

From 'Prisons to Correctional Services': Exploring Evidence Based Analysis of The Plight of Awaiting Trial Inmates in Kwara State, Nigeria

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Abstract: *Inmates awaiting trial are individuals yet to be legally convicted of any crime but kept in police or correctional custody for ease of interrogation, among other reasons. This study, however, assessed the phenomenon of an increase awaiting trial inmates across correctional facilities in Nigeria, using Kwara State, Nigeria, as the study area. The study employed a survey research design with mixed data methods as methodology, in which primary data were sourced through semi-structured interviews and internet, journal, and website data as secondary data. Structural functionalism was the theoretical framework for the study. The population for the study consists of inmates awaiting trial, officials of the correctional service, police officers, and lawyers. The study revealed that an increase awaiting trial inmates has led to prison breaks, prison congestion, and an overstretch of physical infrastructure available for convicted inmates, among other challenges. The study recommended that ease and speedy judicial processes should be adhered to too; the building of special apartments for the housing of awaiting inmates's trials should be encouraged; and budgetary allocation should be increased to components of the criminal justice system, among other recommendations.*

Keywords: *inmates; awaiting trial; correctional centers; correctional service; convicted.*

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Introduction

The complexity associated with the running of government functions has reduced the extent to which the needs of modern citizens have been met effectively. Moreover, Nigeria as a country is flouted by numerous challenges oscillating from an economic, political, and social malaise, which has increased the level and dimensions of crimes and criminality. Historically, Nigeria's civil war provided a level of crime and criminality, as firearms used during that period led to the proliferation of firearms. Since the 1970 Nigerian civil war, there has been a rise in the levels of violent crimes, which have continued to linger. Though crime is universally common to nations around the world, it is more prominent on the continent of Africa. As Ukoji and Okolie (2016) posited, Africa has the highest manifestation level of violent and non-violent crimes in the world, with South Africa and Nigeria topping the list. Therefore, the quest for justice around the globe is necessary, as the increase in the level of crime and social disorder has characterized today's societies.

Unfortunately, the fraction of prisoners awaiting trial across the globe has been increasing geometrically and periodically due to the ineffectiveness of the administration of the criminal justice system in many countries. It's worrisome that inmates still spend up to six months on trial, which ideally were expected to take not less than one or two weeks (Ojo, 2017; Orekewa, 2005). This situation has made Ogundipe (2009) bring to public notice that "we are concerned that, for some inexplicable reasons, the dominance of pre-trial detainees in our prisons has come to assume the permanence that was not intended for it in our original design of prisons." This was, however, traced to the problem of housing inmates awaiting trial

with convicted criminals in the same correctional facilities, contributing to these negative factors of severe hardship and insecurity. The effective administration of the awaiting inmate's trials is expected for the smooth running of all state correctional facilities. The primary responsibility of the criminal justice system is saddled with the responsibility of apprehending suspects, giving judgment, and also passing the required punishment to the accused when attested guilty of such a crime or offense. However, the incapacity's can be informed by the growing number of congestion in correctional facilities and its effect on the nation politically, administratively, financially, and security-wise. Poor welfare administration, overcrowding, prison breaks, fatal riots, congestion, the strain on maintenance costs, stretching the workforce and various other facilities, and also aggravating the security problem in the correctional facilities are in a very bad state due to the large number of inmates awaiting trial (Kehinde, Jamaluddin, & Norruzeyati, 2016). Also, one of these problems, as aforementioned, is congestion. The main causes of prison congestion, according to Abubakar (2018: 12), included lack of access to legal aid by most awaiting trial prison inmates, inadequate or limited accommodation in the prison, delay in dispensation of justice, and the large number of awaiting trial inmates in the prisons. The twin major factors that are associated with prison congestion are arrest and remand; however, the most alarming is remand (Akhiero, 2018). The most pronounced effect of the menace of an increase in the number of people awaiting trial is that of constant prison breaks. It is glaring that over the last administration, the proliferation of prisons across the correctional centers within the thirty-six

