



NATIONAL OPEN UNIVERSITY OF NIGERIA

COURSE CODE : CSS 351

COURSE TITLE:
PRISONS AND CORRECTION OF OFFENDERS IN NIGERIA



CSS 351
Prisons and Correction of Offenders in Nigeria

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Introduction

CSS 351: PRISONS AND CORRECTION OF OFFENDERS IN NIGERIA

This is a 3 unit one-semester course. It will be available for you to take as a core module of the Criminology and Security Studies programme. This course is meant for the 300 level degree students seeking to understand correctional issues in the field of criminology. This course consists of 22 units, encompassing the following key units: the meaning of prison; the evolution of prison in Nigeria; Process of admission into the prison; warrant as an important document in the prison; Gate lodge as the first port of call in the prison; all the agencies of the criminal justice system and their roles in the administration of criminal justice; treatment of offenders; types of prison inmates; adjudication of prisoners; execution of condemned prisoners; correctional enhancement programme; rehabilitation of inmates; tension reduction measures; relevant theories and correctional problems.

There are no compulsory prerequisites for this course. The course guide tells you briefly what the course is all about, what you are expected to know in each unit, what other materials you may need to consult and how you can work your way through this course material. It also emphasises the necessity for tutor-marked assignments. There are also periodic tutorial/facilitation classes that are part of this course.

What You Will Learn in this Course

CSS 351: Prisons and Correction of Offenders in Nigeria is to introduce you to the concepts and practice of correctional treatment as a fundamental issue in achieving reformation and rehabilitation of offenders and for their possible re-integration into the society.

Your understanding of this course will serve to position you on a stronger pedestal from which to approach other related issues in the study of criminal justice administration and penology.

Course Aims

The main aim of this course is to introduce you to the intricacies of the treatment of offenders (correctional programmes) as a real challenge in today's world, and to help you appreciate that prisons have a lot to do in this regard and need a complementing assistance from the public to achieve rehabilitation after imprisonment.

Course Objectives

This course has several objectives. In addition, each unit has specific objectives. The unit objectives can be found at the beginning of each unit. You may want to refer to them during your study of the particular unit to check on the progress you are making. You should always look at the unit objectives after completing a unit. In this way, you can be said to have covered what is required of you in that unit.

On successful completion of the course, you should be able to:

1. Explain the meaning of prison
2. Understand what is meant by correction
3. Distinguish between reformation and rehabilitation
4. Understand what warrant is
5. Be familiar with the agencies of (CJS) Criminal Justice System
6. Explain prison gate lodge
7. Understand different classes of prisoners
8. Explain adjudication in the prison
9. Understand what execution of prisoners is
10. Distinguish between deterrent and imitation theories
11. Understand the problems associated with correction of prison inmates.

Working through this Course

To complete this course you are required to read the study units as well as the recommended books. Each study unit contains a self-assessment exercise, and at some points in the course, you are required to submit assignments for assessment purposes. You would be expected to write a final examination at the end of the course. Stated below are the components of the course and what you are expected to do.

Course Materials

- Course guide
- Study units
- Textbooks and other reference sources
- Assignment file
- Presentation.

In addition, you must obtain the text materials. They are provided by the NOUN. You may also be able to purchase other reference materials from the bookshops.

Study Units

There are twenty two study units in this course, as follows:

Module 1

- Unit 1 Historical Evolution of Prison in Nigeria
- Unit 2 Process of Admission into the Prison
- Unit 3 Warrant - Important Document in the Prison
- Unit 4 Gate Lodge - First Port of Call in the Prison

Module 2

- Unit 1 Criminal Justice Administration: Parliament
- Unit 2 Criminal Justice Administration: Police
- Unit 3 Criminal Justice Administration: Judiciary
- Unit 4 Criminal Justice Administration: Prison

Module 3

- Unit 1 Treatment of Offenders - Correctional & Post Correctional Programmes
- Unit 2 Inmates/Prisoners - types, classification
- Unit 3 Adjudication of Prisoners
- Unit 4 Execution of Condemned Prisoners

Module 4

- Unit 1 Correctional Programmes
- Unit 2 Correctional Enhancement programmes
- Unit 3 Discharged inmates/Rehabilitation
- Unit 4 Tension Reduction Measures

Module 5

- Unit 1 Theory 1 (Punishment) Deterrent Theory
- Unit 2 Theory 2 (Correctional) Imitation theory

Module 6

- Unit 1 Problems of Correction - Trafficking
- Unit 2 Problems of Correction - Poor Funding
- Unit 3 Problems of Correction - Congestion
- Unit 4 Problems of Correction - Homosexuality

Each unit contains a number of self assessment exercises. In general, these self assessment exercises enable you to determine your understanding of the materials you have just covered or require you to apply it in some way and, thereby, assist you gauge your progress as well as reinforce your understanding of the material. Together with tutor-marked assignments, the exercises will assist you in achieving the stated learning objectives of each unit of the entire course.

Textbooks and References

Below are some books you can consult. You can also refer to other books related to the course.

Dambazau, A. B. (1996). *Criminology and Criminal Justice*. Kaduna: Nigerian Defence Academy Press.

Olawale, Wole (2005). *Revisisonal Digest for Prison Worker*. Owerri: Alhabet Nigeria Publishers.

Igbo, E. U. M. (2007). *Introduction to Criminology*. Nsukka: University of Nigeria Press.

Egu, Musa A. (1990). *History of the Nigeria Prisons Service. An Inside's Account*. Abuja: Gankida Press.

Nkwocha, D. I. (2009). *Criminal Justice Administration and Penology: An Introduction*. Owerri: Divine Mercy Publishers.

Assignment File

There are two aspects to the assessment of this course. In this file, you will find all the details of the work you must submit to your tutor for marking. The marks you obtain for these assessments will count towards the final mark you obtain for this course. Further information on assignment will be found in the assignment file itself, and later in this course guide in the section on assessment.

There are many assignments for this course, with each unit having at least one assignment. These assignments are basically meant to assist you to understand the course.

Assessment

An assessment file and a marking scheme will be made available to you. In the assessment file, you will find details of the works you must submit to your tutor for marking.

There are two aspects of the assessment of this course; the tutor marked and the written examination. The marks you obtained in these two areas will make up your final marks. The assignment must be submitted to your tutor for formal assessment in accordance with the deadline stated in the presentation schedule and the assignment file. The work you submit to your tutor for assessment will count for 30% of your total score.

Tutor-Marked Assignments (TMAs)

There are 35 tutor-marked assignments in this course. You do not need to submit all the assignments. The best three of what you have submitted will be recorded. Each assignment counts for 10 marks but the best three will count 30% towards your total course mark. The assignments for the units in this course are contained in the assignment file. You will be able to complete your assignments from the information and materials contained in your reference books, readings and study units. However, it is always desirable at this level of your education to research more widely, and demonstrate that you have a very broad and in-depth knowledge of the subject matter.

When each assignment is completed, send it together with a TMA (tutor-marked assignment) form to your tutor. Ensure that each assignment reaches your tutor on or before the deadline given in the assignment file.

Final Examination and Grading

The final examination for CSS 351 Prisons and Correctional Institutions in Nigeria will be of three hours duration and have a value of 70% of the total course grade. The examination will consist of questions which reflect the practice exercises and tutor-marked assignments you have previously encountered. All areas of the course will be assessed. Revise the entire course before examination after completing the study of all the units.

The final examination covers information from all aspects of the course.

Course Marking Scheme

The Following table lays out how the actual course mark allocation is broken down.

Table 1: Course marking scheme

ASSESSMENT	MARKS
Assignments 1-4 (the best four of all the assignments submitted)	Four submitted, best three assignments, marked out of 10% totaling 30%
Final examination	70% of overall course score
Total	100% of course score

Presentation Schedule

The dates for submission of all assignments will be communicated to you. You will also be told the date of completing the study units and date for examination

Course Overview/Presentation Schedule

Unit	Title of Work	Week's Activity	Assessment (End of Unit)
	Course Guide		
Module 1			
1	Historical Evolution of Prison in Nigeria	1	Assignment 1
2	Process of admission into the prison	1	Assignment 2
3	Warrant-important document in the Prison	1	Assignment 3
4	Gate Lodge-First Port of Call in the Prison	1	Assignment 4
Module 2			
1	C.J.A-Parliament	1	Assignment 5
2	C.J.A-Police	1	Assignment 6
3	C.J.A-Judiciary	1	Assignment 7
4	C.J.A-Prison	1	Assignment 8
Module 3			
1	Treatment of Offenders-Correctional & Post Correctional Programmes	1	Assignment 9
2	Inmates/Prisoners-Types, Classification	1	Assignment 10
3	Adjudication of Prisoners	1	Assignment 11
4	Execution of Condemned Prisoners	1	Assignment 12
Module 4			
1	Correctional Programmes	1	Assignment 13
2	Correctional Enhancement Programmes	1	Assignment 14

3	Discharged Inmates/Rehabilitation	1	Assignment 15
4	Tension Reduction Measures	1	Assignment 16
Module 5			
1	Theory I (Punishment) Deterrent Theory	1	Assignment 17
2	Theory 2 (Correctional) Imitation Theory	1	Assignment 18
Module 6			
1	Problems of Correction-trafficking	1	Assignment 19
2	Problems of Correction-Poor Funding	1	Assignment 20
3	Problems of Correction-Congestion	1	Assignment 21
4	Problems of Correction-Homosexuality	1	Assignment 22

How to Get the Most from this Course

You will be required to study the Units on your own. But arrangements have been made for you to meet with your tutor for tutorials on regular basis in the study centre. Also, you can organize interactive sessions with your course mates.

You are to read the lecture instead of listening to the lecturer. In the same way a lecturer might give you some readings to do, the study units tell you when to read, and which are your text materials or set books. You are provided exercises to do at appropriate points, just as a lecturer might give you an in-class exercise.

The main body of the unit guides you through the required reading from other sources. This will usually be either from your textbooks or from a reading section.

The following is a practical strategy for working through the course. If you encounter any difficulty, telephone your tutor or visit the study centre. Remember that your tutor's job is to help you. When you need assistance, do not hesitate to call and ask him/her to provide it.

1. Read this course guide thoroughly, it is your first assignment.
2. Organize a study schedule. Design a "course overview" to guide you through the course. Note the time you are expected to spend on each unit and how the assignments relate to the units. Important information, e.g. details of your tutorials, and the date of the first day of the semester is available from the study centre. You need to gather all the information into one place, such as your dairy or a wall calendar. Whatever method you choose to use, you should decide and write in your own dates and schedule of work for each unit.

3. Once you have created your own study schedule, do everything to stay faithful to it. The major reason that students fail is that they fall behind in their course work. If you get into difficulties with your schedule, please, let your tutor know before it is too late for help.
4. Turn to Unit I, and read the introduction and the objectives for the unit.
5. Assemble the study materials. You will need your set books, and the unit you are studying at any point in time.
6. Work through the unit. As you work through the unit, you will know what sources to consult for further information.
7. Well before the relevant due dates (about 4 weeks before due date), check the assignment file for your next required assignment. Keep in mind that you will learn a lot by doing the assignment carefully. They have been designed to help you meet the objectives of the course and, therefore will help you pass the examination. Submit all assignments not later than the due date.
8. Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor.
9. When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.
10. When you have submitted an assignment to your tutor for marking, do not wait for its return before starting on the next unit. Keep to your schedule. When the assignment is returned, pay particular attention to your tutor's comments, both on the tutor-marked assignment form and also the written comments on the assignments.
11. After completing the last unit, review the course and prepare yourself for the final examination. Check that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the course guide).

Facilitators/Tutors and Tutorials

There are 12 hours of tutorials provided in support of this course and information relating to the tutorials will be provided at the appropriate time.

Your tutor will mark and comment on your assignments, keep a close watch on your progress and on any difficulties you might encounter and provide assistance to you during the course. You must take your tutor-marked assignments to the study centre well before the due date (at least two working days are required). They will be marked by your tutor and returned to you as soon as possible.

Do not hesitate to contact your tutor if you need help. Contact your tutor if: you do not understand any part of the study units or the assigned readings; you have difficulty with the exercises; you have a question or problem with an assignment, with your tutor's comments on an assignment or with the grading of an assignment. You should try your best to attend the tutorials. This is the only chance to have face-to-face contact with your tutor and questions are answered instantly. You can raise any problem encountered in the course of your study. To gain maximum benefit from course tutorials, prepare a question list before attending them. You will learn a lot from active participation in discussions.

Summary

CSS 351 aims at equipping you with the skills required in understanding prisons and correctional institutions in Nigeria. Upon completion of this course, you should be acquainted with the various concepts, practices and treatment of offenders in the prison.

We wish you success with the course, Prisons and Correctional Institutions in Nigeria and hope that you will find it both useful and interesting.



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MODULE 1

Unit 1	Historical Evolution of Prisons in Nigeria
Unit 2	Process of Admission into the Prison
Unit 3	Warrant – Important Document in the Prison
Unit 4	Gate Lodge – First Port of Call in the Prison

UNIT 1 **HISTORICAL EVOLUTION OF PRISONS IN NIGERIA**

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Historical Evolution of Prisons in Nigeria
3.2	The Meaning of Prison
3.3	Aims of Imprisonment
3.4	Punishment
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References/Further Reading

1.0 INTRODUCTION

A knowledge of the historical evolution of prisons in Nigeria is necessary, hence the study of Nigeria prison service is a welcome development in the academic institutions. It will give students and the general public the opportunity to examine the prison system and the functions it performs. Again it will help society to know how important the prison as a security and correctional institution is to the Nigerian nation. This makes it necessary to understand how it evolved and its history before we can attempt its definition.

2.0 OBJECTIVES

At the end of studying this unit, you should be able to:

- define prison
- give a brief history and evolution of prisons in Nigeria
- explain the rationale for imprisonment
- understand why prison is associated with punishment.

3.0 MAIN CONTENT

3.1 The Historical Evolution of Prison in Nigeria

Musa A. Egu (1990), has divided the evolution of Nigeria Prison into the Pre-colonial and Early colonial eras.

Imprisonment as a means of punishing offenders was not new to many pre-colonial communities in Africa. In Nigeria, for example, different communities had their own legitimate methods of dealing with deviant members of their societies. The Ogboni Rose among the Yorubas, the Ewedas among the Edos or Binis, served as prisons. In the northern parts of the country the Fulanis had similar institutions while among the Tivs and Igbos, there were indications of functional equivalents of prisons. The Lagos Blue Books shows the existence of a place of confinement at Faji where culprits were imprisoned and employed mainly in street cleaning. Between 1873 and 1900 this place of confinement was referred to as a goal and its staff called "Gang Drivers" because of the nature of the job in which the prisoners were employed.

When the British Government assumed responsibility for the administration of Lagos in 1861, the evolution of an organized prison system began as one of the Governments earliest terms of administration of justice. In 1862, Freeman was commissioned to constitute and appoint judges and other necessary officers. The operation of a court and the appointment of at least a judge to man such a court are prerequisites for the establishment of a prison.

Consequently, by 1872, Broad Street Prison had been opened to accommodate 300 prisoners but it was not until 1876 that the prison ordinance came into force. The system was modeled along that of the British. As British administration expanded, so also more prisons were built as a necessary complement.

By 1901, prisons had been established in old Calabar, Asaba, Benin City, Sapele and Degema, under the control of the Police Department. In 1914, Lord Lugard succeeded in amalgamating the Northern and Southern protectorates into present day Nigeria. Following the amalgamation, the prison ordinance of 1916, and prison Regulations of 1917 were made as a positive step aimed at establishing the much needed uniform standard of prison administration. For instance, he was empowered to declare any building in any province a prison and to make regulations for prison administration. He was empowered to appoint the Director of Prisons and other officials who were to be responsible for general management and superintendence of the prisons system. The

Directors of Prisons were in turn empowered to make standing orders for the organization, discipline, clothing of the prisoners and staff.

In the South where prisons were modelled along the British standard, three categories of prisons were established. A **convict prison** for those sentenced to more than two years imprisonment; a **provincial prison** for offenders serving less than two years and **divisional prison** to hold short-term prisoners serving less than six months sentence.

Administratively, the general control and supervision was vested in the Director of Prisons. Convicts and Provincial prisons were manned by senior prison officers, but Divisional prisons were, for convenience, placed under the supervision of administrative officers. However, in 1920, the Police ceased to be in-charge of prison administration in the South.

In the North, the pattern was entirely different. Native authorities operated prisons on local levels usually under the day to day supervision of the Chief Warder or “Yari” (in Hausa) and under the administrative control of the district officers/provincial secretaries.

The Definition and Meaning of Prison

Opara (1998) defined prison as a place delimited and declared as such by the law of the state and created to ensure restraint and custody of individuals accused or convicted of violating the criminal laws of the state.

In section 2(i) of the prisons Act. Cap. 366 laws of the Federation of Nigeria 1990, and Prison Decree No. 9 of 1972, section 2(i) and (ii) state that:

- (i) The minister of internal affairs may by order in the federal gazette declare any building or place in Nigeria to be a prison and by the same or subsequent order specify the area for which the prison is established.
- (ii) Every prison shall include the grounds and buildings within the prison enclosure and any lock up house for the temporary detention or custody of prisoners newly apprehended or under remand which is declared by the minister by order in the federal gazette to be part of the prison.

Thus, the pronouncement(s) of the minister of interior as stated above can create a prison within the geopolitical entity called Nigeria. Consequently, a prison can be described as a place where offenders are

kept as punishment for crime committed. It also serves as a place where persons are kept while awaiting trial.

