Quarrel one another over minor issue.	35	78	Turn to religion: pray to God to ease the overcrowding conditions.	32	71
Restlessness, defenselessness and hostility.	32	71	Sought family and friends’ support and assistance.	31	67
Defy prison’s rules and orders.	25	56	Formed gangs.	29	64
Fell sick.	17	38	Accept the condition.	27	60
Protest, attempt escape, escapes and rioting.	16	36	Frequent change in bed or sleeping arrangements.	25	56
Destroy prison property.	16	36	Dancing/ playing all night.	20	44
Frequent screaming and shouting.	15	33	Petty trafficking.	19	42
-	-	-	Alternate sleeping hours: sleep at midday.	10	22

As presented in Table 6.4, the most frequently cited adaptation tactic engaged by prisoners at the six Nigerian prisons was the queuing habit in accessing almost everything at the facility. Conversely, the least reported adaptation strategy was that inmates alternate their sleeping period, which means instead of nocturnal hours they sleep during the day. In comparison between the six Nigerian prisons, while prisoners’ reactions to overcrowding are similar between the prisons, differences in prisoners’ adaptation strategies were found. Only prison staff participants at GDP reported prisoners as dancing or playing all-night (n=20, 44%) and prisoners were alternating their sleeping hours from night to day (n=10, 22%).

Of the sixteen participants (36%) who reported that prisoners were destroying prison property as one of the reactions to overcrowding, a female staff member commented on how female inmates were misusing prison facilities in order to meet their personal needs. She added that:

Because prison authority did not provide us with toiletries such as towel and sanitary pads and we have no options, many of us [female prisoners] use pieces of mattresses, clothes, duvets and blankets available in our rooms in place of sanitary pads. Additionally, as government do not make provision for babies’ foodstuffs, female prisoners [nursing mothers] shared food with their babies, and when the babies fell sick, they serve them adult drugs (IDGP02).

However, the above statement not only indicates that prison authorities at GDP had disregarded the NPS orders on care and treatment of female prisoner, but also means that overcrowding in prison inspires prisoners’ unruly behaviours in prison. The NPS SO No. 324 (2011) requires that ‘female prisoners shall be given sufficient supply of

sanitary towels when required. Arrangements shall be made in prisons where there are female prisoners for the hygienic disposal of sanitary towels'. Female prisoners abusing prison facilities could be related to the NPS' inability to adequately cater for their needs but it also implies that overcrowding in prison could make prisoners engage in disorderly behaviours such as destroying and abusing prison facilities. The above statement lent support to other studies that found overcrowding in prison is not only impeding prison authorities' ability to provide effective care and treatment of prisoners but it also motivates prisoners to abuse prison facilities (Murdoch and Griffiths, 2009; UN, 2010). One other issue deduced from the above assertion is that female prisoners (nursing mothers) did not know that the NPS is responsible for providing their babies' necessities, and that both nursing mothers and their babies were not properly taken care of by prison authorities (see NPS SO, No. 474 - 476 of 2011).

Commenting on inmates' screaming and dancing all-night as a reaction and adaptation tactic, a staff member reported that 'at night, you see inmates dancing all-night in order to ease the feeling of overcrowding, and this normally happened during Warm and Harmattan seasons' (IDGP04)<sup>5</sup>. When the respondent was asked to mention how prisoners coped with overcrowding at night during the tropical hot season, that is between April and October, when the temperature rises up to 39 °C degrees Celsius, he said 'prisoners retain the same coping tactics exhibited during Harmattan season' (IDGP04). This implies that overcrowding in prison is not only causing discomfort to affected prisoners but also contributes to a noisy prison environment, which in turn adds stress to people working or living there. Alternating sleeping hours and making noise all-night can be another reason why prisoners are reportedly falling sick as one of the reactions to overcrowding (see Table 6.3 and 4). The findings also lent support to a study that found overcrowding disrupts prisoners' sleeping hours (Tertsakian, 2014).

The most common prisoners' adaptation strategy cited by the overwhelming majority of participants (n=105, 95%; 62 prisoners and 43 prison staff) was that prisoners develop a queuing culture in accessing almost everything at the facility. Confirming this claim, observation findings revealed that queuing was part of daily life activities at GDP. Picture 6.1 best demonstrates prisoners' queuing at one of the toilets. One of the prisoners in the queue at one of the toilets outside the cells informed the

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<sup>5</sup> Harmattan is a dry and dusty wind in West Africa that blows from the Sahara into Gulf of Guinea between the end of November and the middle of March. Like winter, the temperature during Harmattan can be as low as 3 °C degrees Celsius.

researcher that ‘they were compelled to use the out-of-dorms latrines not only because the toilets inside the dorms were inadequate, unhygienic and inconvenient but also lack privacy and the queuing is much longer’.

**Picture 6.1:** Inmates’ queuing to access toilet at GDP



*Source:* observation (2011).

One other common prisoners’ adaptation strategy cited by the majority of participants (n=61; 55%; 36 prisoners -Table 6.3 and 25 prison staff - Table 6.4) was that prisoners frequently changed beds or sleeping arrangement in their dorms. Picture 6.2 confirms the claim put forward by the fifty-five prison staff and inmate participants (n=61) concerning constant rearrangement of beds in prisoners’ dorms as one of the prisoners’ adaptation at the six Nigerian prisons observed.

**Picture 6.2:** Inmates’ bed arrangements at GDP



*Source:* observation (2011).

As shown in Picture 6.2, the few available double bunk beds in dorms were frequently moved in order to create space for new prisoners. The researcher was



informed that it took new prisoners days or weeks before being given a bed space, and thus newly admitted inmates sleep on mats spread on the bare floor until a prisoner occupying a bed in the dorm is released. This indicates that the allocation of space to prisoner - particularly a new arrival - is not likely to be without bias as suggested by Morelle (2014). Additionally, Picture 6.3 validates the above claim summarised in Table 6.3-4, the observation results revealed that at WUP, inmates' beds were tightly arranged in order to accommodate more inmates within the limited spaces. Two double bunk beds designed for four inmates were put together to accommodate eight or more persons. Picture 6.3 best describes how double bunk beds were joined together in order to accommodate the growing number of inmates.

**Picture 6.3:** Prisoners' bed arrangements at WUP



*Source:* observation (2011).

The findings lent support to those studies that found a prison system's dormitory policy including its bedding arrangements largely determine the amount of space a prisoner can access (Albrecht, 2010; ICRC, 2012).

Prison staff respondents (n=45) confirmed that prisoners use multiple approaches in reacting and conforming to the overcrowding at KCP and GDP. A close examination of the results indicates that prisoners at KCP and GDP engaged more problem-focussed strategies than emotional-centred tactics of coping with the overcrowding. As presented in Table 6.4, of the nine prisoners' adaptation strategies at the six participating Nigerian prisons, only three actions: formation of gangs, illegal petty trafficking, and dancing and playing all-night seem to be emotional-centred or unacceptable behaviours in prison. The three actions displayed by prisoners could not only threaten security and safety of both prisoners and staff in the prison, but could also impede effective prison management and prisoners' rehabilitation activities (UN,

2010). This implies that prisoners at KCP and GDP tend to exhibit more of adaptation strategies in the event of overcrowding thus differing from studies that found inmates under stressful condition such as overcrowding are likely to show resistance rather than adapt to the condition (Cohen and Taylor, 1972).

Judging from the findings, it is clear that prisoners at WUP were using multiple problem-focussed coping strategies. Unlike the results obtained at KCP and GDP, the use of emotional-centred coping tactics by prisoners at WUP was somewhat minimal. This implies that prisoners at WUP tended to adjust and adapt rather than showing resistance in the event of overcrowding. Interestingly, prisoners at WUP also mentioned using religion as an adaptation strategy (n=7, 58%). Moreover, deducing from the results, it suggests that prisoners at the three participating Nigerian satellite prisons used multiple problem-focussed coping strategies. Inmates engaged in religious activities (Carver *et al.*, 1989; Regan, 2009); sought support from outside the prison to ease prison conditions resulting from overcrowding; and developed a queuing habit.

Given the emergent findings, the most common prisoners' coping strategies at the six Nigerian prisons observed are: prisoners sought support from others outside the prison to ease prison conditions resulting from overcrowding; prayed to God; queued; and frequently moved beds in dorms in order to accommodate the growing population.

Differences were not found relating to prisoners' reactions to overcrowding in the six Nigerian prisons. However, none of the 27 participants (consisted of 14 prison staff and 13 prisoners) in WUP, RSP, KRP and DSP mentioned petty trafficking and formation of gang as part of the prisoners' adaptation strategies. Of the eight different forms of reactions prisoners reported by prison staff participants (n=46), seven reactions can be considered to be emotional-centred and only one as problem-focussed reaction.

This study's observation findings revealed that the crosscutting complaint among prison inmate participants (n=65) at the six Nigerian prisons centred on the quality and quantity of water and food prisoners were served. It was observed that inmates were served food three times every day. Picture 6.4 illustrates the type of meal prisoners were served.

**Picture 6.4:** Prisoners' meal (Gari) ready to serve



*Source:* observation (2011).

The NPS SO No. 267 (2011) provides that '[e]very prisoner shall be provided at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served', while NPS SO No. 281 (2011) stipulates that '[p]recaution shall be taken to ensure that food is not allowed to become cold before it is served to prisoners'. Picture 6.4 above represents afternoon food (Gari)<sup>6</sup> prisoners were served. The author was (informally) informed that other food usually served at breakfast mainly consisted of semi-liquid porridge made from guinea corn, millet or maize, while dinner was either thick porridge made from maize, guinea corn or maize with stew locally called 'tuwo' or rice with stew. Beans are often substituted with porridge at breakfast twice a week. Arguably, Gari, maize, rice and guinea corn are rich in starch and carbohydrate thus these dishes prisoners were served did not seem to meet human daily nutritional requirements<sup>7</sup>. However, the stews with which the Gari, tuwo or rice are served with are often prepared with meat or fish at KCP, GDP and WUP. Additionally, I observed that the kitchen including the kitchen utensils such as spoons, knives, pans and pots with which prisoners' food are prepared were not clean. Moreover, the plates in which the food is rationed to prisoners were not properly covered thus the Gari was cold before it was served to prisoners.

With regard to water supply, throughout the study fieldwork period (November 2011 to January 2012) at the six Nigerian prisons, I have not seen water running from taps. The author was informed that water supply has not been consistent at the six Nigerian prisons, thus at times prisoners were compelled to use water from wells.

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<sup>6</sup> Gari or Ebah is a food made from cassava tubers in Nigeria. Gari is rich in starch and carbohydrate.

<sup>7</sup> Food that contains at least three of the six required nutrients: carbohydrate, protein, vitamins, mineral salt, fats and water.

Picture 6.5 illustrates the main sources of water supply at four of the six Nigerian prisons observed.

**Picture 6.5:** Sources of water supply at WUP and GDP



*Source:* observation (2011).

To confirm the water supply irregularity at prisoners' dorms, the researcher was informed that plastic containers seen in prisoners' dorms are for storing food and water. Picture 6.6 illustrates how prisoners' were coping with water shortages as well as storing food and personal possessions in their dorms.

**Picture 6.6:** Prisoners' way of storing food and water in dorms



*Source:* observation (2011).

In fact, the overwhelming majority of prison inmate participants (n=59, 91%) complained about the quality and quantity of food and water inmates were served. Arguably, the water and food challenges at the six Nigerian prisons observed were among the main reasons why prisoners reportedly sought support from their families and friends.

In summary, this section explored prisoners' reactions and adaptation tactics to prison overcrowding at the six Nigerian prisons. Despite some divergence in opinions, most forms of reaction to prison overcrowding prisoners reported at three of the six participating Nigerian prisons are considered to be emotional-centred. At the three Nigerian satellite prisons, the results revealed that prisoners used multiple problem-focussed coping strategies, which means, inmates adjusted rather than resisted to overcrowding. However, it does not mean prisoners were not resisting at all. The results indicated that six of the seven reported prisoners' reactions to prison overcrowding at the six participating Nigerian prisons were emotional-centred or violence related behaviours. Thus, the findings are congruent with a study that suggested when prisoners adapt to prison situation, they 'tend to do so as way of overcoming certain prison problems rather than as a method for dealing with the general problem of survival' (Cohen and Taylor, 1972:132).

However, at KCP, GDP and WUP, the findings revealed that prisoners used multiple approaches of both emotional-centred and problem-focussed coping strategies. Prisoners' defied prison orders, trafficked, protested, and attempted to escape from prison, all these were used as coping strategies, which in turn, could affect prisoners and prison staff safety and security. This suggested that inmates engaged in more problem-focussed coping tactics than emotional-centred coping strategies. The findings at KCP, GDP and WUP indicated that inmate-to-inmate and inmate-to-staff violent behaviours were reportedly connected to the levels of overcrowding at those prisons. The results lent support to earlier findings that showed the six Nigerian prisons were unsafe to live or work in (see Chapter Five).

Two prison staff participants offered explanations as to why despite the appalling conditions, prisoners were adjusting and adapting rather than resisting overcrowding in Nigerian prisons. A staff member at a satellite prison argued that 'whenever there are visitors in prison, inmates screamed unnecessarily as if they were rioting in the prison, and they make unnecessary complaints to prison management' (QW03). This statement implies that conditions in prison are satisfactory and that prisoners were making complaints unnecessarily. In contrast, another staff member argued that:

Prisoners easily adjust to the overcrowded Nigerian prisons condition because the majority of our prison inmates don't know their rights; only few react to prison overcrowding. So, they see it [overcrowding in prison] as normal' (IDKH03).

Unlike the first author, the above position implies that prisoners tend to adapt in overcrowded Nigerian prisons not because they are unaware of overcrowding but because they were ignorant of legal implications of being held in an overcrowded prison. In the next section, response strategies of prison staff in the event of overcrowding will be examined.

### **Prison Staff Reactions to Prison Overcrowding**

The assessment of prison staff responses to overcrowding will focus on the six Nigerian prisons participating in the study. The one hundred and eleven participants (n=111; consisted of 65 prisoners including a former prisoner and 46 prison staff) were asked how prison staff responded in the event of prison overcrowding, and multiple responses were permitted.

Table 6.5 shows twelve types of responses prison staff members at six Nigerian prisons. From Table 6.5 below, it is apparent that the majority of staff at the six Nigerian prisons engaged in an active coping strategy to try to adjust to the situation as suggested by other studies which suggest that prison staff working under stressful condition as a result of overcrowding engaged in problem-focussed coping tactics more than emotional-focussed strategies for reducing the levels of stress (Anshel, 2000; Martin *et al.*, 2012; Regan, 2009; Triplett, 1996). In order to strike a balance between the stressful situation and prison goals, prison staff engage in constant decision making, reviewing and setting goals, managing time and sharing their concerns with other stakeholders (Coyle, 2002b). The most frequently cited response strategy engaged by staff was the alteration, suspension or halting of prisoners' regime activities. Conversely, the least reported coping strategies engaged by staff members at the six Nigerian prisons was engaging in verbal abuse of prisoners, bending prison orders and trafficking such as bringing in contraband goods for example mobile phones, food, cigarettes, marijuana and other narcotics to prisoners, and or conveying information from prisoners to external sources without the Superintendent's consent.

**Table 6.5:** Staff response strategies at the six Nigerian prisons, according to prisoners n=65

Response strategy	FQ	(%)
Suspended, altered or halted inmates' daily regime activities.	62	95
Accept the conditions: go about doing work as usual.	57	88
Strict compliance with prison rules and orders.	56	86
Improve security; closely monitoring inmates' activities.	56	86
Engage some selected prisoners to control other inmates.	55	85
Restlessness and anxiety.	45	69
Discriminatory treatment of prisoners.	40	62
Pray to Almighty God for solutions.	39	60
Walk around to console inmates	30	46
Extra hours on duty.	26	40
Frequent use of solitary confinement to restore orders.	24	37
Engage in verbal abuse/trafficking.	22	34

For the sake of clarity, 'verbal abuse' relates to the use of insulting words or commands by prison staff when dealing or communicating with prisoners. 'Bending prison rules' may be defined as a member of staff who, in this case, consciously refuses to treat a prisoner according to prison regulations. Commenting on staff halting or suspending regime activities as one of the prison staff responses to prison overcrowding, a remand prisoner added that the

[s]taff attitude to inmates is not encouraging as they exhibit a non-challenge attitude. This is because they can do nothing about it. ..., often, you heard officers saying 'soldiers go soldiers come yet, the barrack remains. Since you can't change the situation, you have to take it the way it comes (QIGP08).

Another remand prisoner stated that 'prison staff members are aware of the [overcrowded prison] situation but they often pretend as if nothing is going wrong, they show no reaction because I did not see any changes in them' (IIGP05). This means prison staff members are powerless: they cannot change nor do anything about prison overcrowding.

The thirteen prison inmate participants at WUP, RSP, KSP and DSP mentioned staff engaged some prisoners to manage other prisoners and staff members engaged in verbal abuse and trafficking, and discrimination in the treatment of prisoners. This result, however, implies that prison population and overcrowding were not the main reason why staff members appoint selected prisoners to manage other prisoners, and also engaged in verbal abuse and discriminatory treatment of prisoners. Prison population at the WUP, RSP, KSP and DSP were relatively fewer compared to KCP and GDP (see Chapter Five). Likewise, despite the fact that not all prison inmate participants (n=52) at KCP and GDP reported verbal abuse, trafficking and

discriminatory treatment of prisoners as some of the prison staff reactions to overcrowding, it does not necessarily mean that staff members at KCP and GDP were not engaging few prisoners to control prisoners, engaged in verbal abuse and trafficking, and discriminated in treating prisoners. Of the fifty-five prison inmate participants (85%) who cited that staff engaged selected prisoners to manage other prisoners as one of the staff responses to overcrowding, forty-two were residing in KCP and GDP. In addition, of the forty prison inmate participants (62%) who mentioned staff discrimination in their dealings with prisoners as one of the staff reactions to overcrowding, thirty-seven were from KCP and GDP. This indicates that the use of prisoners to control other prisoners as well as the use of verbal abuse and trafficking, including discriminatory treatment of prisoners are common strategies used by prison staff in the six Nigerian prisons. It could also be that prison staff members were engaging in those three response strategies as they consider them to be part of the normal or special approach to managing prisoners in both under-occupied and overcrowded prison.

As presented in Table 6.5 above, sixty per cent of respondents (n=39) stated staff members were turning to religion for a solution to prison overcrowding, according to prisoners. This implies that even prisoners in the six Nigerian prisons observed were aware of the difficulty posed by overcrowding which the staff members were experiencing.

To confirm the eighty-five per cent of participants' claim concerning the use of prisoners to manage prison activities (n=55), the observations revealed that prison staff engaged inmates in performing most prison activities. Prisoners were engaged in fetching water; chopping fire wood; cooking prisoners' meals; washing plates and clothes; washing prison staff motor-cycles and cars; and sweeping prison offices and prison premises including workshops. Picture 6.7 best exemplifies how prisoners were engaged in running the daily prison activities at three of the six Nigerian prisons observed.



**Picture 6.7:** Prisoners participating in prison work



**Source:** observation (2011).

It was observed that apart from the main prisons' gates and armoury, prisoners were posted in every significant place at the six Nigerian prisons observed. The appointed prisoners were empowered to exercise partial control of their assigned posts. The researcher was informed that prisoners' leadership were instituted with the 'General Head' or 'Sarkin Gida' being appointed by the staff to oversee the affairs of other inmates in the prison. I observed that one, two or more prisoners were stationed at each of the prisoners' dorm, the kitchen, sickbay, and workshops. Picture 6.8 shows an appointed prisoner supervising an inmate who was ordered to clean a toilet inside a prisoners' dorm. Active engagement of prisoners in prison management such as appointing some prisoners to oversee the affairs of other prisoners would negatively impact the prison management. The use of prisoners' leadership will also pose safety and security risks to both staff and prisoners, and challenges prisoners' rehabilitation activities (Sloth-Nielson, 2008; UN, 2010; UN, 2013).

**Picture 6.8:** Prisoner supervising a fellow prisoner - cleaning the latrine in a dorm



**Source:** Observation (2011).

Of the fifty-five prison inmate participants (85%) who reported that staff engaged selected prisoners to control other inmates, one of the participants disclosed the prisoners' leadership structures as well as their duties at KSP. The prisoner added that:

The prisoner appointed as our [inmates] head is called 'Melayis'. Melayis' duties include: sharing food and water to inmates; apportioning physical space to new comer inmate; allocate blanket and bed or mat (if available); settle dispute; convey inmates' complaints to staff; and report to staff any occurrences in the dorm (IIKP03).

The appointment of a prisoner to lead other prisoners at the six Nigerian prisons is unlikely to be free from bias and does not adhere to clear criteria. The researcher was informed by one Superintendent in one of the six Nigerian prisons observed, that formal risk assessments are not often conducted before the selection and appointment. Prisoners' leadership are largely determined by the degree of staff-inmate intimacy a prisoner exhibited, including the readiness to comply with institutional orders even if the orders are detrimental to prisoners' interest rather than prisoner's criminal history and imprisonment record. Also, given the role and benefits attached to the prisoner's leadership, selection and appointment of prisoners' leadership are based on the prisoners' readiness to go against prisoners' interest and willingness to protect staff interests, as suggested by other studies (Martin *et al.*, 2014; Tertsakian 2014). The findings are incongruent with a study that claimed staff appointments of leadership among prisoners are largely determined by factors related to prisoners' criminal career and degree of institutional adjustment rather than their social and economic background traits (Clemmer, 1958; McCorkle and Korn, 1962; Schrag, 1954).

The findings indicate that staff members at the six participating Nigerian prisons used multiple coping strategies: emotional-centred and problem-focussed coping strategies. However, the staff response strategies were more problem-focussed rather than emotion-centred approaches. As shown in Table 6.5, of the twelve response strategies used by staff, only four strategies: restlessness and anxiety; frequent use of solitary confinement; verbal abuse; and discriminatory treatment of prisoners were emotional-centred coping strategies. The findings revealed that prison staff members, in similar ways to prisoners, referred to religion as a solution to overcrowding (Carver *et al.*, 1989; Regan, 2009).

It is pertinent to mention here that no reported use of maladaptive coping strategies such as absenteeism, and use of drugs and alcohol by staff members in the six Nigerian prisons were observed. Thus the results are incongruent with other studies that found absenteeism and use of drugs and alcohol by staff in coping with stressful condition in prison (Mohiro *et al.*, 2004; Regan, 2009).

When the forty-six prison staff participants (n=46) sampled from the six participating Nigerian prisons were asked to state how staff members responded to prison overcrowding, and multiple responses were allowed. As shown in Table 6.6, nine types of prison staff responses were identified. The most frequently mentioned coping strategy was that staff members continue with their work as usual, while the least reported response used by staff was to engage selected prisoners to control other inmates. The participants who said staff were doing overtime at work (n=35, 76%), and complained to top prison management (n=29, 63%) as ways of responding to overcrowding were working at KCP and GDP. The reason for this may be that WUP, RSP, KSP and DSP were officially under-occupied but practically overcrowded (see Chapter Five) thus staff members at these four participating Nigerian prisons would not consider doing extra hours at work or have no convincing reason to complain to senior prison officials about the situation.

**Table 6.6:** Staff response tactics at the six Nigerian prisons, according to prison staff, n=46

Response strategy	FQ	(%)
Accept the condition: go about doing work as usual.	42	91
Pray to Almighty God for solutions.	40	87
Suspended, altered or halted inmates' daily regime activities.	39	85
Strict compliance with prison rules and orders.	39	85
Extra hours on duty.	35	76
Restlessness and anxiety.	33	72
Complain to top prison managers.	29	63
Walk around to console inmates.	28	61
Engage some selected prisoners to control other inmates.	8	17

Moreover, all prison staff participants (n=14) sampled from WUP, RSP, KSP and DSP were among the ninety-one per cent of respondents (n=42) who reported that staff members accept the condition and went on doing their work as usual. Supporting their claim, a staff member at WUP commented that 'prison officers don't do any-thing because of overcrowding. The Superintendent would rather be happier with the growing numbers of inmates in the prison because of the financial benefit around it'

(QWP01). The above statement implies that top prison officials (Superintendents) at the six Nigerian prisons observed are aware that the staff members are suffering as a result of overcrowding. Supporting the above statement, a staff member at GDP argued that ‘staff members work as usual. They show nothing and cannot do anything about the condition, simply because they are subordinate staff; they respect orders from above’ (IDGP04). This is not a surprising finding. Many prison staff members may not consider prison overcrowding as problematic because even dorms and classes at one of the five NPS Training schools where prison staff are undergoing training were reportedly overcrowded (Jefferson, 2007). It also suggests that prison staff members were aware of overcrowding but they were powerless: they cannot alter the situation. The results lent support to those studies that found work in Nigerian prisons are strictly regimented (Alabi and Alabi, 2011; Jefferson, 2004; 2007), and confirm one another study which showed that the training and orientation prison staff underwent in NPS Training school is ‘centred on moulding or conditioning staff to face the tasks that will meet them in prison without complaining’ (Jefferson, 2007: 258).

The findings suggest that staff members at the six Nigerian prisons used both emotional centred and problem-focussed coping strategies. But, the results indicate that the staff engaged in more problem-focussed than emotional-centred response strategies. This implies that staff members at the six participating Nigerian prisons tend to exhibit adaptation rather than resistance strategies in response to prison overcrowding. Prison staff members’ response to prison overcrowding tend to be problem-focussed rather than emotional-centred strategies because much of the actions did not involve the use of minimising or looking at the positive aspect of a given situation; sought for counselling; and efforts to relinquish their jobs or duty posts due to stress resulting from overcrowding (Biggam *et al.*, 1997; Mohiro *et al.*, 2004). The results are congruent with a study’s findings, which suggest that prisoners’ reactions to overcrowding in prison are a combination of brutal selfishness and unexpected generosity, rivalry, creativity, resilience, patience and despair (Tertsakian, 2014:5).

Differences in views between participants (n=111) were found. Of the thirteen reported kinds of responses engaged by prison staff in the events of overcrowding, only prison inmate participants reported staff engaged in verbal abuse and trafficking (n=22, 20%), the use of solitary confinement (n=24, 22%), and discrimination in handling prisoners (n=40, 36%) as kinds of responses used by staff at the six participating Nigerian prisons. It may be the case that prison staff participants (n=46)

refused to mentioned verbal abuse, frequent use of solitary confinement and discriminatory treatment of prisoners as strategies used by prison staff response to overcrowding because they knew those responses were unacceptable in prison, or they did not consider those responses as particular ways of managing prisoners in an overcrowded prison. Only prison staff participants (n=29, 23%) reported that staff complained about the situation to senior prison officials, while only a small number of prison staff participants (n=8, 17%) reported staff were appointing particular prisoners to control other inmates. This can be interpreted in two ways. On the one hand, it could be that staff members are aware of the negative consequences associated with the use of prisoners to control other prisoners in prison. On the other, perhaps staff members consider engaging prisoners to control other prisoners as normal or a particular way of managing prisoners especially in overcrowded Nigerian prisons.

Given the emergent findings, it is apparent that prison staff sanctions prisoners' leadership at the six Nigerian prisons. However, the question of exactly who are these prisoners and how they are rewarded for their services must be asked. The NPS' SO No. 243 and 550 (2011) prohibits staff engaging inmates in any type of work or training particularly the remand prisoners without the Superintendent's approval. In addition, remand prisoner must be consented before engaging in any prison work, and the prisoner should be paid at an approved rate (SO No. 243, of 2011). But this legal provision does not clearly state the rate at which a remand prison will be paid or how the approved rate will be determined. Engaging selected prisoners to control other prisoners may not only pose concern about legitimacy but also add to the risk of exploitation (Sloth-Nielson, 2008; Tertsakian, 2014). Staff engaging prisoners' leadership in managing prison activities may encourage exploitation between staff and inmates as well as prisoner to prisoner (Sloth-Nielson, 2008; Tertsakian, 2014). A female prisoner participant at GDP offered some answers. She commented that:

Prison staff members appoint 'Melayis' or room leaders were and Melayis gain. ..., Room leaders enjoy extra meal and other essential commodities. Leader gain is based on the number of inmates in a dorm. The more the prisoners in a cell, the more Melayi earns. Besides, Melayi dictates who does what in dorm (GIGP03).

The above statement implies that prisoners are executing some of the prison staff duties, and that Melayis are not officially paid for the services they are rendering on behalf of prison staff. It also indicates that prison staff members are aware of the

Melayis' exploitative actions. The result lent support to a study that found leadership roles among prisoners is an asset as 'the higher a prisoner's position in the system, the richer he or she could become' (Tertsakian, 2014:7). Another possible explanation why staff members engage prisoners' to control other prisoners may be due to understaffing challenges at the six Nigerian prisons. As discussed in the preceding chapter, the six Nigerian prisons were understaffed (see Chapter Five). Thus, these findings confirm a study which showed that prisoners were allowed to govern themselves to some extent in response to staff shortages in overcrowded Nigerian prisons (AI, 2008a; Tertsakian, 2014). However, prison staff appointing some prisoners to govern themselves not only poses safety and security threat in prison but also challenges prisoners' reformation and rehabilitation goals the NPS strives to achieve (see Chapter Three).

With regards to the style of management prison staff employed at the six Nigerian prisons. The findings suggest that prison staff adopted social control and consensus management models in response to prison overcrowding. Prison staff adopted a social control model of management as prison staff members were reportedly conforming to prison rules and orders, and staff went on doing their work as usual despite the overcrowding condition in prison. In addition, prison staff members are compelled to work extra hours; restrict daily prison activities; and frequently hold prisoners in solitary confinement with the goal of restoring order. Those cited responses displayed by prison staff as suggested by other studies are characteristics of a social control model of prison management (Dilulio, 1990; Martin *et al.*, 2012; Reisig, 1998). This means prison staff members were aware of overcrowding in prisons they were working, and the negative consequences overcrowding could have to prison, prisoners and staff.

Moreover, prison staff adopted a consensus style of management in response to overcrowding at the six Nigerian prisons. As indicated by the findings, prison staff were reportedly walking round to console prisoners as way of easing the overcrowding; staff discriminately engaged with some prisoners to control other prisoners; prison staff engaged in verbal abuse such as the use of insulting words or commands to prisoners; prison staff altering prison orders for the sake of prisoners' expediency such as bringing in contraband goods for example mobile phones, food, cigarettes, marijuana and other narcotics to prisoners, and or secreting information from prisoners to outsiders without the Superintendent's consent. All these actions as shown by other studies are characteristic of consensus model of prison management

(Reisig, 1998; Martin *et al.*, 2012). This indicates that prison staff members were concerned about prisoners' suffering resulting from overcrowding but they were powerless: they cannot change the situation. The two management models adopted by prison staff members in the six Nigerian prisons observed seem to work (repeatedly) because those prisons were practically understaffed and overcrowded (Dilulio, 1990; Martin *et al.*, 2012; Reisig, 1998). However, the results reveal that the application of the two management models have negatively affected prisoners' daily life particularly the out-of-dorm activities including prisoners' rehabilitation programmes.

### **Who Benefits From Prison Overcrowding?**

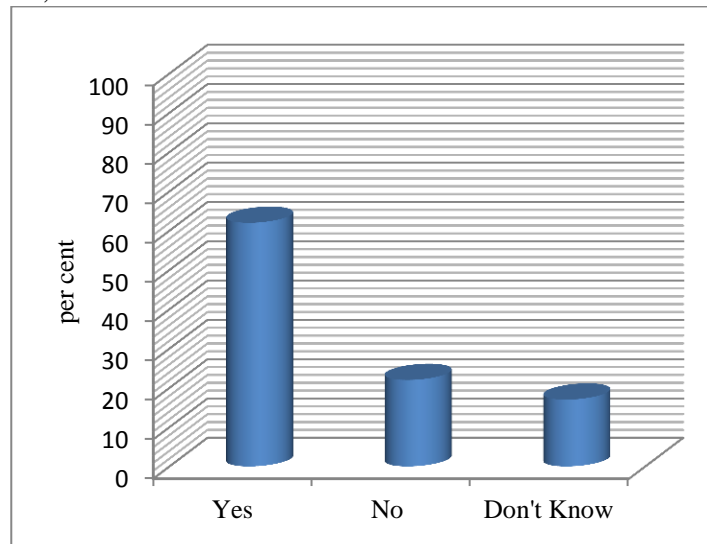
This section assesses participants' perspectives on profiteering as a result of prison overcrowding. Profiteering in this context refers to any act of making illegitimate financial or material gain at an individual and institutional level. This inquiry is based on the perception of widespread of corruption in the Nigerian criminal justice system (CLEEN, 2010; ICJ, 2005; Nwabuzor, 2005; Osinbajo, 2007; Ugochukwu, 2011) and NPS in particular (AI, 2008a). It is pertinent to note that the researcher found that the discussion of profits associated with prison population in the Nigerian prisons system were sensitive. Many of the study participants particularly the prison staff and inmates were unwilling to talk about those issues. The researcher was informed that special permission must be sought in order to gain access to information regarding how some of those aspects of Nigerian prisons management such as prisoners' food, drugs and cooking gas supplies are processed. Thus, findings in this section mainly reflected participants' views on profiteering resulting from overcrowding at their respective prisons or any other Nigerian prisons they knew.