states of Nigeria has been rapid and rampant. The issue destabilized the relative peace within these states and also led to several killings and the destruction of government properties. Another effect of the increase in awaiting trials presently is the increase in budgetary allocation by the government for the provision of foods and other necessary facilities for inmates awaiting trials that were not originally scheduled to be detained in correctional facilities. There have also been issues with missing files in court, which in the long run denied most awaiting inmates the right the right to be taken to court as there were no more clear provisions for them at the correctional facilities. It has been said that for about 40 years now, no new prison has been built in Nigeria in spite of the increase in population and crime rate (The Nation, 2021). It's believed that when trials are delayed, facts diminish, witnesses become problems, and suspects spend most of their years in detention. Lastly, inmates awaiting trial have been subjected to severe punishments or maltreatment even before they are legally convicted, as there is no clear cut between convicted and non-convicted inmates in Nigerian correctional centers. The correctional system, which was originally created for the correction of prison inmates through corrections and rehabilitations, has no doubt today become a breeding ground for hardened criminals. This outcome was linked to punishment and not correction by the act that established the prison system (Onyekachi, 2020). All this, in relation to other issues, has served as a problem for the criminal justice system, as its effect on the state is overwhelming and pressing. That is why Nweke & Ajah (2018) argue that the aims of prisons have been defeated by reality. Similar, a survey study carried out by Onyekachi (2016), as cited

in Ajah (2018), revealed that there is an ever-increasing problem of prison correction, like poor funding, prison congestion, and the failure of the existing prison laws to address the major objective of establishing prisons and rehabilitation of prison inmates.

The official capacity is 50,153; the actual population of inmates as of September 5, 2022 is 75,859, and it is still rising. By doing so, Nigerian prisons have exceeded their official capacity as of September 5, 2022, by 51.26 percent (Nigerian Correctional Service, 2022). Conventionally, there are four correctional facilities in Kwara State. As of June 19, 2018, the Oke Kura Correctional Facility has a capacity of 121 but holds 471 inmates. Of the total number of inmates, 87 are condemned criminals, four are convicted females, 57 are convicted males, 319 are awaiting trial males, and four are awaiting trial females. The Mandala Correctional Facility has a capacity of 160 and holds about 259 inmates, with 79 condemned criminals, three convicted inmates, and 177 awaiting trials. The Omu-Aran Facility has a total of 68 inmates—34 condemned criminals and 34 awaiting trials—while Lafiagi has a total of 46 inmates—40 condemned criminals and six awaiting trials. (NPS, 2018; NPS, 2019).

Given the increase in the number of people awaiting trial in Nigeria, the effect has been traced to several challenges and effects. It is therefore the focus of this study to investigate the nexus between the increase awaiting trials and the rise in social disorders.

Conceptual Analysis The Correctional Service

The Nigerian Correctional Services (NCS) is an indispensable department of the Federal Ministry of Interior and is headed by a Comptroller General of

Correctional Services. The Nigerian prison service was otherwise renamed the Nigeria Correctional Service on August 15, 2019 under the President Buhari administration. The Nigerian prison service, which operates under Prison Act No. 9 of 1972, has reformation and rehabilitation of offenders as part of its fundamental objectives (NPS, 1979). The Nigerian prison system was established following three forms of penal legislation that operate alongside each other in the country. The Penal Code and the accompanying Criminal Procedure Code Cap 81 laws of the Federation of 1990 (CPC), the Criminal Code and the accompanying Criminal Procedure Act Cap 80 laws of the Federation (CPA), and the Sharia penal legislation in 12 Northern States of Nigeria, which is applied to only Muslims (Obioha, 2011).

The correctional service has been an age-long institution present in most traditional administrative systems in Nigeria. In the Yoruba traditional societies, it was called Ogboni House; in the Benin kingdom, it was referred to as the Ewedo and called Gidan Yari in the traditional Hausa-Fulanis system. In the traditional pre-colonial Nigerian societies, there were prisons in which people who deviated from societal norms, customs, and values were either kept for trial or punished (Aboki, 2007). A prison or correctional facility, as indicated by Wikipedia (2014), is an office in which people are persuasively kept and precluded from claiming flexibility under the power of the state as a type of discipline. In the words of Sorensen (2019), he believes that the prison system should be a building for housing offenders or one that benefits society. In the view of Omagbemi and Odunewu (2008), detention facilities are built up and controlled for the safekeeping of those

legitimately interned for anticipating trials. According to Conklin (2001), he avers that the continuous aims of imprisonment further propel the assurance of justice grounded on the philosophy of just deserts and the reintegration of inmates into the community after serving the term of their sentence. Abubakar (2018: 24) stated that Foucault expressed imprisonment as a penalty par excellence in a society in which liberty is a good that belongs to all in the same way and to which each individual is attached.

In a related view, Nwolise (2010) sees correctional facility organization and administration as a form of social clinic where different specialists in the fields of medical, psychological, social, researchers, clergy, and other key officials cooperate alongside the correctional officers to transform the inmates into a changed, productive, crime-free, and patriotic citizen. Bamigbose (2010) asserted that prison as a facility is the narrow funnel of the criminal justice system into which new offenders or awaiting trial suspects are poured. They are responsible for the custody of the final product in the criminal justice process, among other functions (Nwolise, 2010).