3.2 The Aims and Objectives of Imprisonment

The aims of modern prisons system anywhere in the civilized world are protection of society, retribution, deterrence, reformation and rehabilitation of the convicted prisoners. The aims and objective of the Nigerian prisons service are in no way different from those stated above. It plays the role of safe custody of inmates to ensure recovery of those who serve the cause of disorder. Reformation and rehabilitation are very important and indeed are the dominant aspects of the aims and objectives of the Nigeria prison service. Through these statutory roles, the service is helping to create a Nigerian society void of crimes and violence. The Nigerian prisons service is a sensitive stakeholder in the criminal justice system.

Obstacles to full realization of the above noble objectives are numerous, but only some will be discussed here as follows:

- (i) **Lack of Sufficient Funding:** This is a major obstacle to the realization of these laudable objectives. The prisons system in Nigeria is grossly neglected and under-funded by the Federal government. The necessary facilities and logistics required for effective reformation and rehabilitation are not provided.
- (ii) **Gross Neglect of the Welfare of Prisons Staff:** This was another obstacle leading to the degradation and loss of self worth of staff. For instance, some prison staff (specifically officers) reside in hovels, which serve as their barracks. When prisons staff are uncomfortable in terms of general welfare, how can they effectively carry out the task of effective custody and reformation of prisoners?

3.3 Punishment

From historical and global view of punishment, the philosophy embodies four major theoretical positions. These are **vengeance, deterrence, rehabilitation** and **prevention** (Igbinovia, et al, 2003). Retribution emphasizes punitive sanction. The prisoner has offended the state and the state therefore pays him back in his own coin. Formally, the prison life was conditioned to be punitive to affect retribution, but to prison officers, the restriction of personal freedom of the prisoner is enough punishment as any emphasis on it will conflict with the idea of reformation which is the vital consideration in the modern treatment of offenders. However, this objective still governs the

minds of Nigerian courts and indeed the Nigerian public when one is being sentenced. It is also evident in section (i) of prison Decree of 1972 captioned "Hard labour" and which states as follows: Section 4(i): Subject to this section, the effect of a sentence of imprisonment with hard labour passed upon a prisoner shall be that the prisoner shall be imprisoned for the period of the sentence and during his imprisonment, shall work at such labour as may be directed by the superintendent.

Imprisonment serves to deter both the prisoner and the public at large. Everybody dreads deprivation of liberty, however short, hence imprisonment terrorizes the majority of people and tends to make them better law abiding citizens. This is general deterrence.

There is also specific deterrence which brings punishment personally to the convict and with the hard and unnatural life in the prison he will learn a lesson by experience and will avoid clashing with the law.

Opara (1998), states that the society is protected when the criminal is in the prison but this is temporary because before long the criminal will be discharged to come back to the society as the same predatory beast if not properly reformed and rehabilitated.

A most successful and permanent protection is achieved by executing the convict as is the case with armed robbers.

At the early stage of concept of imprisonment, it had to do with punishment of offenders. That is offenders paying for what they have done. The idea of reformation was not in the minds of the prison operators. What they had in mind was to imprison offenders as a punishment for the crime he committed, as is in the case of early inmates of the Nigerian prisons, where the prisoners were those who offended or had gone contrary to the native Authority laws or offended the colonial masters. The punishment was imprisonment then, nobody thought of reforming or changing them to be good to the wider society on discharge.

4.0 CONCLUSION

It should be noted that in order to understand the place of the Nigerian prison system, it is necessary to present its historical evolution, the meaning of prison, why we need prison in the society and its function and association with punishment, need to be appreciated.

5.0 SUMMARY

This unit has explained the meaning of prison, its aims and objectives and the changing views on punishment.

6.0 TUTOR-MARKED ASSIGNMENT

1. When was the modern prison system introduced in Nigeria?
2. What are the obstacles that hinder realization of the objectives of the Nigerian prisons?

7.0 REFERENCES/FURTHER READING

Opara, A. I. (1998). *Criminology and Penology*. Owerri: Cel-Bez & Co. Publisher.

Olawale, Wole (2005). *Revisional Digest for Prison Workers*. Owerri: Alphabet Nigeria Publishers.

Egu, Musa A. (1990). *History of the Nigerian Prisons Service: An insider's Account*. Abuja: Garkida Press Limited.

UNIT 2 PROCESSES OF ADMISSION INTO PRISON

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- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Admission Process at the Gate
 - 3.2 Admission Processes in the Records Office
 - 3.3 Admission Board
 - 3.4 Allocation of Cells, Labour
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Prisons have a formalized ways of admitting convicted persons into the prison. These formalized ways will be examined in this unit.

2.0 OBJECTIVES

At the conclusion of this unit, we shall be able to:

- explain what happens at the gate during admission, and at the records (documentation) office
- list the requirements for admission into the prison.

3.0 MAIN CONTENT

3.1 Admission Process at the Gate

The process of admitting prison inmates starts at the gate lodge. The officer who is brings the inmate to the prison brings along with him the inmate warrant. The first port of contact is the gate lodge. As soon as he gets there (gate), the gate man receives the warrants and inmates from the court through the court officials or the police officer or even from the prison officer who went to court.

The next stage is that the gate man ensures that the person brought is the one named in the warrant. He also takes the warrant to the record officer who confirms that the crime, sentence and date of conviction or remand, date of court hearing are recorded in the warrant and that the warrant bears the signature of the proper authority. The gate man also ensures that the inmates brought to the prison do not have untreated life-

threatening wounds. The gate man confirms the properties and personal belongings of prisoners brought from court. At the gate it is ensured that the name of each admitted prisoner is entered into the gate book.

After appropriate gate entries, the prisoners are searched properly before they are handed them over to the records office for the next admission stage.

3.2 Admission Processes in the Records Office

When prisoners are brought from the court to the prison, after the gate admission process and entries, the next important place is the records office.

Immediately the prisoners enter the record office with the gate man, the gate man submits their warrants to the records officer. The records officer on, receiving the prisoners and their warrants, he calls their names on the warrants one after the other, for the prisoners to answer; after this, the records officer records their names on the daily activity records board.

On entering, the prisoners are searched for any prohibited article, after which their watches, shoes, belts, handsets, wrings, chains, and any other valuable properties are recorded. They must have also surrendered their monies at the gate, and the gate man equally brings them to the record office for documentation.

The prisoners are entered and documented in the records books and this process of registration involves noting of the prisoners' physical fitness in the book. Finally, the prisoners sign against their properties, as indicated in the registration book so that they do not argue on the items indicated or registered against their names on the day of discharge.

3.3 Admission Board

Admission or reception board is the concluding part of admission formalities of prisoners into the prison. The composition of the board is as follows:

- a. The Superintendent in-charge of the Prison
- b. The Records Warder
- c. The Medical Officer
- d. The Welfare Representative
- e. The Chief Warder
- f. The Second in Command to the Officer in charge.

As soon as the prisoners are accepted into the yard, they face the reception board, if not on that day; it must be on the following day.

It is the duty of this board to confirm to the prisoners their rights and privileges while in the prison. This will make the prisoners feel that they still have their rights except only the freedom of movement. What government did to them, they are told, is just the restriction of their movement. They must observe and enjoy every other fundamental human rights while in the prison.

The reception board has the responsibility of confirming the prisoners' cash and properties if any. If the prisoners have properties on admission, this board will assure them that nothing will happen to them until the day they will be discharged. This affirmation is meant to restore hope in any of the prisoners that had fear.

The reception board also has the responsibility of classifying the prisoners into groups according to prison classification and also to allocate labour to them. This board plays a very important role in the prison yard, especially during admission of inmates.

3.4 Allocation of Cells and Labour

After all the processes of admission must have taken place, prisoners are allocated to various cells. The following are factors that influence the allocation of cells and labour:

- (1) Health status
- (2) Nature of crime
- (3) Convicted or Not convicted

1. Health Status: The most important factor that influences cell allocation is the health status of the inmate. It is not every kind of sickness that is given the same treatment. Inmates with tuberculosis are usually separated from other inmates. This is to avoid the spread of the sickness to the other inmates.

Asylum Cells: Inmates with mental problems are kept in the asylum. And they are taken care of by the medical officers who are experts in psychiatry.

Inmates with minor illnesses and injuries are kept in the clinic cells for treatment until their situations improve, when they will be relocated to other cells.

2. **Nature of Crime:** To avoid congestion in the prison yards, prisoners with different types of cases (crimes) are separated from each other. Armed robbers are not kept together with inmates who are convicted on charges of rape or stealing.

Star prisoners are separated from habitual prisoners (recidivists). The essence of this is to prevent contamination of the star prisoner by the recidivists.

Equally, condemned prisoners are kept separate from other prisoners, since the nature of their imprisonment is that one day, they must be killed. They are awaiting death and could be called upon to die as prescribed by the law. They are always not happy and can take the life of any inmate who crosses their path or quarrels with them since they are certain that they must die. A majority of them are always praying for upheavals in the yard that can provide an atmosphere for a jail break or escape, so that they can find their ways out of the prison.

3. **Convicted and Non-Convicted Prisoners:** There are two major classes/categories of inmates. **Convicted inmates:** These are people who have been found guilty of an offence at the court. They are now serving a term of imprisonment. Within this group, there are those serving short term sentences and those on long term sentences. Also among them you have those who committed different types of offences.

This group constitutes the largest number of prisoners and they know when they will be discharged or released. Those who learn different trades in prison are selected from this class of prisoners. It is from this group that cook prisoners are selected to serve others. Both inside and outside gangs are also selected from this group. This group are the owners of the yard and they are separated from others.

Unconvicted inmates: This group of prisoners have not been found guilty of any offence by the law court. They are awaiting trials who are still facing trial in the law courts.

This group of people do not know when they will leave the prison, their stay is not defined. Many of them end up being convicted. So as an awaiting trial group, they are kept apart from the convicts. They do not wear uniform, while the convicted prisoners put on uniform. No matter their offences this group are kept separate from the convicted prisoners.

4. **Labour:** Labour groups are formed from the convicted prisoners, while the unconvicted do not go outside. Among the

convicted prisoners, there those who cannot go out because of their nature of crime, e.g. rapists.

Labour gangs in the prisons are selected from the convicted on the grounds that they are healthy and well behaved.

4.0 CONCLUSION

The processes of admission, allocation of cells and labour are necessary requirements that must be accomplished in the prisons.

5.0 SUMMARY

Every prisoner undergo all the necessary procedures at the gate lodge and records office before admission into the prison. And while in the prison, the inmates who are of different categories are separated according to specific criteria and they perform different roles in the form of labour assigned by the prison authorities,

6.0 TUTOR-MARKED ASSIGNMENT

1. Why are condemned prisoners separated from others?
2. Who begins the admission processes in the prison?

7.0 REFERENCES/FURTHER READING

Olawale, Wole (2005). *Revisional Digest for Prison Workers*. Owerri: Alphabet Nigeria Publishers.

UNIT 3 WARRANTS - IMPORTANT DOCUMENT IN THE PRISON

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Meaning of Warrants
 - 3.2 Types of Warrants
 - 3.3 Important Points to note in Commitment Warrant
 - 3.4 Sources of Warrants
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

This unit will lead us to an understanding of the meaning of warrant. We will also know the uses of warrants and meaning of “No WARRANT NO PRISONER” in prison parlance. Types of Warrants as well as their sources will receive necessary attention in this unit.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- identify different types of warrants
- explain what a warrant is
- discuss the sources of warrants.

3.0 MAIN CONTENT

3.1 Meaning of Warrant

A warrant could be described as a legal document that empowers prisons authorities to keep an offender or suspect in custody or release him from lawful custody. A warrant is a piece of authority paper normally issued by the court of law to the prisons authorities. Warrants normally contain details such as – name of offender, suspect or inmate, the issuing court, date and the offence committed. Some warrants carry or contain charge number, sentence and special endorsement.

3.2 Types of Warrants

There are many types of warrants in use or that are acceptable in the prison.

- A. Remand Warrant:** This is the type issued by the court to the prison to keep a person that is having a pending case in court. It contains a suit number, offence committed, name of offender and the issuing court. It also carries an adjournment date. It is this legal document that empowers the prison authorities to keep awaiting trial inmates in prison custody.
- B. Detention Warrant:** This is a type of warrant issued to the officer in charge of a prison that empowers him to keep a person in custody on the orders of the Inspector General of Police or state governor on matters relating to breach of peace or for security reasons. A detainee could be brought to prison under the cover of a detention warrant.
- C. Reproduction Warrant:** This is a warrant issued by the court to the police or prison officials to reproduce an offender who has a case to answer in a court of law. When the reproduction warrant is issued to the police or the prison, the designated police officer will bring it to the prison record office. The record officer will collect the warrant from the police and use it to bring the offender out of the cell. The record officer will thereafter register the real warrant and the name of the prisoner in the court book. The police or the prison officer will sign the court book and the gate book before the warrant and the offenders are finally handed over to him for reproduction in court.
- D. Release Order or Warrant:** This is a warrant with which a person is removed or released from lawful custody. Release warrant could be issued by a law court when a detained person is found to have no case to answer. This type of warrant is normally issued on the advice of the Director for Public Prosecution. A court can also issue the release order when a convicted inmate pays a fine. The chief judge of a state or a senior magistrate can also issue a release warrant during jail delivery exercise in the prison. The prerogative of mercy council can also order the release of inmates.
- E. Transfer Warrants:** Another name for this type of warrant is Form 5 and 5A. It is used for the transfer of convicted prisoners from one prison to another. To transfer prisoners, prisons Forms 5 and 5A are completed and forwarded to the zonal co-

coordinator of the zone concerned for his approval and signature. On approval, the zonal co-coordinator returns Form 5 to the transferring prison as an authority for the transfer, while Form 5A is dispatched to the receiving prison as the authority to take the prisoners into custody.

- F. Commitment Warrant:** This type of warrant is normally issued in respect of convicted prisoners only. It is a warrant issued in place of a remand warrant when an offender is found guilty by the law court. A commitment warrant must be received with every convicted prisoner. It is the legal authority for keeping a convicted prisoner in prison custody. A commitment warrant is the only authority the prison superintendent has for holding a prisoner in the prison.

3.3 Features of Commitment Warrant

There are fundamental features to note on a commitment warrant that will make it to be acceptable in every prison. These features are called qualities of commitment warrant.

Signature: Ensure that the warrant bears the signature of the judge or magistrate of the court that sentenced the convict to prison. Ensure also that the signature corresponds with the specimen signature of the same judge or magistrate. The obvious reason for this is to ensure that the prison does not receive a prisoner from a wrong and unauthorized source or person. The implication of the above is that if the prison is not strict about this, an innocent person could be brought to prison out of malice by a wrongful authority.

This also explains why specimen signatures of all judges and magistrate both old and new are sent to the prison of area of jurisdiction for easy confirmation on sighting the warrant at the prison.

Prisoner's name: Ensure that the name on the warrant is the one the inmate answers.

It is possible that a person may be brought to the prison with a warrant that does not belong to or meant for him. The prison does not accept any person to be admitted in the prison with a wrong warrant.

The prisoner must answer the name on the warrant or be rejected by the prison. The law does not permit the prison authority to act to the contrary.

The prison should also see that the prisoner knows his or her sentence and that the offence for which he is sentenced is inserted in the warrant.

Name of the Prison: Ensure that the prison named in the warrant is the one to which the inmate is brought. If the court orders that the prisoner be sent to Ikoyi Prison nothing whatsoever should make the prisoner to be taken to another prison, be it the nearest prison to Ikoyi Prison. This is strictly maintained because at the court, it will be on record that the prisoner is at the Ikoyi Prison, so if you send him to a prison other than what the court said, it is wrong and whatever happens to him, the prison official will bear the consequence, even though the prison will never accept or allow this to happen.

Charge Number: The charge number or suit number must be inserted on the warrant. Charge or suit numbers are reference numbers to different cases in a particular court. One can identify the court that issued the warrant through the charge number. Through the charge numbers, courts can easily trace or identify cases they have handled.

Date on the Warrant: See to it that the date on the warrant is that on which the prisoner is received in the prison. If the prisoner is brought on a later date, the officer should indicate why on the reverse side of the warrant. This is to ensure that the prisoner was not tampered with within the period he was in transit. It helps the prison to identify the officer who brought him to the prison in case of any problem. The prison has no right to reject any prisoner on the grounds of date as long as the officer can state why he did not bring him on the said date. He will state and sign with all his particulars attached to it.

Special Endorsement: Cross check and note if the warrant bears any special endorsement, which must be brought to the knowledge of the officer-in-charge. These special endorsements are very important because they convey special information about the prisoner. It is an additional information to the basic ones on the warrants. One of those special endorsements could be the health status of the prisoner, for instance, if the prisoner is mentally sick, it is stated on the warrant especially for prison authority to know and take necessary action.

Made out of the Warrant: Be sure that the warrant is not issued in another country. It must come within the country and from the court of jurisdiction where the prison is situated. For no reason whatsoever can a judge presiding in a court in Lagos imprison a person at Enugu prison outside his jurisdiction; in such a situation, the warrant must be countersigned by a judge in Enugu for it to be accepted in Enugu prison.

3.4 Sources of Warrants

There are different types of warrants and these warrants come from different sources.