The presentation and analysis of the findings will be based on the three categories of participants; 69 prison staff, 65 prisoners and 32 other stakeholders. Two questions were asked in relation to profits made by imprisonment. First, did participants believe that an individual profits from prison overcrowding. Secondly, participants were requested to mention the groups of individuals and institutions that profit as a result of overcrowding at their respective prisons or any Nigerian prisons they visited.

Figure 6.1 provides summary views of the prison inmate participants (n=65) at the six Nigerian prisons observed. Sixty-two per cent of participants (n=40) expressed the belief that individual profits, and seventeen per cent of respondents (n=11) stated

that they did not know any gain derived as a result of prison overcrowding at the six Nigerian prisons.

**Figure 6.1:** Perceived gain as a result of overcrowding at six Nigerian prisons, according to prisoners, n=65



Differences in views between participants were found. Nine of the fourteen participants (22%) who said they did not know whether someone gained out of overcrowding were female prison inmates. It could be that female prisoners at the six Nigerian prisons did not believe that individual gains as a result of overcrowding because their dorms were relatively under-occupied and appeared to be superior compared to a male's cell (see Chapter Five). Also, of the sixty-two per cent of participants (n=40) who expressed the belief that an individual gained from overcrowding at the six participating Nigerian prisons, twenty were remand prisoners. The remand prisoners' claim, to some extent, relates to the time they are being held in prison without trial yet, prisons were admitting more people (see Chapter five).

The study went further to inquire which groups of individuals and institutions profited in the event of prison overcrowding at the six participating Nigerian prisons. Five groups of individuals and two institutions were reported by participants, and are listed in order of frequency in Table 6.7 below.



**Table 6.7:** Profiteering individuals and institutions at six Nigerian prisons, according to prisoners, n=65.

Individuals	FQ	(%)	Institution	FQ	(%)
Prison staff.	39	60	Prison contractors [Company].	30	46
Court judges and officials.	24	37	Prison Department.	7	11
Counsels.	20	31	-	-	-
Public prosecutors.	10	15	-	-	-
Prison inmates.	8	12	-	-	-

As shown in Table 6.7, the most frequently cited groups of individuals were the prison staff members, while the least reported individuals were prisoners. Prison contracting companies were the most frequently mentioned institutions, while Prison department was the least cited institution that gained as a result of overcrowding at six Nigerian prisons observed. Prison contractors are registered companies appointed by the state to provide goods and services such as food, medicine, water, soap and beddings to prison. Public prosecutors are the prosecuting counsels employed by the state. Counsels in this context refer to legal professionals that provide legal services to prisoners including court representation. Often, prisoners or their families and friends, the state, and non-state actors employ counsel(s). Some counsels deliberately delay trials by requesting adjournments, purposely to ensure the full payment of their professional fees prior to the conclusion of the trial, while other counsels who are paid on the basis of the number of court appearances, consciously delay criminal trials with a view to increasing their fees (Olong, 2010).

Supporting the claim that prison staff gained out of prison overcrowding, a remand prisoner commented that:

Yes, the prison staff did gain especially during visit hours. The more the number of visitors [inmates' family, friends and relatives], the higher the returns staff members gain. Sometimes, you can be deprived of your right to receive gifts and enough time during visit if you did not pay your way' (QIKC12).

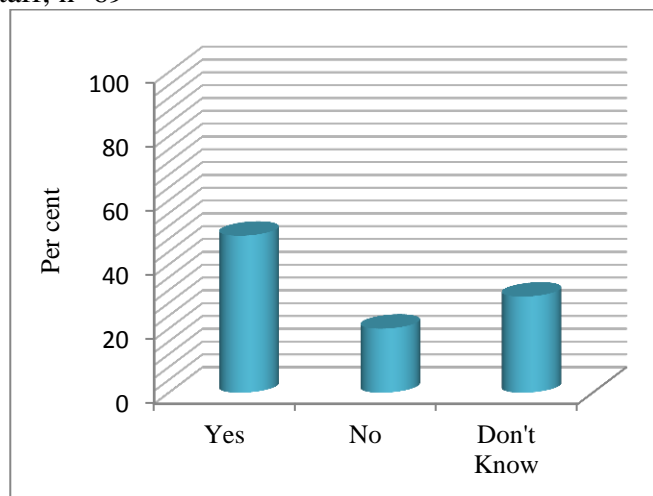
The above statement indicates that gain out of prison overcrowding is not restricted to prison populations being manipulated by some prison staff and prison contractors. It also means that other prison staff members deployed to coordinate or supervise prisoners' contact with outside world such as visit also gain.

Commenting on how prisoners profited, a female prisoner reported that 'the appointed leaders among prisoners did gain. The leader in a dorm enjoys extra meals

and other essential commodities..., ...based on the number of inmates in a dorm. The more the prisoners in a cell, the more the leader [prisoner] earns' (GIGP03).

Figure 6.2 below summarises the sixty-nine prison staff participants' views concerning perceived gains out of overcrowding. As shown in Figure 6.2, forty-nine per cent of participants (n=34) expressed the belief that an individual gained, and twenty per cent (n=14) stated that no one gained out of overcrowding in Nigerian prisons.

**Figure 6.2:** Perceived gain as a result of overcrowding at six Nigerian prisons, according to prison staff, n=69



Over half of prison staff participants (n=35, 51%): consisted of 21 participants who reported that they did not know whether an individual gained and 14 participants stated that no one gained out of overcrowding, were all silent about the question. This confirmed earlier speculation that inquiry about corruption in the NPS is sensitive particularly among serving prison staff.

With regard to groups of individuals and institutions that profited out of the overcrowding at the six participating Nigerian prisons, two groups of individuals - prison staff and courts judges and officials were mentioned as the groups of individuals that gained out of overcrowding. Of the two groups of individuals that gained out of overcrowding, prison staff (n= 30, 43%) was the most frequently mentioned individuals while the least cited were courts judges and officials (n=5, 7%). Prison contracting companies was as the only institution cited that gained as result of overcrowding at the six Nigerian prisons (n=32, 46%).

Of the seven per cent of participants (n=5) who mentioned courts' judges and officials profited as a result of overcrowding at the six participating Nigerian prisons.

A prison staff member reported that:

I strongly believe that prison managers and contractors do connive or do what we call 'local arrangement' in which the prison manager or officer in charge takes the feeding and gas contracts from the main contractors thus, reduce the quantity and quality of the supplies for his own gain. In fact, that why you hardly see any meaningful check on prisons contracts because every concern officers are enjoy the financial gains derived out of the deal' (IDGP04).

Also, of the forty-three per cent of respondents (n=30) who reported prison staff among the individuals that gained out of prison overcrowding, a staff member argued that:

Look, I strongly believe it is because of the gain some top prison officials derive out of overcrowding, that is why overcrowding continues. In fact, that is why I told you overcrowding in Nigerian prisons, to large extent, are man-made, and a deliberate phenomenon' (FGKC01).

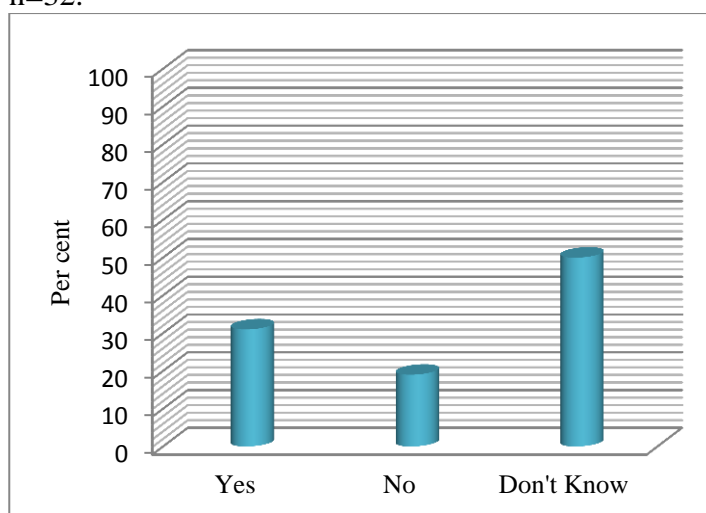
The above statements imply that not all staff member at the six participating Nigerian prisons profited as a result of prison overcrowding. It also means that only top prison officials - superintendent of prisons and other senior prison officers directly assigned to monitor prison contracts gained. However, the above statements did not to recognise the fact that other prison staff members were reportedly gaining out of prison overcrowding through engaging in trafficking and extorting cash or gifts from prisoners' families and friends in return for extra time or favour during prisoners' visit.

As previously mentioned, discussion of profits associated with prison population in Nigerian prisons is sensitive. The numbers of prison inmate participants who respond to questions concerning gains associated with overcrowding in Nigerian prisons are greater than the number of prison staff participants. Only prison inmate participants reported Prison Department, counsels, prosecutors and prisoners among the groups of individuals and institutions that profited as a result of overcrowding in Nigerian prisons. Despite variations in views, the overwhelming majority of participants expressed the belief that overcrowding is offering some profitable

opportunity to some groups of individuals and institutions. The emergent findings create the basis for an inquiry at macro level.

At macro level, the thirty-two other stakeholder participants (n=32) were asked to state whether they believe someone gained out of the overcrowding in Nigerian prisons. Figure 6.3 summarises their responses. Half of the participants (n=16, 50%) said they did not know, and a relatively small number (n=6, 19%) expressed the belief that no one gained in the event of overcrowding in Nigerian prisons.

**Figure 6.3:** Perceived benefits from prison overcrowding in Nigeria, according to other stakeholders, n=32.



Differences in participants' views were found. The thirty-one per cent of participants (n=10) who believed someone profited out of the overcrowding in Nigerian prisons were NGOs and human rights advocates. Half of participants (n=16) who said they did not know whether someone gain out of overcrowding in Nigerian prisons were scholars, judges, and prosecutors. Of the six participants (19%) who said no one profited out of overcrowding, two were counsels.

With regard to groups of individuals and institutions that profited in the event of prison overcrowding in Nigeria, three groups of individual and two institutions were reported see Table 6.8.

**Table 6.8:** Perceived profiteering individuals and institutions in Nigeria, according to other stakeholders, n=32

Individuals	FQ	(%)	Institution	FQ	(%)
Prison staff.	10	31	Prison contractors [Company].	10	31
Court judges and officials.	6	19	Government.	2	6
Staff at ministry of interior.	5	16	-	-	-

The most frequently cited groups of individuals were prison staff members and the least mentioned individuals were staff members at the Nigerian Interior Ministry responsible for awarding contracts in Nigerian prisons. Also, companies doing contracts in prison were the most frequently cited institutions that were believed to be profiting out of the problem of overcrowding in Nigerian prisons. A counsel described how prison staff members are gaining from extreme overcrowding condition in Nigerian prisons. He asserted that 'prison staff uses the overcrowding to exploit and extort money from lawyers that come to see their clients, and inmates' visitors by flaunting procedural restrictions on visitation' (QPC02). The above statement supports earlier claims of some prison staff extorting prison visitors. Given the results, it implies that other stakeholders in the administration of criminal justice in Nigeria are less aware of, or less willing to acknowledge, profiteering as a result of overcrowding.

Surprisingly, only prison inmates and other stakeholder participants mentioned Prison Department, counsels, prosecutors and prisoners among the groups of individuals and institutions that profited as a result of overcrowding in Nigerian prisons. However, a common view expressed by over half of the respondents (n=90, 54%) was that some groups of individuals and institutions gained out of the prison overcrowding.

Understanding the process, including the execution of contracts in Nigerian prisons seems to be difficult. The author accessed very little official documents or data concerning Nigerian prisons' contracts. The researcher was informed that Nigerian prison contracts are not open to public scrutiny for security reasons. Moreover, neither prison Superintendents nor states prisons' Controllers/Governors appoint contractors. Prison contracts are awarded by the top NPS officials in conjunction with officials at the Ministry of Interior in Abuja. Prisons Superintendents, as well as the states and regional NPS officials are only providing a minimal supervisory role. The researcher was informed that, often, some of the Nigerian prisons' contracts are awarded to serving and retired prison officials as well as influential Nigerians and politicians.

It was observed that contracts in Nigerian prisons are awarded on a monthly basis, and the actual prison population determines payment of contracts rather than the prison's rated capacity. The researcher was informed that the supply of prisoners' foodstuffs, cooking gas and drugs are the most frequently awarded contracts in the Nigerian prisons. The cost of food per prisoner every day was two hundred (₦200) Naira or £0.81 sterling. Cooking gas is supplied at the rate of twenty-two Naira four

Kobo (N22.4K) or £0.091 pence per inmate daily. However, I observed that cooking gas is substituted with firewood at the six Nigerian prisons, which means that Nigerian prison authorities were either conniving with prison contractors for personal gain - as firewood in Nigeria is cheaper than cooking gas, or that the gas is unavailable. It may be the case that the funds allocated for the supply of cooking gas was insufficient. The cost of medicine per prisoner is considered as classified information with NPS, thus the researcher was unable to obtain precise costs of medical supplies per inmate in Nigerian prisons. Nevertheless, deducing from the above explanations, it is clear that actual prison population is playing a vital role in the management of prisons in Nigeria as it is used for determining supplies and payments of contracts. Above all, because actual prison's capacity instead of a prison's design capacity are used for payment of contracts in Nigerian prisons, corrupt prison officials and staff including prison contractors will always give priority to prison numbers - in terms of prisons' daily supplies, which in turn, affect prison overcrowding.

Judging from the findings, it implies that overcrowding in Nigerian prisons is creating profitable opportunities for particular groups of individuals and institutions. The more people are sent to prison, the more likely some groups of people and institutions profit thereof. The findings are congruent with studies that found that privatisation of some aspects of prison management, particularly in an ineffective, poorly monitored and non-transparent prison system could encourage exploitation, abuses and corruption (Goyer, 2011; Logan, 1990; Riveland, 1999; Shichor, 1998).

In a nutshell, the chapter explored particular issues accompanying prison overcrowding in Nigeria. The findings revealed that overcrowding in prison affects both individuals and institutions. Institutional mechanisms such as the government, judiciary, counsels, and prison are affected by overcrowding. Also, it was observed that prison overcrowding affects not only prisoners and criminal justice officials, but also groups of individuals outside the criminal justice system such as inmates' family and friends who were affected.

Prison staff and inmates' reactions and adaptation strategies in an overcrowded prison were assessed. The results revealed that in the event of overcrowding, prisoners at the six Nigerian prisons used multiple approaches of both emotional-centred and problem-focussed coping strategies. Prisoners complained to staff, defied prison orders, protested, and attempted escapes. While the adaptation tactics prisoners engaged were more problem-focussed coping tactics than emotional-

centred coping strategies. Prisoners' seek family and friends support, pray to God, access basic service by queuing and frequently rearranged beds or mats in dorms to accommodate more inmates. With regard to staff, the findings revealed that staff engaged more problem-focussed than emotional-centred coping approaches in responding to prison overcrowding. Staff engaged in prayers to God for solution, selected a small number of prisoners to control other prisoners, and went about doing their work as usual. The results revealed that few selected prisoners were performing some of the prison staff members' duties. Nigerian prisons staff sectioned prisoners' leadership, and the practice had not only allowed discriminate treatment of prisoner by fellow prisoner and staff-inmates exploitation, but also permitted some prisoners to exploit other prisoners. Additionally, the results revealed some connections between prison overcrowding and the formation of prison gangs in the six Nigerian prisons observed.

The findings indicated that prison staff adopted both social control and consensus management models as prison staff used to strictly conform to prison rules, restricted prisoners' activities and at same time showed concern about prisoners' sufferings resulting from overcrowding by consoling them, and bent or ignored prison rules for the sake of prisoners' comfort. It was argued that most of the reported reactions and adaptation strategies engaged by both prisoners and prison staff in response to prison overcrowding in the six Nigerian prisons observed are not only posing threat to security and safety in those prisons but also undermined prisoners' reformation and rehabilitation activities the NPS seeks to realise.

Participants' perspectives on profiteering as a result of prison overcrowding were also assessed. The findings revealed that the overcrowding in Nigerian prisons is seen to be connected to privatisation of aspects of imprisonment. Despite variations in views, the overwhelming majority of participants expressed the belief Nigerian prisons overcrowding is creating profitable opportunities for some individuals and institutions.

The emergent findings have lent support to numerous studies about the complexities that accompany prison overcrowding and also added to the limited research exploring prison staff and prisoners' coping strategies in an overcrowded prison. In the next chapter, the institutional responses to, and preventive measures of prison overcrowding in Nigeria will be assessed.

## Chapter 7

### Institutional Responses to Prison Overcrowding in Nigeria

This chapter examines participants' perspectives on institutional responses and preventive measures of overcrowding in Nigerian prisons. Differing from the two preceding chapters, in this chapter, participants' views on the topics will be presented and analysed on three categories of participants. The chapter begins by assessing participants' perspectives on the institutional responses to overcrowding as a systemic as well as a crisis issue and will explore how avoidable overcrowding is in Nigerian prisons. Thereafter, the participants' views on the solutions to overcrowding in Nigerian prisons will be presented.

This section examines the responses of Nigerian institutions in the event of overcrowding in Nigerian prisons. The institutions in question are the Nigerian Prison Service, the Nigerian judiciary and other government judicial agencies such as the NPF, HRCN and LACN, and non-state actors such as the British-DFID and Network for Justice Organisation. Study participants (n=166) were asked to state how each of the institutions and organisations respond to overcrowding.

#### **Nigerian Prison Service Response to Prison Overcrowding**

Realistically, what the NPS could do in the event of overcrowding is to improve prison structures, facilities and service delivery. The NPS can also transfer prisoners from overcrowded prisons to other under populated prisons and notify other stakeholders about the situation (see Chapter Three). Responses by the one hundred and sixty-six participants (n=166) were divided into thirteen categories. As shown in Table 7.1, the most frequently mentioned response used by the NPS was alerting other stakeholders about the overcrowding and referring inmates to courts for leniency. While the least cited response was to make efforts to present inmates to courts promptly.



**Table 7.1:** NPS reported responses to prison overcrowding, according to study participants, n=166

Response	Prison Inmates (n=65)		Prison Staff (n=69)		Other Stakeholders (n=32)		Total (n=166)	
	FQ	(%)	FQ	(%)	FQ	(%)	FQ	(%)
Refer inmates to judiciary/courts for leniency.	41	63	40	58	25	78	106	64
Alert other stakeholders about the situation.	30	46	50	72	26	81	106	64
Transfer inmates to other under populated prisons.	32	49	48	70	17	53	97	58
Go about doing work as usual.	45	69	24	35	23	72	92	55
Sought the intervention of individuals, philanthropists and NGOs.	23	35	37	54	25	78	85	51
Improve communications between inmates and their families/relatives.	26	40	-	-	21	66	47	28
Expand prison structures and facilities.	-	-	38	55	-	-	38	23
Recruit additional staff.	-	-	31	45	-	-	31	19
Enhance security in prison.	-	-	27	39	-	-	27	16
Built new prison.	-	-	15	22	-	-	15	9
Request additional funds.	-	-	-	-	10	31	10	6
Producing inmates to court promptly.	-	-	-	-	5	17	5	3
Don't know.	29	45	10	14	7	22	46	28

Different views were found within and between the three categories of participants. From the perspective of prison inmate participants (n=65), the most frequently reported response was that nothing was done about the condition by the NPS, as prison is being managed as usual. This suggests overcrowding in Nigerian prisons is a systemic rather than a crisis issue. The least cited response was that the NPS sought the intervention of NGOs, philanthropists and individuals to support prisons with food, water, medicine as well as paying court imposed fines or compensations for sentenced prisoners held in default. Of the forty-five per cent of prisoners (n=29) who said they did not know any kind of response engaged by the NPS, seven (n=7) of the twenty-nine were inmates at the three Nigerian satellite prisons. This indicates that prisoners at the three participating Nigerian satellite prisons were not aware of the NPS interventions. Also, of the majority of inmate participants (n=45, 69%) who said the NPS was not doing anything about the overcrowding, seven (n=7) were inmates at the three Nigerian satellite prisons. This implies that the NPS responses to prison overcrowding are limited to maximum- and medium-security prisons located in urban areas with a relatively higher prison population. The twenty-three inmate participants (35%) who stated that the NPS sought support from outside the prison service were prisoners from the two metropolitan prisons; KCP and GDP. This indicates that because prison population at KCP and GDP had exceeded capacity thus the NPS

would not be able to adequately cater for prisoners' needs. In essence, the results suggest that only prisoners residing in prisons where the number of prisoners had exceeded capacity were aware of the NPS interventions. It also implies that the NPS responses to prison overcrowding are rather selective, as it concentrates on prisons located in city with a relatively higher population.

With regard to prison staff participants (n=69), ten types of response were reported. As presented in Table 7.1, the most frequently cited response was that the Nigerian prisons authorities notify other stakeholders about prison overcrowding. Only fourteen per cent (n=10) reported that they did not know of any kind of action taken by the NPS. This means the NPS had limited capacity to response to prison overcrowding.

Of the thirty-five per cent of prison staff participants (n=24) who said Nigerian prisons authorities go about doing their work as usual, eight were prison staff working at the three Nigerian satellite prisons. This finding supports earlier results, which suggest that the NPS responses to prison overcrowding are limited to prisons with higher population based in cities. However, even some of the NPS responses reported in prisons with high population located in urban areas were also contested. Of the twenty-four prison staff participants (35%) who said Nigerian prisons authorities go about doing their work as usual, a female staff member at a medium-security prison based in city lamented that:

Nigerian prison authorities never do anything, you see work going on as usual until alarm blows. In fact, the NPS acts or complains about prison overcrowding to other stakeholders mainly when there were incidence of protest, riot, or jailbreak' (IDGP01).

The above assertion is in line with a study that found prison matters mainly drew the attention of stakeholders including the public if there were serious incidences of escape, riots or death in prison (Coyle, 2002b). Inferring from the above statement, it implies that Nigerian prison authorities considered prison overcrowding as an emergency rather than systemic issue, as the NPS response to prison overcrowding only occurs when prisoners react violently.

Over half of the participants (n=97, 58%) said the NPS transferred prisoners between prisons as one of the NPS responses to overcrowding. However, moving prisoners between Nigerian prisons must be sanctioned from top NPS management (see SO No. 111, sect. a, c and e of 2011). This suggests that transferring prisoners

between Nigerian prisons is not a straightforward task, and thus the process can be problematic.

As shown in Table 7.1, the most frequently cited response by other stakeholder participants (n=32) was that the Nigerian prison authorities notify other stakeholders about the overcrowding. The least reported action taken was the improvement of the means of presenting inmates to courts such as maintenance and procurement of additional vehicles. Differences in views among other stakeholder participants (n=32) were found. The seven participants (22%) who said they did not know any form of action taken by the NPS were public prosecutors. Again, two of the five participants (n=5) who said the NPS responses to overcrowding, including producing inmates to courts promptly, were magisterial court judges. The two above findings indicate that overcrowding in Nigerian prisons is construed in the context of arithmetic formula - prison population had exceeded prison capacity. It also implies that the majority of prisoners in many overcrowded Nigerian prisons were remand prisoners, which the NPS has no power to release or to do anything about it. In essence, this indicates that the NPS had limited capacity to respond to prison overcrowding particularly in those overcrowded prisons resulting from growing numbers of remand prisoners. Commenting on the NPS seeking outside support and assistance in response to prison overcrowding, a private counsel reported that 'they [NPS] resign their fate to good Samaritans and NGOs to advocate their cause' (QPC01). Similarly, a magisterial court judge posited that Nigerian prisons authorities 'seek for assistance from the government and corporate bodies for expansion of the prison structures, facilities and amenities. Sometimes the authorities refer some inmates to courts for leniency' (QMG04). The above assertions demonstrate that the NPS had a limited or no capacity to respond to prison overcrowding.

Respondents confirmed that the NPS seemed to be powerless to respond to overcrowding in Nigeria prisons. It also means that the Nigerian prisons system is not using back-door solutions or early release programmes such as custodial time limits for remand prisoners, parole, weekend imprisonment, half-way-homes and administrative good time for sentence prisoners. Of the six NPS' interventions summarised in Table 7.1, only moving prisoners to other prisons with enough capacity is the only direct intervention the NPS can engage in. Transferring prisoners between prisons in Nigeria, particularly at maximum- and medium-security prisons is time consuming, as the process is tightly bureaucratic. But moving prisoners between prisons in Nigeria is

restricted to sentence prisoners. Transferring prisoners between prisons generally requires special skills and effective logistics such as vehicle usage, which the six Nigerian prisons observed were lacking (see Chapter Five). Observations at the six participating Nigerian prisons suggested that prisons were understaffed, and two of the six prisons had no vehicle for transporting inmates, thus questioning this response to overcrowding. Additionally, given that previous chapters provided evidence that overcrowding is most acute in the case of remand prisoners, moving sentence prisoners would only have a limited effect on the overcrowding. The other five interventions centred on sharing information, seeking more funds and sought the intervention of individuals and NGOs. Arguably, most interventions engaged in by the NPS in response to prison overcrowding depend on other stakeholders' responses. Commenting on this position, a scholar among other stakeholder participants (n=32) argued that 'the Nigerian prison authorities have limited options' (QSC01).

Fifty-one per cent of participants (n=85) reported that the NPS sought the intervention of individuals, philanthropists and NGOs as one of the ways of responding to overcrowding. Seeking others intervention engaged in by the NPS in order to ease overcrowding is congruent with the strategy used by colonial prison administrators in some African colonies. One previous study in Africa (Bernault, 2007) found that due to absent or unpredictable financial resources to run the affairs of colonial African prisons, 'colonial prison directors were forced to rely on charity organisations and the detainees' families to ensure the prisoners' subsistence food, clothing, bedding, and health care' (Bernault, 2007: 90). The NPS seeking individuals and NGOs' intervention in response to overcrowding indicates that the NPS is practically underfunded and the Nigeria's political independent had a limited effect on the Nigerian prisons system's administration. The findings also lent support to other studies that showed little had changed in the way of how the Nigerian prisons system is funded and managed since Nigeria gained political independence from British colonial rulers in 1960 (Agozino, 2005; Alemika, 2009; Chukwuemeka, 2010; Saleh-Hanna and Ume, 2008).

The results indicate that the Nigerian prisons authorities were also engaging in problem-focussed coping strategies in response to prison overcrowding. An overwhelming majority of participants (n=106, 64%) expressed the belief that the NPS shared information regarding overcrowding with other actors. Thus, it is apparent that the uses of problem-focussed coping tactics in stressful conditions are not only

restricted to individuals but also the approaches are also used by some public institutions.

In conclusion, the findings revealed that the NPS lacked the power to adequately respond to prison overcrowding. A significant number of participants (n=106, 64%) stated that the NPS notify other stakeholders about the overcrowding and referred inmates to judiciary and courts for leniency. This can be interpreted in two ways. On one hand, it implies that Nigerian prisons system had a limited or no capacity to respond to prison overcrowding, particularly overcrowding resulting from the increase in remand prisoners. On the other hand, it demonstrates that there are gaps in communication and coordination between and among the components of the Nigerian criminal justice system, especially prison service and courts. Working as a system, the components in the Nigerian criminal justice, particularly the judiciary and prison service are supposed to be adequately informed of each other activities. The gap in coordination and communication between the prison service and judiciary could be one of the explanations why some studies and commentators claimed that the Nigerian criminal justice was not operating as a system (Aduba and Alemika, 2009; Alemika, 2009) but as a collection of fragmented institutions ‘operating at cross-purpose and producing contradictory results’ (Alemika, 2009:11).

### **Judicial and Other Government Agencies’ Interventions**

Participants were asked how the Nigerian judiciary and other government departments and agencies responded to overcrowding in Nigerian prisons. Table 7.2 presents thirteen responses to that question. The most frequently cited response relates to the periodical jail delivery exercise conducted by states and federation Attorney Generals while the least mentioned response was the annual prison audit conducted by the Nigerian Human Rights Commission (HRCN). HRCN is an independent Nigerian Government agency established promotes and protects Nigerians’ rights (see Chapter Two).

**Table 7.2:** Nigerian Judiciary and other related agencies' response to overcrowding, according to study participants, n=166.

Response	Prison Inmates (n=65)		Prison Staff (n=69)		Other Stakeholders (n=32)		Total (n=166)	
	FQ	(%)	FQ	(%)	FQ	(%)	FQ	(%)
Periodical jail delivery by Attorney Generals/ Chief Judges.	42	65	40	60	29	91	111	67
Visit by Prisons decongestion committee.	28	43	30	43	25	78	83	50
Special session of court held in prison.	26	40	42	61	10	31	78	47
Free legal service provided by Legal Aid Council of Nigeria.	22	34	35	51	20	63	77	46
Government contracted counsels for prison inmates.	29	45	6	9	10	31	45	27
Provide and maintain prisons' vehicles for prompt producing inmates to courts.	-	-	39	57	-	-	39	23
State and local councils paid fines of selected sentenced prisoners.	25	38	-	-	-	-	25	15
Legal Aid Council of Nigeria inform other stakeholders about prison conditions.	-	-	-	-	15	47	15	9
Police empowered to prosecute criminal case up to Supreme Court.	-	-	-	-	8	25	8	5
The provision of Witness' allowance in order to enhance speedy trial.	-	-	-	-	8	25	8	5
Annual Prison Audit conducted by the National Human Rights Commission of Nigeria.	-	-	-	-	3	9	3	5
Don't know.	7	11	8	12	-	-	15	9

Differences in views among and between participants (n=166) were found. As shown in Table 7.2, of the thirteen forms of responses reported by participants (n=166), periodical jail delivery conducted by states or federal Attorney Generals were the most frequently cited response. Also, the eighty-three participants (50%) who reported visits by the Prisons Decongestion Committee and the seventy-eight participants (47%) who mentioned special sessions of courts were held in prisons were participants working or living in city. However, the fifteen participants (11 %, 8 prison staff and 7 prisoners all based at satellite prisons) said they did not know any kind of action taken by Nigerian judiciary and other government related agencies. This means that the jail delivery exercises, the Prisons Decongestion committee activities and the special courts sessions reportedly carried out by Nigerian judiciary and other government related agencies were selective, as the activities were concentrated on prisons based in cities with relatively higher prison populations - KCP, GDP and WUP. The twenty-nine prison inmate participants (45%) who mentioned that counsels were contracted by the government for inmates were remand prisoners. This implies that sentence prisoners who wanted to appeal against their sentences without any financial means were excluded in the exercise.

In contrast, of the fifteen respondents (9%) who said they did not know any form of intervention by the Nigerian judiciary and other government related agencies, a former prisoner who has lived at GDP for more than twelve months expressed the belief that government agencies and departments were not taking action to ease prison overcrowding. He commented that ‘throughout my time in the prison, I have not seen anybody doing anything. This is because prison is considered to be a dead zone; public are not ready to get involved in prisons affairs’ (IIGP05). From a similar viewpoint, a remanded prisoner at GDP added that ‘nobody is willing to get involve in prison matters, because [prison] is considered to be a criminal dumping place and a non-productive centre, and the little efforts government is putting [in prison] are not sufficient enough’ (QIGP08). Judging from the above statements, it could be argued that the Nigerian judiciary and other related agencies are only responding to prison overcrowding when they were notified by the NPS when there are emergencies in prison such as incidence of protest, riot and jail break, and or when the prison population exceeded capacity.

The most frequently stated response by the Nigerian judiciary and other related agencies was the periodical jail delivery exercise carried out by chief judges. Nigeria’s jail delivery exercise was criticised by a staff member of the LACN. He contended that ‘jail delivery in Nigeria is biased, whenever the chief judges visited prisons, their attention were mainly on the awaiting trials, the sick and elderly prisoners. Also, prison officials selected the inmates they attend to’ (IDLC01). This assertion is congruent with one previous study, which suggested that the jail delivery exercise in Nigeria is unorganised, biased and not open to public scrutiny (Agomoh *et al.*, 2008). Also, the activities of prisons’ decongestion committee set by Governments was criticised by another staff member of the LACN. He lamented that ‘the prison decongestion exercise embarked by the government in which private lawyers were briefed to defend mainly indigent persons with indictable offences’ (QLC01). This means that prisoners accused for minor offences were excluded in the scheme. The above statements indicates that some of the reported interventions engaged in by Nigerian judiciary and other related agencies in response to prison overcrowding were not primarily intended to ease overcrowding in Nigerian prisons.

The three other stakeholder participants (n=3, 5%) who mentioned annual prison audit compiled by the Human Rights Commission of Nigeria were staff members of the Nigerian Human Rights Commission and no one else among the study

participants (n=166) mentioned the Annual Prisons Audit. This means that prisoners, prison staff members including other stakeholders are unaware of the HRCN's annual prison audit. The annual prison audit conducted by the HRCN compiles reports regarding Nigerian prison capacity and population. It also provides data on prisoners' living conditions and their composition in selected Nigerian prisons.