Adebisi and Oyewo (2015) conclude that correctional facilities serve as the stomach of the state to keep the offender from taking action against the laws of the state. Chukudi (2012) asserted that the main aim of the creation of prison services in Nigeria is to provide rehabilitation and corrections for those who breach the laws or rules of the land. In a different view, prison facilities, according to Oduyela (2003), are separate structures institutionalized to identify peculiar individual inmates' problems and work out solutions to attend to each problem. The prison is perceived to be the

darkest region of the apparatus of the criminal justice system in Nigeria (Dambazau, 2007). The prisons service is also known for the safekeeping of the final product in the criminal justice process (Nwolise, 2010). Prisons provide rehabilitation and correctional facilities for those who have broken social norms, which is the major objective of the jail institution on a global scale (Josphe, 2023).

The Concept of Awaiting Trial

The concept of awaiting trial is generally subjected to different connotations and meanings, which makes the words as ambiguous and complex as they may simply appear. The word awaiting trial is constantly and interchangeably used with the words "remand prisoners," "awaiting trial detainees," "untried prisoners," "unconvicted prisoners," and "un-sentenced prisoners" (Orjiakor et al., 2017). Notwithstanding, Walmsley (2017) posited that despite the complexity, pre-trial or remand detention is of great global concern. Un-sentenced prisoners encompass individuals who are not only awaiting trial but consist of prisoners whose trials are still in progress or who have been attested guilty of such crimes but whose judgment is yet to be delivered. The term pre-trial detention, or otherwise remand detention, according to Schonteich (2011), is described as the process or period where individuals are deprived of their fundamental human rights pending when the individual will be proven guilty or not guilty, or a period of appealing.

Awaiting trial also refers to a situation where a person has been traced to have affiliation with a particular alleged crime or offense in which, through this process, they are deprived of liberty as the

result of an order from a judicial or similar legal process, but judgment has not been delivered by the court regarding its applicable punishments. Walmsley (2017) went further to define remand as the act of committing an accused person to custody after a preliminary examination. The growing issue of awaiting trial inmates across the globe made the United Nations include the need for a reduction of awaiting trial among Goal 16 of the UN Sustainable Development Goals 2015–2030, which aims at promoting peaceful and inclusive societies for sustainable development (UN, 2016). Remand detention also refers to those persons who, in connection with an alleged offense or offenses, are deprived of liberty following judicial or other legal processes but have not been definitively sentenced by a court for such a crime (Walmsley, 2017).

Structural-Functional Theory

The origin of social structure can be traced to the French social scientist Emile Durkheim (1858–1917), who argued that parts of society are interdependent and that this interdependence imposes structure on the behavior of institutions and their members. Society, according to him, is to be viewed as an entity. Going further, two renowned anthropologists, Bronislaw and Radcliffe-Brown, were influenced by the organicism of Durkheim. Radcliffe-Brown (1881–1955) posits that the concept of functionalism applied to human society is based on an analogy between social and organic living. Bronislaw Malinowski (1884–1947) introduced structural-functionalism to the study of society. He further divided society into three parts: the biological, the social-structural, and the symbolic. Structural functionalism was elaborated by Talcott Parsons, who was probably the dominant

functionalist during his time. Parson pointed out four important prerequisites of structural-functional theory, which include adaptation, goal attainment, integration, and latency.

Adaption is the relationship between the system and its environment. The components of the criminal justice system are important structures of the social system. This is achieved by creating structural differentiation or specialized institutions to fulfill social duties such as crime investigation, law adjudication, correction, punishment, and retribution of offenders. The ability of these institutions to adapt to social changes in society so as to perform their functions as required is termed adaptation. Every society has sets of goals to achieve, which is the primary function of each established institution. The criminal justice system is established to achieve the goals of deterrence, incapacitation, retribution, correction, and reintegration of offenders back into society. Integration is the ability to maintain cordial relationships with other components of the system. The police, the court, and the correctional facility must work hand in hand with each other so as to achieve the goal of the system. Without cooperation, nothing can actually be carried out, as the police, courts, and prison system are interdependent among each other. Latency is the ability to maintain consistency in the system. The police, court, and correctional services need motivation, so they have to maintain their trust and discharge their primary functions effectively. These allow for modification if matters of necessity arise. There is no one best way to tackle issues; however, it depends on the matter at hand. Motivation for workers should be provided, so it has to help maintain consistency.