- A. The Courts of Law:** The law courts issues remands warrants, detention warrants, reproduction warrants, release orders, and commitment warrants. It is important to note that whether the source is a magistrate court or a High court, any of these warrants is accepted and recognized in the prison provided it possesses the qualities of good warrants.
- B. Military tribunals (Court Martial):** The military orderly room also referred to as court martial is very powerful. It has legal power and has authority to issue warrants of detention or commitment to the prison. The court has the legal right to detain or commit any officer who has gone contrary to the laid down rules and regulations of the military to prison after trial.
- C. The Executive Arm of Government:** The President of the Federal Republic or any state Governors has the power to issue warrant of detention on pleasure or release on pleasure. This is legally approved in the constitution as one of the powers of the President or the Governor.
- D. The Prison Authorities:** The prison authorities have the power to produce a warrant of transfer of a prisoner often called Form 5 and 5A. This is called warrant because that authority is taken along with the prisoner, authorising the other prison to accept the prisoner.
- E. The Police:** The police authority can produce both the warrant of arrest and search warrant without reference to any authorities.

4.0 CONCLUSION

No matter the type of warrant, once it is authentic and from a recognised source and it is sent to the right prison, it will be accepted.

Warrants are authorities that empower the prison authorities to keep or release any inmate.

5.0 SUMMARY

As there are different types of warrants, so there are authorities like police, courts etc who differ in their constitutional functions.

6.0 TUTOR-MARKED ASSIGNMENT

1. List and explain any 3 qualities of a warrant you know.
2. Why must the prison authorities demand for a warrant before they accept any prisoner?
3. Define who is and what is the rank of the gate man.

7.0 REFERENCES/FURTHER READING

Olawale, Wole (2005). *Revisional Digest for Prison Workers*. Owerri: Alphabet Nigeria Publishers.

UNIT 4 GATE LODGE – FIRST PORT OF CALL IN THE PRISON

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Gate Lodge
 - 3.2 The Qualities of a Good Gate Man
 - 3.3 Duties of a Gateman
 - 3.4 Gate Grill and Books
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

This unit introduces gate lodge and how important it is to the prison. It will enable you to know the kind of personnel that can man the gate and the kind of duties he performs.

We will also learn that the gate lodge is the first place any individual (inmate/visitors) encounters on getting to the prison for the first time and the importance of the gate grill and its importance as well as the books of the gate men and their uses.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- explain what the gate lodge is
- enumerate the qualities of a good gate man
- discuss the duties that are performed at gate lodge.

3.0 MAIN CONTENT

3.1 Gate Lodge

The gate is the eye of the prison through which the outer world sees it. The gate lodge could be described as the space between the outer gate and the inner gate. It covers the whole area occupied by the gateman and it is the place where inmates are first received into the prison as well as the last point for the discharge of inmates.

The outer gate that separates the gate lodge from the outside world has a small window through which the gateman spies to see what is happening outside. That small window is called the grill. The opened out number of the prison is normally displayed at the gate lodge from day to day. The gate book is always kept at the gate lodge. The gate lodge must be kept neat and clean at all times, because it is a very sensitive section of the prison.

3.2 The Qualities of a Good Gateman

The gateman is the one who oversees the activities at the gate lodge. He is the “eye” of the prison. He is the first person to get in touch with people coming in from the outside world into the prison. The gateman therefore is expected to possess some fundamental qualities to be able to effectively perform the challenging activities at the gate.

These qualities are:

1. He must be very smart and active. A dull warder cannot be a good gateman because interacting with the public coming into the prison is a sensitive assignment that requires smartness.
2. He must be honest and loyal because the gateman is expected to handle sensitive documents and cash, which can be tempting. He must therefore be a truthful person.
3. He must be polite and obedient. A rude and arrogant warder cannot be a good gateman. The good gate man must be polite in the way he addresses visitors coming into the prison because you do not know who is who. He must be the type that receives or attends to people with smiles and respect, but must at the same time be careful in doing this so that people do not take him for granted.
4. He must be neatly and properly dressed while on duty. It is often said, “the way you dress is the way people address you”. So, the gateman should not be shabbily dressed so as to command respect from people coming into the prison. A dirty and shabbily dressed warder posted as gateman to the prison gate will project a bad image of the prison.
5. He must be intelligent and observant. He should be able to think very fast and also have a good sense of observation.
6. He must be patient. He must not be the type that acts impulsively. He must not rush at things.

7. He must be literate; able to read and write well, because the gate job involves recording so many things and reading so many documents.
8. The gateman should not be a drunkard or talkative, to enable him to be attentive.
9. The gateman should not be a drug pusher, user or trafficker.
10. He must not be a liar. Above all, a good gateman must be law-abiding, disciplined and God fearing.

3.3 Duties of a Good Gateman

The duties performed by the gateman include the following:

- A. He receives warrants from the court, checks and verifies the warrants properly to ensure that:
 - (1) The person admitted is the one named in the warrant.
 - (2) That the crime, sentence and date of conviction are recorded in the warrant and that the warrant bears the signature of the proper authority.
 - (3) He should also ensure that the inmates brought to the prison do not have any dangerous untreated wounds.
- B. He searches prisoners going on outside gang and those coming from outside gang. The rubdown search is generally done in this case.
- C. He ensures that the name of each admission is entered into the gate book.
- D. He records the movement of goods and persons in and out of the prison.
- E. He checks, scrutinizes and confirms the particulars of prisoners going on outside gang to ensure that unqualified prisoners are not passed out.
- F. He confirms the properties and cash of prisoners brought from court.
- G. He attends to outside visitors coming into the yard. He ensures that distinguished visitors and members of the visiting committee sign the gate book as they come into the prison.

- H. He cross-checks and examines the particulars of prisoners going on transfer. He also receives prisoners coming on transfer from other prisons.
- I. He receives gifts and donations brought to the prison inmates on behalf of the superintendent in charge.
- J. He oversees the keeping of some of the prisons keys and the key safe.
- K. He reports the opened out number of the prison to the officer in charge or other senior officers that come into the prison.
- L. When a prisoner is discharging from prison, the gateman ensures that it is the real person that is being discharged. He also ensures that discharging prisoners collect all their properties and cash before leaving the prison.
- M. He ensures that unauthorized persons are not allowed in the prison at odd hours.
- N. The gateman searches all vehicles coming in and out of the prison to ensure that dangerous weapons and unauthorized articles are not smuggled into the prison.
- O. He also ensures that the gate lodge is kept clean and neat at all times.

The gateman oversees the general activities at the gate lodge. The gateman therefore should be an experienced staff who is capable of dealing with matters, which arise in the course of his duty. He must be security conscious at all times.

3.4 Gate Grill and Books

Gate grill is the small window made on the outer gate through which the gate keeper sees the person (visitor) knocking at the gate. Gate grill is a security measure put in place for proper identification of the visitor before the gate keeper opens the gate and allows him in.

Because of the gate grill, the gate keeper does not face much risk from any unwanted person (visitor). The gate grill is very important aspect of the gate.

Prison Form 16 - Gate Books

This prison form is a gate book. It contains details about movements of staff, prisoners, visitors and goods in and out of the prison. It is maintained by the gate keeper.

Prison Form 26 - Visitors Book

This book contains details about visits of important dignitaries or visitors to the prison. This book is usually signed by any important visitor that visits the prison officially for any purpose. The visitor will write his name, address, purpose of visit and make comments.

Prison Form 34 - Gate Keepers Permit Book

This book contains details of staff that are permitted to go out of the yard during working hours. It reflects the time of going out and the time of return.

3.5 Management of the Inner and Outer Gate

Because of the important nature of the prison gate, there should be an organized way of managing it without having problem. For instance, if a visitor approaches and knocks at the gate, the grill should first be opened (to observe all visitors) in order to certify their identity before they are allowed entry into the yard.

After confirmation, the outer gate is opened and locked back immediately, once the visitor or staff comes into the gate.

The inner gate could not be opened to allow final entry into the yard. Both gates **SHOULD NOT** be opened at the same time **EXCEPT** when parade marches into yard or when a large truck comes into the yard for official purposes.

4.0 CONCLUSION

The importance of the gate lodge in the prison as well as the duties that are carried out at the gate lodge mark the success of the prison duties. An experienced gate keeper is always used to man the gates to ensure the smooth running of the prison.

5.0 SUMMARY

This unit has made us to know the importance and the uses of the prison gates as well as the qualities of a good gate keeper.

6.0 TUTOR-MARKED ASSIGNMENT

1. Why must a gate keeper be literate?
2. What is the importance of the gate grill to the prison?

7.0 REFERENCES/FURTHER READING

Olawale, Wole (2005). *Prison Revisional Digest for Workers*. Owerri: Alphabet Nigeria Publishers.

MODULE 2

Unit 1	Criminal Justice Administration: Parliament
Unit 2	Criminal Justice Administration: Police
Unit 3	Criminal Justice Administration: Judiciary
Unit 4	Criminal Justice Administration: Prison
Unit 1	Criminal Justice Administration: Parliament

UNIT 1 CRIMINAL JUSTICE ADMINISTRATION - PARLIAMENT

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
	3.1 Parliament and the Constitution
	3.2 Types of Parliament
	3.3 Members of Parliament
	3.4 Functions of the Parliament
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References/Further Reading

1.0 INTRODUCTION

This unit will introduce you to the meaning and functions of the legislature. Most importantly, we will and should be able to know the relevance of the legislature to the criminal justice administration which will be the main issue of discourse in this unit.

2.0 OBJECTIVES

At the end of this unit you should be able to:

- appreciate the relevance of the parliament to the criminal justice administration
- identify its importance to the Criminal Justice System.

3.0 MAIN CONTENT

3.1 Parliament/Legislature and the Constitution

The legislature is one of the three organs of government made up of the representatives of the people. The main task of this organ is to make laws that guide the country. In addition to the law-making aspects of the functions of the legislature, it also performs extra-legislative functions (oversight functions) such as involvement in the amendment of the constitution, check on the performance of the executive, impeachment or enforcement of discipline among the rank and file of the public servants, approval of budgetary allocation and use of funds and, to some extent, general supervision of the executive arm of government.

3.2 Types of Legislature

It is important to mention that apart from France and a few other European nations that sometimes use the term “Third Estate” to describe representative legislature, most countries of the world either adopt a bicameral or unicameral legislature.

The bicameral legislature is that legislature that has two chambers or houses; one is viewed as the upper house and the other as the lower house. The concept of bicameralism can be traced to, among other things, the social division of society into different classes of people. In countries like England and France with long history of social stratification, with its class divisions, bicameralism has been practiced if not for anything else, to cater for the divergent interests of the upper and lower classes of the people.

Features, advantages and disadvantages of bicameralism:

In contemporary times, bicameralism has maintained its popularity not only for the reason already given but for the following:

- It makes sure that laws are passed only after careful and thorough debates or consideration by two chambers instead of one.
- Bicameralism checks against too much concentration of power in one legislative chamber, thereby keeping off despotic mentality among members of the legislature.
- It is believed to be useful in the organization of federal states which are not only vast in organizational structure but also have the interest of the majority groups to protect.

- It is possible that if only one chamber of the legislature is allowed to exist, it could try to dominate the executive branch, thereby making nonsense of the principle of separation of powers.
- Bicameralism makes possible the utilization of the services of distinguished citizens who in some countries form the upper house.
- Some times these legislators are regarded as ‘wise men’ who can act as checks against unpopular legislation by the lower house.
- Judging from the lessons of history, bicameralism has been a more popular experiment by states than unicameralism.

The establishment of two houses of the legislature creates a condition for possible conflict between the upper and lower houses and this does not augur well for governance. This situation was manifested in Britain in the 19th century, when the upper house most times deliberately decided to prevent the passing of popular law by the lower house. This was undemocratic. It is more expensive to operate a bicameral legislature than a unicameral one. Too much time could be wasted in making laws or approval on issues which need urgent attention.

Bicameralism makes the problem of administrative control of the executive by the legislature more serious and complicated.

Unicameralism

A unicameral legislature is that law making organ which has only one chamber instead of two. The evolution of unicameralism can be partly traced to the abuse of legislative powers by some upper chamber legislative system. For instance, it was documented that the upper house in Britain – the House of Lords most times act undemocratically by preventing the passing of popular laws by the House of Commons. This led to the demands for the abolition or reform of the upper House. The result is a drastic reduction of the powers of the Upper House in relation to the Lower House in Britain today.

Since the first and second world wars, some Latin American, African and European states have adopted unicameral legislatures. They include Ghana, Sierra Leone, Tanzania, The Gambia, Republic of Benin, Togo, etc. Britain has been mentioned here because even though it is structurally and in theory a bicameral state, in actual practice the operation of its legislature reflects more of unicameralism than bicameralism for reasons already advanced.

Features, advantages and disadvantages of Unicameralism

- The system is less expensive, compared with the bicameral type. The funds which could have been wasted for a second chamber are saved. Also, characteristic of the unicameral system is that unnecessary delays in passing laws are avoided, thereby making the work of government easy.
- It saves the legislature from unnecessary internal rivalry and conflict which might have resulted if there were two chambers.
- Administrative controls from unicameral legislature will not be too burdensome to the executive.
- A unicameral legislature ensures that only the qualified and popularly elected representatives are allowed to sit in the legislature instead of incapable ones who inherit their offices because of social status as in a second chamber in some countries like Britain.
- Repetition of unnecessary legislative debates is avoided, thereby guaranteeing popular legislation.
- However, it makes it difficult to tap the legislative wisdom and resources of distinguished citizens of the state who could complement the services of popularly elected representatives.
- The system could allow the legislature to dominate the executive arm of government since no second chamber is there to challenge it.
- Too much legislative power is concentrated in one chamber.
- Unicameralism can also give rise to legislative despotism by the legislators principally because there is no second chamber to check the excesses of the other.

3.3 Membership of Legislature

Legislative houses differ. In Nigeria, there are three levels of government, in the same way, the existence of the legislative houses are in three levels of government.

Local Government Areas: The membership of the legislative house of the LGAs is drawn from the ward constituencies. In every local government, there are electoral wards; every ward elects their councillor that will represent them in the council.

States Houses of Assembly are the legislative houses in the various states. The members of these houses are drawn from the different local government areas in every state. Every local government has a representative in the state house of Assembly. So membership to the state house is drawn from the local governments that make up the state.

The two legislative houses at the Federal level have their members drawn from all the states of the federation.

The members of the federal house of representative are drawn from the federal constituencies in every state. States are divided into federal constituencies that elect representative to the federal House of Representatives.

At the Senate, which is the upper house, members are drawn from the states. Every state produces three members for the senate. Therefore every state is divided into three senatorial zones for easy representation.

3.4 Functions of the Legislature

Enact Laws: The major duty of the legislature is to enact laws. These laws originate as bills either in the legislature or from the executive. As bills, they are debated and thoroughly considered. If a bill gets the approval of the legislature, it requires only the signature of the Head of state to sign it into law.

Approval of Executive and Judicial officers: In most countries of the world, like in the USA, the legislature has to approve the appointment of some executive and judicial officials before such officials can assume office. For instance, the senates in the U.S.A. and Nigeria must approve the appointment of persons nominated to serve as ministers as well as in other capacities.

Constitutional Amendment: Another function of the legislature is to participate in the amendment of the country's constitution.

Financial Control of the Executive: The legislature in Nigeria has the constitutional powers to control the expenditure of the government. For example, the legislature is required to review the president's annual budget before it is implemented.

General Supervision of the Executive: In Britain where cabinet ministers are also members of the legislature, the house of common can summon the cabinet ministers to question sessions during which legislators could ask the minister questions on the activities in his ministry.

Organizing and Publicizing of Public View: The legislature is a measure of the citizens' awareness of government policies, because the representatives sample the opinion of their constituencies on issues fundamental to the needs of the people.

Impeaching the President or Passing a Vote of no Confidence on the Prime Minister and his Cabinet: In Nigeria, the legislature has the power to impeach the president, if he is found to have engaged in corrupt practices or for gross abuse of office.

4.0 CONCLUSION

Since it is the parliament or the legislature that enacts laws for the entire state, consequently it is the same parliament that makes laws which the police, judiciary and the prisons implement in the course of their duties.

5.0 SUMMARY

The legislature is the only law making organ that enacts laws and this is its fundamental function in any democracy.

6.0 TUTOR-MARKED ASSIGNMENT

1. What is the role of the legislature in the criminal justice administration?
2. Apart from law making, what else does the legislature do?

7.0 REFERENCES/FURTHER READING

Ugoji, Johnson A. (1994). *Comprehensive Government for Senior Secondary Schools*. Glance Series. Lagos: A Johnson Publishers Limited.

UNIT 2 CRIMINAL JUSTICE ADMINISTRATION: POLICE

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Historical Background of the Police Force
 - 3.2 Police, Policing and the Public
 - 3.3 Police Duties
 - 3.4 Police and Other Criminal Justice System
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

In this unit, we shall examine the duties of police as a key player in the prevention of crime in society. We shall also ex-ray the background of the police and the relationships that exist between it and the public.

2.0 OBJECTIVES

At the end of this unit you will be able to:

- understand the functions of the police
- its role in the criminal justice system.

3.0 MAIN CONTENT

3.1 Historical Background of the Police Force in Nigeria

Police are the most visible governmental agents through whom citizens often assess the character of a government and political system. This is because the public are GUARDIAN OR VANGUARD OF THE STATUS QUO. In most cases, the actions and the behaviours of the police reflect the political and economic character of society as well as what those in power are willing or able to tolerate or condone or even demand of police officers. An analysis of the problems and challenges of the Nigeria Police force, or any police force, must start with the appreciation of the history and dynamics of its development. The history of the police force in the country indicates that the various forces were established, organized and maintained by colonial and post-colonial governments largely for the protection of the interests of

political and economic power-holders. As a result, policing in the country has been characterized by a culture of impunity, corruption, incivility, brutality, lack of transparency and accountability.