Furthermore, the eight participants (25%) who stated the provision of Witness Allowance and empowerment of the Nigerian Police Force to prosecute indictable criminal cases up to the Nigerian Supreme Court, thus facilitating quicker trials, were public prosecutors. It implies a lack of awareness among prisoners, prison staff and other actors in the Nigerian criminal justice system. Provision of witness allowance was introduced to encourage witnesses to attend and cooperate at criminal case investigation and trial stages in order to speed-up the court process, and reduced the backlog of cases in courts. Before the new legislation that authorises the NPF to prosecute criminal cases up to Supreme Court, the NPF relied on public prosecution counsels to prosecute indictable cases, a process that takes no little time. Suspects charged with indictable offence are sent to prison on 'holding charge' by the NPF pending the completion of criminal investigation by police and filing the case at High Court by public prosecution counsels (Aduba and Alemika, 2009; AI, 2011; Olong, 2010). However, no one else among the participants mentioned these legal provisions, indicating that the new legal provisions had not taken effect, or were not being used. Thus, suggesting that some of the reported Nigerian judiciary and other related agencies' interventions in response to overcrowding in Nigerian prisons were not known to either prison staff or inmates.

Judging from the findings, it implies that the interventions of the judiciary and other Nigerian justice agencies had limited impact and capacity to respond to prison overcrowding in Nigeria. Moreover, the findings suggest that the judicial capacity to respond to prison overcrowding was largely in the form of amnesties that rested in the hand of a limited number of top judicial officials; The Attorney Generals of the 37 states and federation as well as the Supreme Court Judges. This implies that both prosecuting and sentencing authorities in Nigeria played a limited role in addressing prison overcrowding. Above all, the responses of the Nigerian judiciary and other related agencies were insular in scope and tended to offer short-term solutions to overcrowding. The results are congruent with studies that suggested prison numbers as well as prison overcrowding are largely a result of elected politicians' inaction; failure



to pass legislation addressing systemic issues such as custodial time limits for remand prisoner and early releases programmes such as parole, probation and administrative good time for sentence prisoners as well as provision for front-door diversion strategies or alternative to imprisonment sanctions such as community service in the Nigerian criminal justice system (Bottoms *et al.*, 2004; Lewis, 2004; von Hofer, 2003). The legislation will empower criminal justice institutions to respond adequately to prison overcrowding. Concerning the above position and with political initiatives, it is hoped that problems within the prison population including overcrowding could be solved altogether (Lewis, 2004; von Hofer, 2003).

### Non-state Actors' Responses to Prison Overcrowding in Nigeria

In this section, participants were asked how non-governmental organisations (NGOs), philanthropists, and individuals in Nigeria were responding to overcrowding in Nigerian prisons, and multiple responses were allowed. The inquiry in this section prompted some discussion among participants.

**Table 7.3:** Non-state actors' responses to overcrowding in Nigerian prisons, according to study participants, n=166

Response	Prison Inmates (n=65)		Prison Staff (n=69)		Other Stakeholders (n=32)		Total (n=166)	
	FQ	(%)	FQ	(%)	FQ	(%)	FQ	(%)
Support prison authorities and inmates with basic needs.	52	80	50	72	28	88	130	78
Payment of fines/compensation for sentenced prisoners.	39	60	54	78	30	94	123	74
Provide spiritual and moral guidance, and counselling to inmates.	56	86	55	80	5	17	116	70
Free legal services to inmates (Pro bono).	30	46	48	70	28	88	106	64
Persuade government to improve prison conditions.	-	-	37	54	26	81	63	38
Inform government and criminal justice institution about overcrowding in prison.	-	-	24	35	25	75	49	30
Sensitise public to prison conditions.	20	31	15	22	15	47	50	30
Developing the capacity building of prison officials.	-	-	-	-	17	53	17	10
Case Tracking System for criminal justice system sponsored by British/DFID.	-	-	-	-	10	31	10	6
Conduct research and compile reports on prison conditions.	-	-	-	-	7	22	7	4
Criminal Justice sector reform committee sponsored by British/DFID.	-	-	-	-	7	22	7	4
Don't know.	4	6	-	-	-	-	4	2

Eleven different forms of non-state actors' responses were reported and different views between participants were found. As shown in Table 7.3 above, the most frequently cited response was supporting the NPS and prisoners with basic needs such as water, food, clothes, bedding, toiletries and medical care. The least mentioned response was that they did not know of any kind of action taken by non-state actors in response to overcrowding in the Nigerian prisons.

Reflecting on their experiences, the prison inmate participants (n=69) stated six types of responses by non-state actors in Nigeria. The most frequently mentioned response was the provision of moral and spiritual guidance, and counselling services to prisoners, while the least reported response was that four participants (n=4) said they did not know any form of action taken by non-state actor to ease prison overcrowding. The four participants (6%) who said they did not know any form of action taken by non-state actors in response to prison overcrowding were remand prisoners living at the three Nigerian satellite prisons included in the study. This means non-state actors' responses are selective. Non-state actors' interventions as well as their impact are only limited to prisons located in city where prison population are relatively higher. Some of the eleven different forms of non-state actors' responses reported were criticised by participants. A long-term prisoner questioned the effectiveness of payment of fines and compensation to sentence prisoners in default, often conducted by non-state actors at GDP. He argued that 'the prison officers often diverted the donated funds for their own personal use. The reason is simple: the donors [non-state actors] don't look back' (IIGP01). This indicates that some of the non-state actors' activities at the six Nigerian prisons were not properly inspected, as some of the interventions were undermined by prison staff corruption. Again, two female remand prisoners expressed the belief that the NGOs' activities at the prison they lived [GDP] were inappropriate and biased. One of females lamented that:

Often, prison staff members were not sharing the donated goods accordingly, and some donors particularly the faith-based organisations often excluded females in their schemes because they believe that most female prisoners were prostitutes. According to them [faith-based organisations], prostitutes do not deserve to be assisted (GIGP03).

The two statements above suggest that non-state actors' responses are selective and lack the capacity to ease prison overcrowding. Supporting the claim that non-state

actors' responses lack the capacity to ease prison overcrowding, a remand prisoner at KCP commented that 'most of these agencies and organisations' activities at KCP were not borne out of the desire to address overcrowding. Instead, they were on humanitarian grounds. In fact, most organisations and individuals intervened in Nigerian prisons' activities during religious and national festivities' (GIKC01).

When prison staff participants (n=69) were asked the same question, seven types of response were reported. As shown in Table 7.3, the most frequently mentioned response of non-state actors in the event of overcrowding at the six Nigerian prisons was the provision of moral and spiritual guidance, and counselling services to prisoners, while the least cited response was sensitising the public to prison conditions and in particular, overcrowding. The impact of providing guidance and counselling services to prisoners in an overcrowded prison could be somewhat minimal; the activities could motivate prisoners to adapt to overcrowding, but will not practically ease or reduce prison overcrowding. Thus, the result confirms earlier findings which suggest that non-state actors' responses in the six Nigerian prisons were not primarily intended to reduce overcrowding in prisons. Moreover, eleven (consisted of eight prison staff and three prisoners) of the seventy per cent of participants (n=116) who mentioned that non-state actors were providing moral and spiritual counselling services as one of the responses to prison overcrowding were sampled from the three participating Nigerian satellite prisons. This indicates that activities of non-state actors even in rural or satellite Nigerian prisons were insular and temporary despite the fact that the prison population as well as the resource challenges were relatively fewer (see Chapter Five).

The inquiry prompted discussion among participants. A female staff member expressed the belief that activities of non-state actors at GDP were biased. She added that:

The interventions of these agencies and organisations were rather disappointing and selective. Often, they intervene in cases with lesser fines and minor offences. While, inmates remanded for indictable offences remain in prison helplessly' (IDGP01).

In a similar vein, a staff member commented that much of the activities of non-state actors at GDP were not addressing overcrowding. He argued that:

NGOs and individuals' activities in this prison were not primarily undertaken to solve the overcrowding

instead, they respond on humanitarian and religious grounds. To the best of my knowledge, only the Chief judge or Attorney General responded whenever the prison is overcrowded' (FGGP01).

A female staff member at KCP also commented on how the prison staff members were misusing the donated items. She reported that 'often, prison staff diverted the donated items for their own personal use, and the small part [donated items] they shared to prisoners was often distributed discriminately. Even the fines and compensations are often paid to undeserving inmates. That's why many donors have withdrawn their support to prisons anyway' (IDKC04). The above statements confirm earlier findings that suggest that those non-state actors' interventions in Nigerian prisons were selective, undermined by prison staff corruption and lacked the capacity to address prison overcrowding.

When other stakeholder participants (n=32) were asked the same question, eleven types of interventions by non-state actors were reported. The other stakeholder participants' responses were more positive compared to those of prison staff and inmates. As presented in Table 7.3, the most frequently cited response was the payment of fines and compensations for sentence prisoners, while the provision of moral and spiritual guidance, and counselling services to prisoners was the least stated intervention. A public prosecutor observed that the establishment of the Prison Decongestion Programme by the Nigerian governments were as a result of non-state actors' campaigns. She added that 'it was due to the pressure of Civil Organisations and NGOs that compelled the [Nigerian] Ministry of Justice to embark on the National Prison Decongestion Programme' (QPP04).

Non-state actors have supported the NPS in mitigating water shortage in many Nigerian prisons. The observations revealed that non-state actors constructed boreholes [hand-pump] for water supply at three of the six prisons involved in this study. Picture 7.1 best demonstrates one of the NGOs' activities at the six Nigerian prisons which participated in the study.

**Picture 7.1:** A hand-pump water supply constructed by ICRC



**Source:** observation (2011).

The availability of hand-pump water supply alleviated some of the problems experienced as a result of water shortages in Nigerian prisons. I observed that the amount of complaints made by inmates, particularly on water shortage at three prisons that were having boreholes (hand-pump) water supplies (KCP, GDP and WUP) were somewhat less than the other three participating satellite prisons that have no boreholes (see Table 5.18 in Chapter Five).

Given the findings, the four most frequently reported responses were payment of fines and compensation to sentenced prisoners, the provision of free legal services to inmates, provision of moral, spiritual counselling and guidance services, and supporting the NPS and inmates with basic necessities such as water, food and drugs. This suggests that many of the non-state actors' interventions particularly at the six Nigerian prisons observed were biased, corrupted and not known or seen by prison staff or inmates.

The findings imply that the activities of non-state actors in Nigerian prisons, more specifically at the six Nigerian prisons, are limited in scope, as they tend to be voluntary and advisory. Additionally, of the eleven forms of non-state actors' responses to overcrowding in Nigerian prisons, only four interventions: strengthening the capacity of criminal justice institutions and officials; installation of case management system; conducting research; and supporting criminal justice sector reform seem to contribute to a sustainable solution to overcrowding. However, the other seven responses would only offer short-term and insular solutions, as the interventions focus on solving the manifest symptoms instead of addressing the underlying root cause of prison overcrowding.

An overwhelming majority of participants (n=123, 74%) mentioned payment of fines and compensations to sentence prisoners as one of the interventions engaged by non-state actors in many Nigerian prisons. However, fines and compensation are mainly related to sentence prisoners, and results from previous chapters revealed that prison overcrowding in Nigerian prisons is most serious in the case of remand prisoners. Thus, releasing sentence prisoners through payments of their fines and compensation is unlikely to ease the overcrowding significantly in long-term, as it would have a limited effect on the prison population.

The findings are in line with work that found ‘most justice sectors reform projects [by non-state actors] in the sub-Saharan Africa seems to have been largely insular in their design, the expected outcomes and their overall impact’ (Walsh, 2010: 83). Also, the findings lend support to a study that suggested NGOs’ activities in Nigeria were more advisory and voluntary (Adejumobi, 2005).

### **Perspectives on Preventive Measures to Prison Overcrowding in Nigeria**

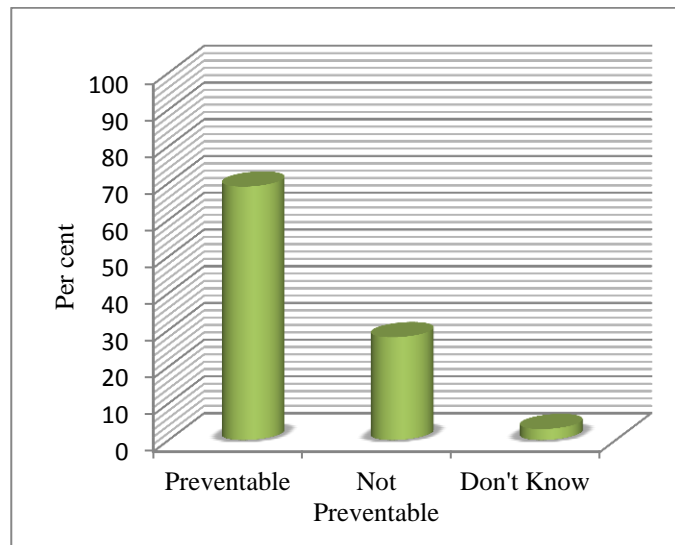
Finally, participants’ views on preventive measures to overcrowding in Nigerian prisons were assessed. The section is divided into two main parts. The first part explored whether participants believed that overcrowding in Nigerian prisons could be prevented and thereafter asked participants to prescribe measures they believe could mitigate and avert overcrowding in Nigerian prisons.

#### **Is Prison Overcrowding Preventable in Nigeria?**

This section assesses participants’ opinion as to whether overcrowding in Nigerian prisons can be prevented. The 166 participants’ responses are restricted to three options: yes - can be prevented, no - cannot be prevented and I don’t know. However, the sixty-six per cent of prison staff and inmates participants (n=111 including a former prisoner) drawn from the six Nigeria prisons were requested to relate their responses to the prisons they were working or residing in.

Figure 7.1 presents the responses of participants (n=166). As shown in the Figure 7.1, an overwhelming majority of prison inmate participants (n=115, 69%) expressed the belief that the overcrowding in the prisons they resided in can be prevented, forty-six (28%) said that it could not be prevented and only a small number of participants (n=5, 3 %) said they did not know.

**Figure 7.1:** Participants' view on whether overcrowding in Nigerian prisons is preventable, n=166



Of the overwhelming majority of participants (n=115, 69 %) who expressed the belief that the overcrowding in Nigerian prisons can be prevented, 44 were prisoners, sixteen prison inmate participants (n=16) were among the twenty-eight participants (n=46) who said overcrowding in prison they lived in could not be prevented and only a small number of prison inmate participants (n=5, 3%) said they did not know. With regard to the sixty-nine prison staff participants, of the 115 participants (69%) who expressed the belief that the overcrowding in the prisons they were working can be prevented, 47 were prison staff. The reminder, almost a quarter of prison staff participants (n=22) were among the twenty-eight per cent of participants (n=46) who stated that the overcrowding at the prisons they were working could not be prevented. The responses of other stakeholder participants (n=32) to the question as to whether the overcrowding in the Nigerian prisons can be prevented indicated that the overwhelming majority of other stakeholder participants (n=24) expressed the belief that the overcrowding in Nigerian prisons can be prevented and the remaining eight participants (n=8) said it could not.

The inquiry seemed to be straightforward but it prompted discussion among prison staff participants. Of the thirty-two per cent of participants (n=22) who expressed the belief that the overcrowding at the prisons they were working cannot be prevented, a female staff member at a medium-security prison argued that ‘as long as people will commit crime and being sent to prison, prison will remain overpopulated and subsequently overcrowded’ (IDGP02). The above statement supports earlier

finding that suggests overcrowding had been parts of daily life in many Nigerian prisons, which means overcrowding is a systemic problem rather than a crisis issue. From a contrary view, a staff member at a maximum-security prison expressed the belief that the overcrowding at the prison he was working can be prevented because it is not a natural phenomenon. The staff member argued that ‘overcrowding in Nigerian prison system is a man-made and unnatural phenomenon, if stakeholders wish to address it, they can do so. Kano Central Prison, for example, was established in 1909 but, for all these years governments have never made an attempt to expand or renovate the structure’ (FGKC01). Deducing from above statement, it implies that with political willingness particularly by the stakeholders overcrowding in Nigerian prisons can be managed altogether as suggested by other studies (Bottoms *et al.*, 2004; Lewis, 2004; von Hofer, 2003).

Fifteen of the 46 participants (28%; eight prison staff and seven prisoners) who said overcrowding in their respective prisons could not be prevented were working or residing at the three Nigerian satellite prisons. This indicates that prisoners and prison staff at the three participating Nigerian satellite prisons had not seen or been affected by any of the measures reportedly taken by Nigerian Government, the NPS, and Nigeria’s judiciary and other related agencies including non-state actors in response to prison overcrowding. In addition, of the twenty-eight per cent of participants (n=46) who said overcrowding in Nigerian prisons could not be prevented, twenty-one of them (consisted of 11 sentenced prisoners and 10 prison staff) had worked or resided in prison for between three to ten years. This is also supporting earlier assumption that is suggesting overcrowding in many Nigerian prisons is a systemic problem rather than an issue of sudden crisis. Eight of the 46 per cent of participants (28%) who said the overcrowding in Nigerian prisons could not be prevented were public prosecutors. The eight prosecutors who said prison overcrowding is unavoidable in Nigerian prisons are based on the belief that Nigeria had a limited number of competent courts to handle criminal cases as well as the use of police as prosecutors in Nigeria. This not only supporting earlier findings that prison overcrowding in Nigerian prisons is systemic issue, but also means that both the cause and solution to prison overcrowding in Nigerian prisons are beyond the prison establishment. The results support earlier findings (see Chapter Two) which suggest that the limited number of courts as well as incompetent prosecuting personnel in the Nigerian judiciary contributed to the rise in



the Nigerian prisons population (Lawal 2005; DFID, 2010; NOUN, 2010; Osinbajo, 2009)

Deducing from the findings, it is apparent that those experiencing first hand as well as other stakeholders believe that overcrowding in Nigerian prisons is a systemic problem rather than an emergency issue and that it could be managed and prevented. The findings lent support to other studies which suggested that the malfunction in a country's criminal justice system, the rise in prison numbers as well as overcrowding are largely a political construct; thus with legislative and policy initiatives, it could be controlled and averted (Agozino, 2005; Lewis, 2004; Snacken and Bayens, 1994; Tonry, 2004; von Hofer, 2003).

### **Perspectives on Solutions to Prison Overcrowding in Nigeria**

In this section, participants were asked to prescribe measures they believe could mitigate and avert overcrowding in the prisons they lived or worked in as well as in other Nigerian prisons. The participants' recommendations were mainly directed at three Nigerian institutions responsible for the administration of criminal justice. They included the Nigerian Prison Service, the judiciary and other related agencies, and also the Government. The participants (n=166) did not suggest actions for improving the non-state actors' activities in Nigerian prisons.

#### **a. The Nigerian Prison Service**

This section presents measures the NPS could take to manage and avert overcrowding in Nigerian prisons. Participants proposed solutions to overcrowding for the prisons they resided or worked in as well as other Nigerian prisons.

Table 7.4 presents twenty measures in order of frequency suggested by the participants (n=166). The most frequently cited measure was that the NPS should be setting a realistic capacity for all prisons, while the least mentioned action was the standardisation of after-care/resettlement and reintegration programmes for inmates.

**Table 7.4:** Participants' recommendation to the NPS regarding prison overcrowding, n=166

Recommendation	Prison Inmates (n=65)		Prison Staff (n=69)		Other Stakeholders (n=32)		Total (n=166)	
	FQ	(%)	FQ	(%)	FQ	(%)	FQ	(%)
Strict adherence to prison designated capacity.	50	77	54	78	17	53	121	73
Setting realistic prison design capacity.	52	80	50	72	-	-	102	61
Zero tolerance for corrupt practices and funds misappropriations.	40	62	50	72	8	25	98	59
Expand and renovate prison structures and facilities.	20	31	42	61	25	78	87	52
Prompt relocation of inmates to under populated prisons.	38	58	48	70	-	-	86	52
Improve coordination and communication between NPS and other criminal justice system institutions.	42	61	42	61	-	-	84	51
Recruit additional technical and professional staff.	26	40	37	54	15	47	78	47
NPS to persuade Government to increase prison funding.	-	-	35	51	28	88	63	38
Provide and improve logistics and security in prisons.	-	-	38	55	21	66	59	36
Improve staff welfare and condition of service.	18	28	40	60	-	-	58	35
Ensure constant supply of prisoners' basic needs.	-	-	24	35	23	72	47	28
Establishment of special monitoring unit for overcrowding and other human rights abuses in every prison.	41	63	-	-	-	-	41	25
Extra pay for stress and overtime to field staff.	-	-	37	54	-	-	37	22
Conformity with the national standards of operations.	23	35	-	-	-	-	23	14
Minimal restriction/ supervision and freedom to interact with prison visitors.	22	34	-	-	-	-	22	13
Expand or establish special vocational skills centres for inmates.	-	-	10	14	12	38	22	13
Training and retraining staff on humane and just prison practices and administration.	5	8	15	22	-	-	20	12
Provide and improve transportation services.	18	28	-	-	-	-	18	10
Adequate provision for inmates with special needs (nursing mothers).	15	23	-	-	-	-	15	9
Standardisation of after-care/resettlement and reintegration programmes for inmates.	11	17	-	-	-	-	11	7

As presented in Table 7.4 above, prison inmate participants (n=65) proposed fifteen suggestions to the NPS. The most frequently cited measure was that the NPS should be setting a realistic capacity for all prisons, while the least reported action was the training and retraining of staff to meet the contemporary challenges in prison, particularly the overcrowding. This means that many of the Nigerian prisons' rated capacity are different from actual provisions thus were unreliable, while staff training in this context means that prison staff were not humane and just in their approach to

work. Of the forty-one per cent of prison inmate participants (n=63) who proposed the establishment of special units to check prison overcrowding and other human rights abuses in prisons, a long-term term serving prisoner at KCP recommended that ‘ the NPS should establish a human rights monitoring office in every prison to act as watchdog for the prisoners. Also, through that mechanism, prisoners can easily make a direct complaint’ (QIKC08). This means prisoners felt that the Nigerian prison authorities were not adequately informing other stakeholders about their sufferings in prisons including overcrowding, and that activities in Nigerian prisons were not open to public scrutiny. Additionally, the finding suggests that prison staff members were not humane in dealings with prisoners and Nigerian prisons’ operations are not regularly monitored by the Government and top NPS officials. It also implies that the Nigerian prisons authorities were not properly addressing prisoners’ complaints.

Commenting on the need to cater for prisoners with special needs, a female staff member at GDP was of the opinion that the Nigerian prisons authority should consider babies in prison as ‘inmates’ so that their needs will be included in the NPS’ annual budget. She added that ‘nursing mothers in prison are not properly taken care; no one cares about their children, simply because, the babies in prisons are neither added to inmates nor prison visitors figures’ (IDGP01). The above statement means that adequate treatment and care for nursing mothers including their babies were overlooked by Nigerian prisons authorities. The assertion also lent support to earlier result, which is suggesting that activities in Nigerian prisons were not adequately and regularly supervised.

Thirty-four per cent of prison inmate participants (n=22) expressed the belief that with minimal restriction in supervision and freedom to interact with prison visitors, the overcrowding at the six Nigerian prisons could be solved. Some prisoners believed that the overcrowding in the prisons they resided continued because prison authorities were not informing other stakeholders about the situation or because activities in prisons were not open to the public. It also means that if prison authorities allow prisoners to be complaining or expressing their grievances to outsiders (public or non-state actors) without censorship, the outsiders will in turn, pressurise stakeholders including prison authorities to improve prison conditions. A remand prisoner at GDP proposed that ‘this overcrowding can only be solved if the voices of prisoners are heard, and prisoners’ voices can only be heard if visitors are allowed to freely interact with inmates’ (QIGP08). Similarly, a long-term serving prisoner at KCP commented that ‘prison

staff members have very tricky ways of concealing bad deeds. Whenever, very important visitors came, staff members locked inmates into their dorms so that the visitors will not hear inmates' complaints' (GIKC01). The above assertion implies that conduct and activities in Nigerian prisons are regimented and that many activities in Nigerian prisons were not open to public scrutiny.

Observations at the six Nigerian prisons observed reveal that prison staff members are closely monitoring prison visitors. Regular prison visitors were the prisoners' friends and families, counsels, NGOs and philanthropists. Of course, prison staff members were obliged to monitor visitors' activities because of the potential dangers in prison such as assault and trafficking (Liebling, 2009). However, the degree of monitoring staff imposed on inmates and visitors, particularly at the three Nigerian satellite prisons seemed to go beyond security and prison practices concerns. I believe some of the staff members were suspicious about my research. It could be the case that staff members consider me as an insider or as a former staff employed by insiders (Nigerian Government or the NPS) to inspect their operation, which means visitors including Government officials were not frequenting those prisons. This also lent support to earlier findings which indicate that the top NPS officials, and Nigerian judiciary and other related agencies were not effectively monitoring prisons' activities, particularly those Nigerian prisons based in rural areas.

Fourteen measures were recommended to the NPS concerning prison overcrowding by the sixty-nine prison staff participants. As shown in Table 7.4, the most frequently cited proposal was that the NPS should be adhering to prisons designated capacity, while the expansion of prisoners' vocational skills acquisition programmes was the least reported recommendation. Prisoners suggested realistic prison capacity whilst prison staff proposed strict adherence to prison capacity. This indicates that prison capacity; particularly in Nigerian prisons, do not reflect actual prisons' structures and facilities.

Commenting on curbing corruption in the administration of prison contracts, a staff member at GDP recommended that 'the current practice of awarding prison contracts to both serving and retired prison staff members will always keep prison population high, and allows corrupt practices in the system. The practice does not allow proper checks and balance in the system, that is why overcrowding continues' (IDGP05). The above assertion supports earlier findings (Chapter Six), which suggest that prison overcrowding in Nigeria is associated with corruption in prison contracts,

and that contracts in Nigerian prisons were not open to public scrutiny. The above claim is in line with a study that found some prison contractors in some systems ‘do not always operate according to the highest standards’ because some of the people that receive the contracts were retired prison staff or held key positions in the administration of prisons or a particular prison (Shichor, 1998:85).

Other stakeholder participants (n=32) proposed eight measures of addressing prison overcrowding to the NPS. The eight suggested measures are listed in order of frequency in Table 7.4. The most frequently stated measure was that the NPS should persuade Nigerian Government to increase its funding, while curbing corruption and resources mismanagement was the least frequently reported recommendation. This indicates that the NPS is underfunded and that the meagre resources being allocated to the organisation are often mismanaged.

Commenting on the strict adherence to prison designed capacity, a magisterial court judge recommended that ‘the prison officials should be empowered to keep to the maximum number of inmates a prison can absorb so that courts will be compelled to either grant bail to accused persons or deal with the cases quickly’ (QMG01). The above statement implies that prisons authorities had no control or limited control over their prisons’ capacities in Nigeria.

Of the thirty-eight per cent of participants (n=12) who recommended the creation of special vocational centres, a public prosecutor and a counsel proposed the establishment of special centres in which prison inmates will be taken to acquire vocational skills, engage them in labour, and subsequently commute their imprisonment sentences to fines (QPP05/QLC01). The participants’ suggestion is based on the belief that their proposed measure will reduce prison management costs and also improve prisoners’ rehabilitation activities (QPP05/QLC01). However, the participants seemed to be ignorant of the fact that the majority of prisoners in Nigerian prisons were remand prisons (see Chapter Five), and that engaging prisoners in work or training in Nigerian prisons is restricted to sentence prisoners (see NPS - Prison Training Manual No. 12-30 of 1972, and SO No. 243 and 550, 2011).

Deducing from the results, it is apparent that the Nigerian prisons system has not only rigid and limited back-door solutions to overcrowding, but also lacked the capability to adequately respond to prison overcrowding. The findings demonstrate that the number of prisons and staff were not only insufficient and incompetent, but also many of the Nigerian prisons’ structures, facilities and operational laws were

antiquated. Nigerian prisons are underfunded while the insufficient funds allocated were mismanaged. The supplies of prisoners' daily basic needs such as food and medicine are compromised by prison staff corruption.

None of the participants (n=166) proposed measures for improving the activities of the NPS in relation to non-state actors, and other relevant components of the Nigeria's criminal justice system such as the HRCN, ICPC, EFCC and LACN. Additionally, none of the participants (n=166) suggested action or measure for improving prisoners' families and friends' involvement in the affairs of the NPS, and more importantly their response to prison overcrowding.

An intriguing finding unearthed by the current study is that no meaningful transformation in the Nigerian criminal justice system, and the Nigerian prisons system in particular, can provide sustainable solution to prison overcrowding in Nigeria, provided corruption and resource misappropriation in the system are not curbed. Zero tolerance for corrupt practices and funds misappropriations were proposed across the board by all categories of participants, with over half of all study participants (n=98, 59%) mentioning this as a requirement to deal with Nigerian prisons overcrowding. This suggests that corruption is a serious issue in the administration of criminal justice in Nigeria. The findings are in line with published studies that found the performance of the Nigerian criminal justice system has been affected by corruption both in the budgetary and expenditure process - affecting the award of prison contracts as well as attempts to address prison overcrowding by NGOs (Alemika, 1997, 2003 and 2011).

In essence, judging from the findings, one could argue that the possible solution to overcrowding in Nigerian prisons, more specifically in the six Nigerian prisons observed, is to transform both the Nigerian criminal justice procedural laws and Nigerian prisons system laws. The reform could possibly be achieved through legislation and policy initiatives such as, community service sentences to curb prison admission, ease bail conditions and custodial time limits for remand prisoners, and early release programmes for sentenced prisoners as suggested by other studies (Albrecht, 2010; Cavadino and Dignan, 2002; Kuhn, 1994; Lappi-Seppala, 2010; Lewis, 2004; Mullen, 1987; Shichor, 1998; Tonry, 2003; von Hofer, 2003).

### b. Nigerian Judiciary and Other Related Agencies

As previously mentioned, some of the proposals for solutions to the overcrowding in Nigerian prisons offered by participants (n=166) were directed at the judiciary and other related criminal justice institutions in Nigeria such as the NPF, the ICPC, the EFCC the LACN, the HRCN, the National Drugs Law Enforcement Agency, the Federal Road Safety Corps, the Civil Defence and the Nigerian Immigration Service.

Table 7.5 presents ten measures proposed by the participants (n=166). The most frequently cited measure was curbing corruption and funds misappropriations, while assigning counsels to remanded prisoners free-of-charge was the least reported recommendation.

**Table 7.5:** Participants' proposal to Judiciary and other related agencies about prison overcrowding, n=166

Recommendation	Prison Inmates (n=65)		Prison Staff (n=69)		Other Stakeholders (n=32)		Total (n=166)	
	FQ	(%)	FQ	(%)	FQ	(%)	FQ	(%)
Zero tolerance for corrupt practices and funds misappropriations.	52	80	54	78	29	90	135	81
Establishment of court monitoring and supervisory unit to ensure compliance with Nigerian law and professional ethics as well as preventing irregularities.	50	77	55	80	20	63	125	75
Prohibit repressive arrest and detention practices.	48	74	40	60	23	72	111	67
Recruit additional judges, prosecutors and court officials.	29	45	48	70	29	90	106	64
Strict compliance with maximum adjournment time limits (15 days) for criminal case proceedings.	30	46	50	72	25	78	105	63
Training and retraining police and other law enforcement officials.	26	40	15	22	30	94	71	43
Reforming the Nigeria Police arrest and crime investigation procedures.	25	38	24	35	21	66	70	70
Establish more competent courts.	18	28	42	61	10	31	70	70
Periodical transfer of judges and court officials.	41	63	-	-	28	88	69	42
Provision of free counsels to people accuse of indictable crimes.	15	23	-	-	15	47	30	18

As shown in Table 7.5 above, ten measures were proposed by prison inmate participants (n=65). The most frequently cited measure was curbing corruption and funds misappropriations, while assigning counsels to remanded prisoners without a fee payment was the least reported recommendation. This indicates that prisoners felt that many staff and officials in the Nigerian criminal justice system were corrupt and

vulnerable people held in Nigerian prisons, particularly the remand prisoners, had no access to legal aid.

Differences in opinion between participants were also found. Of the seventy-five per cent of participants (n=125) who recommended the establishment of monitoring mechanisms in courts, five prisoners were residing at three Nigerian satellite prisons, which suggests that Nigerian courts based in rural and semi-urban areas were not free from irregularities. Only remanded prisoners among prison inmate participants proposed the provision of free counsels to persons charged for indictable crimes (n=15, 23%), and strict compliance with maximum adjournment time limit (15 days) for criminal case proceedings (n=30, 46%). This not only indicates that some remand prisoners at the six Nigerian prisons lacked access to legal aid but also sentencing authorities were not conforming with legal provisions concerning case adjournment timeframes. It also implies that court' staff and officials' duties in Nigeria were not adequately monitored or court officials who violate formal judicial proceedings were not punished. Additionally, some of the remand prisoners were held in prisons on the NPF holding charge - holding a suspect in prison pending police complete investigation or being tried by an incompetent court of jurisdiction. The findings lent support to other studies, which showed that many remand prisoners in Nigerian prisons, are held on the NPF holding charge (Aduba and Alemika, 2009; AI, 2011; Olong, 2010).