Method

The research methodology adopted in this research work is the descriptive survey method. The method helps to get important information in relation to the event or research topic by asking individuals that have characteristics that the researcher needs information on, so they have to know and measure their beliefs, attitudes, perceptions, understandings, and points of view (Mugenda & Mugenda, 2002). The research paper employed the mixed method. The paper used both primary and secondary sources of materials. The primary method consists of a semi-structured interview, while the secondary sources include journals, the internet, and books in relation to the studies.

Results and Discussion

The out-surge syndrome of an increase in inmates awaiting trial fueled the increase in jailbreaks in some Nigerian correctional centers, which in turn inflated anxiety and fear among the populace because of the security implications for the citizens and the nation at large. Between the years 2015 and July 2022, Nigeria experienced twenty-one (21) incidences of attacks on correctional centers in several states, such as Abia, Kogi, Ekiti, Ondo, Niger, Bauchi, Yobe, Delta, Ebonyi, Plateau, Akwa Ibom, Oyo, Edo, Imo, Enugu, and FCT, leading to the escape of about 6,711 inmates. Out of the twenty-one (21) incidences of jailbreak across Nigerian correctional centers, thirteen (13) were successful, while eight (8) were unsuccessful. According to Abba (2022), there have been over 18 incidents of jailbreak that have resulted in the outflow of about 7,000 inmates from various correctional centers across the country. Consequently, this has not only increased crime but has also jeopardized the peace

and tranquility of the country, resulting in an overstretch of the nation's security architecture (Matazu, 2022). The Kuje jailbreak in July 2022 was a prime example of how carelessly the nation was managing its custodial facilities (Ariyo, 2023). Oyedeji (2022) and Onah et al.'s (2019) claimed that these have strengthened jailbreaks and weakened the management and operations of Nigeria's prison system. All these cumulated into the syndrome issues in Nigeria.

Awaiting trial inmates is on the rise day by day. However, its effects are multifaceted, as they affect the nation, correctional officers, inmates, and host communities. It's glaring that a magnificent number of the prison population is made up of awaiting trial inmates throughout the entire world. In Nigeria, it is important to stress that the entire prison system was not made to accommodate the awaiting trial inmates. In order to verify this assertion, an interview was granted to individuals who had the characteristics of this situation.

One of the respondents, who is a prison warden, narrated the horrible situation and the devastating effect on the awaiting trial inmates. He said the effect is not one-sided but has direct and indirect consequences for many people concerning the correctional management process. Going further, he stated that on the side of prison staff, it has increased their task burden and made their work complex and ambiguous, while on the other side, it has led to the competition of prison facilities, i.e., toilets, bed space, and water, among inmates. Another respondent said the increase in awaiting inmates has posed a serious problem to the prison environment and increased both mental and physical stress for both prison officials and inmates. The living conditions are terrible and harmful to the physical and

mental well-being of the inmates. Inmates live in environments with poor sanitation, a lack of good and adequate food, a lack of medical care, incessant overcrowding, poor clothing, and sleeping spaces shared between two or three on the bare cold floors (Alabi & Alabi, 2011). A respondent said that their lives are in danger sometimes, as many of the inmates are not happy and often retaliate by fighting back against the warders. Buttressing this, Iwarimieja (2013) posited that as the inmates' conditions are bad, they fight not to become depressed and equally not to be victims of violence. Also, Oshodi (2010:4) observed that Nigerian prisons generally are one of the worst in the world; the prisons are overcrowded with both convicted criminals and the accused awaiting trial confined together.

The cells in Nigerian prisons are filthy and unkempt; they have no running water, and diseases are widespread. When a serious illness occurs, requiring specialized treatment, and a prisoner's relatives are not able to afford it, the prisoner is likely to die (Out & Nnam, 2014). Nigerian inmates are usually given poor rations of food, both in quality and quantity, without taking into consideration their health implications. They are usually served food that is in poor rations, like half-cooked beans, cassava and palm oil, cassava flakes without sugar, and watery soup. A warden said the unbalanced nature of the food provided was with the idea of keeping them weak, so they had to leave in peace.

One of the respondents, who is a court official, lamented that the large number of inmates awaiting inmates's trials in Nigeria has been the main reason behind the congestion of case files in the court. He said many petty issues that were supposed to be settled out of court or granted bail were treated as awaiting trial

cases. Echoing the above claims, Grace (2014) believed that the increase in the number of inmates awaiting trial in Nigerian prisons is a major challenge to the criminal justice system, starting with the fact that inmates are kept in prison custody beyond the capacity for which most prisons were built.