In 1861, the British started to colonize the different societies that presently constitute Nigeria, beginning with Lagos. By 1903, the British colonizers had succeeded in colonizing all the nearly four hundred nationalities in the territory. The colonizers executed the colonial project employing violence and fraud or deceptions. Three important historical issues are relevant to the understanding of the development of police forces and police public relations in Nigeria. First, the colonial conquest of Nigerian nationalities took place piece-meal over a long period (1861-1903). Nigeria's constituent nationalities were conquered at different periods – as a colonial presence is secured by establishing a police force for the territory. Second, violence and fraud were employed in the conquest of the nationalities. For this purpose, police forces under various names were established and employed as instrument of violence and oppression against the indigenous population. Third, given the character of colonial rule, police forces were the instrument used to sustain the alien domination. In all these, police were not accountable to the colonized, but to the colonizers. During colonial rule, the excesses of the police against the community were not controlled; hence colonial police forces behaved as army of occupation, killing and looting. As a result of these features of colonialism, the police behaved as an occupation force. Consequently, the people saw and still see the police as an instrument of violence and subjugation as well as extortionists and harbingers of bad news and trouble.

Between 1930 and 1966 the Nigeria police force co-existed with local administration police forces in local government areas in Western Nigeria and the Native Authority in Northern Nigeria. These local forces were disbanded because they were poorly trained, corrupt and used for partisan political purposes, including brutalization of opponents, by traditional rulers and politicians in Northern Nigeria as well as by political parties and governments in power in the Northern and Western regions.

3.2 Police, Policing and the Public

Most police forces were established in response to threats to the social order and dominant interests of the dominant groups. Generally, police bureaucracies are organized to manage (detect, investigate, arrest, detain, persecute, harass, etc) those considered to be dangerous and threats to the preservation of the status quo. To enable the police perform this function, they are granted powers to use coercion and violence.

Often, the public resent the exercise of police power. The public resentment against police powers may be traced to the effect of those powers as well as their misuse by the police.

The mutual hostility between the police and the public in Nigeria is intense. Police believe that they are misrepresented and mistreated by members of the public. On the other hand, the public distrusts the police, whom they see as ineffective, corrupt, insensitive and callous. The nature of police public relation in the country resulted from the colonial development of the forces as well as post-colonial government repression under successive military and civilian governments.

3.3 Police Duties

National Advisory Commission on Criminal Justice Standards and Goals identify eleven functions of the Police which have universal applications, and they are:

Preventing criminal activity, detecting criminal activity, apprehending criminal offenders, participating in court proceedings (prosecution of offenders), protecting constitutional guarantees, assisting those who cannot care for themselves or who are in danger of physical harm, controlling traffic, resolving day to day conflicts among family friends and neighbours, creating and maintaining a feeling of security in the community, investigating crimes, promoting and preserving civil order.

Arrest: The policeman triggers the criminal justice process through arrest in either of the following circumstances: when a crime is committed in his presence; when a crime is uncovered by police investigation; and when a crime is reported by private citizens. In the context of policing, arrest can be defined as the taking of a person into custody with lawful authority, and holding that person to answer for a violation of a criminal law Ugwudike (2002). There is arrest when a person is held or detained against his will. It is a restraint on another person's liberty to come and go. Arrest also involves "coercion exercised upon a person to prevent the free exercise of his powers of locomotion. It is also a situation in which a person is deprived of his liberty, taking him under real or assumed authority, for the purpose of holding or detaining him to answer a criminal charge. An arrest has two main purposes: to make certain that the accused person or suspect does not escape and to give the society the necessary protection against further crimes.

Arrest can be made with or without a warrant. A warrant of arrest is an authority issued in writing by a court to the person making the arrest. Also, the Nigerian law gives the police powers to arrest without a

warrant in certain circumstances and these are specified in section 10(i) of the Criminal Procedure Act and section 20 of the Police Act. The police officer can arrest without warrant any person whom he suspects, on reasonable grounds, of having committed an indictable offence against a federal law or against the law of the state. Unless the written law creating the offence provides it, an offender cannot be arrested without a warrant

The police can arrest any person whom he suspects, upon reasonable grounds, of having been involved in any act committed at any place outside Nigeria which, if committed in Nigeria, would have been punishable as an offence, and for which he is under any enactment in force in Nigeria liable to be apprehended and detained in Nigeria.

Any person who obstructs a police officer while in the execution of his duty, or who escapes or attempts to escape lawful custody, could be arrested.

Criminal Investigation: This is a highly complex and sophisticated art which requires the coordination of efforts among several specialists. However, investigation into criminal activities almost entirely depends on the police. The word investigation is derived from the Latin word 'vestigare', meaning "to track or trace". Investigation by itself means to follow step-by-step by patient inquiry or observation; to trace or track mentally; to search into; to examine and inquire into with care and accuracy; to find out by careful inquisition; examination; the taking of evidence; a legal inquiry.

Criminal investigation seeks all facts associated with a crime to determine what happened and who is responsible. The branch of criminology dealing with investigation involves documents analysis; forensic investigation of genetic and DNA analysis using blood samples; fingerprints analysis; voice and handwriting analysis; photographic analysis.

When a crime has been committed, or suspected to have been committed, the police conduct the investigation with the assistance of specialists in these fields, depending on the type of crime.

Prosecution: It is the duty of the police to participate in the court hearings. When a crime is committed, arrest has been made and investigation carried out by the police, the police will also go further to give evidence in the court and also prosecute the criminal. This aspect of the police job is very important, hence it guides the court in taking decision.

3.4 Police and Other Criminal Justice System

The work of the criminal justice system starts with the police. After arrest and investigation by the police, the police will take the criminal (suspect) to the court for possible trial. The police will also prosecute the suspect by giving evidence based on their investigations.

After the court must have performed its duty, the suspect is either released or remanded in prison for further hearing on the matter, or he is convicted for the offence for which he is charged. Whatever order the court may give on the suspect, it is also the police that will carry out the order, especially taking the suspect to the prison.

Thus the police have one role or the other to play in the court or in the prison to complete the criminal justice administration system.

4.0 CONCLUSION

The police have important roles to play in the criminal justice administration. Excepting the laws which the legislature enacts, the criminal justice system practically commences with the police.

5.0 SUMMARY

This unit has made us to understand the functions of the police and its relationship with the criminal justice administration as well as the role of police in the society.

6.0 TUTOR-MARKED ASSIGNMENT

1. Give reasons why the police is the most important of all the sub-systems in the criminal justice administration.
2. Where does the police work end in the criminal justice system?

7.0 REFERENCES/FURTHER READING

Dambazau, A.B. (1999). *Criminology and Criminal Justice*. Kaduna: Nigerian Defence Academy Press.

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UNIT 3 THE JUDICIARY: COURT

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Historical Background of the Court System in Nigeria
 - 3.2 Criminal Courts
 - 3.3 Criminal Trial
 - 3.4 Sentencing
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

The court system is not a new phenomenon, although the method of trial has varied greatly throughout history. This unit explains the importance and functions of the court in the criminal justice administration.

2.0 OBJECTIVES

At the end of studying this unit we shall be able to:

- identify functions of the court
- explain the relevance of the court to the criminal justice administration.

3.0 MAIN CONTENT

3.1 Historical background of the court System in Nigeria

The criminal justice system usually involves the determination of guilt or innocence of one accused of a criminal violation. Disputes in civil matters often concern the determination of monetary damages, custody of children, and injunctions against certain business practices, to name only a few.

Although the determination of guilt or innocence is central to the function of the criminal court, it is by no means the only function. The court is also responsible for determining bail, conducting preliminary hearings, ruling on the admissibility of evidence, and determining the appropriate sentence when a verdict of guilty has been reached.

One of the major responsibilities of the court is to ensure impartiality in the criminal justice system. This goal is achieved by using neutral bodies as decision makers (judges and juries) and by allowing both the prosecution and the defence to present their arguments in open court. The court operates under formal rules of procedure to guarantee objectivity.

3.2 Criminal Court

In the triangular relationship of the criminal justice system, the second most prominent component is the criminal court. A court has been defined as “an agency set up by government to define and apply the law, to order its enforcement, and to settle disputed points on which individuals or groups do not agree”. Criminal courts play a pivotal role in the criminal justice system. The adjudication of cases in which there are reasonable cause to believe that an accused person has violated a specific law or laws is a basic role of criminal courts. When a crime is committed, formal action must be channeled through the courts. It is only the courts that determine the guilt or innocence of the accused person and the decisions of the courts have important consequences for the other components of the criminal justice system. A person who violates the criminal law is brought before the court, and provided with a trial in the court, and this is followed through with the disposition or judgement made by the court accordingly.

Criminal courts have a very important symbolic role. As the symbols of justice, depicted by the justice scale, the public sees the courts as the platform for fairness and impartiality. Courts are impartial to the extent that they allow each side the opportunity to present its case. Courts provide the platform for resolving disputes through the application of the law, although not all disputes are brought before them. In resolving disputes, criminal courts must enjoy judicial independence, free from outside pressures, and judging their cases dispassionately, most especially because citizens perceive them as the guarantors of their fundamental rights. A very important characteristic of the courts is the fact that they have asserted the right to be authoritative interpreters of the constitution.

The main actors of the criminal courts are the accused, Dambazau (1999:103). The person accused of a crime is charged and brought to plead; the police, who are also regular users because they always appear to present charges be filed against suspects, sometimes to prosecute, to testify at hearings and to serve as witness during trials; the judge or jury, who listens to the charges, analyze the facts as they relate to the law, and determines guilt or innocence; the prosecution; who represents the state and carries the burden of proving the case beyond reasonable doubt in

order to earn the accused conviction; and the defence who represents the accused and rebut the case presented by the prosecution in order to earn the accused discharge and acquittal.

The accused is the centre of attraction in the criminal court. He is sandwiched between the prosecutor and the defence in a battle of two differing parties, while the judge, as a neutral arbitrator focuses his attention on the scores emanating from the battle in order to take a far-reaching decision likely to have tremendous negative or positive impact on the accused. This is clearly the process in the adversary system. This system provides an important safeguard in the criminal court process, because it provides a forum for testing evidence. Both the prosecution and the defence will usually approach “the facts from entirely different perspectives and objectives; they will uncover more truth than would investigators, however industrious and objective, seeking to compose a unified picture of what had occurred.” Again both the prosecution and the defence are provided with the opportunity to cross-examine witnesses to establish their truthfulness, to probe for possible biases and to test what witnesses actually know, not what they think they know.

The judge who is the chief administrative officer of the court is another major actor. He is in charge of proceedings and he makes decisions as to all questions of law. The prominence and prestige of the judge is depicted by the fact that “when judges enter a court room, everyone rises, when they speak, others listen”. The judge serves as umpire between the two sides in a conflict. To assist him are the police who are deployed to carry out court-related duties, such as preserving order in the court room under the direction of the judge, and also call court into session, handle the security and confinement of suspects or prisoners. The police officer carrying out such functions is called the bailiff. The court clerk handles the clerical or stenographic duties for the court. He prepares and maintains court records, and also serves as the custodian of fines and filing fees.

The court reporter is the stenographer who takes down transcript motions and comments of witnesses and participants in a trial. The defense argues for the innocence of the accused. He ensures that the rights of the accused are not tampered with.

3.3 Criminal Trial

Prosecution is a criminal action or proceeding instituted and carried out in the name of the state or government before a competent criminal court with the purpose of reaching a court determination of the guilt or innocence of the accused (Dambazau, 1999:106).

A trial is defined as an adversary proceeding with the rules of evidence resembling rule of a game, and the judge as an impartial umpire. In the criminal justice process, the trial attracts the most public attention. It is the most significant part of the criminal justice system, and according to Kaplan, it is the balance wheel of the entire process.

The trial consists mainly of the presentation of evidence by both the prosecution and defence arguing their cases, while judges use a balancing test in order to arrive at their decisions. Evidence consists of legal proofs presented to the court in the form of witnesses, records, documents, objects, and other means, for the purpose of influencing the opinions of the judge or jury toward the case of the prosecution or defence.

There are four major types of evidence: real evidence, i.e. objects of any kind, such as weapons, clothes, fingerprints, etc; testimony evidence, i.e. statements of competent witnesses; direct evidence, i.e. observations of eye witnesses; and circumstantial evidence, i.e. defined as any fact from the existence of which the judge or jury may infer the existence of a fact in issue; that is, any information which tends to prove or disprove a fact in issue. For evidence to be valid in court, it has to be logically relevant and material, that is, it must relate to the crime charge or has a legitimate and effective bearing on the decision of the case; and it must be competent, that is not evidence supplied by incompetent persons, such as the insane. The rule of evidence excludes hearsay evidence, that is, knowledge or information which a witness acquires second-hand. The reasons being that the admissibility of such evidences could deny the accused the rights to confrontations through cross-examinations of actual witnesses.

3.4 Sentencing

This is the final adjudication of the criminal justice system. At the end of trials and the announcement of the verdict, sentences are imposed on the guilty. It is therefore the hearing which imposes criminal sanction or punishment on the person convicted of crime. While the public expects that a convicted criminal should be punished, the accused knows, if convicted, that the end of the process he goes through is the punishment he gets. Only judges have the authority to impose sentences, and this is the basis of judicial discretion. Sentencing is regarded as the responsibility of the judge, and perhaps nowhere else in legal proceedings is the power of the judge more evident.

The discretion of judges on sentencing reflects the belief that sentences should be individualized, and that punishment should fit the criminal, going by the positivist school of criminology. Judges can pass sentences

ranging from death to imprisonment through to fine. Sentences of imprisonment can run concurrently or consecutively and may have the options of fine or community service, depending on the severity or otherwise of the case.

Statutory provisions may provide various ways of checking judicial discretion in sentencing. The law, for example, may state that a person convicted of a particular crime must be imprisoned for a specific number of years, or must be given life imprisonment, or even death. Furthermore, the law may specify that a particular offence calls for a minimum period of time the offender must spend in prison before he can be considered for parole, in a system in which parole exists or a maximum period of time beyond which the convict cannot be imprisoned. The law may also insist that a person convicted of several crimes at one trial must serve consecutive or concurrent sentences.

Consecutive sentences are those served one after the other, if Obi has been convicted for offences 1, 2 and 3 and he is sentenced to three years on each count to be served consecutively, he is therefore to serve nine years of prison sentence. If on the other hand, Obi is to serve the sentences concurrently, he is to serve for three years only. Therefore sentences are concurrent if they are ordered to be served simultaneously.

4.0 CONCLUSION

In the criminal justice administration, the judiciary plays an indispensable role. It determines the fate of the criminals or suspects and without it the triangular structure of the CJA will not be complete.

5.0 SUMMARY

The judiciary is central in the operations of the police and prison. It plays a very important middle role of collecting from the police and giving to the prison.

6.0 TUTOR-MARKED ASSIGNMENT

In the criminal justice system, why must the Judiciary be taken seriously?

7.0 REFERENCES/FURTHER READING

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UNIT 4 CRIMINAL JUSTICE ADMINISTRATION: PRISON

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Meaning of Prison
 - 3.2 Functions of the Prison
 - 3.3 Punishment
 - 3.4 Types of Prison
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Prisons are institutions meant for long-term incarceration of offenders and hence they are very important in the criminal justice system. It also complements other roles played by the police, Judiciary and the legislature who work in concert. It is the receptacle for the other arms of the criminal justice system.

2.0 OBJECTIVES

At the end of this unit, we shall be able to:

- understand the role prisons play in the system.
- understand the meaning of capital punishment, and
- identify, the types of prison that are in existence (especially in Nigeria)

3.0 MAIN CONTENT

3.1 Meaning of Prison

A prison can be described as a place where offenders are kept as punishment for crimes committed. It also serves as a place where persons are kept while awaiting trial (Opara 1998). Being kept in prison is to serve as reformation and not for punishment. What constitutes sufficient punishment is the confinement, which entails deprivation of many things such as privacy, movement, uninterrupted control of personal belongings, sexual relationship and a host of other life pleasures.

As defined by law, a prison is a place delimited and declared as such by the law of the state and created to ensure restraint and custody of individuals, accused or convicted of violating the criminal law of the state.

Imprisonment, according to Foucault in Cox and Wade (1989), is a penalty par excellence in a society in which liberty is a good which belongs to all in the same way and to which each individual is attached. The deprivation of liberty belonging to a person is a fundamental constitutional issue because liberty is the basis of existence itself. The prison is therefore the main avenue for making individuals pay for their crimes against society. The prison, Foucault further observed in Cox and Wade (1989), is the clearest, simplest, most equitable of penalties, because it makes possible to quantify the penalty exactly according to the variable of time.

The idea of the prison itself is the isolation of the offender from the rest of the society. He is isolated from the external world and from anything which motivates or facilitates his criminal acts.

3.2 Functions of the Prisons

Steven M. et al (1989:209) opined that criminal justice is best viewed as a network is apparent. Funds used to build prisons and jails must be appropriated from the public, and prisoners who are released into society must be reintegrated if rehabilitation is one of our goals. Financial support for alternatives to incarceration also comes from the public.