With regard to prison staff participants (n=69), eight measures were proposed to the Nigerian judiciary and other related agencies. The eight proposals are listed in order of frequency in Table 7.5. The least reported measure was the training and retraining of judicial staff in order to meet up with the contemporary challenges, and the most repeatedly cited recommendation was the establishment of courts' monitoring and supervision mechanisms. The results show lack of effective supervision and monitoring in the activities of judicial staff and officials in Nigeria, and that some of the sentencing authorities in Nigeria were incompetent as they were violating professional ethics out of ignorance or for personal interest.

Commenting on the need for a strong monitoring and supervision mechanism at courts, a staff member at a medium security prison lamented on poor work ethic of courts officials due to lack of supervision. He added that 'most judges go to courts at 12:00 noon only to attend two to three cases for the day. This judges' attitude to work, greatly, contribute to prison population and overcrowding' (IDGP05). The above



assertion demonstrates a dereliction of duty by judicial officials and the need for effective supervision in Nigerian judiciary. It also indicates that other forces outside the prison establishment are also contributing and escalating prison overcrowding in Nigeria. Thus, it implies that improving work and living conditions in Nigerian prisons alone would not solve overcrowding in Nigerian prisons. It means that a solution to overcrowding in Nigerian prisons will involve reforming other components of the Nigerian criminal justice system such as the judiciary.

Other stakeholder participants (n=32) proposed ten measures of addressing overcrowding in Nigerian prisons to the Nigerian judiciary and other related agencies. As shown in Table 7.5, training and retraining of judicial staff was the most frequently cited measure. The least reported action was the creation of additional competent courts. An overwhelming majority of other stakeholder participants (n=30, 94%) recommended training and retraining for judicial officials. This indicates that judicial staff and officials in Nigeria were not complying with the work ethic. Commenting on effective monitoring mechanism at court, a public prosecutor proposed that ‘inspectors of courts and monitoring unit should be inaugurated to ensure compliance and avoid unnecessary cases adjournments so that cases could be disposed of within a reasonable time’ (QPP06). The above author went further and recommended that ‘the judiciary should not allow their policies to override their procedures. Courts should be allowed to exercise the powers enshrined in the law books. That is, taking decision in granting bail regardless of the offence’ (QPP06). Inferring from the above statements, it means that the activities of Nigerian court judges and officials are not adequately monitored. The statement also lent support to earlier findings that indicate bail conditions for indictable offences in Nigeria are stringent.

The findings have not only presented solutions to overcrowding from the perspective of the participants, but also provided additional picture of overcrowding in Nigeria prisons by revealing other issues surrounding the phenomenon. Sixty-seven per cent of participants (n=111) related the overcrowding in the Nigerian prisons particularly at the six Nigerian prisons with repressive arrests and detentions by law enforcement officials. This implies that despite the fact that colonial law has been abolished, policing in Nigeria is applied in a repressive manner. Other previous studies found connections between colonial law, repressive policing and prison population (Albrecht, 2010; Bernault, 2003; Sarkin, 2009). The findings are congruent with a number of studies which suggested that very little has changed in the orientation as

well as the operation of the NPF and other law enforcement agencies after decades of political independence and a decade of civilian democratic governance in Nigeria (AI, 2011; Alemika, 2011; Nwabuzor, 2005; Odinkalu, 2005). Also, repressive arrests and detention practices by the NPF and other enforcement agencies disproportionately affect vulnerable members of Nigerian societies (Aduba and Alemika, 2009; Alemika, 2011). A close look at the above result, however, it suggests that Nigerian policing agencies are not humane, just or effective in their approach to work or not complying with their work ethics. It also suggests training and retraining needs for the Nigerian law enforcement officials, as well as the needs for the establishment of an effective and independent mechanism charge with an oversight function of the Nigerian policing agencies.

Furthermore, the results revealed that participants felt that the limited number of courts as well as judges in Nigeria contributed to prison overcrowding due to the lack of capacity for speedy and efficient trials. Criminal proceedings in Nigerian courts take a long time to complete – a minimum of 18 months up to four years to complete a trial for indictable offences (DFID, 2010; Lawal, 2005) and seven years for a not guilty plea case (Osinbajo 2009). Also the results lent support to other studies that related prison overcrowding in Nigeria to courts' work clog or congestion (Ogundipe, 2008; Orakwe, 2011; Osinbajo, 2009).

Forty-two per cent of participants (n=69; 41 prisoners and 28 other stakeholders) indicated that prolonged service in a particular court as well as transferring judges and courts' officials from one court to another did affect judicial proceedings and may affect prison overcrowding. On the one hand, the results are in line with a study that found prolonged service in a particular judicial station was one of the factors that encourage judicial corruption (Lang Seth and Oliver, 2001). On the other, however, the results differ from a study, which claimed that, delay in criminal case proceedings in Nigerian courts were largely due to frequent transfer of judges and courts' officials (Osinbajo, 2009). Judging from these two positions, it suggests that both frequently moving staff and judges between courts as well as retaining court officials to a court affects prison population. Nevertheless, what seems to be clear is that the two positions highlight the need for the establishment of independent court monitoring and supervisory unit to ensure compliance with Nigerian law and professional ethics as well as other irregularities as proposed by significant majority of participants (n=125, 75%).

### c. The Government

The study participants (n=166) suggested nineteen measures of mitigating and averting overcrowding in Nigerian prisons to Nigerian Government. Table 7.6 show that the most frequently cited measure was the overhauling of the Nigerian criminal procedural laws. The least proposed action was that Nigerian Government should allow the NPS to recruit more staff in order to meet the under-staffing challenges in the system, which seems to be associated with prison overcrowding.

**Table 7.6:** Participants' recommendation to the Nigerian Government on prison overcrowding, n=166

Recommendation	Prison Inmates (n=65)		Prison Staff (n=69)		Other Stakeholders (n=32)		Total (n=166)	
	FQ	(%)	FQ	(%)	FQ	(%)	FQ	(%)
Overhaul Nigerian criminal procedural laws.	56	86	54	78	28	88	138	83
Zero tolerance for corrupt practices and funds misappropriations.	52	80	50	72	15	47	117	70
Improve early releases programmes in prisons.	41	63	48	70	20	63	109	66
Improve funding of the Nigerian criminal justice sector.	29	45	40	60	29	90	98	59
To integrate traditional institutions/leaders in the administration of criminal justice.	26	40	24	35	23	72	73	44
Reduce the use of imprisonment and expansion of non-custodial sanctions.	23	35	40	60	-	-	63	38
Empower lower/magistrates' courts to handle indictable crime cases.	-	-	38	55	23	72	61	37
Introduce a custodial time limit (CTL) for remand prisoners.	45	69	-	-	15	47	60	36
Amend the process of filing and lessen trial time frame for indictable offences.	45	69	-	-	12	38	57	34
Public awareness/ education on human rights.	30	46	-	-	25	78	55	33
Easing of bail condition.	32	49	-	-	10	31	42	25
Improve criminal justice sector's staff welfare including wages and salary.	-	-	37	54	-	-	37	22
Improve public access to justice.	22	34	-	-	8	25	30	18
Establishment of alternative (informal court) criminal case management mechanisms.	3	5	-	-	20	63	23	14
Review criminal laws.	-	-	-	-	21	66	21	13
Free education, poverty reduction and provision of job opportunities.	20	31	-	-	-	-	20	12
Improve prison infrastructure.	-	-	20	29	-	-	20	12
Empower the NPF to prosecute indictable crimes.	-	-	-	-	17	53	17	10
Permit NPS to recruit more staff.	-	-	15	22	-	-	15	9

As shown in Table 7.6 above, prison inmate participants (n=65) suggested nine measures of mitigating and averting overcrowding in Nigerian prisons to the Nigerian Government. The twelve per cent of participants (n=20) who recommended the

provision of free education, alleviate poverty, and create job opportunities for the growing population presumably to reduce crime were prisoners. This suggests that prison numbers, particularly at the six participating Nigerian prisons, relate to unemployment, illiteracy and poverty in Kano state.

Integrating traditional institutions/leaders in managing criminal offences refers to formal recognition or engaging traditional leaders in the administration of criminal justice. Easing bail conditions is particular to indictable offences and it involves lessening bail processes and conditions so that surety or sureties can comply with the condition of bail. An individual's gender, age, social status class and property are essential factors when deciding to grant bail in Nigeria (Aduba and Alemika, 2009; Olong, 2010). Women in Nigeria, for example, cannot stand as surety for a person charged with indictable and non-indictable offences (Aduba and Alemika, 2009). Even though there is no known constitutional provision barring women from standing as such but women in Nigeria are generally not allowed to stand bail.

Prison staff participants (n=69) proposed ten measures which they believe the Nigerian Government could take in order to address overcrowding in Nigerian prisons and more specifically at the prisons they were working in. As shown in Table 7.6, the most frequently reported action the Nigerian Government should take was to overhaul the criminal procedural laws, while the least cited measure was that Nigerian Government should permit the NPS to recruit additional staff in order to match the growing prison population. This means prison staff participants are aware of the staff shortages in many Nigerian prisons.

With regard to other stakeholders, fourteen measures were recommended to the Nigerian Government. As shown in Table 7.6, the most frequently cited measure was the increase in the funding of Nigerian criminal justice system, while the least reported action was the improvement in public access to justice. Commenting on the need to overhaul Nigerian criminal procedural laws, a prosecutor recommended that 'the Nigerian justice system should be overhauled to function effectively' (QPP08). Similarly, a magistrate court judge was of the opinion that 'the current Nigerian substantive and procedural laws should be overhauled; to include issues and do away with sections that causes delay in the administration of justice' (QMG03). A private counsel suggested that, 'those relaxed rules and processes associated with or which regulate criminal trial have to be reviewed' (QPC01). In another perspective, a prosecutor expressed the belief that overcrowding in Nigerian prisons can only be

addressed if the ‘judiciary are adequately provided with facilities which in turn will ensure speedy trials’ (QPP03). The above assertions highlight the need for reforming the Nigerian criminal justice institutions’ operational laws.

Commenting on the provision of custodial time limits (CTL), a prosecutor proposed that a ‘realistic time frame should be fixed to all cases at every stage. There should be time frame for police to finish investigation, the prosecution team and courts to dispose of cases within a certain specified period’ (QPP03). This means that both the investigation and trial of criminal cases, particularly indictable offences, is time consuming in Nigeria.

Of the fourteen per cent of participants (n=23) who proposed the establishment of alternative dispute management mechanisms, a penal reform advocate advised that the ‘Nigerian Government have established multi-door courthouses as alternative dispute resolution and such courts should be empowered to handle criminal cases’ (QPR02). Multi-door courthouses in Nigeria is a court system that resolves civil cases through the use of multiple dispute resolution strategies and programmes such as litigation, conciliation, mediation, arbitration, and social and governmental services (Aina, 2013).

Commenting on the expansion of non-custodial sanctions, a prosecutor recommended the commutation of minor criminal offences that attract imprisonment to fines or community services. He added that ‘all offences that attract less than six months imprisonment sentence should be converted to suspended sentences or community services’ (QPP03). However, the above proposal was refuted by another prosecutor who argued that ‘the prison population in Nigeria are mainly ‘awaiting trial’ inmates. Setting and adhering with a custodial time limit for remand prisoners is the best option, because community sanctions are for sentenced prisoners’ (QPP05).

Of the forty-four per cent of respondents (n=73) who suggested the active participation of traditional institutions/ leaders in crime management and prevention, a public prosecution commented that:

Historically, local chiefs served as governors of their communities with authority over all aspects of life ranging from social welfare, economy to judicial functions. Local chiefs are still influential social and political actors, without traditional leaders it would be impossible to deal with crime in our communities. My recommendation is that traditional leaders should be empowered to administer

justice, help prevent crime as well as prisoners' resettlement programmes upon release (QPP03).

The above assertion suggests that traditional rulers in Nigeria are not only excluded in crime management and prevention but also traditional leaders in Nigeria could be invaluable actors in the administration of criminal justice.

Different views between categories of participants were also found. Prison staff proposals largely centred on maintaining prisons' structures and facilities as well as improving the operation of the NPS. This implies that prison staff participants (n=69) view on solutions to overcrowding tended to back-door policy approaches than front-door solutions to prison overcrowding. Prison staff participants' proposals largely centred on improving work and living condition in prison such as the recruitment of staff; improving staff wages and salary; and the improvement of prison infrastructure, all these are with the goal of accommodating growing numbers of remand prisoners. Other stakeholders and prison inmate participants' proposals, however, largely centred on front-door solutions such as custodial time limits for remand prisoners; public awareness about their rights; and greater access to justice; and improving courts' operation. The prisoners and stakeholders' suggestion on improving courts operation lent support to other studies that showed delays in judicial processes in Nigerian are linked to poor court operations (Lawal, 2005), as it took an average of four years to complete indictable offences trial in Nigerian courts (DFID, 2010; Osinbajo, 2009).

Additionally, judging from the results, one could argue that lack of access to justice, particularly by vulnerable Nigerians, escalate overcrowding in Nigerian prisons. Eighteen per cent of participants (n=30, 18%) consisted of 30 other stakeholders and 22 prisoners (see Table 7. 6) proposed improvement in public access to justice, particularly access to legal aid to prisoners. Additionally, evidence suggests that legal services are not accessible to vulnerable Nigerians or the available legal services are not affordable to vulnerable Nigerians. Other studies found connections between vulnerability and lack of access to justice (Murdoch and Griffiths, 2009; PRI, 2008; Talbot, 2012). Thus, it could be argued that many people held in Nigerian prisons are classed as vulnerable Nigerians: the poor, homeless and socially excluded, who have no access to justice.

Above all, the findings indicate that the Nigerian criminal justice system has not only been under-funded and understaffed but also affected by resource

mismanagement and corruption. Thus, confirming previous studies that found corrupt practices, resource mismanagement and under-funding were the leading causes of inefficiency in the Nigerian criminal justice system (Alemika, 1988; Le Van and Ukata, 2011; Nwabuzor, 2005; NOUN, 2010; World Bank, 2010).

In a nutshell, this chapter assessed perspectives of institutional responses, and solutions to overcrowding in Nigerian prisons. The findings revealed that the overcrowding in many Nigerian prisons is a systemic problem rather than an issue of sudden crisis. Also, that overcrowding in Nigerian prisons results from the inaction of Nigerian stakeholders, particularly the politicians. Evidence from the findings indicated that the Nigerian criminal justice system and prison system in particular lacked the capacity to adequately respond to prison overcrowding, while non-state actors' responses are undermined by corruption. All these limitations can only be addressed through legislation and policy initiatives, which rest in the hands of elected politicians.

The results revealed that the Nigerian judiciary, other government agencies, as well as the NPS lacked the operational capacity to adequately respond to prison overcrowding in Nigeria. Response strategies used by the NPS in solving prison overcrowding were largely insular, short-term solutions and selective. The NPS controlled early release programmes are few in number, rigid and limited to sentenced prisoners. While, many of the Nigerian judiciary and other relevant government agencies' interventions to prison overcrowding were not only insular, short-term solutions, but also they seemed to be concentrated on urban base prisons with relatively higher prison population. The most common judicial and other government agencies' response to prison overcrowding in Nigerian prisons were: the periodic jail delivery exercises carried out by a few Chief Judges; the establishment of prison decongestion committees; and free legal services (*pro bono*). A closer examination of the three interventions engaged by the Nigerian judiciary and other related government agencies suggests that the strategies are inadequate and lack the capacity to offer sustainable solutions to overcrowding in the Nigerian prisons. The strategies can neither avert people coming to prison nor reduce the length of time prisoners spend in prison on remand.

The assessment of non-state actors' responses to overcrowding in Nigerian prisons, particularly at the six Nigerian prisons observed in the study, revealed that their activities are limited in scope, in the main offered on a voluntary basis and

primarily consist of spiritual guidance and counselling services, and payment of fines and compensations to few selected sentenced prisoners. The interventions of non-state actors at the six Nigerian prisons were inadequate and inappropriate; responses were insular and selective, offered short-term solutions, and not properly inspected as many of the responses were undermined by prison staff corruption. Thus, non-state actors' responses are largely focussed on solving the symptoms instead of addressing the underlying root causes.

Preventive measures to overcrowding in many Nigerian prisons were also assessed. An overwhelming majority of the participants (n=117, 70%) expressed the belief that overcrowding in Nigerian prisons could be controlled and averted altogether. Participants proposed a number of measures for controlling and preventing the overcrowding in the Nigerian prisons, which were directed at three Nigerian institutions: the Nigerian Government, the Nigerian judicial system, and the NPS.

The findings indicated that the solution to overcrowding in Nigerian prisons is not a straightforward task, as the process would involve multidimensional approaches. The most frequently proposed measures were: overhaul the Nigerian criminal procedural laws (n= 138, 83%); instituting effective and independent monitoring and supervision in Nigerian courts and prisons (n=125, 75%); curbing corruption and resource mismanagement in Nigerian criminal justice institutions and prisons in particular (n=117, 70%); expansion of early release programmes in prisons (n=109, 66%); increase the funding of the Nigerian criminal justice system (n=98, 59%); engaging traditional institutions in the administration of criminal justice (n=73, 44%); reduction in the use of imprisonment and expansion of non-custodial sanctions (n=63, 38%); and improvement in the quality or competency - through training and retraining (n=71, 43%) and quantity - numbers of the Nigerian criminal justice system's staff and officials (n=106, 64%).

Above all, this chapter offers that overcrowding in the Nigerian prisons is only one of the manifestations of accumulated challenges in the administration of criminal justice in Nigeria. The overcrowding in Nigerian prisons is connected to a number of factors: under-funding and understaffing; antiquated operational laws, structures and facilities; corruption; and lack of legislative reform initiatives. In the next chapter, the policy and theoretical implications of this study's findings will be presented.



## Chapter 8

### Reflections on Prison Overcrowding in Nigeria - the Conditions Seen and Stories Heard in the Administration of Criminal Justice in Nigeria.

The present study grew out of the growing concerns over the impact of overcrowding in prison on the administration of criminal justice in Nigeria. The research was set out to extend knowledge and understanding of prison overcrowding in Nigeria through examining the views of Nigerian prisons' inmates and staff including criminal justice institutions and officials. Views explored include participants' perspectives on overcrowding and whether it could be prevented, as well as coping mechanisms and general response strategies. The main questions at the heart of this thesis were:

- How do prison inmates, prison staff and other stakeholders in the Nigerian criminal justice system view prison overcrowding?
- What are the facets and drivers of overcrowding in Nigerian prisons according to research participants?
- How does overcrowding affect the daily life activities of staff and inmates in Nigerian prisons?
- Which individuals and institutions are most affected by overcrowding in Nigerian prisons?
- What coping strategies (if any) do prisoners and prison staff use in the event of overcrowding in Nigerian prisons?
- What are the views of prison inmates, prison staff and criminal justice system officials on measures that would mitigate and prevent overcrowding in Nigerian prisons?

A mixed methods research design was adopted in the conduct of this study in which a total of one hundred and sixty-six individuals participated and six Nigerian prisons were observed. The participants were sampled from thirteen Nigerian institutions (the NPS, Ministry of Justice, the DPP, the LACN, the HRCN, Academia, the British-DFID, the Network for Justice and two private legal chambers), who were presumed to have experience and knowledge of prison overcrowding as well as the Nigerian criminal justice system. In total, forty-six individual interviews, four focus group interviews involving thirty-seven participants and eighty-three self-completion questionnaires were completed. Six prisons were visited three times each and a total of

forty hours non-participant observations were conducted. The study's fieldwork was restricted to four northern Nigeria states: Kano, Kaduna, Katsina and Jigawa. The fieldwork phase was affected by the threat posed by Boko Haram insurgencies.

The current study concentrated on the four northern Nigeria states of Kano, Kaduna, Katsina and Jigawa. These four states are operating on a two-fold legal system of English and Sharia legal system, and are among Nigerian states most affected by the Boko Haram militants' uprisings. The administration of justice including living condition in other prisons in western and eastern Nigerian regions may be different from the northern region where the current study was conducted, not only because the regions are relatively safe but also because they are operating customary or traditional laws and English laws. Thus, the difference seems to affect the administration of criminal justice and the operation of prisons in particular. Nevertheless, some of the findings are expected to apply beyond the geographical scope of this study. This include, for example, the use of antiquated procedural laws; slow judicial process; corruption; understaffing and underfunding of the criminal justice system; absence of non-custodial sanctions; and absence of custodial time limits for remand prisoners as greater proportion of remand prisoners in prison can escalate overcrowding in prison.

The current study examined profiteering as one of the factors associated with prison overcrowding based on research participants' perspectives. This research found that discussion of profits associated with the prison population in Nigerian prison system is sensitive. Some of the study participants, particularly the prison staff and inmates, were unwilling to talk about those issues thus this research was unable to investigate in more detail how individuals and private companies in Nigerian prisons are profiting as a result of overcrowding in Nigerian prisons. Understanding who is benefiting from the overcrowding in Nigerian prisons would involve interrogating both the policy and practices of vetting, awarding, execution and monitoring contracts in the system, as well as working practices among prison managers and prison staff. The current study was unable to investigate in more detail the process and extent of corruption in the system. It was not the main focus of this study but participant responses suggest the need for further extensive research of this issue.

Nevertheless, the majority of this study's respondents (n=117, 70%) expressed the belief that corruption has affected every aspect of criminal justice administration, and more specifically prison population and prison overcrowding in Nigeria.

Moreover, evidence from this study suggests that previous attempts to deal with prison overcrowding by the NPS, judiciary and other related agencies in Nigeria were seen to be inefficient, selective and constrained by poor funding. Non-state actors such as the NGOs, the faith-based organisations, philanthropists and individuals' attempts to support prisoners in response to overcrowding were seen to be undermined by biases and corruption.

Against this background, this final chapter will reflect on, integrate, and summarise the findings as they relate to the study's goals and questions. The chapter begins by presenting the main findings in line with the following main themes: definition, features, and drivers of overcrowding in Nigerian prisons. Other topics to be discussed include the institutional mechanisms' responses, and prison staff and inmates' reactions and coping strategies to prison overcrowding in Nigeria. Thereafter, the results' policy and theoretical implications will be presented. Finally, in light of the findings, conceivable measures for reforming the Nigerian criminal justice system and addressing overcrowding in Nigerian prisons in particular will be prescribed, and recommendations for further study are made.

### **Definitions of Overcrowding**

The study findings revealed that an overwhelming majority of participants felt the Nigerian prisons they lived or worked in or which they visited were overcrowded, irrespective of their design, size and location. This implied that facets of overcrowding, particularly in Nigeria, are not only experienced in prisons in urban areas or over-occupied and understaffed prisons. Evidence from this study shows that prison in Nigeria can be officially under-occupied but practically overcrowded. The findings indicated that overcrowding in Nigerian prisons is a relative phenomenon as the experiences of overcrowding differ between individuals and institutions based on occupancy and other factors. Overcrowding at three of the six Nigerian prisons observed was largely construed in the context of occupancy rate, namely, the actual number of inmates had exceeded the prisons capacity. Whereas, in the other three Nigerian prisons (rural satellite prisons) overcrowding was identified in terms of physical goods such as lack of beds, water, recreational facilities and health care services, and intangible services like absence of individual privacy, and self-development opportunities.

In fact, based on the three adopted units of determining overcrowding in prison: the arithmetic formulas, the physical goods and intangible services, it was found that prisons in Nigeria were felt to be overcrowded by both prison inmates and prison staff regardless of their design, location and size. Reflecting the academic debates about varying definitions of prison overcrowding set out in Chapter One, what constitutes overcrowding in Nigerian prison system is not clearly and coherently defined by inmates or prison staff and considerable variations in work and living condition are found between prisons in Nigeria. At prison level, differences were found in the number of inmates held in cells of the same design and size, depending on prisoners' status and their gender. Thus, remand prisoners were often held in overcrowded conditions whereas sentenced prisoners and the few female prisoners encountered did not suffer the same level of physical space limitations. Also, variation was found between the six participating Nigerian prisons with regard to the amount of physical space apportioned to prisoners in dorms, as well as inmates' access to daily activities such as work and training. Even in under-occupied Nigerian prisons, the findings showed that significant numbers of participants were dissatisfied with work and living conditions. Other differences found between Nigerian prisons were their physical structure and operation. The present study found that Nigerian prisons officially rated as similar through appointment as medium-security or satellite prisons were not sharing common features. GDP and WUP are officially rated as 'medium-security prisons' but the two facilities are not actually comparable in terms of structural facilities, population and staffing. Similarly, the three satellite prisons differed in terms of inmates' population, prison structures and facilities, and staffing.

The results of this study indicate that the features of overcrowding in Nigerian prisons are relative, varied, and context specific. The features of overcrowding in prison are determined by the contributing factors to the overcrowding. As demonstrated by the findings, understaffing at the prisons observed led to frequent restrictions and suspensions of prisoners' activities, particularly outside their dorms. Moreover, overcrowding at the six Nigerian prisons contributed to unpleasant odours and noisy prison dorms, absence of individual privacy, regular queuing in toilets and bathrooms as well as in other regime daily activities.

Thus, the current study indicated that many Nigerian prisons are in almost constant overcrowding mode regardless of their design. However, this did not necessarily mean that every place within the prison was overcrowded. Differences in

time, places and extent of overcrowding were found. Evidence from the current study indicated that some areas in prisons are more overcrowded than others. Prisoners' dorms and toilets are always overcrowded and more so than other places at the six Nigerian prisons. Other places such as the sickbay, prisoners' worship rooms, vocational workshops as well as the vehicles that produce prisoners to courts, where available, are also overcrowded during specific periods of the day. These results indicated that the overcrowding has a direct bearing on some daily work and living activities in prison. The findings showed that daily activities such as prisoners' access to fresh air and exercise, visit, and work or training are largely determined by the degree of overcrowding at the six Nigerian prisons. The smaller the prison population, the more likely prisoners are to be able to engage in out-of-dorms activities. Other common features uncovered by the current study are that prisons in Nigeria are unsafe to live and work in. The results showed that the provisions of food and water, accommodation, as well as the provisions catering for special needs of vulnerable inmates are unsatisfactory. Additionally, prisoners are treated differently dependent on their status with sentenced prisoners engaging more in work, training and outdoor sports and recreational activities than remand prisoners.

This study found that overcrowding in Nigerian prisons affects not only prison staff and inmates but also other institutions such as the government, judiciary, counsels, and prison management. Additionally, it affects individuals and groups outside the criminal justice system such as prisoners' families and friends and the public. However, as was to be expected, an overwhelming majority of participants expressed the belief that inmates and prisons were individuals and institutions most affected by overcrowding in Nigerian prisons. Also, among the prisoners, remand prisoners were more affected than others. Evidence from this study proved that most regime activities in Nigerian prisons are centred on sentenced prisoners regardless of the fact that in many prisons (five of the six Nigerian prisons in the study) remand prisoners make up the majority of prison inmates and can spend up to four years in prison.

With regards to the causes of overcrowding in Nigerian prisons, numerous drivers of prison overcrowding in Nigerian were unearthed by this study. The main factors driving prison overcrowding in Nigeria identified by participants include: antiquated criminal procedural laws and prison structures; slow judicial processes;

corruption; underfunding and understaffing; excessive use of imprisonment; and limited and rigid early release programmes.

Evidence from the present and previous studies suggested that Nigerian prisons overcrowding patterns as well as the complexities it came with are associated with Nigeria's past socio-political and economic system as well as the criminal justice system. It was observed that British colonialism played an influential role in Nigerian socio-political and legal affairs and affected the current legal and criminal justice arrangements. More so, traditional royal institutions were invaluable actors in crime management, control and prevention during pre-colonial and colonial era in Nigeria. However, traditional leaders in post-colonial Nigeria are playing little official roles in the administration of criminal justice despite the fact that they are still influential social and political actors. Thus, traditional leaders resolve disputes including indictable cases in many parts of Nigeria.

Some of the participants in this study associated prison overcrowding in Nigeria with colonisation, particularly by the British and antiquated prison infrastructures and operational laws. Of course, the Northern Nigerian criminal justice system is based on both Western (English) and Islamic (Sharia) legal systems and the system has not been changed substantially since its inception by the two colonisers: the British and Arabs. However, transforming Nigeria's criminal justice system is the sole responsibility of Nigerian stakeholders - in particular the Nigerian Government.

Many of this study's informants made a connection between slow judicial processes in Nigeria and overcrowding in Nigerian prisons. It is possible to link resource inadequacy and misappropriations as well as understaffing and underfunding of the Nigerian judicial system to prison overcrowding. The fewer the number of courts the more the workload is likely to be for the available courts. Other possible reasons are that resources for state institutions such as the judiciary are limited and/or that improving the criminal justice system - particularly prisons - is not among the Government's priorities. In practice, however, another possible reason for slow judicial processes in Nigeria is the medium of communication used through which criminal justice proceedings are carried out. Criminal proceedings in Nigeria, particularly court proceedings, are conducted in English (at Magistrate, High and Supreme Courts) or Arabic (Sharia Courts), which thereafter are verbally relayed into the defendant's native language. The author observed that Sharia Courts' proceedings use Arabic language, while Magistrate and High Courts' proceedings are carried out in English in

Kano state. Even though English is the official language in Nigeria, not every Nigerian can understand or speak English, and even fewer speak Arabic. Thus, a language barrier seems to affect and prolong the duration of court proceedings. Arguably, the use of English and Arabic is the legacy of colonial rule and creates a barrier in Nigeria's judicial processes as well as lengthening court proceedings.

Contemporary criminal justice arrangements in Nigeria are largely the legacy of structures introduced during British colonialism. The reviewed literature suggested that apart from the judicial and legislative functions being shifted from native authorities to federal government, the attainment of political independence of Nigeria in 1960 brought few significant changes to the Nigerian legal system inherited from British colonial rulers. Moreover, the reviewed literature suggests that stakeholders in Nigeria are not ignorant of the inadequacy of the criminal justice system including the prison overcrowding and that the Nigerian Government has the financial resource to reform the criminal justice system, but is lacking political determination to transform the system (Lawal-Muhammad and Atte, 2006; Thomas, 2010; TLC, 2008). Several special committees to assess the prison system with particular reference to overcrowding were set up by Nigerian military and civilian democratic governments; reports and recommendations were submitted, yet, very little has changed in the Nigerian prison system and with overcrowding in particular. Evidence from other studies suggested that the Nigerian criminal justice system has not been the Government's priority, largely, because the criminal justice system is used as tool for political and economic domination by the ruling class (Agozino, 2005; Nwabuzor, 2005; Onuaha, 2010; Ogundiya, 2009). Again, the political instability in post-colonial Nigeria created a difficult atmosphere for non-states actors including opposition parties to challenge the course of events, particularly in the justice system. While the activities of the government led to mechanisms being put in place such as the Legal Aid Council of Nigeria (LACN), Human Rights Commission of Nigeria (HRCN), Economic and Financial Crimes Commission (EFCC), Police Service Commission of Nigeria (PSCN) and Independent Corrupt Practices and Other Related Offences Commission (ICPC) to watch over the administration of criminal justice, they were undermined by frequent interference from the executive and prominent politicians, as well as hindered by a weak and overburdened judicial system (Chinedu and Shedrack, 2002; HRW, 2012; Le Van and Ukata, 2011; Onuaha, 2010; Ogundiya, 2009).

The current study unearthed profiteering/corruption as one of the possible driving force of overcrowding in Nigerian prisons by revealing institutions and groups of individuals that are gaining out of the situation. The overwhelming majority of participants expressed the belief that overcrowding in prisons is creating profitable opportunities for some unscrupulous officials and staff within criminal justice institutions as well as some prisoners and prison contractors. The study's findings indicated that an increase in the number of people sent to prison directly increases the financial gain of certain individuals and companies. The results suggest that overcrowding in Nigerian prisons has certain connections with the privatisation of some aspects of Nigerian prisons management and the length of time remand prisoners stayed in prison. Due to the fact that prison contracts are paid per actual prison population, certain unscrupulous prison officials and staff, sentencing authorities and prison contractors connived to maintain higher prison population for their own personal financial gains. It could be suggested that prison overcrowding is used not only as a tool for political dominance (see Chapter Three) but also for economic exploitation.