Another respondent said that the continuous piling up of inmates awaiting trial has contributed to the over-stretching of prison facilities, including medical services, toilet facilities, bedding space, food, and clothing. He acclaimed that the available structure and other facilities differ from the established standard stipulated in the UN standard for the treatment of persons in prisons. Confirming this statement, Ajah and Nweke (2017) observed that Nigeria is yet to implement the United Nations minimum standard because all these functional correction-based prerequisites are grossly lacking in Nigerian prisons. One respondent claims that overcrowding of prison facilities by inmates awaiting trial is the genesis of all other problems.

According to the South African Prisoner Organization for Human Rights (SAPOHR), overcrowding was due to an increase in awaiting trial inmates, which in the long run contributed to the spread of infectious diseases such as tuberculosis, HIV/AIDS, chicken pox, etc. They went further and proclaimed that they would sue the government for violating human rights and that conditions in prisons were inhumane and undermined human dignity. A worrying situation was reported by Alibi & Alibi (2001). In their study, they affirm that after inmates are released, many of them fall sick and die before they are tried or as they serve their time. Messina et al. (2006) acknowledge these findings and state that women inmates were at a more substantial disadvantage

compared with their male counterparts in terms of psychological functioning and sexual and physical abuse before incarceration. Women inmates, therefore, were more likely to report clinically significant symptoms of anxiety, somatic concerns, and trauma-related symptoms; however, trauma-related symptoms were also common among male inmates (Drapalski et al., 2009).

In another respondent's opinion, he avers that the main objective of correctional facilities, which is the corrections of inmates, has been unrealizable due to an increase in awaiting trial. He started that, but the condemned criminals and those awaiting trial lumped up together, which in the long run led to gangsterism and inflicting behaviors. Ahmed (2010) therefore argues that a situation like this only makes the inmates more hardened criminals, as they hardly get better when they leave the prison. In prison, the individual is exposed to a criminal subculture that provides rationales for illegal activities; the prisoner is also educated into 'new' techniques for committing crimes when eventually released, thus increasing the number of recidivists (Adebisi, 2008). Consequently, Usman (2014) lamented that prison inmates get back into society hardened after serving their sentences, thereby frustrating security operatives. In a related study, Atere (2000) also asserted that Nigeria's prison system is characterized by a picture of hellish conditions: torture, hunger, inhuman treatment, congestion, diseases, and premature death. For a decade now, the correctional institutions and facilities have aggravated the miserable and inhuman conditions of prisoners in the country (Bautista, 2014).

The majority of respondents dwell on the issue of the increase in the cost of

administration. A divisional police officer stated that the major reason behind the increase in budget or expenses of the government for correctional services was aggravated due to the large number of awaiting trial inmates. Another effect of the increase in awaiting trial inmates is the maintenance cost that the nation has to stomach. More inmates mean that the country will have to increase its budget for the prison service. This means that the state needs to augment some resources from other sectors of the economy and channel them to prisons. A police divisional officer said the major reason behind constant prison breaks is the large number of people awaiting trial. That increase in awaiting trials has continued to cause a high level of insecurity in the country. He said many of the suspects released during prison breaks are usually awaiting trial. Congestion continues to be a recurring problem in the city, district, and municipal jails, which intensifies other problems resulting in escapes, riots, gang wars, outbreaks of diseases, and sometimes even death (Taeza, 2000).

Conclusion

The main idea behind this study is to understand the effect of the large number of awaiting trial inmates in correctional facilities in Kwara State. Based on the research questions, it was discovered that the effect of awaiting trial inmates on the nation is very multifaceted, as it affects the economy, the inmates, the prison official, host communities, facilities, and the government itself. The following was discovered: inmates spent months and years awaiting trial; the system has failed to realize its primary objectives; poor facilities; biased treatment; corrupt practices; and so forth.

Nigeria should build private cells. This implies two things: firstly, a separate

cell should be built for the keeping of inmates awaiting trial, and secondly, private rented cells should also be built for the housing of awaiting trial inmates, as is being applied in Finland (Kosovo private cells). The welfare of stakeholders should be improved to motivate them in the discharge of their functions and also help to reduce corrupt practices in the system.

The prison facilities should be improved in terms of bed space, feeding, clothing, health facilities, and recreation to reduce the rate of lowliness and increase the conduciveness of inmates during their stay to await trial. Government and non-governmental organizations should help provide legal aid to inmates awaiting trial because it was discovered that the majority of the inmates awaiting trial lack legal representation. There should also be an increase in the budgetary allocation for Nigerian correctional services.

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