Reformation: a significant development in the history of corrections was reached in the late eighteenth and early nineteenth centuries, often referred to as the “age of enlightenment”. Efforts by Montesquieu, Voltaire, Baccaria, Bentham and Howard were instrumental in bringing reform to the harsh penal philosophy that had existed prior to this period. These individuals and others were concerned with human rights and limiting the coercive power of the state, Cox and Wade (1989).

Reformation means making the offender better by trying to change his delinquent behaviours. It means infusing in him the will to refrain from criminal behaviour.

Article 59 of the United Nations on minimum standard rules for the treatment of offenders states:

To this end (Reformation) the institution should seek to utilize all the remedial, educational, moral, spiritual, and other forces and forms of

assistance, which are appropriate and available and should seek to apply them according to the individual treatment needs of the prisoner.

Rehabilitation: By this is meant bringing the offender to normal life. To rehabilitate an individual, he must be “straightened out” deep within his own personality. He maintains that the rehabilitative activities of the modern prison generally have been of two kinds: (a) Psychological or psychiatric treatment. (b) Educational or vocational programmes.

Security: The Nigerian Prison Service among other things plays an important role in the security of this nation, especially in the area of internal security. Among its functions towards the reformation and rehabilitation of inmates, Nigerian Prisons Service keeps safe custody of inmates.

Discipline and Disciplinary Action: By discipline is meant training that is expected to produce a specified character or pattern of behaviour which will lead to moral and mental improvement. It also includes pattern of behaviour that will lead to adherence to approved rules of the society.

Discipline and disciplinary actions must stay in penal institutions until further researches produce the other alternatives.

Education: The welfare branch of the prisons supervises adult education in the prisons. Literate prisoners are engaged or used to impart knowledge to other. Many prisoners have passed First School Leaving Certificate (FSLC) or GCE in the prisons. Particular emphasis is placed on study groups and the creative arts such as music, drama and literature. These help inmates to avoid mental stagnation and open a world of knowledge. It is in this direction that the National Open University of Nigeria is reaching out to the Nigerian Prison service by taking education into the walls of the prisons; the Maximum Security Prison, Kirikiri, Lagos is the first venue of a special study centre for the prisoners.

Medical Treatment: When a prisoner falls sick, he should be sent to the hospital for proper treatment. Again, there should be special psychiatric treatment for those marked “for observation” who may be psychopathic. This is to discover possible unconscious motivations to the criminal’s behaviour. Criminologists believe that some crimes are mere substitute response, some form of symbolic release of repressed feelings that have come up again in overt form like committing a crime. This is according to Sigmund Freud’s the theory of psychoanalysis.

Religious Instructions: This has a pacifying effect on prisoners and leads to moral rearmament. The law of Nigeria provides for the services

of a Chaplain of each denomination – Christians and Moslems in every prison. Services are held for various denominations on Sundays for Christians and Fridays for Muslims. They are conducted to cater for the spiritual wellbeing of inmates. Pastoral work is very important in the reformation of prisoners and are always encouraged.

3.3 Punishment

Punishment varies in intensity, mode, style, and extent. What determines the type of punishment depends on the nature of the crime and the criminal, the status of the victim and the extent of his victimization, and the feelings of the society towards the crime committed. These factors are relevant, more often than not, in combination rather than in exclusive isolation of one another. Most statistics books provide punishments for criminals ranging from death, through imprisonment, fine and suspended sentence.

Steven M. Cox et al (1989:217) observe that no issue in criminal justice has generated as much debate as capital punishment. Capital punishment is the ultimate sanction, the most symbolic reminder of the state's power to punish its citizens. Although the practice is perhaps as old as human life, it has been particularly controversial in the past three hundred years, and the debate has been revived in the past quarter of the last century as a result of several heinous and spectacular crimes.

Capital punishment, an execution in the name of the state, is one of the most ancient forms of punishment. Early legal codes, such as those of Hammurabi, the Greeks and the Romans provided for the death penalty upon conviction for a wide range of offences. In more recent times, the practice of banishment was sometimes equivalent to capital punishment. Convicted offenders are forced into the wilderness with very little chance of survival.

Death Penalty Arguments: There are basically five issues involved in the controversy surrounding capital punishment:

1. Does capital punishment violate constitutional protections against cruel and unusual punishment?
2. Is capital punishment economical?
3. What is the likelihood that an innocent person will be executed?
4. Does it meet the objectives of punishment previously stated?
5. Is it supported by the public?

Historically, the death penalty can be traced to the Lex Talionis doctrine of "eye for an eye". The punishment of death in eighteenth century Europe, for example, was not simply the withdrawal of life, but it was

marked by the infliction of graduated pain on the body of the condemned by torture (Dambazau, 1999:250). In order for punishment to be torture, according to Foucault, it must obey two major principal criteria. First, it must produce certain degree of pain, a calculated graduation of pain. It is the act of maintaining life in pain in such a way that death is subdivided into a “thousand deaths”, whereby the production of pain is regulated in terms of its intensity, quality, and duration.

3.4 Types of Prisons in Nigeria

In Nigeria, there are types of prisons that exist; they are:

Convict Prisons: These are the highest categories of prisons; they receive offenders of all types. These include, long term or short term prisoners, including lifers and condemned prisoners. They also house awaiting trial of all classes.

Those of them gazetted as asylums also receive lunatics e.g. Enugu, Jos, Port Harcourt, Warri and Lagos. But the trend nowadays is for all prisons to have a certain section set aside, within the prison yard for the treatment of lunatics irrespective of whether it is gazetted or not.

Some convict prisons have dogs specially trained to reinforce security and arrest escapees. The system of convict prisons receiving all types of prisoners has created some intractable problems of treatment of offenders in a situation where hardened criminals mix freely with first offenders (star prisoners) in the working gangs and during recreation.

Executions are carried out in convict prisons. They are headed by senior officers from the rank of Assistant Controllers of Prisons and above.

Provincial Prisons: These are prisons where offenders serve sentences of two years and above and such prisons can accommodate between 150-200 inmates. They are usually headed by Chief Superintendents of Prisons (CSPs) or Superintendents (SP).

Divisional Prisons: These are prisons where offenders serving sentences of two years and under are institutionalized or incarcerated. Such prisons have the capacity to accommodate not more than 150 inmates. Okigwe Prison in Imo State is a typical example.

Open Prisons: As the name implies, this type of prison is not walled. It is open. There is only one such prison in Nigeria – at Kakuri– a village about eight kilometers from Kaduna. An open prison is planned for first offenders that show promise of social adjustment to community

standards. It has minimum security and looks like a college campus. It means that any prisoner that wished to escape can conveniently do so; yet escapees are very rare because the prison authorities know the type of prisoners they send there.

All inmates of Kakuri open prison have served at least six months in a more secured prison before being transferred on recommendation. Prisoners who committed such offences like murder, arson, sex offences, counterfeiting, robbery, house breaking and escaping from lawful custody are not admitted in this type of prison. Inmates are taught such subjects like book-keeping, typewriting and shorthand, tailoring, weaving, mat-making, sign writing, electronics repairs, etc. Many have passed their first School Leaving Certificate during their term here.

Lock-Ups: These are usually located at places having a court of law but no prison. They are therefore intended to hold prisoners serving a sentence of not more than (3) three months. It is also meant for prisoners who have other case pending, such that taking them up and down for their case from far away prisons from the court might have security implications.

Prison Camps: Prison camps represent a system of combining reformatory policy with the best use of prison industry.

4.0 CONCLUSION

Considering the roles played by the prisons in society, it is justifiable to include the system as a major component of the criminal Justice Administration in the society.

5.0 SUMMARY

Prisons have done much in the area of security, reformation of offenders and rehabilitations. Consequently, society is at the peace when prisoners are corrected and reformed for a more useful life on release from prison.

6.0 TUTOR-MARKED ASSIGNMENT

1. Mention and explain three functions of prisons you know.
2. Give reasons why prisons should be included in the criminal justice administration.

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MODULE 3

Unit 1	Treatment of offenders – Correctional and Post Correctional Programmes
Unit 2	Inmates/Prisoners – Types, Classification
Unit 3	Adjudication of Prisoners
Unit 4	Execution of Condemned Prisoners

UNIT 1 TREATMENT OF OFFENDERS – CORRECTIONAL AND POST CORRECTIONAL PROGRAMMES

CONTENTS

1.0	Introduction
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3.2	The Struggle between Custody and Treatment
3.3	Correctional and Post Correctional System
3.4	Security and Control
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6.0	Tutor-Marked Assignment
7.0	References/Further Readings

1.0 INTRODUCTION

This unit will take us through how prisoners are handled (treated) in the prison. Treatment of prisoners is a very important factor that should be examined as a prelude or complement to the concepts of the rehabilitation and reformation of prison inmates.

2.0 OBJECTIVES

At the end of this unit we shall be able to:

- enumerate the best ways to treat prisoners
- understand and discuss the importance of reformation and rehabilitation as key goals of the prison system.

3.0 MAIN CONTENT

3.1 The Treatment Orientation

The treatment orientation in the prison is divided into two phases: early and late phases. The early orientation was built around the concept of the criminal as an emotionally disturbed or maladjusted individual, and it was a system of individualized responses to his sicknesses. Donald Cressey, in his contrast of the custody and treatment orientations, described the idea of early treatment employees as follows:

The assumption in the treatment prison is that to the fullest extent possible, each role in the organization must be integrated in a system directed at a single goal, rehabilitation of inmates according to their individual needs for treatment. The conception is likely to be that of a “stream of action” in which clients or patients, like raw materials, pass through the prison and have various rehabilitation operations performed on them, each according to his needs. The security and housekeeping activities are at most, a framework. (Fox et al 1952).

In actuality, the treatment orientation almost invariably had to develop within existing prison operations, which had been dominated by the custody approach. So, except for a few typical experiments – usually in very small institutions, perhaps minimum security camps – treatment staff had to share power with custody; this meant that they had to make important concessions when real or imagined matters of custody were involved. It also meant that they developed an ability to live with this dilution of their philosophy and approaches and to continue to operate as if treatment were possible and most important, although, actually, custody had influenced or dominated the decision making. For example, the classification committees referred to earlier and typically included both custody and treatment people. Custody staff prevailed in many decisions, because they could raise the spectre of escape or violence. When they gave in, treatment staff often constructed a therapeutic rationale for the decision.

They participated in this hypocrisy, because they were trying to keep up the appearances of a humane, individualized treatment routine in order to maximize participation on the part of the prisoners. They understood that faith in treatment routines was their cornerstone.

The prison received many highly intelligent, creative, and ambitious individuals, but the low pay, ongoing conflict with custody, and general sluggishness of a prison bureaucracy tended to drive the more talented away. It also stifled the ambitions of the many that remained.

3.2 The Struggle between Custody and Treatment

The American case study: In the first era of treatment about 1950 to 1965, the conflict between custody and treatment was contained. Custody staff resented the treatment staff, who received most of the accolades and the top jobs in states where rehabilitation was emphasized, such as California, New York, and New Jersey. They also resented the deflation of their values about handling prisoners. In addition, custody – and treatment – oriented staff constantly disagreed in the day-to-day running of the prison. Custody people wanted strict rules backed up by punitive measures; treatment people wanted individualized, discretionary decision making tailored to the particular instance and the individual. Custody people wanted a hierarchy of command and prestige, with distance between prisoners and guards being strictly maintained; treatment people wanted a spread of responsibility, more equal distribution of respect, and close interaction with prisoners.

The Nigeria case study: In the Nigerian prison system, warders are trained to play dual role. They are in charge of safe custody of inmates as well as treatment of inmates, though, there are some specialized areas in the field of work. Those specialized staff are those that teach the inmates different types of trades. While these people are busy in the workshop teaching inmates, they cannot at the same time participate in the provision of security in the wilder prison environment.

General duty officers (warders) are those officers who are not specialized in any kind of trade. These people mainly provide security for the outer prison. They man the administration of the prisons at all levels. Apart from character emulation there is nothing else; a prisoner can learn from G.D. (General Duty) officer. It is those tradesmen that teach prisoners different trades for reformation and rehabilitation. Both categories of warders are under one administration and command. If the tradesmen have little or no work in the workshop, they are posted to man beats, thereby partaking in providing security.

3.3 Correctional and Post Correctional System

These are the dominant aspects in modern penal practice. Attention should be paid to this crucial segment. They have not received statutory recognition in the Nigerian Prisons system.

Reformation: This means making the offender better by trying to change his delinquent behaviours. It means infusing in him the will to refrain from criminal behaviour. Article 59 of the United Nations Minimum Standard Rules for the treatment of offender's states:

To this end (Reformation) the institution should seek to utilize all the remedial, educational, moral, spiritual, and other forces and forms of assistance which are appropriate and available and should seek to apply them according to the individual treatment needs of the prisoners.

Rehabilitation: This means bringing the offender to normal life. According to Vold (1958), “to rehabilitate an individual, he must be straightened out deep within his own personality...”, he maintains that “the rehabilitative activities of the modern prisons generally have been of two kinds” namely:

- (a) Psychological or psychiatric treatment
- (b) Educational or vocational programmes.

Methods to achieve Reformation and Rehabilitation

In a paper submitted at the National Conference on the prison system, July 1-5, 1968, in Opara (1998) a contributor mentioned the following seven points as methods to be used to achieve these objectives, viz:

- (1) Discipline and disciplinary action
- (2) Medical treatment
- (3) Staff attitude
- (4) Education
- (5) Industrial Training
- (6) Religious Instructions

Discipline and Disciplinary Action

By discipline is meant training that is expected to produce a specific character or pattern of behaviour which will lead to moral and mental improvement. It also includes pattern of behaviour that will lead to adherence to approved rules of the society. Chap. 159, Regulation 47 laws of Nigeria, 1958, contains offences against prison discipline and the punishments for their breach. Some criminologists have become skeptical about the efficacy of such punishments like reduction in diet, loss of remission, locking up in solitary or refractory cells, caning, chaining and handcuffing. It is an unenviable task to want to achieve reformation through punishment.

Discipline and disciplinary actions must stay in penal institutions until further researches produce other alternatives.

Medical Treatment

When a prisoner falls sick he should be sent to the hospital for proper treatment. Again, there should be social psychiatric treatment for those marked “for observations” who may be psychopathic. This is to discover possible unconscious motivations to the criminal’s behaviour. Criminologists believe that some crimes are mere substitute response, some form of symbolic release of repressed feelings that have come up again in overt form like committing a crime. This is according to the theory of Sigmund Freud.

Staff Attitude

Another important aspect of reformation of prisoners concerns the staff/inmates relation. Though the standing orders (S.O.) forbid undue familiarity between staff and prisoners, this should not be taken too far, because you cannot reform a person from whom you keep a wide social distance. Staff should so conduct themselves as to influence prisoners positively.

Staff attitude implies also role and attitude of prisons staff in the purpose of rehabilitation. There is acceptance of the philosophies of reformation and rehabilitation or non-acceptance viewed from their behaviours towards prisoners in their daily routine duties and their impressions of them as these will go a long way to show whether organizational goals will be achieved or not.

Education: The welfare branch of the prisons supervises adult education in the prison. Literate prisoners are engaged or used to impart knowledge to others. Many prisoners have passed FSLC OR GCE in the prisons. Particular emphasis is placed on study groups and the creative arts such as music, drama and literature. These help inmates to avoid mental stagnation and open a world of knowledge.

Work and Vocational/Industrial Training: On admission, the doctor certifies the prisoner for the type of work he is suitable. The superintendent assigns the prisoner to his work group. The trade a prisoner engaged in prior to admission helps in assigning him/her to a work group. The aims are, among other things, to develop in the prisoner the habit of hard work and to equip him with a trade for his rehabilitation on discharge.

Religious Instructions: Religion has a pacifying effect on prisoners and leads to moral rehabilitation. The law of Nigeria provides for the services of a chaplain of each denomination – Christians and Moslems

in every prison. They are conducted to cater for the spiritual wellbeing of inmates.

3.4 Security and Control

The regime of a prison is founded, and must be firmly hinged on the twin rocks of security and good order. If these are not sound, the superstructure, whatever its purpose, must sooner or later crack. This holds true for prisons of every type, though methods of securing the foundations will vary. Classification brings together in separate prisons those who can be trusted to exercise self discipline, and their control by the staff, though not less effective, should be less obtrusive. The serious problems are presented in the local prisons and in those for long-term and persistent offenders. It is essential here that the staff should not only have complete and unquestioned control but that they should manifestly and openly be seen to have it.

Firm control is therefore necessary in the interests not only of the administration but of the majority of prisoners who want to do their time quietly, and they recognize and welcome it. He (officer) must be able to keep order fairly and firmly without too much fuss – he should not often need to place a prisoner “on report”, but he should never hesitate if it is necessary for that man at that time. Long periods of superficial calm must not be allowed to dull alertness; in the abnormal associations of a prison, any trifling incident, not effectively handled, may lead for no apparent reason to disorder, assault or mutinous riot.

According to Fox, et al (1952:159), it is against this background that we should consider the first of the Statutory Rules under this heading, which reads:

The Rules in this section shall be applied, due to allowance being made for the differences of character and response to discipline of different types of prisoners, in accordance with the following principles.

- (1) Discipline and order shall be maintained with firmness, but with no more restriction than is required for safe custody and well ordered community life.
- (2) In the control of prisoners, officers shall seek to influence them through their own example and leadership, and to enlist their willing co-operation.
- (3) At all times the treatment of prisoners shall be such as to encourage their self-respect and a sense of personal responsibility”.