The assessment of prison staff and inmates' reactions and adaptation strategies in response to overcrowding at the six Nigerian prisons revealed that both staff and prisoners used multiple approaches: emotional-centred and problem-focussed as coping strategies. Prisoners complained to staff; defied prison orders and protested; displayed aggressive behaviours; and attempted escapes. This indicates that prison riots, escapes, prison gangs and other unruly behaviours such as damaging prison property, unnecessary noise or screaming day and night, and quarrelling one other are associated with overcrowding. Nevertheless, the findings suggested that the adaptation tactics prisoners engaged at the six Nigerian prisons were more problem-focussed than emotional-centred coping approaches. Prisoners sought families and friends support; prayed to God; accessed daily basic services by queuing patiently; and always rearranged their beds and mats in their dorms so as to accommodate the growing numbers of inmates being admitted. Given the results, it implies that inmates tended to adjust and adapt rather than resist.

A number of factors are unearthed by the present study as to why prisoners in Nigeria tend to adapt rather than resist prison overcrowding. Prisoners in Nigeria seem to be ignorant of their rights, prison staff members in many Nigerian prisons are not humane and just in their approach to work or dealings with prisoners, and there is no



effective independent mechanism put in place by either the state or non-state actors for the prisoners to voice their grievances about overcrowding. Above all, some Nigerians including the prisoners seem to have little or no confidence in the justice system (AI, 2008; HRW, 2005 and 2012; IIG, 2012) as many believe no action will be taken even if complaints about the overcrowding are made.

With regard to prison staff responses to overcrowding in Nigerian prison, the study found that prison staff members used multiple approaches but they tended to engage more in problem-focussed than emotional-centred coping strategies particularly at the six Nigerian prisons. Nigerian prison staff members engaged in religious activities such as prayers to God; made use of few selected prisoners to control other prisoners; and in some instances, carried on doing their work as usual. Prisons staff members at the six Nigerian prisons made use of prisoners' leadership to manage the prisons. Evidence from the current study indicated that the use of prisoners' leadership to manage the affairs of prison has not only allowed staff to treat prisoners differently and encouraged staff-inmates exploitation but also legitimised. Prison staff members are compelled to adapt to overcrowded work situation partly because they have limited employment opportunities as the rate of unemployment in Nigeria is continuously on the increase (NBS, 2012; World Bank, 2013). Prison staff members in Nigeria are recruited on a permanent basis thus the job has the prospect of long term secure employment. Additionally, the NPS is a government led institution with a strict hierarchy in which trainings and orientations prison staff members undergo allows for little chance to complain (Jefferson, 2004; 2007), which means, prison staff members in Nigeria obey orders from superiors without complain. Thus prison staff members adapt rather than resist working in overcrowded Nigerian prisons because they cannot complain nor do anything about overcrowding conditions.

Evidence from this research suggests that prison staff adopted both the social control (strict compliance with prison rules, tight control of prisoners and suspending prison activities) and consensus models (bending or ignoring prison rules and tight control) of managing prisoners. Prison staff adopted a social control model in response to prison overcrowding because they have no other options. Evidence from this research indicates that staff members at the six Nigerian prisons were strict in dealings with prisoners and prisoners are often held in solitary cells as ways of restoring orders. In addition, prison staff members are compelled to work extra hours without pay. This

practice creates not only poor staff-inmate relationships but also makes prisoners' reformation and rehabilitation activities almost impossible.

In addition to the social control management model, however, staff members at the six Nigerian prisons used the consensus management model because they were bending, bypassing or ignoring prison orders in response to overcrowding. Prison staff members were discriminately appointing some prisoners to control other prisoners, and some staff members were engaging in prohibited trafficking such as bringing in contraband goods such as mobile phones, food, cigarettes, marijuana and other narcotics to prisoners, and or secreting information from prisoners to outsiders without the Superintendent's consent. The two forms of prison management models engaged in by prison staff, as highlighted by other studies (Dilulio, 1999; Martin *et al.*, 2012), inspire and intensify inmate-to-inmate and staff-to-inmate abuses and exploitation. Thus, one could argue that the social control and consensus management models adopted by prison staff in the six Nigerian prisons may not only affect prisoners and staff safety and security but also undermine the NPS objectives of keeping safe custody of prisoners and rehabilitating prisoners.

Institutional responses and solutions to prison overcrowding in Nigerian prisons were assessed. The findings revealed that the Nigerian judiciary and other related government agencies as well as the NPS lacked the operational capacity to adequately respond to overcrowding in prisons. The NPS engaged in problem-focussed coping strategies which included sharing information about the situation with other stakeholders and seeking the intervention of other stakeholders in the Nigerian criminal justice system in order to ease overcrowding in Nigerian prisons. The present study found that the Nigerian judiciary and other relevant government agencies' interventions in response to prison overcrowding only provided short and medium term solutions that seemed to be inadequate. The most common responses to overcrowding by Nigerian judicial and other government agencies in Nigerian prisons are the jail delivery scheme by states and federation chief judges; establishment of prison decongestion committees; payment of fines on behalf of sentenced prisoners; and provision of free legal service to remand prisoners (*pro bono*).

Again, the present study found that non-state actors' responses to overcrowding in Nigerian prisons appeared to be limited in scope, selective and unsystematic. The most common interventions engaged in by non-state actors are payment of fines and compensations to sentenced prisoners; provision of moral and divine guidance, and

counselling services to inmates; provision of free legal services to remand prisoners; and supporting the NPS and inmates with access to provisions for daily basic needs such as water, food and medicine.

In essence, the current study found that the Nigerian criminal justice institutions as well as non-state actors' responses to prison overcrowding were inadequate and unsustainable. The interventions were mainly providing short and medium term solutions, responded to overcrowding as isolated incidents rather than systemic problems and largely focussed on the solving the symptoms of prison overcrowding rather than addressing the underlying root causes.

However, findings indicated that overcrowding in the Nigerian prisons is preventable, given the scope, quality and quantity of the institutional responses it seemed that averting overcrowding in Nigerian prisons is not likely to be a straightforward task. Averting prison overcrowding in Nigerian prisons seems to be challenging as the process would not only involve multidimensional approaches, but also require sustainable stakeholders' commitment. The most common measures prescribed by the present study's informants include: tougher measures to curb corrupt practices and resource mismanagement in the Nigerian criminal justice system; overhaul Nigeria's criminal procedural laws; overhaul sentences in order to reduce the use of imprisonment as a penalty by expanding alternatives to imprisonment; expanding early release services and programmes in order to shorten the length of time prisoners spend in prison; introduction and adherence to custodial time limits for remand prisoners; improvement in funding of the Nigerian criminal justice system; improving the quality and quantity of personnel in the Nigerian criminal justice institutions as well as effective monitoring and supervision of criminal justice institutions and officials.

In summary, this study found that the six Nigerian prisons involved in this study were assessed as overcrowded for quite long periods of time irrespective of their designs, capacity, and locations. Evidence from this research suggests that many Nigerian prisons were officially under-occupied but practically overcrowded. Overcrowding in Nigerian prisons offers profitable opportunities for some individuals and companies. In addition, the nature and extent of overcrowding, as well as the manner in which stakeholders including inmates are coping with the situation, indicated that overcrowding is a systemic problem rather than an emergency issue.

The empirical context of this study advised that the overcrowding in Nigerian prisons as well as other accompanying challenges in the administration criminal justice in Nigeria are largely due to a lack of suitable and update legislation by past and present Nigerian governments. Arguably, with political determination, the prisons population can be controlled, and the work and living condition in prisons could be transformed. Governments and justice agencies can ‘control the size of their prison population if they want to’ (Lewis, 2004:54). The results suggest that very little has changed in the Nigerian penal system since it was established by colonial rulers and that it remains unaltered because the system is serving the ruling elites who are using it as a mechanism of economic, social and political domination (Agozino, 2005; Sarkin, 2009).

### **Policy Implications and Recommendations**

In line with the study’s findings, this section draws some key policy implications and advocates measures for improving or redesigning future policies, programmes and practices in the administration of criminal justice in Nigeria. The section begins by presenting how some of the study findings may affect policy, programmes, and practices in the administration of the criminal justice system in Nigeria. Thereafter, it outlines measures for improving the Nigerian criminal justice system and addressing the problem of overcrowding in Nigerian prisons.

The understanding of prison overcrowding in Nigeria, as unearthed by this study, is that the phenomenon is largely construed in the context of arithmetic formulas and this will affect policy response. Evidence from the current study challenges reliability and legitimacy of Nigerian prisons’ rated capacity. Many Nigerian prisons’ designed capacity does not reflect their actual work and living conditions. The findings indicate that design capacity in Nigerian prisons is mainly used for identification and categorisation such as ‘Maximum, Medium and Satellite’ rather than as a tool for needs assessment, determining supplies and payments of contracts, as well as assessing and explaining work and living conditions. Accurate prison categorisation will affect both planning and budgetary allocation to prisons as some prisons could be wrongly categorised.

Categorisation of Nigerian prisons by prison capacity raises questions as to who are determining Nigerian prisons’ capacity and on which basis, and how often prisons capacity in Nigeria is reviewed. As indicated by the present study’ findings,

the number of inmates' dorms had been expanded in GDP while at WUP and DSP some dorms were uninhabitable, yet all the three prisons' official capacity remain unchanged. The conflicting views concerning work and living condition in Nigerian prisons between advocates, commentators and the Nigerian government including prison authorities could be linked to the unreliability of prison capacity. In 2012, for example, the overall Nigerian prison occupancy level exceeded the designed capacity by 100 but fewer than 120 per cent which suggested that the severity and extent of overcrowding in Nigerian prisons was not problematic, however, it was refuted by commentators and studies (see Alabi and Alabi, 2011; AI, 2011; AI, 2012; Chukwuemeka, 2010 and Ogwezzy, 2011). Other practical implications of non-compliance and inconsistency of the Nigerian prisons' capacity is that it makes policy planning as well as implementation of projects and programmes difficult.

Assessing prison overcrowding purely on the basis of arithmetic formulas implies that policies and programmes for solving the phenomenon will ignore other aspects of overcrowding such as an individual's privacy, decent work and living conditions and personal development, as well as prisoners' rehabilitation activities. Evidence from other previous studies (Bottoms *et al.*, 2004; Cavadino and Dignan, 2002; Gottfredson, 1986; Mullen, 1987; Snacken and Bayens, 1994) and this study point to the fact that any policy programme that may offer a sustainable solution to overcrowding in prison should integrate the three components of prison overcrowding: arithmetic formulas, physical, and intangible indicators.

The current study found that the impact of overcrowding in Nigerian prisons are felt far beyond the prison as other institutional mechanisms such as the government, judiciary, counsels, prisoners' families and friends, and public are also affected. However, the findings suggest that prison inmates, in particular remand prisoners, are the most affected by overcrowding. Thus, reform policy and programmes need not to only recognise but also give priority to the plight of remand prisoners.

Similarities were found between the reported types of reactions exhibited by prisoners in overcrowded prisons in this study and those described by other studies (Ingraham and Wellford, 1987; Murdoch and Griffiths, 2009; Vanderzyl, 1992; Walmsley, 2003). The aggressive behaviours exhibited by prisoners including prison riots, prison escapes, as well as the stress felt by prison staff are all cumulative manifestations of prison overcrowding. Evidence from this research suggests that both

prison staff and inmates at the six Nigerian prisons tend to adjust and adapt rather than resist overcrowding. However, the long-term effect of prison staff and prisoners' adaptation to prison overcrowding may negatively affect staff performance and prisoners' wellbeing as well as chances for the prisoner's rehabilitation. The present study found that prison staff and inmates' reactions and adaptation strategies to overcrowding in the six Nigerian prisons are not universal and consistent across the six Nigerian prisons but that strategies are dynamic and unique to individuals and to the prisons. This implies that a uniform or single policy response is not likely to address prison overcrowding across Nigerian prisons.

Based on several indicators, the current study found that profiteering as a result of prison overcrowding is not only limited to some prison officials, prisoners and prison contractors but also some actors in criminal justice administration - counsels and court judges and officials gained. This, in turn, makes it difficult for vulnerable prisoners to be released, and therefore contributing to the issue of prison overcrowding. Thus, future policy and programmes aiming to address overcrowding in Nigerian prisons need to recognise the profitable opportunities overcrowding is offering to unscrupulous groups of individuals in the system and prison contracting companies.

Evidence from this research indicated that the criminal justice system institutions in Nigeria – the NPS as well as judiciary and related government agencies, have a limited capacity to respond to overcrowding in Nigerian prisons. Therefore, reform policies and programmes for improving the Nigerian criminal justice system, and addressing overcrowding in Nigerian prisons in particular need to be tailored toward expanding and sustaining the capacity of criminal justice system institutions.

Inferring from the current study's findings supported by other studies, this thesis proposes certain feasible and sustainable measures for transforming the Nigerian criminal justice system and addressing the issue of overcrowding in Nigerian prisons. The suggested measures are directed to the Nigerian Government, the NPS, and non-state actors. This study acknowledges the fact that several solutions for mitigating and averting overcrowding in prisons, particularly in Nigeria, have been proposed in the past, however, this thesis seems to differ from others in that the proposals offer more specific and practicable approaches for the reforms.

### a) Government

Evidence from this thesis with other studies providing support (Agozino, 2005; AI, 2008; Alemika, 1998; Chukwuemeka, 2010; Obioha, 2011; Ogundipe, 2009) pointed to the fact that the main reason behind overcrowding in Nigerian was the inaction of the past and current Nigerian Governments. Below are a number of suggestions for reform.

- Government to incorporate a clear policy on prison overcrowding in the penal system's policy. The policy should include what constitutes overcrowding beyond arithmetic measures in prison as well as sanctions and compensatory measures to individuals affected by overcrowding. The provision will not only serve as the national standards for determining the situation but also allow affected staff and prisoners to seek redress.
- Repeal colonial laws that encourage arrests and unnecessary detentions such as laws on vagabonds, criminal gang membership/thieves, attempting to commit a crime, public drunkenness, loitering, prostitution and failing to pay debts.
- Recognise that traditional institutions play an important role in social, political and economic development in Nigeria and are already engaged in resolving dispute unofficially. Engage the Nigerian traditional institutions and build their activities into the administration of criminal justice in the following areas: dispute resolution; diversion programmes and administration of community service penalties; and prison monitoring and administration. The legal recognition and engagement of Nigerian traditional institutions in the administration of Nigerian criminal justice may not necessarily have a direct bearing on solving the problem of overcrowding but may contribute in improving access to justice and strengthening the formal justice institutions' ability to provide justice and legal protection. Informal institutions in Nigerian societies have in the past (Falola, 1995; Fourchard, 2008; Last, 2008; Mohammed, 2007; Tamunu, 1993; Usman, 1987) and still seem to enjoy the trust and confidence of Nigerians (Mohammed, 2007). Thus, with some improvements in their operations, Nigerian informal institutions will provide justice that could be accessible and have the potential to provide quick, relatively inexpensive and culturally relevant remedies. However, engaging traditional institutions in the administration of Nigerian criminal justice institutions does not mean that these royal institutions are to substitute,

compete with, or be promoted at the expense of the formal justice system. The role of traditional institutions in the administration of criminal justice should be clearly defined and legitimatised.

- Clampdown on prison admissions through adopting measures that would regulate and reduce prison admissions which could be done through the following actions:
  1. Expand and empower criminal justice institutions to use diversion programmes. Diversion places emphasis on the need to divert cases from the formal justice system to other bodies such as referring crime cases to traditional institutions or professional institutions such as the social workers, psychologists and psychiatrists rather than imprisonment.
  2. Set a specific guideline and time frame for criminal cases investigation and trial proceedings, and empower institutions involved to check and discard all cases that exceed the allocated time. Thus, shortening the time spent on remand.
  3. Restrictions on the use of custodial remands for offenders posing a danger of absconding or risk to their victim.
  4. Set specific and realistic custodial time limits (guidelines) for remand prisoners charged with indictable and non-indictable offences.
  5. Expansion of bail, bail procedures and conditions, and introducing bail support schemes.
  6. Introduce more non-custodial or community-based penalties and encourage greater use of non-custodial or community-based penalties.
  7. Recruit additional professional staff into the criminal justice system such as judges, counsels and other court officials while performance of the available personnel in the sector could be improved through regular training and development as well as staff welfare in order to meet up with the challenges in the system.
  8. Allocation of more funds for the implementation of the changes in the system.
- Dropping prison population strategies which are mainly concerned with prison early release programmes and services through:
  - a. Empowering prison authorities to strictly adhere to prison capacity by rejecting prisoners beyond the prison capacity.



- b. Expansion of early releases programmes and services to reduce the length of time sentence prisoners spend in prison. Through suspended sentences programmes such as parole instead of sentence remission, establishment of half-way-homes, home leave or holiday, parole, home detention curfew and electronic monitoring.
  - c. Empower the prison authorities to automatically release prisoners on remand upon expiration of their custodial time limit (CTL).
  - d. Review of certain sentencing policies that encourage long-term stay in prison such as the use of mandatory and minimum sentences including the life imprisonment sentence.
  - e. Review and expansion of the jail delivery programme.
  - f. Mandate courts to frequently hold sessions or visit prisons within their domain with a view of bridging coordination and communication gaps between prison and sentencing authorities.
- Improving and maintaining work and living conditions in prisons through:
    1. Ensure steady and adequate provision of food, water, clothes, beds and beddings, toiletries and medical care services for prisoners (including vulnerable prisoners).
    2. The supply and distribution of prisoners' daily needs including personal space allocation in dorms should not be compromised.
    3. Rebuild and expand structures in prisons.
    4. Improve and maintain transportation and communication facilities.
    5. Provision of free legal and paralegal services for prisoners.
    6. Improve and expand regime activities for remand prisoners.
    7. Prohibit the use of prisoners in managing prisons.
    8. Set out average ratio of staff-to-prisoners and ensure strict compliance.
    9. Quarterly review of national and individual prison capacity by prison authorities in conjunction with other actors in criminal justice such as NGOs, judges, counsels, human rights advocates and town planners.
    10. Stress management and counselling and guidance services for staff and inmates.
    11. Each prison should have workable contingency plans for overcrowding.
    12. Make prison work attractive by improving staff welfare including salary and wages.

13. The award, execution and supervision of prison contracts should be open to public scrutiny.
  14. Improve staff approach to work and dealings with prisoners through training and retraining - humane, just and effective prison practices and administration.
- Establishment of an independent monitoring council and research institution that will jointly work to:
    - a. Regularly review and inform the state on the criminal justice system's operation, sentencing guidelines, penalties, and prison capacity.
    - b. Install and oversee Case Tracking and Monitoring program in the criminal justice institutions. The programme could either be computer-based or paper-based or indeed utilise both monitoring systems. Through this device, individuals and institutions' activities could be tracked and monitored. Again, the programme will improve communication, coordination and data management within and between the justice institutions. Above all, the devices will serve as a medium for monitoring crime and imprisonment trends and more importantly allow for checks for abuses and corrupt practices in the system.
    - c. Monitor prison activities including capacity and participate in the quarterly review of prison capacity.
    - d. Encourage and support continued research on factors contributing to prison overcrowding.
    - e. Establish a complaints unit in every prison to enable prison visitors, staff members, and prisoners as well as their families to directly voice their grievances.
    - f. Ensure compliance with national and international standards of operation ratified by the Nigerian Government.
    - g. Monitor and advice on prevention, and report abuses and corrupt practices in the criminal justice system.

#### **b. Non-state Actors**

The evidence from other studies suggested that non-state actors could play a crucial role in advancing the performance of criminal justice system as well as improving

work and living conditions in prison (CHRI, 2008; Mujuzi, 2007; PRI, 2011; Van zly Smit, 2010; von Hofer, 2003; Walsh, 2010). Non-state actors' contribution in mitigating and averting Nigerian prisons overcrowding could be improved by:

- a) Pressurising Nigerian Government to reform criminal justice institutions' operational laws as well as criminal procedural laws.
- b) Supporting and participating in designing, implementation and appraising reform policies/ initiatives in the Nigerian criminal justice system.
- c) Frequent visits to prisons to conduct research and prisoners' needs assessments.
- d) Informing Nigerian Government and the public of the visit findings.
- e) Providing oversight functions on the operation including data management of the Nigerian criminal justice institutions.
- f) Participating as a member of the independent monitoring unit, as proposed earlier.
- g) Supporting and participating in designing, implementation and appraising Nigerian prisons staff training programmes.
- h) Serving as a link between prisoners including their families and the Government in terms of grievances.
- i) Serving as monitors with regard to the operation of the criminal justice system, work and living condition in prisons, prison population and overcrowding.

However, reform in a country's criminal justice system is not limited solely to overhauling the system. Transforming the criminal justice system involves changes in a country's social, political and economic systems. Some of this study's participants made a connection between prison overcrowding and poverty, unemployment, illiteracy and internal security threats. Thus I share the conviction that reform in Nigerian society's socio-political, educational and economic systems could, in turn, contribute to the transformation of the justice system. Arguably, as highlighted by a US study on reforming US criminal justice sector there is an 'impossibility of achieving more than a superficial reformation of our criminal justice system without a radical change in our values and a drastic restructuring of our social and economic institutions' (American Friends Service Committee, 1971:8).

### **Implications for Theory**

In this section, some of the main contributions made by this study in extending our understanding and explanation of prison overcrowding as a phenomenon from a Nigerian perspective are presented.

Evidence from the current study demonstrates that the appalling work and living conditions in the Nigerian prisons remain unaltered partly because the institution is largely housing vulnerable Nigerians who cannot afford to pay their way out of the system. Vulnerable prisoners are nursing mothers, the remand prisoners who could not afford legal representation as well as prisoners sentenced to pay fines who cannot afford them. Equally, the findings indicate that corruption is deeply embedded into all aspects of Nigeria's criminal justice system. Thus some of the vulnerable Nigerians trapped in the system do not receive fair treatment particularly those remand prisoners who could not afford legal representation remained in the system, thereby, creating profitable opportunities for some unscrupulous individuals and institutions. The findings add substantially to our knowledge and understanding to the existing limited literature on micro aspects profiteering as result of overcrowding in prison particularly in Nigeria.

The current study's results on the drivers of overcrowding differ from several other studies' findings. Other previous research showed that overcrowding in prison is largely resulting from either overuse of imprisonment, insufficient prison capacity, and the length of time sentenced and remand prisoners are spending in prison (Albrecht, 2010; Kuhn, 1994; Lappi-Seppala, 2010; Millie *et al.*, 2003; Snacken and Bayens, 1994). The present study's results indicate that overcrowding in Nigerian prisons is deepened rather than caused by all those factors mentioned above. Evidence from this research suggests that overcrowding in Nigerian prisons was chiefly caused by the Nigerian stakeholders' inaction or failure to transform the system. The current study pointed out that the aforementioned factors escalate overcrowding rather than being its root cause. The present study produced results which corroborate findings of a significant amount of the previous work in criminology that showed prison numbers, including prison overcrowding are directly due to the unwillingness of elected politicians to initiate policy changes in the system (Agozino, 2005; Lewis, 2004; Tonry, 2003; von Hofer, 2003).

In addition, the study adds substantially to our knowledge and understanding of the existing literature on individuals' reactions and coping strategies particularly in an

overcrowded prison. While prior studies provided explanations on individuals' reactions and adaptation strategies in a general stressful condition (Biggam *et al.*, 1997; Cohen and Taylor, 1972; Folkman and Lazarus, 1980; Goffman, 1961; Mohiro *et al.*, 2004), the current study has gone some way to provide a new understanding of how individuals in twofold stressful conditions are responding and coping.

The present study confirms other previous studies (Bonta and Gendreau, 1990; Gaes, 2004; Goyer, 2011; Haney, 2006; Ingraham and Wellford, 1987; James, 2013; King and McDermott, 1989; Liebling and Arnold, 2002; Murdoch and Griffiths, 2009; Vanderzyl, 1992; Walmsley, 2003), and contributes additional evidence that suggests overcrowding in prison disrupts prison routines and undermines prison order.

This study's findings reveal that prison staff adopted social control and consensus management models in response to prison overcrowding at the six Nigerian prisons observed. Consensus model of prison management requires improving prison's security and safety measures as well as staffing levels, thus the management approach is difficult to maintain in an understaffed prison particularly with poor security arrangements (Dilulio, 1999; Martin *et al.*, 2012). Prison staff members used both social control and consensus management models in overcrowded Nigerian prisons yet these prisons were understaffed and had poor security and safety arrangements. Prison activities were reduced and tension among prisoners grew thereby undermining work and living conditions. When prison is tightly or loosely managed, any small defect in the institution fuels tension among prisoners, which in turn could trigger unruly behaviour in prison. Arguably, the more complex and tightly coupled a prison organization is, the more vulnerable it becomes to the occurrence of riots and other incidents such as fires, fights or hostage taking (Boin and Rattray, 2004; Coyle, 2002b).

The present study's findings refute the reliability and legitimacy of prison capacity as a unit of measuring overcrowding and broadly consistent with earlier studies (Bonta and Gendreau, 1990; Gaes, 1985; King and McDermott, 1989; Liebling and Arnold, 2002; Sherman and Hawkins, 1981) which advocated the use of a combined unit: arithmetical formula, physical goods and intangible services, for determining overcrowding in prison. The present study findings lent support to those positions that claimed overcrowding in prison is a relative and complex phenomenon (Albrecht, 2010; Lappi-Seppala, 2010), which could not be measured adequately with the application of one or two indicators. The current study found that the use of prison

capacity alone in analysing prison overcrowding is not likely to produce reliable and legitimate results across jurisdictions (King and McDermott, 1989).

A connection between prison overcrowding and the length of time prisoners spent in prison was found in the present study. Evidence from this research indicated that overcrowding in prison is escalated because remand prisoners stayed in prison longer than the expected period. This implies that unlimited custodial remand terms are linked to prison population and overcrowding. The findings lent support to other studies that related prison overcrowding to length of time prisoners spend in prison (Gaes, 2004; Haney, 2006; Hucklesby, 2009; ICRC, 2012; Tonry, 2004).

The current study used the post-colonial theory as a framework for understanding and explaining prison overcrowding in Nigeria. A central tenet to post-colonial theory is that inadequacies and ineffectiveness of contemporary criminal justice system including prison conditions in neo-colonial sub-Saharan African countries are direct consequences of colonialism by the Europeans in the 1500s to the mid-1900s, and the deliberate failure of the ruling elites that followed colonial powers to improve the system (Agozino, 2004; Agozino, 2005; Alemika, 1988; Bowd, 2009; Oriola, 2006; Shaidi, 1992). On the one hand, this study's findings are congruent with the post-colonial theory's premise on the basis that inaction by the Nigerian Government to transform the Nigerian criminal justice system and more specifically the Nigerian prisons system was found to be the primary cause of prison overcrowding in Nigeria. Some of this study's participants made connections between prison overcrowding in Nigeria and repressive arrest and detention practices by the Nigerian policing agencies, antiquated criminal procedural laws, and prisons' structures and facilities. With stakeholders' determination and new policy initiatives, structures and facilities in prisons can improve, and attitudes and practices including training patterns in the Nigerian policing agencies can change, and operational laws overhauled. Additionally, evidence from this research indicates that Nigerian Governments have initiated several measures to reform Nigerian prison system but those measures have neither significantly improved Nigerian prison conditions nor have they solved the problem of overcrowding in Nigerian prisons largely because it has not been one of the Government's priorities. On the other hand, the current research findings differ from post-colonial theory's position in that no substantive evidence from this research suggests that the experience of overcrowding in Nigerian prisons is directly resulting from British colonialism in Nigeria. Even though both the Nigerian criminal justice

system and the Nigerian prisons system are largely English models (Alemika, 2011; Jefferson, 2007; NLRC, 1991; Orakwe, 2011; Saleh-Hannah, 2008), absence of enthusiasm to transform criminal justice system and prisons in Nigeria particularly at policy level was the main driving force of overcrowding.

Research to date has largely focussed on facets, drivers and remedy of prison overcrowding with little attention paid to the complexities that come with the overcrowding. Very little was found in the literature on profiteering as a result of prison overcrowding. The present study, however, makes several noteworthy contributions by providing new understanding of how some individuals and organisations particularly in the administration of criminal justice are profiting out of the overcrowding condition.

### **Suggestions for Further Work**

Despite the fact that the current study provided useful information on the perspectives, and factors in prison overcrowding as well as the institutional responses and individuals coping strategies, further research is necessary.

Relatively, few studies gave serious consideration to how other non-crime related factors such as poverty, unemployment, internal security threat, and seasonal issues such as local and national festivals affecting prison populations and overcrowding. One previous study showed that people may seek refuge in prison against the intolerable pressures of the outside world (Cavadino and Dignan, 2002). Thus, further research should be done to investigate how seasons, and individual or collective events influence prison population and overcrowding.

One unanticipated finding unearthed by the present study was that seasons including festivities affect prison population and overcrowding. Additional data were obtained and analysed to confirm the results at two of the six prisons participated in the study but no significant differences was detected. This issue could be explored further.

In addition, the coping ability and strategies of prison staff and inmates need to be explored more systematically in future research to better understand how these mechanisms may be institutionalised to the benefit of the staff, prison administrators and institutional orders and policy. One of the most obvious findings emerging from the present study is that, despite the appalling work and living condition in the Nigerian prisons, both staff and inmates try to adapt rather than resist in the event of

overcrowding. Ideally, the study needs to be repeated in other prisons and across a wider geographical area to confirm the results.

More work needs to be done to understand in detail, and determine how some individuals and companies are profiting as a result of overcrowding in Nigerian prisons. The current study found that overcrowding in Nigerian prisons is creating profitable opportunities for individuals and organisations at both prison and administrative levels. Further work is required not only to confirm these claims but, also to explore the process and benefit of reforms. This study's findings indicate that no reform measures in the Nigerian criminal justice system and remedy to overcrowding in Nigerian prisons in particular are likely to work well without curbing the illegal gains some people and companies are deriving out of the phenomenon.

The reviewed literature in the current study revealed that there is no globally agreed definition of prison overcrowding and acceptable space requirements per prisoner are still contested in many jurisdictions. Thus, there is the need to develop a national framework for understanding what constitutes overcrowding in prison at both micro and macro levels as well as a precise amount of space per prisoner.

In addition, institutional responses to prison overcrowding that targeted vulnerable prisoners, also, need to be studied further. It was impossible to explore in-depth responses to overcrowding by specific groups in prison. It can be assumed that variation may be found in the reactions and coping strategies of vulnerable groups of prisoners – the mentally ill, physically challenged and young people, in the event of overcrowding in prison. Thus, I do not make claim that the findings from this research reflected the perspectives of vulnerable groups of prisoners. This issue could be explored further.

There is a strong need for further research into the reactions and coping strategies of vulnerable prisoners in the event of overcrowding in Nigerian prisons. The reviewed literature and this thesis' findings revealed that there has only been a scant acknowledgement of the issues, yet vulnerable members of Nigerian societies, such as nursing mothers, continue to be admitted to prison.

The role of traditional institutions in the administration of criminal justice, and the penal system in particular, needs to be systematically assessed. Evidence from this research supported by other previous studies (Fourchard, 2008; Last, 2008; Mohammed, 2007; Tamunu, 1993; Usman, 1987) indicated that the traditional authorities play an important role in maintaining law and order in Nigeria. Nigerian



traditional institutions were actively engaged in the administration of criminal justice by the British colonial administrators but post-colonial Nigerian Governments failed to involve them officially in the administration of criminal justice. The present study findings suggest the need for alternative dispute resolution mechanisms in Nigeria as one of the possible solutions to prison overcrowding, which the traditional Nigerian institution may be in a good position to offer. Thus, further research needs to be carried out in this context not only in order to explore possibility of providing inexpensive and quick access to justice but also as way of strengthening public confidence in the Nigerian criminal justice system.

Above all, the current study findings indicate that the overcrowding in the Nigerian prisons is primarily caused by the inaction of past and present Nigerian Governments. Thus, it makes sense to further interrogate whether the present Nigerian Government is willing to take genuine steps towards reforming the criminal justice system and improving or easing work and living condition in Nigerian prisons.