In star prisons and training prisons, and in dealing with stars in local prisons, the regime and the conduct of the staff can be and are confidently based on those principles.

4.0 CONCLUSION

The United Nations provision for the treatment of offenders stipulated in the standard minimum rule for members, will greatly enhance the achievement of the objectives of imprisonment, if adopted and followed through with by each prison system.

5.0 SUMMARY

This unit has taught us how to handle prisoners in both security and reformation.

6.0 TUTOR-MARKED ASSIGNMENT

How best can a prisoner be treated?

7.0 REFERENCES/FURTHER READING

Article 59 of the United Nations Minimum Standard Rules for the Treatment of Offenders.

Fox, Lionel W., et al (1952). *The English Prison and Borstal System*. London: Routledge and Kegan Paul.

Irwin, John (1980). *Prison in Turmoil*. Canada: Little Brown & Company.

Opara, A. I. (1998). *Criminology and Penology*. Owerri: Cel-Bez & Co. Publishers.

UNIT 2 INMATES/PRISONERS CLASSIFICATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Classification
 - 3.2 Legal Classification
 - 3.3 Prison Classification
 - 3.4 Obstacles to Classification
 - 3.5 Goal Delivery
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Classification of inmates/prisoners is very important in the prison for the purposes of effective security and reformation.

2.0 OBJECTIVES

This unit will enable us to:

- understand why prisoners are classified
- examine the problems encountered during classification.
- understand what goal delivery is.

3.0 MAIN CONTENT

3.1 Classification

Could be defined as the allocation of prisoners to different classes for the purpose of work, living and treatment. In these classified groups, the prisoners live, work and are treated according to their age, sex and record. Classification is a very important function in prison administration. It is so important that in England (where our prison system is derived), complete separate prisons and Borstal institutions are used to house only one class of prisoners. In Nigeria, over population of the prison makes effective classification impossible.

There are two types of classification, namely the legal classification and the prisons classification.

The following are reasons for classification:

- (i) To prevent contamination of the good elements by the bad ones.
- (ii) To facilitate training and treatment of prisoners.
- (iii) To maintain discipline and thereby foster classification.

3.2 Legal Classification

It is determined by the order or sentence of the court. Such order include the following: Those for trial, on remand, imprisonment with hard labour, detained pending the orders from the governor, sentences, to be determined during the president pleasure, death sentence, for debt or as civil or criminal lunatics. The pronouncement of the judge or the magistrate is the major consideration in this type of classification.

3.3 Prison Classification

Prison classification is carried out by the determination of whether the inmates are convicted or unconvicted.

Under the classification of convicted persons, the following categories are reflected:

Detainees, young offenders, debtors, condemned prisoners, star, ordinary, juveniles and females.

Unconvicted prisoners are categorized as follows:

- (a) Those known to have previous convictions
- (b) Those not known to have previous convictions
- (c) Young persons
- (d) Capital cases
- (e) Mental cases

Those not known to have previous conviction(s) are classified separately from other prisoners. They are unconvicted (not imprisoned) awaiting trial and have not been to prison before. They are not kept with those known to have previous conviction. Young persons are separated from adults.

In the same way those with capital offences are separated from those that have minor offences.

Also, those with mental cases are separated from the normal prisoners (those without mental cases).

Convicted Prisoners are categorized viz:

- (a) Debtors (civil prisoners)
- (b) Star
- (c) Ordinary
- (d) Condemned prisoners
- (e) Detainees
- (f) Young offenders (17-21 years)
- (g) Juveniles

As far as possible these must be separated from each other at all times. Every effort should be made to keep young offenders (17-21 years) separate from other prisoners. First offenders and young persons either convicted or on remand should be separated from depraved characters and hardened criminals. Efforts should be made to avoid the association of these persons by day or by night with other remand, trial prisoners or convicted prisoners.

Opara (1998:174) categorized prisoners that should on no account be allocated to an outside working party:

- (a) known escapees
- (b) those with outstanding charges in the court
- (c) prisoners who have disciplinary charges pending
- (d) appellants (appeal against sentence)
- (e) sexual offenders
- (f) those who have more than six months of their sentence to serve; and
- (g) others who, for any reason, the superintendent may consider unsuitable for an outside working party.

3.4 Obstacles to Classification

There are major obstacles which make classification of prisoners difficult, some of which include:

- (i) **Obsolete and insufficient buildings and facilities:** Many of our prison cells and buildings are not quite suitable for the purpose of effective classification. Most of the facilities required for this task are also not in place.
- (ii) **Congestion in our prisons** is another limitation to effective classification in our prisons.
- (iii) **Staff shortage in our prisons** is another obstacle to effective classification.
- (iv) **Insufficient funding of our prison system** is another major obstacle to effective classification.

3.5 Goal Delivery

The process of handing over and taking over duty in the yard is quite sensitive and vital in the day-to-day management of assignment in the prison. This involves taking over responsibility for security and safety of all the beats, properties and the entire inmate population in the prison at a particular point in time.

Handing over and taking over process normally takes place between the morning duty team, the patrol duty shift and between the patrol duty shift and the night duty team. It is a continuous revolving routine.

Before a duty shift can hand over properly to another duty team, they must count the number of inmates and make sure that the number they count corresponds with the number at the gate lodge and that of the records office. The team taking over duty too must cross check the number to make sure that they are not taking over an incorrect or incomplete number.

Anytime the number counted inside the yard does not correspond with that of the record office and the gate lodge, it is mandatory for those on duty to find out where the error comes from. One operational method of detecting the source of such error is a process referred to as goal delivery. Thus, goal delivery refers to a process whereby the inmates in the yard are individually counted and identified one by one with their warrants, anytime the number is not correct. This process helps in detecting who among the inmates is not in the yard. Goal delivery is more or less a mini internal census in the prison.

Goal delivery occasionally serves another purpose of revealing irregularities and errors such as loss of warrants and mistakes in inmates' names arising from the records office.

Goal delivery is carried out only when irregularities are noticed in the lock-up figure, either the number is short or over by one or more.

When it is also discovered that the number is not correct, and did not correspond with the number at the gate and/or did not correspond with the physical number of inmates, goal delivery may be conducted to discover where the surplus or shortage comes from.

In small prisons with low lock-up figure of about 50-100 prisoners, goal delivery may not be necessary to detect who among the inmates is not in the yard any time the number is incorrect. This is so because it is easier for the chief warder and his men to know the inmates and identify them

individually because of the low figure. But the process of goal delivery is inevitable in big prison yards when the number is not correct.

Lock-up Figure Irregularities: Many factors can be responsible for irregularities in figures, which often leads to goal delivery exercise. The imbalances may occur from the staff and at times from the inmates. It could come from the gate lodge, the records office or from one of the poorly managed beats in the yard.

- Sometimes, irregularities may arise as a result of unnoticed escape from inside the yard. This type of escape could occur through the perimeter wall or through crowded and unmoderated visits. It is not uncommon to find awaiting trial inmates that do not wear prison uniform attempting to beat the prison security network by trying to walk briskly out of the prison gate with their visitors. This is the more reason why the officer in charge of visits, the gate man and those sentry beats inside the yard should be extra vigilant to forestall any attempt on the part of the inmates to beat the security system. They must be security-conscious at all times.
- Irregularities can also occur in lock-up figures when warders form the habit of taking number from the inmates or their provost instead of conducting physical count by themselves. Some warders even go to the extent of allowing inmates to go from cell to cell to take numbers for them. Some warders do not even bother to go to the cells at all, they just give numbers based on the figures of the previous day, not minding if there were releases or new admission in such cells.
- Another source of irregularities in figure could be the gate lodge or the records office. If there is any mistake in entering the incoming and outgoing movements of inmates at these two sensitive points; it may also lead to incorrect number in the yard.

Before embarking on goal delivery when number is not correct in the yard, the warder in charge duty and his men first of all search all the nooks and corners of the yard, search all pits, the roofs, check the perimeter walls to see if there are marks. They also cross-check again and again the record office and the gate lodge. After doing this, if the error is not discovered, the officer in charge of the prison can then order the chief warder and the records officer to embark on a goal delivery exercise.

Process of Goal Delivery

To conduct a goal delivery exercise, it is the duty of the records officer to arrange all the inmates' warrants while the chief warden arranges and brings out all the inmates. The warrants would be called one by one while the inmates respond to their names. This process continues until the source of imbalance in the number is detected. If yard escape is noticed in the process, a search party is immediately organized to look for the missing inmate.

Goal delivery is entirely an affair of the prisons. No outsiders are involved in the process.

4.0 CONCLUSION

Both prisoners' classification and goal delivery are ways by which prisons authorities handle the effective management of prisoners. They are particular aspects of prison job that ensure the security and safe keeping of the prisons.

5.0 SUMMARY

This unit has helped us to know how prisoners are classified and why it is important to carry out this exercise. Classification of inmates/prisoners is very important in prison administration as it helps to achieve the objectives of prisoners' reformation and rehabilitation.

6.0 TUTOR-MARKED ASSIGNMENT

- (1) Why do you support the idea that young offenders should be separated from adult inmates?
- (2) Why are prisoners serving terms for sex offences not allowed to go on outside gang?

7.0 REFERENCES/FURTHER READING

Olawale, Wole (2005). *Revisional Digest for Prison Workers*. Owerri: Alphabet Nigeria Publishers.

Opara, A.I. (1998). *Criminology and Penology*. Owerri: Cel-Bez and Co.

UNIT 3 ADJUDICATION IN THE PRISON

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Adjudication
 - 3.2 Staff Adjudication Process
 - 3.3 Prisoner Adjudication Process
 - 3.4 Differences in Proceeding
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Adjudication in the prison has gone a long way in assisting prison authorities to achieve correction in the prison system. This unit exposes us to the methods of adjudication.

2.0 OBJECTIVES

At the end of this unit we shall understand:

- what is meant by adjudication
- the process of adjudication
- those who are involved in the adjudication.

3.0 MAIN CONTENT

3.1 Adjudication

Adjudication generally means to act as judge to hear evidence, examine witness, assess a case and arrive at findings. Adjudication is to sit in judgement over disciplinary issues preferred against a member of subordinate staff or against a prisoner. In a nutshell, adjudication is the process of sitting when an offence is committed against prison discipline. Adjudication helps in the maintenance of law, order and discipline in the prison.

3.2 Staff Adjudication Process

When a warder is alleged to have committed an offence against discipline, a report is made to that effect to the superintendent in-charge

who will then order a preliminary investigation to be carried out after the filling of information before him. Form 96 will be issued to the accused warder, requiring him or her to reply in three days. The form 96 issued to the accused must be returned within 72 hours.

If the accused admits the charge, he will be punished according to law without formal proceeding. If the charge is denied, the adjudicating officer will appoint a date and time for hearing and trial. The place where the hearing and trial are held is called adjudication room. This is usually a place located within the prison. The proceedings are called orderly room proceeding.

When the accused is arraigned before the adjudicating officer, he is marched in without cap or belt by the prosecutor (usually the chief warder), then the charge is read to him and he is required to make a plea. If he pleads not guilty, or he remains silent, plea of not guilty shall be entered and the adjudicating officer will proceed to hear evidence from the prosecution witness in support of the charge, and the accused is allowed to cross-examine the witness if he so desires. Then, the defence and witness make their statements. The prosecution witness then cross-examines the defence. The accused witness then cross-examines the defence. The accused could call witness in support of his defence but will not be represented by anybody. Prisoners could be invited to give evidence for or against the prosecution or defence. The adjudication officer must remain impartial throughout the proceeding. He must not take side with either the defence or the prosecutor.

After hearing the prosecution and the witness and the defence statements, the adjudicating officer will write his summary. At the conclusion of the case, if the evidence fails to prove the prosecution's case convincingly, the adjudicating officer will dismiss the charge and a verdict of not guilty is entered, but if the case is proved the verdict will be guilty. After due consideration, the adjudicating officer awards appropriate punishment. He then signs and dates the proceedings at the end of the process.

3.3 Offences Against Discipline (for Subordinate Prison Officers)

Any subordinate prison officer commits an offence against discipline if he:

- (i) Incites or encourages prisoners to engage in a mutiny or have knowledge of any such mutiny or intended mutiny and does not without delay give information thereof to his superior officer.

- (ii) Strikes or uses violence against or uses threatening or insubordinate language towards his superior officer.
- (iii) Wilfully disobeys any command of his superior officer.
- (iv) Commits the offence of being drunk.
- (v) Without leave from his superior officer, absents himself from quarters or state or deserts or attempts to desert from the prison service, or persuades or endeavours to persuade processes or attempts to procure any person to desert.
- (vi) Is found sleeping or drunk on his post while a guard on sentry, or leaves his post before being regularly relieved.
- (vii) Being employed on duty, is found sleeping or drunk or leaves before regularly relieved (except in pursuit of an escaping prisoner whom he ought to apprehend).
- (viii) Falsely states on enlistment that he has never been convicted or imprisoned for a criminal offence or that he has never served in the prisons department, or the police or the constabulary at a West African colony or protectorate or in the Nigerian military forces.
- (ix) Being under arrest or confinement, leaves or escapes from his confinement, before he is set at liberty by relevant authority.
- (x) Neglects or refuses to assist in the apprehension of any member of prisons department charged with any offence; or pawns, sells, loses by negligence, injures any arms, accoutrements, clothing or any medal or decoration granted him for service or for good conduct.
- (xi) Steals any money or goods which is the property of any member of the prisons department or steals or receives any such money or goods, knowing them to have been stolen or embezzled from any member of the prisons department or from the government.
- (xii) Commits any act of plunder or wanton destruction of property or commits any offence against the person or any inhabitant of the colony and protectorate; or is guilty of any other act, conduct, disorder or neglect as the prejudice of good order and discipline, though not specified in the foregoing cases shall be deemed to have committed an offence against discipline and is liable to punishment according to the degree and nature of offence.

Punishment includes fines, attachment of monetary value to item(s) damaged, suspension from duty, deferment of increment, and in some cases arraignment before a court. Senior prisons officers are subject to the civil service rules like other civil servants.

3.4 Prisoner Adjudication Process

When a prisoner is accused of committing an offence against discipline, the chief warden will bring him before the superintendent in charge after a rub down search, for adjudication. No form 96 is issued to such prisoner.

His number, name, the sentence, dates of sentence and discharges and name of prosecution witness will be entered in the prison adjudication book.

After the prisoner has answered his name and number, the charge will be read to him. Then he will make a plea of whether guilty or not guilty. After the plea, the evidences of the witness and the accused will be taken.

The adjudicating officer could examine any witness or the accused. The accused will be allowed to cross-examine the witness too if he so desires.

After bearing the evidence, the adjudicating officer will determine his findings and where evidence fails to sustain the charge, the charge will be dismissed and where the case is proved, then he will enter the verdict guilty and award punishment accordingly. He then signs and dates the proceedings at the end.

3.4.1 Offences Against Prison Discipline (Prisoners)

- (1) Violation of any of the Regulations of the prison.
- (2) Common assault by one prisoner on another or on an officer
- (3) Indecent or disorderly behaviour.
- (4) Insulting or threatening language to any officer or prisoner.
- (5) Receiving or having in possession any article not allowed by the prison regulation.
- (6) Wilfully injuring or destroying any tools or any clothing or other articles – the property of government.
- (7) Idleness or negligence at work
- (8) Wilful mismanagement of work
- (9) Wilful disabling himself from labour
- (10) Attempting, conspiring, or assisting to escape.
- (11) Secreting any article whatever

- (12) Making any frivolous or groundless complaint.
- (13) Abetting the commission of any prison offence.
- (14) A prisoner leaving without permission from the officer in charge of the gang which he is attached to or the part of the prison to which he is confined.
- (15) Loitering about in the yard or lingering in the yard when they are not opened out.
- (16) Removing, defacing or altering any distinct number or mark worn on the clothing or person.
- (17) Tampering in any way with prison locks, lamps or light or other property.
- (18) Taking without authority any of the prison clothing or any of the prison kits of any other prisoner.
- (19) Manufacturing any article without the knowledge or permission of any officer of the prison.
- (20) Omitting or refusing to help any officer of the prison in case of any attempted escape or an attack upon another prisoner.
- (21) Disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed.
- (22) Any act or conduct prejudicial to good order and discipline
- (23) Personal violence against any officer or servant of the prison.
- (24) Mutiny or incitement to mutiny.

3.5 Differences in Proceeding

There are however a few differences between the process of staff adjudication and that of the prisoner. While an accused staff is arraigned before the adjudicating officer by being matched in without cap and belt, an accused prisoner is only given a rub-down search before appearing before the adjudicating officer without being marched in. At the end of the proceedings, while the staff is matched out of the orderly room, the prisoner is allowed to leave without any formal procedure.

Another major difference is that Form 96 is issued prior to staff adjudication whereas no formal form is issued prior to a prisoner adjudication. Finally, the type of punishment awarded at the end of staff adjudication is quite different from that of the prisoners. However, the sequence of proceedings in both cases is quite similar.

4.0 CONCLUSION

Adjudication in the prison is very important in prison administration; it facilitates reformation and rehabilitation. It also assures the behaviour of the prison staff and prisoners, since they are punished when they offend.

5.0 SUMMARY

It should be noted that without adjudication and the subsequent punishment when found guilty, there will be no order and discipline in the prison.

6.0 TUTOR-MARKED ASSIGNMENT

Has adjudication in the prison anything to do with discipline in the system?

7.0 REFERENCES/FURTHER READING

Opara, A.I. (1998). *Criminology and Penology*. Owerri: Cel-Bez and Co. Publishers.

Olawale, Wole (2005). *Revisional Digest for Prison Workers*. Owerri: Alphabet Nigeria Publishers.

UNIT 4 EXECUTION OF CONDEMNED PRISONER

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Death Penalty
 - 3.2 Methods of execution
 - 3.3 The role of the Sheriff and the Superintendent in charge
 - 3.4 The role of Executioner and Medical Officer
 - 3.5 Prison Escort Duties
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Unlike other classes of prisoners, the condemned prisoners have their own peculiar ways of leaving the prison which is by execution.

2.0 OBJECTIVES

In this unit, we shall establish:

- the meaning of capital punishment
- how condemned convicts are executed
- know what is involved in execution
- the Prison Escort duties.

3.0 MAIN CONTENT

3.1 The Death Penalty

Has a very long history, and can be traced to the Lex Talions doctrine of “eye for an eye”, the punishment of death in the eighteenth century. In Europe, for example, the death penalty was not simply marked by the withdrawal of life, but it was marked by the infliction of graduated pain on the body of the condemned – torture. In order for punishment to be torture, according to Foucault in Cox et al (1989), it must obey two major principles - calculated graduation of pain. This is the art of maintaining life in pain in such a way that death is subdivided into a “thousand deaths”, whereby the production of pain is regulated in terms of its intensity, quality, and duration.

In execution, the aim is only not to kill the criminal, but also to punish the body: a body effaced, reduced to ashes and thrown to the winds; a body destroyed piece by piece; a body boiled or burnt; and a body mutilated, all with the sole aim of making it experience intense pain.

3.2 Methods of Execution

Early methods of capital punishment included beating, such as ancient Assyria, which employed a mallet to crush the skull; beheading, frequently practiced among the Assyrians, Persian, Greeks and Romans; burning practiced even in Europe; cutting asunder, the cutting or sawing of people or mutilating the body until death; crucifixion, was used by the Romans as a method of capital punishment for those not citizens of the empire. It is thought that it originated with Phoenicians from whom it passed to the Greeks and Romans; drowning, a penalty in Babylon for adultery, for being a bad wife, for incest, also practiced by the Jews and Romans; destruction by wild beasts/tearing into pieces by wild beasts was a method of capital punishment among ancient peoples; flaying, skinning a person alive was a practice in ancient Assyria, Persia and Sethia; impaling the criminal on a sharp stick was a common method in Assyria and was usually done by passing a stick to penetrate the body just below the breast bone; stoning was the most prominent method of execution among ancient Hebrews; throwing from heights such as from a steep rock was a method of execution, especially for slaves; strangling was used by the Jews and the Romans; smothering involving suffocation was a common Persian method of capital punishment (Siegel 1992). In Nigeria, the condemned prisoners are taken to the gallows for hanging.

3.3 The Role of the Sheriff and Superintendent In-Charge

The Sheriff: The chief registrar of the high court is the sheriff. In most cases the sheriff remains the Inspector-General of Police. Among its functions, the sheriff fixes the date and time of execution. It is also his duty to execute the death sentence and certify that the order has been carried out by appending his signature on the reverse of the order of execution. It is also mandatory for him to be in attendance at the inquest to give such evidence as may be required by the Coroner. The sheriff also issues instructions to the executioner. It is also compulsory for the sheriff to be present at every execution.

The Superintendent In-charge: The major functions of the officer in charge a prison during an execution include:

Handing over the condemned convict alive to the sheriff. It is also part of his duty in conjunction with the sheriff to fix the date and time of execution. He notifies an impending execution in writing to the sheriff, the coroner, the yard superintendent, ministry of works, the medical

officer and the police for an escort at the time of the removal of the body for burial. It is also his duty to give the main evidence as may be required by the Coroner at the inquest.

It is also the duty of the superintendent of prison where execution is to be carried out to see that the scaffold and all necessary appliances are in good order and that sufficient stock of the following items is kept in place:

The cap

The pinioning apparatus

The execution rope

A bag containing sand equal to the weight of the prisoners in his clothes

A piece of chalk

A piece of thread strong enough to support the rope, without breaking.

A rule or graduated pole, six feet long.

Finally, the superintendent is to be responsible for the day-to-day maintenance of the gallows. He shall carefully examine the conditions and mechanisms of the gallows from time to time and particularly on the last day before an execution and shall obtain a certificate from Public Works Department that the gallows have been tested and is in perfect working order.

3.4 The Role of the Executioner and Medical Officer

The executioner: The executioner is also called a hangman. He works under the direction of the Sheriff. It is the duty of the executioner to see that the head of the condemned person is neatly covered over with a hood. This prevents the condemned person from seeing what happens during the last terrible moment.

It is also his duty to strap a leather belt round the person's body fastening the arms.

It is also his duty to pull the hangman's lever.

He puts and adjusts the hangman's rope round the neck of the condemned person.

It is the executioner that entirely handles the operation of the death machine at the gallows.

The Medical Officer: After leaving the condemned person's lifeless body to hand for about one hour, it is the duty of the medical officer to

climb down the ladder into the pit with his stethoscope to confirm and be absolutely sure that the person is dead.

The medical officer also performs the post mortem examination.

Together with the superintendent in charge of prison and the sheriff, he attends as well as gives evidence at the inquest.

3.5 Prison Escort Duties

Prisoners are not allowed to go anywhere being accompanied by the prison officer in charge. Every movement to be made by a prisoner must be escorted by an officer for security reasons and protection of the prisoner.

Escort duty could be defined as the act of following or accompanying prisoners in order to monitor their movements and activities for security reasons. The major aim of escorting prisoners is to prevent them from escaping or getting involved in unlawful acts while in custody.

Areas where Escort Duty is Performed

Escort duty could be performed in the following areas of assignment:

- a) **To the Court:** Any time inmates are to appear in court for their cases, warders are assigned to escort them to court for security reasons. The armed squad unit of the prisons is presently responsible for this type of escort duty.
- b) **To the Hospital:** It is the duty of warders to escort prisoners to hospitals outside the prison when going for treatment. When taking inmates to the hospital they should be handcuffed. But the handcuff should be unlocked before seeing the doctor. However, a warder escorting prisoner to the hospital is at liberty to use his discretion pertaining to the use of handcuff. The most important thing is that he should bring the inmates safely back to the prison after treatment.
- c) **During Execution:** When a condemned person is due for execution, he should be escorted to the gallows by two or more warders. This type of escort assignment requires great care and attention as the prisoner may be violent or even refuse to move to the gallows.

- d) **On the transfer from Prison to Prison:** When prisoners are proceeding on transfer from one prison to another, they are normally escorted by warders.
- e) When Prisoners are passed out for labour, warders are assigned to escort them for the assignment.

Precautionary Measures to be Taken When Escorting Prisoners

A warder must be security conscious any time he is on escort duty assignment and also, make sure that the prisoners under his care are well monitored and managed. The warder should always remember that he is solely responsible for the safe custody of the prisoners in his charge.

When taking prisoners out for labour, the warder in charge of the gang must ensure that all the prisoners he is taking out are qualified to go out. He must not go out with known escapees, or those having more than six months left to serve. The warder must ensure that the prisoners are marched in twos in silence. He must not keep them out of sight for whatever reason.

When escorting prisoners on transfer from one prison to another, they and the escort will be paraded for inspection by the superintendent in charge or the chief warder who will ensure that the warder in charge complies with the following instructions:

- a) Before prisoners are handcuffed or chained, they should be thoroughly searched and be given an opportunity of visiting the toilet.
- b) The officer in charge of escort must have sufficient handcuff and "D" lock keys according to the number of prisoners being transferred.
- c) A single prisoner will be secured by handcuffing his wrist in front of him.
- d) Two prisoners will be secured together by a pair of handcuff.
- e) In case of three prisoners, two can be handcuffed together and the odd one handcuffed alone.
- f) When four or more prisoners are transferred, they should be secured with gang chain. Gang chains are in two lengths, the 6ft and 12ft. The 6ft secures four prisoners while the 12ft is for eight prisoners. The shorter chain is usually preferable when traveling in a lorry.
- g) When escorting prisoners on transfer, it is not advisable to travel by night. When night comes and you are yet to reach your destination, take the prisoners to a nearby police station and lodge them there till the following morning.

- h) When travelling by lorry, ensure that the vehicle windows are well secured.
- i) Escorting warders should sit at the rear of the vehicle. Prisoners should not be allowed to sit at the “tail board” of the vehicle.
- j) Prisoners should not be exposed to public view while on transfer. Therefore, it is not advisable to use open vehicle to convey prisoners on transfer.
- k) Vehicles conveying prisoners on transfer should, for no reason whatsoever stop unnecessarily on the road for security reasons.

4.0 CONCLUSION

Any time a court order on the condemned convict is carried out, it invariably results in the death of the prisoner.

5.0 SUMMARY

Condemned prisoners must be executed to carry out the order of the court to the fullest.

6.0 TUTOR-MARKED ASSIGNMENT

Who is qualified to be executed?

7.0 REFERENCES/FURTHER READING

Dambazau, A.B. (1999). *Criminology and Criminal Justice*. Kaduna: Nigeria Defence Academy Press.

MODULE 4

Unit 1	Correctional Programmes
Unit 2	Correctional Enhancement Programmes
Unit 3	Discharged Inmates Rehabilitation
Unit 4	Tension Reduction Measures

UNIT 1 CORRECTIONAL PROGRAMMES

CONTENTS

1.0	Introduction
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1.0 INTRODUCTION

Correctional programmes are numerous and Correction officers engage in them in their routine day to day handling of prison inmates. All the correctional programmes are aimed at changing or reforming the inmates to become better citizens so that they will not revert to crime after discharge.

2.0 OBJECTIVES

This unit unfolds:

- programmes for reformation
- applications of the programmes.

3.0 MAIN CONTENT

3.1 Boot Camps

The society believes that military training instils discipline in the lives of trainees. Accordingly, the Boot camp or shock incarceration programmes are among the “hottest” correctional developmental treatments adopted by the prison system towards achieving this goal.

They are designed for young, non-violent offenders serving terms for their first conviction. It features military discipline and physical training. The concept is that short periods (of between 90 to 180) of high intensity exercise and work will “shock” the inmates into going straight (Siegel, 1992:574).

3.2 Private Industry in Prisons

Prison inmates are allowed to manufacture goods for sale and these goods generate funds for both the inmates and government.

A new version of vocational rehabilitation is the development of private industry in within the grounds of the prison. This can take on many different forms, including having private citizens sit on prison industry boards; private vendors who market goods from prison industries; inmates who manufacture and market their own goods (Siegel, 1992:574).

3.3 Free Venture Programmes

In this type of programmes, members of the public who own private industries go to prison to hire labour at a cheaper or lower rate. This creates a symbiotic relationship from which the inmates acquire skills that will help them on discharge and the owners of the private industries benefit.

Siegel (1992:575) noted that free venture programmes were developed in 1980s in Minnesota, USA, Kinshasa, Democratic Republic of Congo and other areas. This programme involves businesses setting up by private enterprises on prison grounds that work with the prison authority to hire inmates at free market wages and produce goods that are competitively marketed.

3.4 Therapy and Counselling

Counsellors are engaged in the prison to take care of individual psychological problems of inmates. In the opinion of Siegel (1992:573), the most traditional type of treatment in prison involves psychological

counselling and therapy. Counselling programmes exist in almost every major constitution. Some of these programmes stress individual treatment with psychotherapy or other techniques.

Group counseling in prison usually tries to stimulate inmates' self-awareness and their ability to deal with everyday problems.

A wide variety of innovative psychological treatment approaches have been used in the prison system: **behaviour therapy** uses tokens to reward conformity and help develop positive behaviour traits; **reality therapy** is meant to help satisfy individuals' needs to be worthwhile to themselves and others.

3.5 Educational Programmes

The first prison treatment programmes were educational in nature. A prison school was opened at the Walnut Street Prison in 1784. Elementary courses were offered in New York's prison system in 1801 and in Pennsylvania in 1844. An actual school system was established in Detroit's House of Corrections in 1870. An Elmira Reformatory opened a vocational trade school in 1876 (Siegel, 1992:574).

The Nigerian Prison system has a more recent and growing tradition of educational rehabilitation. While inmates have been engaged in vocational training since the inception of formal prison system in the country, it is in recent time that educational programmes, of the type further strengthened by the National Open University of Nigeria at the Kirikiri Prison, Lagos, have received much attention.

The South African example offers a good illustration in sub-Saharan Africa; this country's prison system offered educational opportunities to a whole generation of South African political prisoners who became both academically and vocationally well-equipped to play leadership roles in the post-apartheid public and private sectors of their nation's economy.

3.6 Staff Positions and Duties Performed

The Superintendent In-charge is the overall boss of the prison. He is the official representative of the prison authorities. His functions and duties are numerous. However, he delegates some of these duties.

Among his major duties are:

- i. He is in charge of general supervision and administration of prison;
- ii. He receives and oversees the management of rations supplied to the prison. According to cap 366 section 98, he shall from time to

- time test the quality and quantity of the ration given to the prisoners.
- iii. He approves visits to the inmates. He also receives important visitors to the prisons.
 - iv. He receives stores, donations and gifts on behalf of inmates.
 - v. He approves and oversees the safe keeping of prison records and documents.
 - vi. He renders monthly and annual returns of the prisons to the appropriate quarters. He also writes and renders the monthly intelligence reports of the prison.
 - vii. He Oversees and ensures the maintenance of high standard of discipline among the staff and the inmates.
 - viii. He approves annual and casual leaves to staff and reports resumption from leave to the appropriate quarters.
 - ix. He reports escapees via Form 50 and orders search parties.
 - x. He presides over the admission and discharge board. He is the chairman of the boards.
 - xi. He orders and ensures regular searching of the cells, the workshop and the prison kitchen.
 - xii. He recommends inmates for transfer jail delivery and to the prerogative board of mercy.
 - xiii. Approves gangs to be passed out of the prison.
 - xiv. He inspects and addresses staff weekly parade.
 - xv. He approves topics for staff lectures and oversees the conduct of such lectures.
 - xvi. It is his duty to hand over the condemned criminals to the sheriff for execution.
 - xvii. He gives evidence at Coroners inquests court.
 - xviii. He ensures regular maintenance of the gallows.
 - xix. He carries out regular inspection of the yard.
 - xx. He investigates prisoners' complaints.

To be able to carry out these functions effectively, cap-366 section 90 recommends that the Superintendent In-charge should reside very close to the prison. He is directly accountable to the Controller in charge of the state command who in turn reports directly to the Controller-General of prisons, through the zonal coordinators.

The Chief Warder

The Chief Warder is another officer in the general administration of the prison. He works under the instruction of the superintendent in charge. The chief warder is the subordinate head of the junior staff. He acts as the intermediary between the superintendent and the subordinate staff. He is also the functional link between the superintendent and the prisons in the yard. The position of chief warder is very sensitive as far as the

security of the prison is concerned. His major duties include the following:

- i. He ensures that discipline is maintained among the warders and the inmates. He issues form 96.
- ii. He prosecutes during adjudication
- iii. He receives and treats complaints from warders and prisoners.
- iv. He attends to daily weighing of inmates ration. He tests inmates' foods before serving.
- v. He carries out routine inspection of the yard.
- vi. He ensures peace and discipline in warders' barracks.
- vii. He is a member of the admission and discharge boards.
- viii. He passes out gangs and allocates prisoners in the yard.
- ix. He keeps records of location of every prisoner in the yard.
- x. He conducts testing of rods, iron bars and other security devices in the yard.
- xi. In the absence of the superintendent in charge or any other senior officer, he takes charge of the general administration of the prison pending their return.
- xii. He conducts routine search of cells.
- xiii. He conducts inmates' visits. The chief warden works hand in hand with the officer in charge.

The Record Officer

The records office is another important office in the prison yard. The officer in charge of the records office is as important as the office, hence he performs the duties with his subordinates. After the gate man, the next officer to receive the inmate is the records officer.

The following duties are performed by the record officer.

- (i) He conducts the mandatory search on the newly admitted inmates.
- (ii) He enters the particulars in the all classes of prisoners.
- (iii) He enters the particulars in the awaiting trial or convict register, depending on the nature of incarceration.
- (iv) He collects and keeps all the inmates' properties.
- (v) He maintains all the financial transactions of inmates and keeps all remand warrants in the case of AT (M) or (F).
- (vi) He collects and keeps all commitment warrants in the case of convicted prisoners.
- (vii) He receives production warrants from courts and prepares inmates for court.
- (viii) He ensures that all inmates who are due for hearing go to court on the appropriate

date.

- (ix) He keeps and maintains the daily state of the prison.
- (x) He prepares, on behalf of the superintendent, the statistics of the inmates.
- (xi) He reports escapes and deaths to the superintendents in charge.
- (xii) He issues back to the deserving the inmates their properties - may be on discharge.
- (xiii) He gives information about inmates to the courts on request.
- (xiv) He prepares lists for jail delivery for the superintendent in charge.
- (xv) He is fully involved in goal delivery in the yard. He is the person that will bring all inmates' warrants for goal delivery.

The Ration Clerk/Cook Warder

The feeding of inmates is very important. Both the ration clerk and the cook warder are very important as they play crucial roles. In this regards, they carry out the following roles in the feeding of inmates:

- i. Ration clerk receives food items form the ration contractor on behalf of the superintendent in charge.
- ii. He issues out food items to the cook warder.
- iii. He prepares bills for payment of ration contractors.
- iv. He ensures that standard is maintained in the quality of inmates' feeding.
- v. He also maintains the quantity of foods.
- vi. The cook warder supervises the cooking of inmates' food and ensures the quality of food for inmates, determines the quantity of food to be served to the inmates and makes sure that it goes round.