[Word count: 99,870]

## Appendices

**Appendix A, Table 1.2:** Different Ways of Determining Prison Overcrowding

Author (s)	Specific Arithmetic Formulas	Physical Goods Indicators	Intangible Services or Difficult-to-Measure Indicators
Chung (2000)	-	<ol style="list-style-type: none"> <li>1. Violation or non-compliance of any regional or international instruments or standards a country is bounded.</li> <li>2. Observations and reports by expert bodies.</li> <li>3. Competent court decision.</li> </ol>	-
United Nations: UNSMR (1955): Rule 9&10.  UN (2013)	-  Number of prisoners exceeds official prison capacity.	<ol style="list-style-type: none"> <li>a) A sleeping accommodation per inmate; two prisoners per cell is not desirable.</li> <li>b) Ventilated accommodation.</li> <li>c) Minimum floor space in a cell.</li> <li>d) Minimum lighting, heating and ventilation in a cell.</li> </ol>	<ol style="list-style-type: none"> <li>1. An accommodation with cubic contents of air.</li> <li>2. Meet up standard health requirements.</li> </ol>
NACRO (cited by Nembrini 2005)	-	<ol style="list-style-type: none"> <li>a. Prisoners enjoy ten hours outside sleeping room daily.</li> <li>b. Minimum of an hour for work, sun bath and exercise daily.</li> <li>c. Floor space of 5.4m<sup>2</sup> per inmate.</li> <li>d. Minimum distance between cell walls 2.15m.</li> <li>e. Ceiling in a cell must be 2.45m high.</li> <li>f. Daily regime activities for prisoners.</li> </ol>	-
ICRC (Cited by Nembrini 2005)  ICRC (2012)	Overcrowding = $A/B \times 100$ where: A = actual number inmates over time. B = official prison capacity >100 = Overcrowding. <100 = Under-occupied.  Minimum space per prisoner in cell as 'Undisturbed cell' 1) 1.6 square meter	<ol style="list-style-type: none"> <li>1. Spacious accommodation.</li> <li>2. Adequate ventilation and lighting in cells.</li> <li>3. Access to sanitary facilities.</li> <li>4. Adequate toilets, bathrooms and medical care to prisoners.</li> </ol> <ol style="list-style-type: none"> <li>1) Structural condition of buildings in</li> </ol>	<ol style="list-style-type: none"> <li>a. Prisoner has the opportunity to participate in a gainful activity daily.</li> <li>b. Prisoners' personal development activities.</li> </ol> <ol style="list-style-type: none"> <li>1) Extent of dynamic security in a prison; effective</li> </ol>

	<p>for prisoner in cell but does not include space for toilets and showers.</p> <ol style="list-style-type: none"> <li>2) 5.4 square meter per person in single cell.</li> <li>3) 3.4 per prisoner in shared dormitory including where bunk beds are used.</li> </ol>	<p>prison.</p> <ol style="list-style-type: none"> <li>2) Amount of time prisoner spend outside cell every day.</li> <li>3) Number of people in the prison and cells.</li> <li>4) Other useful activities occurring in the space.</li> </ol>	<p>management and control of prisoners by the staff.</p> <ol style="list-style-type: none"> <li>2) Facilities and services available in prison that allow prisoners' personal development.</li> </ol>
<p>Israel Ministry of Public Security (IMPS 2009)</p>	<ol style="list-style-type: none"> <li>1) <math>Y = \sum \alpha_i * X_i</math> where: <b>Y</b> = number of sentences. <b>X</b> = Types of investigation case and population.</li> </ol> <p>In stage 2, the <b>Y</b> variable is used in the movement between prisons formula:</p> <ol style="list-style-type: none"> <li>2) <math>M_t = Y_t - R_t</math> <b>M</b> = amount of space over time (<b>t</b>). <b>Y</b> = number of arrest over time (<b>t</b>). <b>R</b> = number of release over time (<b>t</b>). The model which is estimated by formula (1) achieves a statistical significance: <math>R^2 = 0.995</math>.</li> </ol>	<ol style="list-style-type: none"> <li>1. Number of arrest and remand cases in prison.</li> <li>2. Total number of prisoners per prison.</li> <li>3. Total spaces in prison.</li> </ol>	-
<p>Inter-American Commission on Human Rights: Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas (2008)</p>	<ol style="list-style-type: none"> <li>1. Actual ratio of occupation of prison.</li> <li>2. Prison official capacity housing inmates beyond design capacity.</li> </ol>	<ol style="list-style-type: none"> <li>a. Proper classification of prisoners.</li> <li>b. Mixing pre-trials and sentenced prisoners.</li> <li>c. Daily exposure to natural light.</li> <li>d. Adequate space in a cell.</li> <li>e. Poor sanitary conditions.</li> <li>f. Separate per prisoner</li> <li>g. Accommodation facilities with proper ventilation, heating, beddings, toiletries.</li> <li>h. Accommodation that allows for nocturnal rest.</li> </ol>	<ol style="list-style-type: none"> <li>I. Privacy in prisoners' cells/dorms.</li> <li>II. Availability of regime activities for inmates' personal growth and development.</li> <li>III. Minimal level of tension.</li> <li>IV. Cordial relationships between staff and prisoners.</li> <li>V. Sports and recreational opportunities for all prisoners.</li> </ol>
<p>USA Department of Justice (Sherman and Hawkins 1981)</p>	<ol style="list-style-type: none"> <li>a) 60 sq. foot floor space per inmate in cell.</li> <li>b) Usable Operational capacity (UOC).</li> </ol>	<ol style="list-style-type: none"> <li>1. Lighting in cells and prisons.</li> <li>2. Ventilation and sanitary facilities in cells.</li> </ol>	<ol style="list-style-type: none"> <li>a. Safety and security in prison.</li> <li>b. Conducive prison atmosphere.</li> <li>c. Good staff and prisoners relationships.</li> </ol>

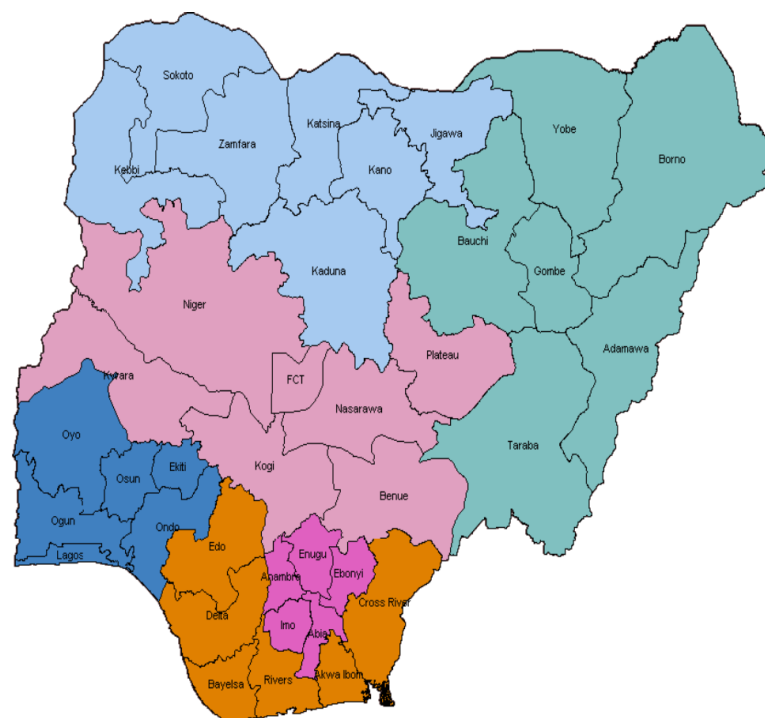
	<ul style="list-style-type: none"> <li>c) Total number of inmates over the official capacity.</li> <li>d) Space occupancy level.</li> </ul>	<ul style="list-style-type: none"> <li>3. Adequate ratio of staff to prisoners.</li> </ul>	
The United Kingdom (Baird and Andrew 2009)	<ul style="list-style-type: none"> <li>a. Certified Normal Accommodation (CNA).</li> <li>b. Baseline CNA</li> <li>c. In-use CNA baseline</li> <li>d. Operational capacity by total security and plan operational regimes.</li> </ul>	<ul style="list-style-type: none"> <li>1. Adequate prison space and facilities.</li> <li>2. Sanitary facilities in a cell or room.</li> <li>3. Regime activities for all prisoners.</li> </ul>	<ul style="list-style-type: none"> <li>1) Good, decent and standard accommodation.</li> <li>2) Variety of institutional/ regime activities within and outside prisoners' cells.</li> <li>3) Prisoners' safety and security.</li> </ul>
EU-CPT (2006) Commentary to Recommendation On the EU Prison Rules (No.18)	<ul style="list-style-type: none"> <li>1) Four square meters per person as a minimum requirement in shared accommodation.</li> <li>2) Six square meters for a single occupancy prison cell.</li> <li>3) Although CPT has never laid down such a norm directly, indications are that it would consider nine to ten square meters as a desirable size for a cell for one prisoner.</li> </ul>	<ul style="list-style-type: none"> <li>a. Spacious room per inmate.</li> <li>b. Sizable room per prisoner</li> <li>c. Prohibits the use of dormitory in prison.</li> <li>d. Official prison capacity.</li> <li>e. Adequate and functional facilities inside prisoners' cells or rooms.</li> <li>f. Sanitary condition of prison.</li> <li>g. Adequate lighting heating and ventilation in cell.</li> <li>h. Number of hours prisoner spend locked in the cell.</li> <li>i. Adequate ratio of staff to inmates per duty post.</li> </ul>	<ul style="list-style-type: none"> <li>1) Respect of human dignity.</li> <li>2) Inmates' privacy.</li> <li>3) Availability of out-of-cell activities for all prisoners.</li> <li>4) Cordial relationships between staff and prisoners.</li> <li>5) Prisoners' safety and security.</li> </ul>
French Prisons Authorities (Kensey and Tournier 1991)	<ul style="list-style-type: none"> <li>1) Actual prison population: below 80 = under-occupied 80 – 100 = Normal 100 - 120 = condition require attention 120 – 150 = overcrowded 150 and above = very difficult or critical condition of detention.</li> <li>2) Theoretical space calculation per prisoners in cell:  Up to 11m<sup>2</sup> = 1 prisoner 11m<sup>2</sup>-14m<sup>2</sup> = 2 prisoners 14m<sup>2</sup>-19m<sup>2</sup> = 3 prisoners 19m<sup>2</sup>- 24m<sup>2</sup> = 4 prisoners</li> </ul>	<ul style="list-style-type: none"> <li>1. Specious floor space per prisoner in a cell or room within a given prison.</li> </ul>	-----

	<p>24m<sup>2</sup>- 29m<sup>2</sup> = 5 prisoners  29m<sup>2</sup>-34m<sup>2</sup> = 6 prisoners  34m<sup>2</sup>-39m<sup>2</sup> = 7 prisoners  39m<sup>2</sup>-44m<sup>2</sup> = 8 prisoners  44m<sup>2</sup>-49m<sup>2</sup> = 10 prisoners  Anything beyond the measure is considered as overcrowding.</p>		
Tournier (1986)	<p>Prison Population Descriptor (DPP):  <math>APS/PD = DPP</math>  where:  P= prison  A available space  S= Space in a prison  D= Prison population density</p> <p>If:  Ratio exceed 100 detainees per 100 place = Over-Occupied or Overcrowded and;  Ratio is fewer than 100 detainees per places = Under-occupied.  (Kensey and Tournier 1991: 107).</p>	<ol style="list-style-type: none"> <li>Amount of space per inmate in a room or cell in a prison.</li> <li>Prison overall occupancy level.</li> <li>Prison official capacity.</li> <li>Prison population figure.</li> </ol>	-----
Kensey and Tournier (1991)	<ol style="list-style-type: none"> <li>Rise in the number of admissions and releases figure in a prison.</li> <li>Type of crime prisoners are imprisoned for.</li> <li>Type of prisoner a prison holds - remand or sentenced.</li> </ol>	<ol style="list-style-type: none"> <li>An increase or decrease in prisoners' committal rate, while duration of detention remains stable or decrease.</li> <li>An increase in duration of stay in prison, while committal rate remains stable or decrease.</li> <li>A simultaneous increase in committal rate and duration of detention.</li> <li>Socio-demographic make-up of prison and prisoners.</li> </ol>	---
Gaes Gerald (US) (1985)	<ol style="list-style-type: none"> <li>At Individual level:  The amount of space a prisoner occupies (per square meter divided by number of occupants) in a room or dormitory. It also includes inmate occupancy level per cell and the total inmates' population.</li> </ol>	<ol style="list-style-type: none"> <li>Adequate space in a room per prisoner.</li> <li>Single or shared accommodation in a prison.</li> <li>Amount of personal space a prisoner enjoys in a cell.</li> <li>Amount of space a</li> </ol>	<ol style="list-style-type: none"> <li>Social density in cell and prison per inmate.</li> <li>Level of freedom a prisoner enjoys.</li> <li>Degree of privacy per inmate.</li> <li>Prisoner personal time.</li> </ol>

	<p>b. Aggregated level: Prison official capacity. Prison occupancy rate. Inmate population and the amount of space per inmate. Total prison capacity</p> <p>c. Contextual level.</p>	<p>prisoner share with others in a room or cell.</p> <ol style="list-style-type: none"> <li>1) Number of housing units in a prison and/or in a cellblock.</li> <li>2) Prisoners' cells arrangements.</li> <li>3) Over and underutilisation of prison facilities including physical space.</li> </ol>	<ol style="list-style-type: none"> <li>1. Prison impact upon the prisoner and the prison.</li> <li>2. Prison authorities achieving prison goals and objectives.</li> <li>3. The levels of prisoners respond to institutional treatments.</li> </ol>
Murdoch and Griffiths (2009)	Prison population exceeds prison capacity	Adequate supply of prisoners' basic needs such as beds, bedding, clothes, food and water, and medical care services.	<ol style="list-style-type: none"> <li>1. Adequate provision for prisoners' social and psychological needs.</li> <li>2. Adequate provisions for the personal development of individual prisoner.</li> </ol>
King and McDermott (1989)	-	<ol style="list-style-type: none"> <li>a) Sizable space in either shared or single cell or room.</li> <li>b) Good sanitary conditions of prisoners' accommodation and the prison.</li> <li>c) Prisoners enjoy hours of gainful activities outside their sleeping accommodation.</li> <li>d) Regime activities.</li> <li>e) High average Daily Prison Population (ADP).</li> <li>f) Low ratio of staff to prisoners.</li> <li>g) High ratio of staff to inmates per duty post.</li> </ol>	<ol style="list-style-type: none"> <li>1. Decent and standard accommodation.</li> <li>2. Degree of privacy per inmate inside and outside her/his sleeping accommodation.</li> </ol>
Sherman (1997)	-	<ol style="list-style-type: none"> <li>1. Deleterious physical conditions.</li> <li>2. Inadequate sanitary facilities.</li> <li>3. Reduction in prisoners' basic necessities such as food, water and medical care services.</li> <li>4. Available and adequate staff to</li> </ol>	<ol style="list-style-type: none"> <li>a) Privacy.</li> <li>b) Human dignity and respect.</li> <li>c) Freedom.</li> <li>d) Regime activities for prisoners' personal development.</li> </ol>

		supervise prisoners. 5. Adequate number of medical services. 6. Prisoners' accesses to prison healthcare services.	
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**Appendix B, Figure 2.1:** Geopolitical Zones and States in Nigeria



Adapted from the National Population Commission of Nigeria (2007)

**Appendix C, Figure 4.1:** Research Projects Facilitated by the Author

Salam, Abee (2008) *Drugs and Criminality in Nigeria*, PhD research project in Kano State, Nigeria. University of Surrey, Surrey, UK

Amnesty International Organization (2008) *Nigeria: Prisoners' Rights Systematic Flouted*, AI Africa Report number AFR44/001/2008.

Alston, Philip (2006) *Civil and Political Rights, Including the Question of Disappearances and Summary: Executions Extrajudicial, Summary or Arbitrary Executions*. Report of the Special Rapporteur Mission to Nigeria', New York: United Nations Economic and Social Council.

Human Rights Watch Organization (2005) *Rest in Pieces: Police Torture and Deaths in Custody in Nigeria*, Vol.17, No., 11(A)



## Appendix D, Figure 4.2: Research Participation Consent



### PARTICIPANT CONSENT FORM

#### Research title:

*Prison Overcrowding in Nigeria: the Nature of the Problem, its Causes and Consequences.*

**Name and contact details of the researcher:** Mr Ado Sale - School of Social Sciences,  
Bangor University, Bangor, Gwynedd- LL57 2DZ (United Kingdom)

**Thank you for agreeing to participate in this research project. Please read the information in this form carefully, and if you are willing to participate in this study tick [✓] boxes after each statement and sign the declaration at the end. If you do not understand anything, and would like more information, please feel free to ask me.**

- 1) I freely and voluntarily wish to be a participant in the research project on the above mentioned topic, which is to be conducted by Mr Ado Sale; a PhD student at School of Social Sciences, Bangor University, United Kingdom.
- 2) The researcher assured me that my responses will be treated and kept strictly confidential, and I can freely withdraw at any time during the study session if I feel unable or unwilling to continue. This means that my participation in this study is completely voluntary, and has no negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.
- 3) I have had the research satisfactorily explained to me in verbal or written form by the researcher.
- 4) I understand that the research will involve an interview of about 55 minutes in conditions under which it will be recorded either by audiotape or video. The recorded data will be used solely for research purposes.
- 5) I understand that all information about me and my responses will be treated in strict confidence, and that I will not be named in any written work arising from this study. My name or identity will not be linked with the research materials, and I will not be identified or identifiable in any report subsequently produced by the researcher.
- 6) I therefore freely give my consent to participate in this research study, and I can have a copy of this form for my own information and record.

7) **Name of participant** (optional):

**Signature and date:**

**Appendix E, Figure 4.3: Participants' Identification Codes**

Category of Participant	Form of Participation	Location/Profession of Participant
Prisoners	1. Individual Interview: <b>II</b> 2. Questionnaire: <b>QI</b> 3. Focus Group Interview: <b>GI</b>	Kano central prison: <b>KC</b> Goron Dutse Medium-security Prison: <b>GP</b> Wudil Medium-security Prison: <b>WP</b> Rano Satellite Prison: <b>RP</b> Kiru Satellite Prison: <b>KP</b> Dawakin Tofa Satellite Prison: <b>DP</b>
Prison Staff	1. Individual Interview: <b>ID</b> 2. Questionnaire: <b>Q</b> 3. Focus Group Interview: <b>FG</b>	Kano Maximum-security Prison: <b>KC</b> Kaduna Maximum-security Prison: <b>KD</b> Goron dutse medium security prison: <b>GP</b> Jigawa Medium-security Prison: <b>JP</b> Katsina Medium-security Prison: <b>KT</b> Wudil Medium-security Prison: <b>WP</b> Funtua medium security prison: <b>FP</b> Rano Satellite Prison: <b>RP</b> Kiru Satellite Prison: <b>KP</b> Dawakin Tofa Satellite Prison: <b>DP</b> Tudun Wada Satellite Prison: <b>TW</b> Prisons Regional Office: <b>KZ</b> Prison Head Office: <b>KH</b> Retired prison officer: <b>RO</b>
Other stakeholders	1. Individual interview: <b>ID</b> 2. Questionnaire: <b>Q</b>	Public Prosecutor: <b>PP</b> Private Counsel: <b>PC</b> Penal Reform Advocate: <b>PR</b> Legal Aid Counsel: <b>LC</b> Magisterial Judge: <b>MG</b> Human rights Defenders: <b>HR</b> Scholar/Researcher: <b>SC</b>

## Appendix F, Figure 4.4: Access Request



School of Social Sciences,  
Bangor University,  
Gwynedd- LL57 2DZ,  
United Kingdom.  
E-mail: [sopc0a@bangor.ac.uk](mailto:sopc0a@bangor.ac.uk)  
Tel: +447586708791/+2348034808536  
10<sup>th</sup> June, 2011.

A)

The Controller General of Prisons,  
Nigerian Prisons Service, National Headquarters Office,  
Bill Clinton Drive, Airport road, Abuja,  
Nigeria.

Dear Sir/Madam,

### Application for Permission to Conduct a PhD Research Survey

I am **Ado Sale**; a PhD student from Bangor University conducting a survey on prison overcrowding in Nigeria, which your organisation falls part of the research. I write to request for your permission to conduct a research in your organisation. The survey is part of my study programme, which intends to examine the dimensions, causes and consequences of overcrowding in Nigerian prisons. The survey aims to shed light on, and assist in developing appropriate measures of dealing with prison overcrowding.

I intend to conduct the survey in two phases. The first phase will be carried out between October 2011 and January 2012 while the last phase between August and November 2012 respectively. The survey will involve interaction with both prison staff and inmates in Jigawa, Kano, Katsina and Kaduna states including Abuja - the NPS Headquarters.

During the conduct of the propose survey, the research will engage in interview and completing of a self-completion questionnaire. This letter also serves to inform you that all information gathered will be used solely for research purposes, and that the anonymity of participants will be guaranteed. Enclosed are a copy of a support letter from Bangor University, participation consent form and a photocopy of the researcher's university identification card for your considerations please.

Should you have any question or concern regarding this letter or the research, please contact me at the above addresses or you may contact the research coordinator and supervisor - Dr. Martina Y. Feilzer, at the same addresses cited above or via e-mail ([m.feilzer.bangor.ac.uk](mailto:m.feilzer.bangor.ac.uk)), and Tel. +44(0) 1248 388171.

Upon completion this study, you may on request, have a copy of the survey. Thank you in anticipating your approval, and I look forward to hearing from you please.

Yours Sincerely,  
Mr. Ado Sale

**Note:** The access request to the Nigeria Prison Service in Abuja would allow access to the following Nigerian prisons units:

- I. The Nigerian prisons in the specified locations/ states mentioned above.
- II. The staff members of the Nigeria Prison Service; and
- III. The inmates in the Nigerian prisons in the specified locations/ states mentioned above.

B) To, [See the addresses below]

Dear Sir/Madam,

An Invitation for Participation in a PhD Research Project

I am **Ado Sale**; a PhD student from Bangor University conducting a survey on prison overcrowding in Nigerian, which your organisation falls part of the research. I write to seek for your approval to so that your organisation and its members can participate in my PhD research project. The survey is part of my study programme, which intends to examine the dimensions, causes and consequences of overcrowding in Nigerian prisons. The survey aims to shed light on, and assist in developing appropriate measures of dealing with prison overcrowding.

I intend to conduct the survey in two phases. The first phase will be carried out between October 2011 and January 2012 while the last phase between August and November 2012 respectively. The survey will involve interaction with your staff in Jigawa, Kano, Katsina and Kaduna states including Abuja – your organisation Head Office.

During the conduct of the propose survey, the research will engage in interview and completing of a self-completion questionnaire. This letter also serves to inform you that all information gathered will be used solely for research purposes, and that the anonymity of participants will be guaranteed. Enclosed are a copy of a support letter from Bangor University, participation consent form and a photocopy of the researcher's university identification card for your considerations please.

Should you have any question or concern regarding this letter or the research, please contact me at the above addresses or you may contact the research coordinator and supervisor - Dr. Martina Y. Feilzer, at the same addresses cited above or via e-mail (m.feilzer.bangor.ac.uk), and Tel. +44(0) 1248 388171.

Upon completion this study, you may on request, have a copy of the survey. Thank you in anticipating your approval, and I look forward to hearing from you please.

Yours Sincerely,  
Mr. Ado Sale

The mail was sent to the following addresses:

1. Legal Aid Counsels of Nigeria, Head Office, Abuja-Nigeria,
2. The Human Rights Commission of Nigeria, Head Office, Abuja-Nigeria,
3. Kano State Ministry of Justice/ Directorate of Public Prosecution, Kano State-Nigeria,
4. The Chairman, Kano State Justice Sector Reform Committee, Kano State Ministry of Justice, Kano state-Nigeria,
5. The Head, Nigerian Law School, Bagauda - Kano Campus, Kano State, Nigeria.
6. Network for Justice Organisation, Head Office, Kano State Nigeria.
7. Human Rights Shield Organization, Kano State Office, Nigeria.
8. The UK Government - Department of Foreign and International Development (DFID) Nigeria Office, Governance and Democracy Unit - Justice Sector Reform and Justice for All Programme-Nigeria (J4A).
9. The Federation of Women Lawyers Association of Nigeria, Kano State Branch.
10. Youth Society for the Prevention of Infectious Diseases and Social Vices (YOSPIS), Kano State - Nigeria.
11. Kano Human Rights Network (KHRN), Kano State-Nigeria.
12. SIM Abarshi Legal Services, Abuja- Nigeria.
13. YADUDU Associates & Co Legal Chamber, Kano State, Nigeria.

C) To, [See addresses below]

Dear Sir/Madam,

Special Invitation for Participation in a PhD Research Project

I am **Ado Sale**; a PhD student from Bangor University conducting a survey on prison overcrowding in Nigeria. I write to invite you to participate in the research project. You are chosen to participate in the study because the researcher is strongly confident that you have the knowledge and experience needed for this research project. The survey is part of my PhD study programme, which intends to examine the dimensions, causes and consequences of overcrowding in Nigerian prisons. The survey aims to shed light on, and assist in developing appropriate measures of dealing with prison overcrowding. Thus your participation in the study will no doubt contribute in achieving this study's goals and objectives.

I intend to conduct the survey in two phases. The first phase will be carried out between October 2011 and January 2012 while the last phase between August and November 2012 respectively. During the conduct of the propose survey, the research will engage in interview and completing of a self-completion questionnaire. I hope you will agree to participate. This letter also serves to inform you that all information gathered will be used solely for research purposes, and that the anonymity of participants will be guaranteed. Enclosed are a copy of a support letter from Bangor University, participation consent form and a photocopy of the researcher's university identification card for your considerations please.

Should you have any question or concern regarding this letter or the research, please contact me at the above addresses or you may contact the research coordinator and supervisor - Dr. Martina Y. Feilzer, at the same addresses cited above or via e-mail (m.feilzer.bangor.ac.uk), and or Tel. +44(0) 1248 388171.

Upon completion this study, you may on request, have a copy of the survey. Thank you in anticipating your approval, and I look forward to hearing from you please.

Yours Sincerely,  
Mr. Ado Sale

The letters are served to the following individuals:

1. Magisterial Judges and court officials
2. Retired Judges and Magistrates
3. Scholars and Researchers
4. Penal reform advocates
5. Retired prison officers
6. Five former prisoners
7. Private legal counsels

Appendix G, Figure 4.5a: Access Approval:

# NIGERIAN PRISONS SERVICE

## NATIONAL HEADQUARTERS

Bill Clinton Drive, Airport Road, Abuja  
(P. M. B. 16, Garki - Abuja)



Phone:.....

Our Ref: PF 35378/1/105

Your Ref:.....

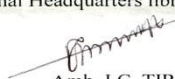
Date: 20<sup>th</sup> July, 2011.

ADO SALEH,  
SCHOOL OF SOCIAL SCIENCES,  
COLL. OF BUSINESS, SOCIAL SCIENCES <sup>PLAW</sup>  
BANGOR UNIVERSITY,  
GWYNEDD-LL572DZ  
UNITED KINGDOM.

**RE: APPLICATION FOR PERMISSION TO CONDUCT RESEARCH**

Please refer to your submission on the above caption subject, and to convey the Controller General of Prisons Service (CGPS) approval to enable you conduct your survey on overcrowding in some Prisons in Nigeria.

The CGPS would appreciate if you can make available atleast a copy of your research work to the Nigerian Prisons Service National Headquarters library.

  
Amb. I.C. TIRI  
DCP/PRS

For: CONTROLLER GENERAL OF PRISONS


CC:

1. The Zonal Co-ordinators,  
Nigerian Prisons Service  
Zones B and D (Kaduna and Niger Commands).
2. CPs I/C  
Nigerian Prisons Service  
Kaduna, Kano, Jigawa and FCT Commands.

Above is for your information, guidance and to ensure that security arrangement of the Prisons is not jeopardized. The research work is in two phases:-

- i. Between November 2011-January 2012.
- ii. Between August 2012-November 2012.

Kindly assist him.

  
Amb. I.C. TIRI  
DCP/PRS

For: CONTROLLER GENERAL OF PRISONS



## GOVERNMENT OF KANO STATE MINISTRY OF JUSTICE

Tel: 064- 662896

Fax: 064- 662374

Cable/Telg. Attorney Kano.

In case of reply please quote

No. MOJ/APP-20

P.M.B. 3040

Audu Bako Secretariat,  
Kano-Nigeria.

8<sup>th</sup> August, 2011  
8<sup>th</sup> Ramadan 1432 A.H

Mr. Ado Sale  
School of Social Science  
College of Business, social Science and Law  
Bagor University,  
United Kingdom.

Dear Sir,

**RE: APPLICATION FOR PERMISSION TO  
CONDUCT RESEARCH**

Refer to your letter dated 15<sup>th</sup> July, 2011 in respect of the above mentioned subject matter.

We write to inform you that you have been permitted to conduct your research in our organization. However the permission is based on condition that at the end of your survey, you would avail us of the questionnaires, the data gathered and the concluded result of the survey.

We await your response please.

Yours faithfully,

A. Y. YARGAYA (Mrs)  
Deputy Director, Public Prosecutions II  
For: Hon. Attorney General/Comm. for Justice  
Kano State.

# FEDERAL MINISTRY OF JUSTICE

Planning Research & Statistics DEPARTMENT

Abuja

P.M.B. No: 192  
Telegrams: SOLICITOR  
Telephone: 5235208, 5235183



MJ/PPRU/2010/I/36

Ref. No. ....  
Sept. 11, 2011.  
Date: .....20.....

Ado Sale,  
School of Social Sciences,  
College of Business, Social Sciences and Law,  
Bangor University,  
Guynedd – LL57 2DZ,  
United Kingdom.

## RE: APPLICATION FOR PERMISSION TO CONDUCT RESEARCH

I am directed to acknowledge your application for permission to conduct research on Prison Congestion in Nigeria dated 15<sup>th</sup> July, 2011, and to state that the Ministry of Justice does not have such powers to give a sweeping permission for a survey to be conducted in the manner requested by you.

2. However, the Ministry is willing to give you an introductory letter to its parastatals such as the Legal Aid Council, National Human Rights Commission, etc., for assistance in your proposed survey.
3. Please, accept the assurances of the Honourable Attorney-General of the Federation and Minister of Justice.

  
Mrs. D. E. Uche

For: Hon. Attorney-General of the Federation  
And Minister of Justice.

**Appendix G, Figure 4.5b:** Access approvals sent via email that are available on request are the British-DFID - Justice for All Programme and the Network for Justice, Kano – Nigeria.



## Appendix H, Figure 4.7: Semi-Structured Individual Interview.

### a) Prison inmates copy



#### Semi-Structured Interview Guide

##### **Research title:**

*Prison Overcrowding in Nigeria: the Nature of the Problem, Its Causes and Consequences.*

**Name and contact details of the researcher:** Mr Ado Sale - School of Social Sciences, Bangor University, Bangor, Gwynedd- LL57 2DZ (United Kingdom)  
Tel: (Nigeria) +2348034808536/ (UK) +447586708791

##### **Preamble:**

Thank you for giving up your time and agreeing to participate in this interview session. My name is Ado Sale and this interview is part of my doctoral degree programme in criminology and criminal justice at Bangor University, North Wales in the United Kingdom. The research is about overcrowding in prison; I would like to know the dimensions, causes and consequences of overcrowding in Nigerian prisons. The information you provide will assist in the development of appropriate measures to deal with the situation. The answer you provide will be held confidential and your anonymity will be protected.

Your participation in this research is completely optional. However, the information you may provide will be of great importance to me thus, I hope you will be able to assist in the research. If you have any questions or concerns please let me know and I will be happy to address them.

##### **The general guide for the interview session**

The interview is composed of a number of open-ended questions, please answer as fully as possible however, I may offer some additional prompts, where appropriate.

Due to the number of items in the interview, provision for short breaks in the course of the interview session is made. The short break can take minutes and hours but should not be longer than 60 hours interval. Questions shall be presented in sequential order that is from a specific to general question.

##### **Participants' background: I would like to know a little bit about you.**

1. What is your present status in the prison?
2. How long have you been in the prison?
3. What is your highest level of educational qualification you have achieved?
4. Do you have family?
4. A. If yes, how many wife and children?
5. What is your current or most recent occupation?

##### **Specific questions:**

6. Drawing upon your experience in the Nigerian prison, briefly describe what you think is an overcrowding in a prison?
7. Do you consider this prison you are residing in to be overcrowded?
7. b. Please, briefly explain your reason(s).
8. Do you think prisons in Nigeria are generally overcrowded?
8. b. please explain why?
9. Drawing upon your experience in Nigerian prison, which area(s) in this prison you think are overcrowded?
10. At what particular time you think these areas are overcrowded?
11. Please, describe the characteristics of an overcrowded prison.
11. b. Do you think the characteristics of an overcrowded prison you mentioned above are the same in other Nigerian prisons?
12. What do you think are the causes of prison overcrowding?
12. b. Do you think the causes of prison overcrowding you mentioned are the same in other Nigerian prisons?

13. Reflecting upon your experience in the Nigerian prison, who do you think should be held responsible when a Nigerian prison is overcrowded?
13. b. Please, explain why?
14. In Nigerian prisons, inmates are allowed to spend some time outside their sleeping accommodation every day?
14. a. If yes, state where and how much time per day and week?
14. b. If not, explain why?
15. In Nigerian prisons, do inmates engage in any activities such as work or training every day?
15. A. If yes, please mention the task(s), at where and how many hours per day and week?
15. B. If not, why not?

**Interview session takes some minutes break (If possible).**

16. Based upon your experience, who is affected by overcrowding in prison?
16. b. Among the groups you mentioned, who is likely to be affected most when a Nigerian prison is overcrowded?
17. Reflecting upon your experience in the Nigerian prison, briefly describe how inmates react to the event of overcrowding.
17. b. Do you think the ways inmate reacts to overcrowding you mentioned are the same in other Nigerian prisons?
18. b. If yes, please, explain your reasons.
18. c. If not, why not?
19. In Based on your experience, briefly describe how the prison staff members react to the event of overcrowding?
19. b. Do you think the ways inmate reacts to overcrowding you mentioned are the same in other Nigerian prisons?
19. c. If yes, please, explain your reasons.
19. d. If not, why not?
20. Do you think someone gains when a Nigerian prison is overcrowded?
20. b. If yes, to who and how?
20. c. If not, why not?
21. Drawing upon your experience, do you think overcrowding can be prevented?
22. Reflecting upon your experience in the Nigerian prison, how do you see the Nigerian prison authorities are dealing with the event of overcrowding?
23. Do you think the ways the Nigerian prison authorities are dealing with overcrowding (you mentioned) are the same in other Nigerian prisons?
23. b. If yes, explain why?
23. c. If not, why not?
24. Given your experience in the Nigerian prison, do you think there are other person(s), non-governmental organisation, institution, ministry and department that respond when a Nigerian prison is overcrowded?
24. b. If yes, please, state who and how?
24. c. If not, why not?

**Interview session takes some minutes break (If possible)**

25. The statements below describe daily life in prison. *[Upon reading each of the statements, I would like you to response in one word option you think is appropriate to each statement. One word option is whether you Agree, Disagree, or I don't know].*
25. a. Work is compulsory to all inmates in the Nigeria's prisons.
25. b. Inmates in Nigerian prisons the often don't rest because of noise by the prison staff or other inmates.
25. c. Prisons in Nigeria are very safe and secure to live in.
25. d. Inmates' activities outside their sleeping accommodation depend on the availability of staff to supervise them.
25. e. The staff –inmates relationships is satisfactory in Nigerian prisons.
25. f. In Nigerian prisons, prisoners awaiting trial stay outside their sleeping accommodation (cell/room) more than sentenced prisoners.
25. g. The sleeping accommodation (cell/room and bedding) provided to inmates in Nigerian prisons is satisfactory.

**Finally, interview session continue with normal questioning.**

26. If you were appointed by the Federal Government of Nigeria to come up with two ways of addressing overcrowding in Nigerian prisons, what are the two solutions would you recommend?

27 Finally, thinking about the interview so far, is there anything else you might want to reflect on about how you see the Nigerian prison system, and Nigerian prisons overcrowding in particular?

Do you have any things you wish to say that has not been covered in the interview session?

**Once again, thank you for participation.**

## **B) Prison staff**



### Semi-Structured Interview Guide

#### **Research title:**

*Prison Overcrowding in Nigeria: the Nature of the Problem, Its Causes and Consequences.*

**Name and contact details of the researcher:** Mr Ado Sale - School of Social Sciences, Bangor University, Bangor, Gwynedd- LL57 2DZ, United Kingdom.  
Tel: (Nigeria) +2348034808536/ (UK) +447586708791

#### **Preamble:**

Thank you for giving up your time and agreeing to participate in this interview session. My name is Ado Sale and this interview is part of my doctoral degree programme in criminology and criminal justice at Bangor University, North Wales in the United Kingdom. The research is about overcrowding in prison; I would like to know the dimensions, causes and consequences of overcrowding in Nigerian prisons. The information you provide will assist in the development of appropriate measures to deal with the situation. The answer you provide will be held confidential and your anonymity will be protected.

Your participation in this research is completely optional. However, the information you may provide will be of great importance to me thus, I hope you will be able to assist in the research. If you have any questions or concerns please let me know and I will be happy to address them.

#### **The general guide for the interview session**

The interview is composed of a number of open-ended questions, please answer as fully as possible however, I may offer some additional prompts, where appropriate.

Due to the number of items in the interview, provision for short breaks in the course of the interview session is made. The short break can take minutes and hours but should not be longer than 60 hours interval.

Questions shall be presented in sequential order that is from a specific to general question.

#### **Participants' background: I would like to know a little bit about you.**

1. What is your age?
2. What is your present rank or position in the Nigerian Prison Service?
3. For how long have you been in the Nigerian Prison Service?
4. What is your highest level of educational qualification you have achieved?

#### **Specific questions:**

5. Given you work experience in the Nigerian Prison Service, please describe what you think is an overcrowding in Nigerian prisons?
6. Do you consider the prison you are working in to be overcrowded?
6. b. Please, briefly explain why?
7. Do you think prisons in Nigeria are generally overcrowded?
7. b. Please, explain why?
8. Drawing upon your work experience in the Nigeria Prison Service, which areas within the prison you think are overcrowded?
9. Are there particular times you think these areas are overcrowded?
10. Drawing upon your experience, please describe the characteristics of an overcrowded prison.
11. a. Do you think the characteristics of overcrowding prison you mentioned are the same in other Nigerian prisons?
11. b. If yes, explain why?
11. c. If not, why not?

12. Reflecting upon your work experience in the Nigeria Prison Service, what do you think are the causes of prison overcrowding?
13. Do you think the causes of prison overcrowding you mentioned are the same in other Nigerian prisons?
  13. b. If yes, explain why?
  13. c. If not, why not?
14. Based on your work experience, who do you think should be held responsible if a Nigerian prison is overcrowded?
  14. b. If yes, state who and why?
  14. c. If no-one; please specify?
15. In Nigerian prisons, inmates are allowed to spend some time outside their sleeping accommodation (cell/room) every day?
  16. a. If yes, state where and how much time per day and week?
  16. b. If not, please explain why?
  16. c. In Nigerian prisons, do inmates engage in any activities such as work or training every day?
  16. d. If yes, please mention the tasks, at where and how many hours per day and week?
  16. e. If not, why not?

**Interview session takes some minutes break (If possible)**

17. The statements below describe daily life in prison. *[Upon reading each of the statements, I would like you to response in one word option you think is appropriate to each statement. One word option is whether you Agree, Disagree, or I don't know].*
  17. a. Work is compulsory to all inmates in Nigerian prisons.
  17. b. Prisoners often don't rest because of noise by the prison staff or other inmates in Nigerian prisons.
  17. c. Prisons in Nigeria are very safe and secure to work in.
  17. d. Inmates' activities outside their sleeping accommodation depend on the availability of staff to supervise them.
  17. e. The staff - inmates relationships is satisfactory in Nigerian prisons.
  17. f. In Nigerian prisons, prisoners awaiting trial stay outside their sleeping accommodation (cell/room) more than sentenced prisoners.
  17. g. The sleeping accommodation (cell/room and bedding) provided to inmates in Nigerian prisons is satisfactory.

**Interview session continue (Interviewer to halt and continue with normal questioning).**

18. Based upon your experience, who is affected by overcrowding in Nigerian prisons?
  18. a. Among the groups you mentioned, who is likely to be affected most when a Nigerian prison is overcrowded?
19. Reflecting upon your experience in the Nigeria Prison Service, briefly describe how inmates react to the event of overcrowding.
  19. a. Do you think the ways inmate reacts to overcrowding you mentioned are the same in other Nigerian prisons?
  19. b. If yes, please, explain your reasons.
  19. c. If not, why not?
20. In Based on your experience, briefly describe how the prison staff members react to the event of overcrowding?
  20. a. Do you think the ways inmate reacts to overcrowding you mentioned are the same in other Nigerian prisons?
  20. b. If yes, please, explain your reasons.
  20. c. If not, why not?
21. Do you think someone gains when a Nigerian prison is overcrowded?
  21. a. If yes, to who and how?
  21. b. If not, why not?
22. Drawing on your experience, do you think overcrowding can be prevented?
23. Reflecting upon your experience in the Nigeria Prison Service, how do the Nigerian prison authorities deal with the event of overcrowding?
24. Do you think the ways the Nigerian prison authorities are dealing with overcrowding (you mentioned) are the same in other Nigerian prisons?
  - 24.a. If yes, explain why?
  24. b. If not, why not?

25. Given your work experience in the Nigeria Prison Service, do you think there are other person(s), non-governmental organisation, institution, ministry and department that respond when a prison is overcrowded?
25. a. If yes, please, state who and how?
25. b. If not, why not?
26. If you were appointed by the Federal Government of Nigeria to come up with two ways of addressing overcrowding in Nigerian prisons, what are the two strategies would you recommend?
27. Finally, thinking about the interview so far, is there anything else you might want to reflect on how you see the Nigeria Prison Service operations and Nigerian prisons conditions in particular?
28. Do you have any things you wish to say that has not been covered in the interview?
- Once again, thank you for participation.**

C) Other stakeholders copy



### Semi-Structured Interview Guide

#### **Research title:**

*Prison Overcrowding in Nigeria: the Nature of the Problem, Its Causes and Consequences.*

**Name and contact details of the researcher:** Mr Ado Sale - School of Social Sciences, Bangor University, Bangor, Gwynedd- LL57 2DZ (United Kingdom)  
Tel: (Nigeria) +2348034808536/ (UK) +447586708791

#### **Preamble:**

Thank you for giving up your time and agreeing to participate in this interview session. My name is Ado Sale and this interview is part of my doctoral degree programme in criminology and criminal justice at Bangor University, North Wales in the United Kingdom. The research is about overcrowding in prison; I would like to know the dimensions, causes and consequences of overcrowding in Nigerian prisons. The information you provide will assist in the development of appropriate measures to deal with the situation. The answer you provide will be held confidential and your anonymity will be protected. Your participation in this research is completely optional. However, the information you may provide will be of great importance to me thus, I hope you will be able to assist in the research. If you have any questions or concerns please let me know and I will be happy to address them.

#### **The general guide for the interview session**

The interview is composed of a number of open-ended questions, please answer as fully as possible however, I may offer some additional prompts, where appropriate.

Due to the number of items in the interview, provision for short breaks in the course of the interview session is made. The short break can take minutes and hours but should not be longer than 60 hours interval. Questions shall be presented in sequential order that is from a specific to general question.

#### **Participants' background: I would like to know a little bit about you.**

1. What is your age?
2. Please, which profession do you belong to?
3. How long have you been in the profession?
4. What is your highest level of educational qualification you have achieved?

#### **Specific questions:**

5. Based on your experience in the Nigerian criminal justice system, describe what you consider to be an overcrowding in Nigerian prisons?
6. Do you think prisons in Nigeria are generally overcrowded?
6. b. Please, explain why?
7. Describe the characteristics of an overcrowded Nigerian prison?
7. b. Do you think the characteristics you mentioned are the same in other Nigerian prisons?
8. What do you think are the causes of prison overcrowding?

8. b. Do you think the causes of overcrowding you mentioned are the same other Nigerian prisons?
9. Drawing upon your experience, who do you think should be held responsible when a Nigerian prison is overcrowded?
10. a. If yes, please state who and why?
10. b. If no-one; specify why?
11. Drawing upon your knowledge and experience in the Nigerian criminal justice system, briefly describe the work relationships that existing between the court and Nigerian Prison Service.
12. With particular reference to Nigeria, please, which institution(s) and official(s) you think are most likely to be affected when a Nigerian prison is overcrowded?
13. Why do you think would be affected most?
14. How would the overcrowding in the prison affect them?
15. Do you think the situations are the same in other Nigerian prisons?
16. Reflecting on your experiences, who is affected by overcrowding in prison?
17. Among the groups you mentioned, who do you think is likely to be most affected when a Nigerian prison is overcrowded?
18. Do you think someone gains when a Nigerian prison is overcrowded?
18. b. If yes, who and how?
18. c. If not, why not?
19. When last did you visit a prison in Nigeria?

**Interview session takes some minutes break (If possible).**

20. The statements below describe daily life in prison. *[Upon reading each of the statements, I would like you to response in one word option you think is appropriate to each statement. One word option is whether you Agree, Disagree, or I don't know].*
20. a. Work is compulsory to all inmates in Nigerian prisons.
20. b. Prisoners often don't rest in Nigerian prisons because of noise by the prison staff or other inmates.
20. c. Prisons in Nigeria are very safe and secure to work or live in.
20. d. Inmates' activities outside their sleeping accommodation depend on the availability of staff to supervise them.
20. e. The staff –inmates relationships is satisfactory in Nigerian prisons.
20. f. In Nigerian prisons, prisoners awaiting trial stay outside their sleeping accommodation (cell/room) more than sentenced prisoners.
20. g. The sleeping accommodation (cell/room and bedding) provided to inmates in the Nigeria's prisons is satisfactory.

**Interview session continue with normal questioning.**

21. Drawing upon your experience in the Nigerian criminal justice system, do you think overcrowding can be prevented?
22. Reflecting upon your experience, how do the Nigerian judiciary deal with the event of overcrowding?
23. Do you think the measure(s) or action(s) you mentioned can be used adequately when a prison is overcrowded in Nigeria?
24. Based on your experience, how do the Nigerian prison authorities deal with the event of overcrowding?
25. Do you think the measure(s) or action(s) you mentioned can be employed adequately when a prison is overcrowded in Nigeria?
26. Drawing upon your experience in the Nigerian criminal justice system, do you think there are other person, or people, non-governmental organisation, institution, ministry and department that respond when a prison is overcrowded?
26. a. If yes, state who and how?
26. b. If not, why not?
27. In your opinion, do you think this measure(s) or action(s) you mentioned can be used adequately when a prison is overcrowded?
28. Do you know any measure(s) or action(s) the Nigerian judiciary or ministries have taken in Nigeria that would prevent overcrowding in prisons?
28. a. If yes, what are the measures?
28. b. If not, why not?
29. Do you know any measure(s) or action(s) the Nigerian prison authorities engage in to prevent overcrowding in prisons
29. A. Do you think the measure(s) or action(s) you mentioned can adequately prevent overcrowding in Nigeria?

30. Reflecting on your experience in the Nigerian criminal justice system, do you know any measure(s) or project(s) that was undertaken by any national or international organisation(s) that has contributed in dealing with and or, preventing overcrowding in Nigerian prisons?
    30. a. If yes, please state what and where?
    30. b. If not, why not?
  31. In your opinion, do you think this measure(s) or project(s) you mentioned has adequately contributed in reducing or preventing overcrowding in Nigerian prisons?
  32. If you were appointed by the Federal government of Nigeria to come up two ways of addressing overcrowding in Nigerian prisons, what are the two measures would you recommend?
  33. Finally, thinking about the interview so far, is there anything else you might want to reflect on about how you see the Nigerian criminal justice system, and prison overcrowding in particular?
  34. Do you have any things you wish to say that has not been covered in the interview?
- Once again, thank you for your participation.**

## Appendix I, Figure 4.8: Focus Group Interview

- a) Prison inmate copy



### Focus group Interview Guide Research title:

*Prison Overcrowding in Nigeria: the Nature of the Problem, Its Causes and Consequences.*

**Name and contact details of the researcher:** Mr Ado Sale - School of Social Sciences,  
Bangor University, Bangor, Gwynedd, LL57 2DZ, United Kingdom.  
**Tel:** (Nigeria) +2348034808536/ (UK) +447586708791

#### **Preamble**

You are welcome and thank you all for giving up your time and agreeing to participate in this interview session. My name is **Ado Sale** and this interview is part of my doctoral degree programme in criminology and criminal justice at Bangor University, North Wales in the United Kingdom. The research is about overcrowding in prison; I would like to know the dimensions, causes, and consequences of overcrowding in Nigerian prisons. The information you provide will assist in the development of appropriate measures in deal with the situation.

The answer you provide will be held confidential and your anonymity will be protected. Your participation in this research is completely optional. However, the information you may provide will be of great importance to me thus, I hope you will be able to assist in the research. If you have any questions or concerns please let me know and I will be happy to address them. The interview is composed of a number of open-ended questions, please answer as fully as possible, however I may offer some additional prompts, where appropriate.

You are invited to participate in this interview because of your experience, knowledge or familiarity with the research topic. Therefore, my role in this interview is to serve as a moderator; to be guiding the discussion.

#### **The guidelines for the conduct of the interview session**

- 1) The number of participants in the interview session should not exceed 12 and not less than four.
- 2) Participants should note that there are no wrong answers to each question; I am trying to understand participants' viewpoint about the topics under discussion. Thus participants should feel free to share their viewpoints.

- 3) Participants are advised to turn off or put in silent mode all mobile phones and pagers. However, where a participant cannot and must respond to a call, she/he can do so as quietly as possible and re-joins the session as quickly as possible.
- 4) There is a provision for short tea break.
- 5) Once again, you are all welcome and if you have any questions or concerns please let me know and I will be happy to address them.

**Instruction:** Interviewer to present questions in sequential order

**Participants' background: I would like to know a little bit about you.**

1. What is your present status in the prison?
2. How long have you been in the prison?
3. What is your highest level of educational qualification you have achieved?
4. What is your current or most recent occupation?

**Specific questions:**

5. Based on your experience in the Nigerian prison, describe what you consider to be a prison overcrowding in Nigeria?
6. Do you consider this prison you are living in overcrowded?
6. b. Please, explain why?
7. Do you think prisons in Nigeria are generally overcrowded?
7. b. please, explains why?
8. Drawing upon your experience in the Nigerian prison, which areas in prison you think are overcrowded?
9. At what particular time you think these areas are overcrowded?
10. Please, describe the characteristics of an overcrowded Nigerian prison.
11. What do you think are the causes of prison overcrowding?
12. Do you think the causes and characteristics you mentioned are the same in other Nigerian prisons?
13. Reflecting upon your experience in the Nigerian prison, who do you think should be held responsible for the overcrowding in Nigerian prisons?
- 13.b. Please, explain why?
14. Do you think inmates in Nigerian prisons are allowed to spend some time outside their sleeping accommodation every day?
14. a. If yes, state where and how much time per day and week?
14. b. If not, please explain why?
15. Do you think the sleeping accommodation (cell/room and bedding) provided to inmates in Nigerian prisons is satisfactory?
15. a. If yes, please explain why?
15. b. If not, why?
16. Do you think prisons in Nigeria are very safe and secure to live?
16. a. If yes, please explain why?
16. b. If not, why?
17. Do you think inmates in Nigerian prisons engage in any activities such as work or training every day?
16. a. If yes, what tasks, at where and how many hours per day and week?
16. b. If not, why?

**Interview session takes some minutes break (If possible)**

18. Based on your experience, who is affected when a prison is overcrowded?
- 18.b Among the groups you mentioned, who is likely to be affected most when a Nigerian prison is overcrowded?
- 18.b Do think the same groups you mentioned above would be most affected when a prison is overcrowded in other Nigerian prisons?
19. Drawing upon your experience in the Nigerian prison, briefly describe how inmate reacts to the event of overcrowding?
19. A. Do you think inmate reactions to prison overcrowding (you mentioned) are the same in other prisons across Nigeria?
19. b. If yes, explain how and why?
19. c. If not, why not?
20. Based on your experience, briefly describe how the prison staff members react to the event of overcrowding?
20. b. Do you think prison staff reactions to prison overcrowding (you mentioned) are the same in other Nigerian prisons?



20. c. If yes, explain how and why?
20. d. If not, why?
21. Do you think someone gains when a Nigerian prison is overcrowded?
- 21.a. If yes, who and how?
- 21.b. If not, why not?
22. Do you think overcrowding in Nigerian prisons can be prevented?
23. Based upon your experience, how do the Nigerian prison authorities deal with the event of prison overcrowding?
24. Do you think the ways the Nigerian prison authorities are dealing with prison overcrowding (you mentioned) are the same in other Nigerian prisons?
24. a. If yes, explain why?
24. b. If not, why not?
25. Based on your experience in the Nigerian prison, do you think there are other person(s), non-governmental organisation, institution, ministry and department that respond when a Nigerian prison is overcrowded?
25. a. If yes, state who and how?
25. b. If not, why not?
26. If you were appointed by the Federal Government of Nigeria to come up with possible ways of dealing with and preventing overcrowding in the Nigerian prisons, what solution(s) would you recommend?
27. Finally, thinking about the interview so far, is there anything else you might want to reflect on about how you see the Nigerian prison system, and Nigerian prison overcrowding in particular?
28. Do you have any things you wish to say that has not been covered in the discussion?

**Thank you for your participation.**

### **Supplement**

To be completed by the discussion facilitator/moderator

1. Place of interview: \_\_\_\_\_ language of interview: \_\_\_\_\_
2. Date of interview: \_\_\_\_ starting time: \_\_\_\_\_ time completed: \_\_\_\_\_
3. Number of participants: \_\_\_\_\_ males: \_\_\_\_ females: \_\_\_\_\_

**b) Prison staff copy**



### **Focus group Interview Guide**

#### **Research title:**

*Prison Overcrowding in Nigeria: the Nature of the Problem, Its Causes and Consequences.*

**Name and contact details of the researcher:** Mr Ado Sale - School of Social Sciences, Bangor University, Bangor, Gwynedd, LL57 2DZ, United Kingdom, **telephones:** (Nigeria) +2348034808536/ (UK) +447586708791

### **Preamble**

You are welcome and thank you all for giving up your time and agreeing to participate in this interview session. My name is **Ado Sale** and this interview is part of my doctoral degree programme in criminology and criminal justice at Bangor University, North Wales in the United Kingdom. The research is about overcrowding in prison; I would like to know the dimensions, causes, and consequences of overcrowding in Nigerian prisons. The information you provide will assist in the development of appropriate measures to deal with the situation.

The answer you provide will be held confidential and your anonymity will be protected. Your participation in this research is completely optional. However, the information you may provide will be of great importance to me thus, I hope you will be able to assist in the research. If you have any questions or concerns please let me know and I will be happy to address them. The interview is

composed of a number of open-ended questions, please answer as fully as possible, however I may offer some additional prompts, where appropriate.

Your invitation to participate in this interview is because of your experience or familiarity with the topic. Therefore, my role in this interview is to serve as a moderator; to be guiding the discussion.

**General guide for the interview session**

1. The number of participants in the interview session should not exceed 12 and not less than four
2. Participants should note that there are no wrong answers to each question; I am trying to understand participants' viewpoint about the topics under discussion. Thus participants should feel free to share their viewpoints.
3. Participants are advised to turn off or put in silent mode all mobile phones and pagers. However, where a participant cannot and must respond to a call, she/he can do so as quietly as possible and re-joins the session as quickly as possible.
4. There is a provision for short tea break.
5. Once again, you are all welcome and if you have any questions or concerns please let me know and I will be happy to address them.

**Instruction:** Questions to be presented in sequential order.

**Participants' background: I would like to know a little bit about you.**

29. What is your age?
30. What is your present rank or position in the Nigerian Prison Service?
31. How long have you been in the Nigerian Prison Service?
32. What is your highest level of educational qualification you have achieved?

**Specific questions:**

1. Given you work experience in the Nigerian Prison Service, briefly describe what you consider to be an overcrowding in a Nigerian prison?
2. Do you consider the prison you are working in overcrowded?
  2. b. Please, briefly explain why?
3. Do you think prisons in Nigeria are generally overcrowded?
  3. b. Explain why?
4. Drawing upon your work experience in the Nigerian Prison Service, which areas in prison you think are overcrowded?
5. Are there particular times you think these areas are overcrowded?
6. Please, describe the characteristics of an overcrowded Nigerian prison.
  7. Do you think the characteristics of prison overcrowding (you mentioned) are the same in other Nigerian prisons?
  8. Reflecting on your work experience in the Nigerian Prison Service, what do you think are the causes of prison overcrowding?
  9. Do you think the causes of prison overcrowding (you mentioned) are the same across in other prisons in Nigeria?
10. Based on your work experience in the Nigerian Prison Service, who do you think should be held responsible for the overcrowding in Nigerian prisons?
  10. a. If yes, explain state who and why?
  10. b. If no-one, specify?
11. Inmates in Nigerian prisons are allowed to spend sometimes outside their sleeping accommodation (cell) every day?
  11. a. If yes, how much time per day and week?
  11. b. If not, why not?
12. Do you think the sleeping accommodation (cell/room and bedding) provided to inmates in the Nigeria's prisons is satisfactory?
  12. a. If yes, explain why?
  12. b. If not, why?
13. Prisoners in Nigerian prisons engage in activities such as work or training every day?
  13. a. If yes, specify the tasks, at where and how many hours per day and week?
  13. b. If not, why not?

**The interview session takes some minutes break (If possible)**

14. Drawing upon your experience, who is affected by overcrowding prison?
  14. a. Among the groups (you mentioned), who is likely to be affected most when a prison is overcrowded?
15. Based on your experience in the Nigerian Prison Service, briefly describe how inmate reacts to the event of overcrowding.

15. a. Do you think the ways inmates react to overcrowding (you mentioned) are the same in other Nigerian prisons?
15. b. If yes, explain why?
15. c. If not, why not?
16. Based on your work experience in the Nigerian Prison Service, describe how prison staff members react to the event of overcrowding.
  16. a. Do you think the way prison staff members react to overcrowding (you mentioned) are the same in other Nigerian prisons?
  16. b. If yes, explain why?
  16. c. If not, why not?
17. Do you think someone gains when a Nigerian prison is overcrowded?
  17. a. If yes, who and how?
  17. b. If not. Why?
18. Drawing upon your experience in the Nigerian Prison Service, do you think Nigerian prisons overcrowding can be prevented?
19. Reflecting upon your experience, how do the Nigerian prison authorities deal with the event of overcrowding?
  19. a. Do you think the Nigerian prison authorities' ways of dealing with prison overcrowding (you mentioned) are the same in other Nigerian prisons?
  19. b. If yes, explain why?
  19. c. If not, why not?
20. Given your work experience in the Nigerian Prison Service, do you think there are other person(s), non-governmental organisation, institution, ministry and department that respond when a Nigerian prison is overcrowded?
  20. a. If yes, please state who and how?
  20. b. If not, why not?
21. If you were appointed by the Federal Government of Nigeria to come up with possible ways of dealing with and preventing overcrowding in Nigerian prisons, what are the strategies would you recommend?
22. Finally, thinking about the interview so far, is there anything else you might want to reflect on about how you see the Nigerian prison system, and Nigerian prisons overcrowding in particular?
23. Do you have any things you wish to say that has not been covered in the discussion?

**Thank you for your participation.**

#### **Addendum**

To be completed by the discussion facilitator/moderator

1. Place of interview: \_\_\_\_\_ language of interview: \_\_\_\_\_
2. Date of interview: \_\_\_\_\_ starting time: \_\_\_\_\_ time completed: \_\_\_\_\_
3. Number of participants: \_\_\_\_\_ males: \_\_\_\_\_ females: \_\_\_\_\_

C) Other stakeholders copy



PRIFYSGOL  
**BANGOR**  
UNIVERSITY

#### **Focus group Interview Guide** **Research title:**

*Prison Overcrowding in Nigeria: the Nature of the Problem, Its Causes and Consequences.*

**Name and contact details of the researcher:** Mr Ado Sale - School of Social Sciences, Bangor University, Bangor, Gwynedd- LL57 2DZ, United Kingdom, **telephones:** (Nigeria) +2348034808536/ (UK) +447586708791

#### **Preamble:**

You are welcome and thank you all for giving up your time and agreeing to participate in this interview session. My name is **Ado Sale** and this interview is part of my doctoral degree programme in criminology and criminal justice at Bangor University, North Wales in the United Kingdom. The research is about overcrowding in prison; I would like to know the dimensions, causes and

consequences of overcrowding in Nigerian prisons. The information you provide will assist in the development of appropriate measures to deal with the situation.

The answer you provide will be held confidential and your anonymity will be protected. Your participation in this research is completely optional. However, the information you may provide will be of great importance to me thus, I hope you will be able to assist in the research. If you have any questions or concerns please let me know and I will be happy to address them. The interview is composed of a number of open-ended questions, please answer as fully as possible, however I may offer some additional prompts, where appropriate.

Your invitation to participate in this interview is because of your experience or familiarity with the topic. Therefore, my role in this interview is to serve as a moderator; to be guiding the discussion.

**General guide for the interview session**

- 1) The number of participants in the interview session should not exceed 12 and not less than four
- 2) Participants should note that there are no wrong answers to each question; I am trying to understand participants' viewpoint about the topics under discussion. Thus participants should feel free to share their viewpoints.
- 3) Participants are advised to turn off or put in silent mode all mobile phones and pagers. However, where a participant cannot and must respond to a call, she/he can do so as quietly as possible and re-joins the session as quickly as possible.
- 4) There is a provision for short tea break.
- 5) Once again, you are all welcome and if you have any questions or concerns please let me know and I will be happy to address them.

**Instruction:** Questions to be presented in sequential order

**Participants' background: I would like to know a little bit about you.**

1. What is your age?
2. Please, which profession do you belong to?
3. How long have you been in this profession?
4. What is your highest level of educational qualification you have achieved?

**Specific questions:**

5. Based on your experience in the Nigerian criminal justice system, briefly describe what you think is an overcrowding in a Nigerian prison?
6. Do you think prisons in Nigeria are generally overcrowded?
6. b. Please, briefly explain why?
7. Please, describe the characteristics of an overcrowded Nigerian prison?
8. Do you think the characteristics (you mentioned) are the same in other Nigerian prisons?
9. What do you think are the causes of prison overcrowding in Nigeria?
10. Do you think the causes (you mentioned) are the same in other Nigerian prisons?
11. Who do you think should be held responsible for the overcrowding in Nigerian prisons?
11. a. If yes, state who and why?
11. b. If no-one; specify why?
12. Drawing upon your knowledge and experience in the Nigerian criminal justice system, briefly describe the work relationships that existing between the Court and Nigerian Prison Service.
13. With particular reference to Nigeria, which institution and official you think is likely to be affected most when a prison in Nigeria is overcrowded?
13. a. How would the overcrowding in the prison affect these individual and institution?
13. b. Do you think the situations are the same across all prisons in Nigeria?
14. Do you think someone gains when a prison in Nigeria is overcrowded?
18. a. If yes, who and how?
18. b. If not, why not?
15. When last did you visit a prison in Nigeria?
16. Drawing upon your experiences, do you think prisoners in Nigerian prisons engage in activities such as work or training every day?
16. a. If yes, states what?
16. b. If none, explain why?
17. Do you think prisons in Nigeria are very safe and secure to live?
17. a. If yes, please explain why?
17. b. If not, why not?

**Interview session takes some minutes break (If possible).**

18. Drawing upon your experience in the Nigerian criminal justice system, do you think prison overcrowding can be prevented?

19. Reflecting upon your experience, how do Nigerian judiciary deal with the event of prison overcrowding?
20. Do you think the measure(s) or action(s) you mentioned can be used adequately when a prison is overcrowded in Nigeria?
21. Based on your experience, how do the Nigerian prison authorities deal with the event of overcrowding?
22. Do you think the measure(s) or action(s) you mentioned can be employed adequately when a prison is overcrowded in Nigeria?
23. Drawing upon your experience in the Nigerian criminal justice system, do you think there are other person, or people, non-governmental organisation, institution, ministry and department that respond when a prison in Nigeria is overcrowded?
23. a. If yes, state who and how?
23. b. If not, why not?
24. In your opinion, do you think the measure(s) or action(s) (you mentioned) can be used adequately when a prison in Nigeria is overcrowded?
25. Do you know any measure(s) or action(s) the Nigerian judicial departments or ministries have taken that would prevent overcrowding in Nigerian prisons?
25. a. If yes, what are the measures?
25. b. If not, why not?
26. Do you know any measure(s) or action(s) the Nigerian Prison Service employs to prevent overcrowding in Nigerian prisons?
26. b. Do you think the Nigerian prisons authorities' measure(s) or action(s) (you mentioned) can adequately prevent overcrowding in Nigeria?
27. Reflecting on your experience in the Nigerian criminal justice system, do you know any measure(s) or project(s) that was undertaken by any national or international organisation(s) that has contributed in dealing with and/or preventing overcrowding in Nigerian prisons?
27. a. If yes, please state what and where?
27. b. If not, why not?
28. In your opinion, do you think the measure(s) or project(s) (you mentioned above) has adequately contributed in preventing overcrowding in Nigerian prisons?

**Interview session takes some minutes break (If possible).**

29. If you were appointed by the Federal Government of Nigeria to come up with possible ways of dealing with and preventing overcrowding in Nigerian prisons, what are the strategies would you recommend?
30. Finally, thinking about the interview so far, is there anything else you might want to reflect on about how you see the Nigerian criminal justice system, and Nigerian prisons overcrowding in particular?
31. Do you have any things you wish to say that has not been covered in the discussion?

**Once again, thank you for your participation**

**Postscript**

To be completed by the discussion facilitator/moderator

1. Place of interview: \_\_\_\_\_ language of interview: \_\_\_\_\_
2. Date of interview: \_\_\_\_\_ starting time: \_\_\_\_\_ time completed: \_\_\_\_\_
3. Number of participants: \_\_\_\_\_ males: \_\_\_ females: \_\_\_\_\_

**Appendix J, Figure 4.9: Non-participant Observations Checklist Guide**

Prison: Name/ location:

Date and time of visit:

**Instruction:**

- A. Observer should minimise taking note at the observation site.
- B. Pictures should be taken with due consent and permission of both prison authorities and affected individual(s) at the site.

**The Prison**

- a) Prison type/status: [Maximum Medium Satellite]
- b) When was the prison built:
- c) Initial prison official capacity:
- d) Present official capacity of the prison:
- e) The actual prison population:

f) Gender distribution of prisoners:

	Sentenced Prisoners	Remand Prisoners	Other class of Prisoners	Total
Male				
Female				
Juvenile				
Total				

g) Total number of staff officially declared by the prison authorities: males:

females:

h) Staff composition:

Designation	Males	Females	Total
Administration			
General duties			
Catering services			
Medical and sanitation			
Social welfare and after-care			
Armed squad/guards			
Technicians			
Inmates' vocational training			
Court escorts			
Others			
Total			

i) Actual staff numbers per duty hours:

Duty hours	male	female	total
Morning			
Afternoon			
Night			
Special duty			

j) Number of hours covered by staff per day?

k) Official ratio of staff to inmates:

l) Actual ratio of staff-inmates:

m) The staff- inmate relationships:

n) The staff to staff relationships:

o) The inmate to inmate relationships:

p) Type and size of building structures:

Unit type	Remand Prisoners		Sentenced Prisoners Short-term		Condemned/ Long-term Prisoners		Other Class of Prisoners		Physical Size per unit		Total Units	
	M	F	M	F	M	F	M	F	M	F	M	F
Gender												
Dormitory												
Single cell												
No. of rooms in a cellblock												
Solitary cell												
Special cell												
Clinic/sick bay												
Administration Office												
Kitchen												
Gate												
Visiting lodge /room												
Dining room												

Store												
Workshop												
Worship room												
Class room												
Library												
Recreation/ sun bath room/area												
Others												

- q) The official number of prisoners' sleeping accommodation (cell/dorm):
- r) Actual number of habitable cells:
- s) Actual number of sleeping accommodation (cells/dorms) is in the prison occupied by prisoners:
- t) The official capacity of each dorm/cell:
- u) How different categories of prisoners are accommodated:
- v) Food/water supply:
- a) Regular water supply in the prison:
  - b) What is the source drinking water:
  - c) Does prisoners have access to water:
  - d) How sufficient is the water supply to prisoners per day sufficient:
  - e) If not, how are inmates coping with the water problem:
  - f) How prisoners take shower/ bath and wash clothes daily:
  - g) How many times prisoners are fed (meal) per day:
  - h) If yes, how many times:
  - i) At what time the food is served:
  - j) Is the food served sufficient:
  - k) If not, how do inmates coped with the food shortage:
  - l) Do prisoners appear to be adequately nourished:
  - m) Where is the food prepared:
  - n) If inside the prison, who prepares the food?
  - o) If not, how are inmates are served?
  - p) How clean and safe is the prison kitchen?
  - q) Are prisoners allowed to receive food from outside prison?
  - r) What are the main prisoners' complains concerning food and water supply:
- w) Sanitary condition in the facility:
- a) Number of toilets and basins in each cell/dorm:
  - b) The sanitary conditions of toilets in dorms/ cells:
  - c) Conveniences in the toilets inside dorms/cells in terms accessibility and privacy:
  - d) What are the main complains by staff and prisoners regarding sanitation in the facility:
- x) Accommodation:
1. What is the bed/mat arrangement in cell/room?
  2. Number of beds/mats in a room/cell
  3. Adequate provision of beds and bedding to prisoners
  4. How much personal space is allocated to prisoner?
  5. What are the main complains by staff and prisoners' concerning prisoners' accommodation.
- y) Health care services:
- a) Is there a clinic or hospital in the prison?
  - b) How prisoners are accessing medical services:
  - c) How emergency cases are handled in the prison?
  - d) What are the main prisoners' complains concerning sanitary and medical care services supplies:
- z) Contact with outside world:
- a) Are prisoners allowed visit daily?
  - b) If yes, is the visit free of charge, and how many minutes/hours a prisoner is allowed to be visited per day/week?
  - c) If not free, how much inmates pay per visit?
  - a) Are prisoners' visiting lodge in a closed or open space?
  - b) Is conjugal visit allowed?

- c) If yes, which category of prisoners are allowed, and for how many hours?
  - d) If yes, is conjugal visit free of charge? If not, how much is paid per visit?
  - e) Are prisoners allowed to send or receive mail free of charge? If not, how much inmate pays per mail?
  - f) How often do prisoners send and receive letters?
  - g) Are inmates allowed to make telephone call?
  - h) If yes, is call free of charge? If not how much is paid for a call?
  - i) If not, why?
  - j) Do prisoners have access to newspapers, magazines and journals?
  - k) If yes, how regularly and what type of papers are provided?
  - l) If not, why?
  - m) What are the main prisoners' complains concerning visit and communication with outside world.
24. Access to Justice:
- a) How many legal counsels visited the prison during the fieldwork?
  - b) Number of human rights defenders visited the prison in the last three months:
  - c) Does the prison have a court room
  - d) Number of sessions held by a fast track court in the prison in the last three months:
  - e) The number judges or prosecutors visited the prison in the last three months?
  - f) What are the staff and prisoners' complains concerning other stakeholders in the Nigerian criminal justice system officials and institutions:
25. Civil societies and non-governmental organisations activities:
- a) Is there any on-going activity in the prison carry out by NGO/civil society?
  - b) What kind of activity are NGOs/civil societies and individuals doing in the prison?
  - c) How many staff and prisoners are involved?
  - d) What are the staff and prisoners' complains concerning NGOs and civil societies engagement in the prison:
26. Prisoners' regime activities:
- a) The number of prisoners' sporting and recreational activities in the prisons:
  - b) The category of prisoners engage in sport and recreational activities:
  - c) What skills are taught in the prison?
  - d) If yes, what types of inmate are involve?
  - e) And how many?
  - f) If none, why?
  - g) At what period in a day is set aside for these activities?
  - h) Who provides the training?
  - i) Does the prison have a library?
  - j) If not, why?
  - k) Any other work or training opportunity available to prisoners?
  - l) If yes, what type, and which category of prisoners are involved?
  - m) What were the staff members and inmates' complains about any of the prisoners' regime activities?
27. Religious activities:
- a) The number of religions in the prison
  - b) Prisoners' access to worship in their sleeping accommodation:
  - c) How many minutes/hours is allowed per day?
  - d) Are all the inmates' religion given a place?
  - e) Provision for worship places outside prisoners cell:
  - f) If yes, how many worship places?
  - g) How many hours are allowed per day/week?



- h) Are the worship places safe and secured?
  - i) If not, why?
  - j) What are the main staff members and prisoners' complains concerning worship in the prison?
28. Safety and security measures:
- a) Does the prison appear to be safe and secure to work or live in?
  - b) Is the prison security considered to be adequate?
  - c) Static security measures in the prison: perimeter walls, bars, movement detectors, other technological devices?
  - d) Dynamic security measures in the prison: prisoners' movement and control, staff on duty posts, staff presence, absenteeism, absconding duty posts and staff interactions with prisoners and visitors.
  - e) Are visitors searched?
  - f) Are some prisoners put in a position of authority over others?
  - g) If yes, how is the structure?
  - h) Who appoint them?
  - i) What are their responsibilities?
  - j) Are weapons carried by staff inside prison?
  - k) Are prisoners allowed to interact with the researcher freely?
  - l) If yes, to what extent?
  - m) If not, why?
  - n) What were the common complains by staff and prisoners concerning safety and security in the prison.
29. Discipline and punishment:
- a) Does the prison have a segregation unit/ solitary/dark or punishment cell
  - b) If yes, what is the process of sending a prisoner to a solitary cell
  - c) How many days an inmate spends in the punishment cell?
  - d) If not, how inmates are punished if they violate prison rules?
  - e) How do inmates make complain in the prison?
  - f) What were the prisoners' complaints under punishment in a solitary cell?
30. Treatment of vulnerable groups:
- a) Are women, Juveniles and sick prisoners kept separate?
  - b) If not, how do the prison staff handling the situation?
  - c) Are women needs met?
  - d) If yes, how sufficient?
  - e) If not, how are women coping with the situation.
  - f) Are women allowed to keep their babies with them in prison?
  - g) If yes, baby of what age?
  - h) For how long will women stay with the child?
  - i) How many children are in the prison?
  - j) Who is responsible for the care and wellbeing of the child?
  - k) If no provision for child care and wellbeing in prison, how are nursing mothers coping with situation?
  - l) What are the major complaints by women prisoners including those with babies?
31. Provisions for the long-terms serving prisoners:
- a) Where are long-term serving prisoners being held in the prison?
  - b) The number of hours they are allowed to spend outside their sleeping accommodation?
  - c) What was their main complaint?
32. The condemned prisoners:
- a) Where are prisoners under sentence of death accommodated?
  - b) The number of hours they are allowed to spend outside their sleeping accommodation?

- c) What were their daily regimes activities?
- d) What was their major complaint?

**Appendix K, Figure 4.10: Self-completion Questionnaire**

- a) Prison inmates copy



Self-Completion Questionnaire

**Research title:**

*Prison Overcrowding in Nigeria: the Nature of the Problem, Its Causes and Consequences.*

**Name and contact details of the researcher:** Mr Ado Sale - School of Social Sciences, Bangor University, Bangor, Gwynedd- LL57 2DZ (United Kingdom)  
**Tel:** (Nigeria) +2348034808536/ (UK) +447586708791

My name is **Ado Sale** and this survey is part of my doctoral degree programme in criminology and criminal justice at Bangor University, North Wales in the United Kingdom. The research is about overcrowding in prison; I would like to know the dimensions, causes and consequences of overcrowding in Nigerian prisons. The information you provide will assist in the development of appropriate measures to deal with the situation. The answer you provide will be held confidential and your anonymity will be protected. Your participation in this research is completely optional. However, the information you may provide will be of great importance to me thus, I hope you will be able to assist in the research. If you have any questions or concerns please let me know and I will be happy to answer them. Please feel free to write as much detail as possible within the given spaces.

**Instruction:** When answering the following questions please tick the box against one response unless indicated otherwise.

**Section A: Participant's background**

I would like to know a little bit about you:

- 1. What is your Gender?
  - Male
  - Female
- 2. What is your age?  
 (Please, select your age group)
  - 18 – 29
  - 30 – 40
  - 41 – 50
  - 51 – 60
  - 61 - 70
  - Above 71
- 3. Do you have family?  
 (Select one option)
  - If yes, please, state the number of dependants; children and wives or husband

---



---

  - No, I don't have.

- 4. What is your current (or most recent) occupation? Please, write in
- 
- 

- 5. Please, select your current status in the prison below;

- Awaiting trial
- Special Detainee
- Sentenced
- Life Imprisonment
- Awaiting Government order[amputee/stoning to death]
- Lodger
- Debtor
- Others (please specify) \_\_\_\_\_

- 6. How long have you been in this prison?

- Less than one year
- More than one to five years
- More than five to ten years
- More than ten years

*Section B: The dimensions of Nigerian prisons overcrowding. In this section, based upon your experience, I would like to know your view as to what constitutes an overcrowding in Nigeria's prisons.*

7. Please describe what you think is an overcrowding in a Nigerian prison?

---

8. Do you consider this prison you are living in overcrowded? (*select one option*)

If yes, why?

---

If not, why not?

---

Don't know.

9. Do you think prisons in Nigeria are generally overcrowded?

If yes, why?

---

If not, why not?

---

Don't know

10. Which among these areas in prison you consider to be overcrowded? (*Select as many as apply*)

- Inmates sleeping accommodation (cell/dorm).
- Kitchen.
- Religious worship area.
- Workshop area.
- Toilet inside sleeping room (cell/dorm).
- Toilet outside sleeping room (cell/dorm).
- Sports and recreation areas.
- Visit lodge/room.
- Prison education classes.
- Prison launderette areas.
- Prison clinic or hospital.
- All areas within the prison.

11. At what particular time you think these areas are overcrowded?

(*Select as many as apply*)

- In the morning hours only
- Morning and afternoon hours
- In the afternoon hours only
- Afternoon and evening hours
- In the evening only
- In the night
- Always

12. Drawing upon your experience, please describe the characteristics of an overcrowded

Nigerian prison.

---

*Section C:*

*This section is about your view on the causes of prison overcrowding in Nigerian prisons.*

13. What do you think are the causes of prison overcrowding?

---

14. Do you think the causes of prison overcrowding you mentioned above are the same in other Nigerian prisons? (*Select one option*)

- No
- Yes
- Don't know

15. Drawing upon your experience, who do you think should be held responsible for the overcrowding in Nigerian prisons? (*Please write in*)

---

If no-one; please specify why?

---

Don't know

16. The statements below describe daily life in prison. [*Please read the statements below and select only one option you think is appropriate to each statement; whether you Agree, Disagree, or Don't know*]

16.1. Work is compulsory to all inmates in the Nigerian prisons.

- Agree
- Disagree
- Don't know

16.2. Inmates in Nigerian prisons often don't rest because of noise by the prison staff or other inmates.

- Agree
- Disagree
- Don't know

16.3. Prisons in Nigeria are very safe and secure to live in.

- Agree
- Disagree
- Don't know

16.4. Inmates' activities outside their sleeping accommodation (cells/dorms) depend on the availability of staff to supervise them.

- Agree
- Disagree
- Don't know

16.5. In Nigerian prisons, the staff-inmate relationships is satisfactory.

- Agree
- Disagree

- Don't know

16.6. In Nigerian prisons, prisoners awaiting trial stay outside their sleeping accommodation (cells/dorms) more than sentenced prisoners.

- Agree
- Disagree
- Don't know

16.7. The sleeping accommodation (cell/dorm and bedding) provided to inmates in the Nigerian prisons is satisfactory.

- Agree
- Disagree
- Don't know.

17. In Nigerian prisons, inmates are allowed to spend some time outside their sleeping accommodation (cells/dorms) every day? (*select one option*)

- If yes, where in the prison?

---

---

---

- If not, why not?

Don't know.

18. In Nigerian prisons, how much time do inmates spent outside their sleeping accommodation (cells/dorms) every day? (*select one option*)

- One to three hours.
- Three to seven hours.
- No time limit.
- More than an hour.
- Less than an hour.
- Not at all.

19. Do inmates engage in activities such as work or training every day? (*select one option*)

- If yes, list the task(s)

---

---

---

- If not, explain why?

Don't know.

#### Section D:

*In this section, I would like to explore the effect of prison overcrowding in Nigeria.*

20. Based on your experience in the Nigerian prison, who is affected by overcrowding in a Nigerian prison? (*Please select as many as apply*)

- Prisoners - awaiting trial inmates.
- Short-term sentenced prisoners.
- Long-term sentenced prisoners.

- Prison staff.
- Judges.
- Prosecutors.
- Detainees and debtor prisoners.
- Prison managers.
- Counsels (Lawyers).
- Others (specify) \_\_\_\_\_

21. Among the groups you selected in question 19 above, who is likely to be affected most when a prison is overcrowded?

---

---

22. Reflecting upon your experience in the Nigerian prison, briefly describe how inmate reacts in the event of overcrowding.

---

---

23. Do you think the way(s) inmate reacts to overcrowding you mentioned in question 21 above are the same in other Nigerian prisons? (*select one option*)

- If yes, state your reason(s)

---

---

- If not, explain why?

---

---

- Don't know.

24. Based on you experience, briefly describe how the prison staff react to the event of overcrowding?

---

---

25. Do you think the way(s) prison staff react to overcrowding you mentioned in question 23 above are the same in other Nigerian prisons? (*select one option*)

- If yes, state your reason(s)

---

---

- If not, explain why?

---

---

Don't know.

26. Do you think someone gains when a Nigerian prison is overcrowded? (*select one option*)

- If yes, who and how?

---

---

- If not, why not?

---

---

- Don't know

#### Section E

*In this section, I would like to know the ways in which overcrowding could be prevented.*

27. Drawing upon your experience in Nigerian prison, do you think overcrowding can be prevented? (*select one option*)

- Yes.
- No.
- Don't know.

28. Reflecting upon your experience in the Nigerian prison, how do the Nigerian prison authorities deal with prison overcrowding?

\_\_\_\_\_

29. Do you think the way(s) the Nigerian prison authorities are dealing with overcrowding you mentioned in question 27 above are the same in other Nigerian prisons? (*select one option*)

- If yes, explain why?

\_\_\_\_\_

- If not, why not?

\_\_\_\_\_

- Don't know

30. Drawing upon your experience in the Nigerian prison, do you think there are other person(s), non-governmental organisations,

institutions, ministries and departments that respond when a prison in Nigeria is overcrowded? (*select one option*)

- If yes, please state who and how?

\_\_\_\_\_

- If not, why not?

\_\_\_\_\_

- Don't know

31. If you were appointed by the Federal Government of Nigeria to come up with two ways of addressing overcrowding in Nigerian prisons, what are the two strategies would you recommend?

1)

\_\_\_\_\_

2)

\_\_\_\_\_

32. Any other comments?

\_\_\_\_\_

**Thank you for your participation.**



PRIFYSGOL  
**BANGOR**  
UNIVERSITY

b) Prison staff copy

#### Self-Completion Questionnaire

##### Research title:

*Prison Overcrowding in Nigeria: the Nature of the Problem, Its Cause and, Consequences.*

**Name and contact details of the researcher:** Mr Ado Sale - School of Social Sciences, Bangor University, Bangor, Gwynedd- LL57 2DZ (United Kingdom)

**Tel:** (Nigeria) +2348034808536/ (UK) +447586708791

My name is **Ado Sale** and this survey is part of my doctoral degree programme in criminology and criminal Justice at Bangor University, North Wales in the United Kingdom. The research is about overcrowding in prison; I would like to know the dimensions, causes and consequences of overcrowding in Nigerian prisons. The information you provide will assist in the development of appropriate measures to deal with the situation. The answer you provide will be held confidential and your anonymity will be protected. Your participation in this research is completely optional. However, the information you may provide will be of great importance to me thus, I hope you will be able to assist in the research. If you have any questions or concerns please let me know and I will be happy to answer them. Please feel free to write as much detail as possible within the given spaces.

**Instruction:** When answering the following questions please tick the box against one response unless indicated otherwise.

##### **Section A:** Participant's background

I would like to know a little bit about you

1. What is your Gender?

- Male
  - Female
- 2.** What is your age?  
(Please, select your age group)
- 18 – 29
  - 30 – 40
  - 41 – 50
  - 51 – 60
  - 61 – 70
  - Above 71
- 3.** What is your highest level of educational qualification you have achieved?
- Primary school
  - W.A.E.C., G.C.E., SSCE or O' Level
  - N.C.E, Diploma
  - HND or University degree
  - None
- 4.** What is your current position or rank in the Nigeria Prison Service?
- 

- 5.** For how long have you been in the Nigeria Prison Service?
- Less than one year
  - More than one to five years
  - More than five to ten years
  - More than ten years

*Section B: The dimensions of Nigerian prisons Overcrowding. In this section, , I would like to know your view as to what constitutes an overcrowding in Nigerian prisons.*

- 6.** Please, describe what you consider to be an overcrowding in a Nigerian prison?
- 
- 

- 7.** Do you consider this prison you are working in overcrowded?

If yes, why?

---



---

If not, why?

---



---

Don't know.

- 8.** Do you think prisons in Nigeria are generally overcrowded?

If yes, why?

---



---

If not, why not?

---



---

Don't know.

- 9.** Reflecting on your work experience, which among these areas in prison you think are overcrowded? (Select as many as apply)

- Inmates sleeping room (Cell).
- Kitchen
- Religious worship area.
- Workshop area.
- Toilet inside sleeping room (cell/dorm).
- Toilet outside sleeping room (cell/dorm).
- Sports and recreation areas.
- Visit lodge/room.
- Prison education classes.
- Prison launderette areas
- Staff offices
- Prison clinic or hospital
- All areas within the prison

- 10.** At what particular time you think these areas are overcrowded?(select as many as apply)

- In the morning hours only
- Morning and afternoon hours
- In the afternoon hours only
- Afternoon and evening hours
- In the evening only
- In the night
- Always

- 11.** Drawing upon your work experience, please describe the characteristics of an overcrowded Nigerian prison.
- 
- 

*Section C:*

*This section is about your view on the causes of overcrowding in Nigerian prisons.*

- 12.** What do you think are the causes of prison overcrowding?
- 
- 

- 13.** Do you think the causes and characteristics of prison overcrowding you mentioned above are the same in other Nigerian prisons? (Select one option)

If yes, please explain why?

---



---

If not, why not?

---



---

Don't know

- 14.** Drawing upon your work experience, who do you should be held responsible when a Nigerian prison is overcrowded?  
(Please write in)
- 
- 

If no-one; please specify why?

---



---

Don't know.

15. The statements below describe daily life in prison. *[Please read the statements below and select only one option you think is appropriate to each statement; whether you Agree, Disagree, or Don't know]*

15.1. Work is compulsory to all inmates in Nigerian prisons.

- Agree
- Disagree
- Don't know

15.2. Inmates in Nigerian prisons often don't rest because of noise by the staff or other inmates.

- Agree
- Disagree
- Don't know

15.3. Prisons in Nigeria are very safe and secure to work in.

- Agree
- Disagree
- Don't know

15.4. In Nigerian prisons, inmates' activities outside their sleeping accommodation (cell/dorm) depend on the availability of staff to supervise them.

- Agree
- Disagree
- Don't know

15.5. In Nigerian prisons, prisoners waiting trial stay outside their sleeping accommodation (cells/dorms) more than sentenced prisoners.

- Agree
- Disagree
- Don't know

15.6. The sleeping accommodation (cells/dorms and bedding) provided to inmates in the Nigeria's prisons is satisfactory.

- Agree
- Disagree
- Don't know

15.7. In Nigerian prisons, staff-inmates relationships is satisfactory.

- Agree
- Disagree
- Don't know

16. In Nigerian prisons, inmates are allowed to spend some time outside their sleeping accommodation (cells/dorms) every day?

*(Select one option)*

- If yes, where in the prison?

\_\_\_\_\_  
If not, why not?  
\_\_\_\_\_  
\_\_\_\_\_

- Don't know.

17. In Nigerian prisons, how much time do inmates spent outside their sleeping accommodation (cells/dorms) every day? *(Select one option)*

- One to three hours.
- Three to seven hours.
- No time limit.
- More than an hour.
- Less than an hour.
- Not at all.

17. Do inmates engage in activities such as work or training every day? *(select one option)*

- If yes, list the task(s)

\_\_\_\_\_  
\_\_\_\_\_  
 If not, explain why?  
\_\_\_\_\_

- Don't know.

*Section D:*

*In this section, I would like to explore the effect of prison overcrowding in Nigeria.*

18. Based on your experience, who is affected by overcrowding in Nigerian prisons? *(Please select as many as apply)*

- Prisoners - awaiting trial inmates.
- Short-term sentenced prisoners.
- Long-term sentenced prisoners.
- Prison staff.
- Judges.
- Prosecutors.
- Detainees and debtor prisoners.
- Prison managers.
- Counsels (Lawyers).
- Others (specify)\_\_\_\_\_

19. Among the groups you selected in question 18 above, who is likely to be affected most when a Nigerian prison is overcrowded?

20. Reflecting upon your experience in the Nigeria Prison Service, briefly describe how inmates react to the event of overcrowding? *(select one option)*

\_\_\_\_\_  
\_\_\_\_\_  
Do you think the way(s) inmates react to overcrowding you mentioned in question 20 above are the same in other Nigerian prisons?*(Select one option)*

- If yes, state your reason(s)

\_\_\_\_\_  
 If not, why not?  
\_\_\_\_\_

- Don't know.

21. Based on your experience in the Nigeria Prison Service, briefly describes how prison staff members react to the event of overcrowding.

\_\_\_\_\_

22. Do you think the way(s) prison staff react to overcrowding you mentioned in question 22 above are the same in other Nigerian prisons? (select one option)

If yes, explain why?

\_\_\_\_\_

If not, why not?

\_\_\_\_\_

Don't know.

23. Do you think someone gains when a Nigerian prison is overcrowded? (select one option)

If yes, who and how?

\_\_\_\_\_

If not, why not?

\_\_\_\_\_

Don't know.

*Section E:*

*In this section, I would like to know the ways in which overcrowding could be prevented.*

24. Drawing upon your experience in the Nigeria Prison Service, do you think overcrowding in prison can be prevented? (select one option)

Yes,

No.

Don't know

25. Based on your experience, how do the Nigeria prison authorities deal with the event of overcrowding? (please, write in)

\_\_\_\_\_

\_\_\_\_\_

26. Do you think the way(s) the Nigerian prison authorities are dealing with overcrowding that you mentioned in question 26 above are the same in other Nigerian prisons? (select one option)

If yes, explain why?

\_\_\_\_\_

If not, why not?

\_\_\_\_\_

Don't know.

27. Drawing upon your experience in the Nigeria Prison Service, do you think there are other person(s) or people, non-governmental organisations, institutions, ministries and departments that respond when a Nigerian prison is overcrowded?

(Select one option)

If yes, state who and how?

\_\_\_\_\_

If not, why not?

\_\_\_\_\_

Don't know.

28. If you were appointed by the Federal Government of Nigeria to come up with two ways of addressing overcrowding in Nigerian prisons, what are the two solutions would you recommend?

1) \_\_\_\_\_

2) \_\_\_\_\_

29. Any other comments?

\_\_\_\_\_

**Once again, thank you for your participation.**

C) Other stakeholders copy



PRIFYSGOL  
**BANGOR**  
UNIVERSITY

Self-Completion Questionnaire  
[Other stakeholders]

**Research title:**

*Prison Overcrowding in Nigeria: the Nature of the Problem, Its Causes and Consequences.*

**Name and contact details of the researcher:** Mr Ado Sale - School of Social Sciences, Bangor University, Bangor, Gwynedd- LL57 2DZ (United Kingdom), **telephones:** (Nigeria) +2348034808536/ (UK) +447586708791



My name is **Ado Sale** and this survey is part of my doctoral degree programme in criminology and criminal justice at Bangor University, North Wales in the United Kingdom. The research is about overcrowding in prison; I would like to know the dimensions, causes and consequences of overcrowding in Nigerian prisons. The information you provide will assist in the development of appropriate measures to deal with the situation. The answer you provide will be held confidential and your anonymity will be protected. Your participation in this research is completely optional. However, the information you may provide will be of great importance to me thus, I hope you will be able to assist in the research. If you have any questions or concerns please let me know and I will be happy to answer them. Please feel free to write as much detail as possible within the given spaces.

**Instruction:** When answering the following questions please tick the box against one response unless indicated otherwise.

*Section A: Participant's background*

*I would like to know a little bit about you*

1. What is your Gender?
  - Male
  - Female
2. What is your age?
 

*(Please, select your age group)*

  - 18 – 29
  - 30 – 40
  - 41 – 50
  - 51 – 60
  - 61 – 70
  - Above 71
3. Please, select the profession you belong to?
  - Honourable Judge
  - Public Prosecutor
  - Legal Aid Counsel
  - Private Legal Counsel
  - Human rights Advocate
  - Scholar/Researcher
  - Penal Reform Advocate/NGOs
  - Others (specify) \_\_\_\_\_
4. For how long have you been in this profession?
  - Less than one year
  - More than one to five years
  - More than five to ten years
  - More than ten years
5. What is your highest level of educational qualification you have achieved?
  - Primary school
  - W.A.E.C., G.C.E., SSCE or O' Level
  - N.C.E, Diploma
  - HND or University degree
  - None

*Section B: The dimensions of Nigerian prisons overcrowding. In this section, based upon your experience, I would like to know your view as to what constitutes overcrowding in Nigerian prisons.*

**5** Based on your experience in the Nigerian criminal justice system, please describe what you consider to be an overcrowding in a Nigerian prison?

\_\_\_\_\_

\_\_\_\_\_

**6** Do you think prisons in Nigeria are generally overcrowded? (select one option)

- If yes, explain why?
 

\_\_\_\_\_

\_\_\_\_\_
- If not, why not?
 

\_\_\_\_\_

\_\_\_\_\_
- Don't know.

**7** Drawing upon your experience, please describe the characteristics of an overcrowded Nigerian prison?

\_\_\_\_\_

\_\_\_\_\_

*Section C:*

*This section is about your view on the causes of prison overcrowding in Nigerian prisons.*

**8** What do you think are the causes of prison overcrowding in Nigeria?

\_\_\_\_\_

\_\_\_\_\_

**9** Do you think the causes of overcrowding you mentioned above are the same in other Nigerian prisons? (*Select one option*)

- Yes.
- No.
- Don't know.

**10** Drawing upon your experience, who do you think should be held responsible when a Nigerian prison is overcrowded? (*please write in*)

\_\_\_\_\_

\_\_\_\_\_

- If no-one; please specify why?
 

\_\_\_\_\_

\_\_\_\_\_

- Don't know

**11** Do you think someone gains when a Nigerian prison is overcrowded? (select one option)

- If yes, to who and how?

---

- If not, why not?

---

Don't know.

**12** Drawing upon your knowledge and experience in the Nigerian criminal justice system, briefly describe the work relationships between the court and the Nigerian Prison Service.

---

*In this section, I would like to explore the effect of prison overcrowding in Nigeria.*

**13** Based on your experience, who is affected by overcrowding in Nigerian prisons? (Please select as many as apply)

- Prisoners-awaiting trial inmates.  
 Short-term sentenced prisoners.  
 Long-term sentenced prisoners.  
 Prison staff.  
 Judges.  
 Prosecutors.  
 Prison managers.  
 Counsels (Lawyers).  
 Others (specify) \_\_\_\_\_

**14** Among the groups you selected in question 13 above, who is likely to be affected most when a Nigerian prison is overcrowded?

---

**15** Based on your recent visit to prison in Nigeria, the statements below describe daily life in prison. [Upon reading each of the statements, I would like you to response in one word option you think is appropriate to each statement. One word option is whether you Agree, Disagree, or I don't know].

15.1. Work is compulsory to all inmates in the Nigerian prisons.

- Agree  
 Disagree  
 Don't know

15.2. The sleeping accommodation (cells/dorms) provided to inmates in the Nigerian prisons is satisfactory.

- Agree  
 Disagree  
 Don't know

15.3. Prisons in Nigeria are very safe and secure to live or work in.

- Agree  
 Disagree  
 Don't know

15.4. Inmates in Nigerian prisons often don't rest because of noise by the prison staff or other inmates.

- Agree  
 Disagree  
 Don't know

15.5. Inmates' activities outside their sleeping accommodation (cells/dorms) depend on the availability of prison staff to supervise them.

- Agree  
 Disagree  
 Don't know

#### Section E

*In this section, I would like to know the ways in which overcrowding could be prevented.*

**16** Drawing upon your experience in Nigerian criminal justice system, do you think overcrowding in prison can be prevented? (select one option)

- Yes,  
 No.  
 Don't know

**17** Drawing upon your experience, how do Nigerian judiciary deal with the event of overcrowding?

---

**18** In your opinion, do you think the measure(s) or action(s) you mentioned in question 19 can be used adequately when a prison is overcrowded in Nigeria? (Select one option).

- Yes, very well  
 Yes  
 No, not at all  
 No  
 Don't know

**19** Based on your experience, how do see the Nigerian prison authorities are dealing with the event of prison overcrowding?

---

Do you think this measure(s) or action(s) you mentioned in question 21 above can be employed adequately when a prison is overcrowded in Nigeria?

(Select one option).

- Yes, very well  
 Yes  
 No, not at all  
 No  
 Don't know

**20.** Drawing upon your experience in the Nigerian criminal justice system, do you think there are other person or people, non-governmental organisation, institution, ministries and department that respond when a prison is overcrowded, (*select one of the options*).

If yes, state who and how?

If not, why not?

Don't know.

**21.** In your opinion, do you think the measure(s) or action(s) mentioned above can be used adequately when a prison is overcrowded in Nigeria? (*Select one option*).

Yes, very well

Yes

No, not at all

No

Don't know

**22.** Do you know any measure(s) or action(s) the Nigerian judiciary have taken in Nigeria that would prevent overcrowding in prisons? (*Select one option*).

If yes, what are the measures?

If not, why not?

Don't know.

Do you know any measure(s) or action(s) the Nigeria prison authorities employ to prevent overcrowding in prisons? (*Select one option*)

If none, why?

Don't know.

**23.** Do you think the measure(s) or action(s) you mentioned in question 26 can adequately prevent overcrowding in Nigeria? (*Select one option*).

Yes, very well

Yes

No, not at all

No

Don't know.

**24.** Reflecting on your experience in the Nigerian criminal justice system, do you know any measure(s) or project(s) that was undertaken by any national or international organization(s) that has contributed in dealing with and/or preventing overcrowding in Nigerian prisons? (*Select one option*).

If yes, state what and where?

If none, why?

Don't know

**25.** In your opinion, do you think the measure(s) or project(s) you mentioned in question 28 has adequately contributed in preventing overcrowding in Nigerian prisons? (*Select one option*).

Yes, very well

Yes

No, not at all

No

Don't know

**30** If you were appointed by the Federal government of Nigeria to come up two ways of addressing overcrowding in Nigerian prisons, what are the two measures you would recommend?

1) \_\_\_\_\_

2) \_\_\_\_\_

Please do you have any other comments?

**Thank you for your participation.**



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