3.7 Skill Acquisition in the Prison

On admission, every prisoner is allowed to choose which trade he or she wants to learn while in the prison. However, prisoners will be guided with the options available, that is, the trades and workshops that are functional in the prison. This is made known to the prisoners by the admission board constituted by the Superintendent in charge of the prison, who must be guided by standing order (S.O) of the Nigeria Prison Service.

This introduces the process of reformation and rehabilitation as the prisoner is introduced to the kind of skill he/she wants to acquire for his/her eventual resettlement on discharge. While he is learning the skill or the trade, he is also under character remoulding. The prison officer in charge of the workshop is performing the duty of reforming the prisoner.

This is done so that the prisoner on discharge would not only have acquire skills but also is reformed. The process of reformation is not the duty of one person (officer) in the prison. It is a collective effort, as there exists division of labour among the officers (reformers). Some officers are tradesmen (in the workshops) while some are general duty officers, medical officers, welfare officers, and so on. All these groups of prison personnel exist for a common purpose.

4.0 CONCLUSION

Prison programmes occupy such a strategic place in the administration of the prison system to the extent that without them, correction of prison inmates would be impossible. This is why it they are viewed seriously for compliance.

5.0 SUMMARY

Some of the prison programmes are designed to cater for the physical and emotional well being of inmates while some are designed in such a way that at the end of a prisoner's term in the prison, he would be, to a large extent, a reformed individual.

6.0 TUTOR-MARKED ASSIGNMENT

1. Which one of the prison programmes, in your opinion, is more effective in the correction of inmates? Give reasons.
2. What are the disadvantages of Boot Camps as a measure of correction in the practices of the prison system?

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Siegal, L. J. (1992). *Criminology*. 4th edition. **U.S.A.**: West Publishing Company.

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UNIT 2 CORRECTIONAL ENHANCEMENT PROGRAMMES

CONTENT

- 1.0 Introduction
- 2.0 Objective
- 3.0 Main Content
 - 3.1 Earning Scheme
 - 3.2 One-third Remission
 - 3.3 Amnesty
 - 3.4 Chaplaincy Fund
 - 3.5 Reformers' Reformation
- 4.0 Conclusion
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1.0 INTRODUCTION

Apart from the correctional programmes, there are other varieties of correctional enhancement programmes that should be considered. These enhancement programmes are boosters, encouragement factors: They make reformation/correction easy.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- identify those programmes that enhance correction
- explain the significance or importance of the reformative practices in place in the prison system.

3.0 MAIN CONTENT

3.1 Earning Scheme

The government does not abandon inmates in prison custody, since welfare of every prisoner is very important to the prison authority. One of these welfare packages meant to buoy the self-esteem and general well being of the inmates is the **earning scheme** which provides payments of different amounts to different categories of convicts. The scheme is handled by the officer in charge of welfare in the prison, under the supervision of the officer in charge station.

At will, inmates can demand that some purchases be made with their own savings. In this scheme, inmates are not allowed to withdraw money for purchases more than half of their saved money. Inmates who are entitled to the scheme are always informed about this. They are not given their money to keep by themselves, rather, the welfare officers open a book where any payment made is recorded against the inmate's name. The only two options available to the inmates on the use of the money are:

1. An inmate can demand that his earning scheme money be used to purchase needed items, but not exceeding half of the total amount.
2. Inmates can decide to leave the saved money untouched and kept to facilitate his rehabilitation or to start life anew on discharge.

Qualification to Participate in the Scheme

All the convicted prisoners who have stayed up to 18 months are qualified to be part of the stakeholders of the scheme. The scheme has different stages for different categories of convicts. What determines the stages is the length of the imprisonment. The stages are:

Stage 1 – 18 months to 3 years

Stage 2 – 3 years to 5 years

Stage 3 – 5 years and etc.

The stage the inmates are determines the amount they receive monthly. And when an inmate gets to another stage his amount increases. Every person in the same stage must receive the same amount.

The earning scheme can be suspended for any inmate who misbehaves while in the prison and will also be reinstated if the inmate starts to behave well again.

3.2 One-Third Remission

One-third remission is in itself good and every prisoner wants to benefit from it.

One-third remission is one of the major tools for effective reformation and rehabilitation. Remission of one-third of a sentence is given only to a prisoner serving a sentence or cumulative sentences which exceed one month, but no convict serving such sentence or sentences shall as a result of such remission serve for a period of less than 30 days (Omu, 2008:83).

The prison standing orders (S.O) empowers the prison authority to divide a prisoner's sentence into three and commute one of the three divisions for a well behaved prisoner. For example, if a prisoner is sentenced to three months (3) imprisonment, with one third remission, it means that the prisoner will now serve only two (2) months.

A prisoner will lose his one-third remission only when such a prisoner refuses to obey prison rules and regulations.

Prisoners make it a point to behave well and obey rules and regulations of the prison authority in order to earn the one-third remission of their sentences. This ambition for the remission which encourages good behaviour provides a good environment for reformation and rehabilitation. Moreover, prison officers capitalize on this submission to rules and regulations to instill the spirit of positive change in them.

However, the following classes of convicts do not earn remission: lifers, debtor prisoners, court martial, condemned convicts, escapees and convicts with specific remarks (calendar year, etc) (Omu, 2008:83). For every 2 days spent in the solitary cell, such a prisoner loses one-day remission (S.O. 151). However this has been overtaken by a recent act in cap 366 section 49 sub-section (2), which provides that for the number of days a prisoner is confined to the punishment cell, he must lose a corresponding number of days remission.

No prisoner would want to stay beyond his expected day of release as a result of misbehaviour. Therefore, conformity to prison rules and regulations becomes the order of the day.

3.3 Amnesty

For well-behaved prisoners and prisoners that obey prison rules and regulations, are recommended for amnesty by the prison authority.

Amnesty is a situation where the State Governor decides to reduce a life imprisonment to a term of imprisonment. That is, reducing life imprisonment to a specific number of years or months of sentence. Again, it could be total release.

Categories of Prisoners for considerations for Amnesty

- A. Convicts who have stayed three years and above and have less than six months of their term left;
- B. Convicts who have served ten years and above;
- C. Old age (sixty years and above) and
- D. Those who have terminal illnesses, e.g. cancers, AIDS.

3.4 Chaplaincy Fund

In agreement with the fact that religion is a good tool for correction, the prison authorities encourage preachers to visit the prisons for ministrations. A honorarium is paid to preachers who go to prison to preach to inmates. It is not a fixed amount; it all depends on the available funds for it and how the officer in charge wants to share it among the preachers. The honorarium is meant to defray their transportation expenses.

This is a proof that religion plays a prominent role in the correction of offenders; hence it attracts this kind of support and encouragement from the authority.

3.5 Reformers' Reformation

Training is a *sine qua non* in the formation of the officers' corps of the Nigeria Prisons Service, and in the inducement of esprit de corps. This is vital today in order to re-invigorate professionalism in the service, more especially to reform the reformers. Prison officers who are recruited to reform offenders (prisoners) come from different family and social backgrounds, therefore they undergo different categories of training in the prison to enable them perform well in the service. The different categories of training are the 3.1, 3.2, 3.3, 3.4, 3.5 CSP courses.

Basic Recruit Course

The basic recruit course is organized for newly recruited junior staff. It is a six months training designed to invigorate professionalism in the service. It is called basic because, through it, the newly recruited staff acquires the basic knowledge of the job.

Inter Cadre Course

This is an intermediate course designed to prepare a junior staff who is clumsy for his job; it is meant for officers moving from Grade level 8 (eight).

Senior Officers Course

This is a course designed to train senior officers. It could be called ASP course and it is categorized into two:

- A. The first category is for university graduates newly recruited into the ASP cadre.

- B. The second category is for serving staff who have been promoted to the SP or ASP from the junior cadre. This ASP course is the same for both new and old staff and its essence is to prepare them for the job.

Command Course and Others

These are courses designed to train officers from the rank of Deputy Controllers of Prisons. They are to prepare them for the tasks ahead. Their next rank of these officers is Controllers of Prisons, which means that any of them can be in charge of any state command.

Command courses are some of the highest courses for the superior officers of the service. They are for the management cadres.

Other courses or training in this category could be designed to train any category of officers, based on what they want them to know.

Examples of these are:

1. Chief Warders Course
2. Cook Warders Course
3. Record Officers Course

Training and re-training of officers is for the purpose of keeping these officers up-to-date and to ensure professionalism within the service and among the officers.

4.0 CONCLUSION

The enhancement programmes, as instruments for effecting reformation and rehabilitation in the prison system, encourage prisoners to obey and adhere to the rules and regulation guiding them without persuasion, hence every prison inmates with good behaviour benefits from them.

5.0 SUMMARY

All of the above programmes enhance correction and reformation of inmates since they involve both the inmates and prison staff. Inmates on their own try to be part of them because of the vocational and financial gains they derive from each of them.

6.0 TUTOR-MARKED ASSIGNMENT

Why is one-third remission the best of all the enhancement programmes?

7.0 REFERENCES/FURTHER READING

Nkwocha, D.I. (2009). *Criminal Justice Administration and Penology: An Introduction*. Owerri: Divine Mercy Publishers.

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UNIT 3 DISCHARGED INMATES REHABILITATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Parole
 - 3.2 Probation
 - 3.3 Skill Acquisition
 - 3.4 After Care Services
 - 3.5 Jail Delivery
 - 3.6 Release/Discharge of Inmates
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

The programmes we are going to treat in this unit take care of inmates during and after discharge and correction outside confinement. This unit will show you what skills can rehabilitate inmates.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- explain what happens to an inmate on discharge and what skills he takes home for his rehabilitation.
- assess the involvement of officers during discharge or release.
- discuss the role of Jail Delivery.

3.0 MAIN CONTENT

3.1 Parole

After observing some inmates' behaviour in the prison, and the inmates having served up to half of their sentences, they can be released on parole.

For Reid (1976:623), parole refers to the release of a person from a correctional facility after he has served part of his sentence. It is distinguished from unconditional release in that the parolee is placed under supervision of the authority and conditions are imposed upon his behaviour.

The decision to grant a prisoner parole is theoretically made after a careful study of the person's backgrounds, behaviour, and potential for success. If the parolee violates the conditions of his or her parole, he or she can be returned to prison to serve the remainder of the original sentence.

The authority to grant parole is usually delegated by statute to some formal body. Some state delegates this authority to prison officials, but in most a semi-autonomous parole board appointed by the governor is maintained.

3.2 Probation

Probation like parole has conditions attached to it before an inmate is allowed to complete his term of imprisonment outside the prison.

According to Reid (1976:623), probation is a sentence that does not involve confinement but does involve conditions imposed by the court. For Cox and Wade (1989:242), probation is the supervised, conditional, and revocable release of an offender into the community in lieu of incarceration. It is a sentence that is served in the community instead of in a prison, and if the conditions of probation are violated, the offender may be sent to prison or jail for the remainder of his or her original sentence.

Both probation and parole are based on the philosophy that the rehabilitation of some individuals might be hindered by imprisonment but/and will be aided by supervised freedom.

Probation is granted by a judge.

3.3 Skill Acquisition in the Prison

On admission, every prisoner is allowed to choose a trade he or she wants to learn while in the prison. Though prisoners will be guided by the options available; that is, the trades and workshops that are functional in the prison. These options are made known to the prisoners by the admission board constituted by the in charge prison who must be guided by the standing order (S.O.) of the Nigeria prison service.

This service introduces the process of reformation and rehabilitation as the prisoner is introduced to the kind of skill he/she wants to acquire for his/her eventual resettlement on discharge. While he is learning the skill or the trade, he is also under character remoulding. The person in charge of the workshop who is a prison officer is on duty for this reformatory work on the prisoner.

This is done so that the prisoners on discharge will not only have acquired skills but will also be reformed. The process of reformation is not the duty of one person (officer) in the prison. It is a collective effort of many as there exists division of labour among the officers (reformers). Some officers are tradesmen (in the workshops), some are general duty officers, medical officers, welfare officers, and so on. All these various groups exist for a common purpose, which is to cater for and reform the inmates for a useful lives outside the walls of the prisons on discharge.

3.4 After Care Services

According to Nkwocha (2009), the Controller of Prisons circular No NPS 587/S.107/111/685 of 10th January 2003 defined after-care as a social rehabilitation programme for prisoners upon their discharge; it is essentially a programme in which prisoners are taught how to succeed outside the prison environment and are given tools to succeed.

After-care service for an offender begins the moment he or she comes into the prison. Contacts and programme regimes that will promote the best interest of the offender and his eventual social rehabilitation are devised and enhanced; an inmate action plan for the future would also be carefully nurtured to enhance their commitment.

After-care service is thus a partnership programme expected to involve the prison, the offender, his family, voluntary agencies and the community. The most vital contribution the prison can make towards public security and safety is to properly prepare offenders for release. The United Nations Standard Minimum Rule for the Treatment of Offenders recognizes that the duty of society does not end with a prisoner's release. There should therefore exist governmental or private agencies capable of lending the released efficient after-care facilitation directed towards the lessening of prejudice against him and towards his social rehabilitation.

After-care Programme is run on the premise that every offender, given the necessary resources capable of addressing his specific needs, has the capacity to reform.

Who Benefits

The ultimate beneficiary of this service is society. Where offenders are not trained and given the benefit of after-care service, the probability of re-offence is increased in them and the society is exposed to more injury.

The prisoners benefit too, because they are empowered through the after-care services to lead a productive law-abiding life.

The Target Group for After-care Service

Prisoners who have completed their prison terms as well as juveniles who have graduated from the Borstal Training Institutions who have been adjudged needful, owing to the personal circumstances which are likely to predispose them to crime.

Prisoners who have followed their sentencing planning programmes through and appear to have responded positively to behaviour modification programmes are also to benefit from the after-care service.

The training and treatment programmes in the prisons will not be complete without an after-care service as a necessary back-up to ensure that this investment translates into effective social resettlement of prisoners. After-care programmes will also ensure the right of prisoners to proper reintegration into society and protect them from facing a double jeopardy of being subsequently punished for going to prison.

The period for the after-care services is always between six to one years.

Duties of After-Care Officer in the Prison

The after-care officers have the following responsibilities to perform in the prison yard:

- Receiving discharged prisoners requesting for ACO services in their localities.
- Keeping a register of such persons.
- Befriending and helping discharged prisoners to provide solutions to their problems upon release from prison.
- Coordinating after-care work of voluntary bodies/workers.
- Writing monthly reports of job done.
- Conducting after-care casework interview for prisoners in the yard.
- Organizing pre-release programmes for prisoners about to be discharged.

3.5 Jail Delivery

A regular problem of prisons in Nigeria is congestion. This refers to a situation whereby a prison accommodates inmates above its normal/prescribed capacity. Congestion makes it difficult for coordinating officials to smoothly attain their target aims of effective

custody, reform and rehabilitation. Congestion often leads to overstressing of existing facilities in the prison. It also has some negative effects on the health of the inmates.

In the process of finding a solution to this challenge, the judge or magistrate is at liberty to set some inmates, who fall under his parameters for release, free from prison. These parameters include:

1. Old Age
2. Health condition
3. Nature of offence and period spent in detention (for minor offenders).

The chief judge decides a date for jail delivery; after receiving complaints of congestion through the monthly returns forwarded by the prisons authorities. On the day of the visit, he is normally accompanied by some of the court magistrates in that jurisdiction, the court registrar, and court prosecutor. All these officials in his entourage have one advisory role or the other to play to make the exercise a successful one.

Where an inmate had stayed several years in the prison and has become very old, if his offence is not a capital one, he can be released outright on ground of old age. Similarly when the health of an inmate deteriorates to a point that the prison can do little or nothing to save his life, he may be released outright, if he is not a capital offender. If he happens to be a capital offender, the judge may grant him bail with good surety. He cannot be released simply because he is sick. The reason for releasing such offenders would be to seek for suitable healthcare for them and thus save their lives. Also, if a person who is facing a minor charge such as assault or theft stays in detention for a period longer than his sentence would have been if found guilty, the chief judge can release such inmate.

The Process of Jail Delivery

The chief warder and the records officer have very important roles to play in the arrangements preceding the actual process of jail delivery. It is the duty of the records officer to compile a comprehensive list of inmates that are being recommended for the exercise on the instruction of the officer in charge of prison. A copy of such compiled list must be made available to the chief judge or senior magistrate well in advance of the date of the exercise.

On the day of the exercise, it is the duty of the chief warder to arrange the concerned inmates in a hall pending the arrival of the judge or magistrate. The records officer too has a principal duty of arranging the warrants of all the inmates on a recommended list for presentation to the

judge or magistrate. The latter settles down and calls the inmates one after the other. He then asked question such as:

- What is your name?
- For how long have you been in this prison?
- Were you granted bail?
- Do you have any complaint to make?

After listening to them, the judge will make some entries in their warrants whether to be released or not. Apart from decongesting the prison, jail delivery is a periodic judicial exercise that is aimed at making sure that nobody is wrongly or illegally detained in prison custody for whatever reason. Inmates with complicated capital cases such as arson, armed robbery, fraud and felony are usually not considered to be beneficiaries during jail delivery. Condemned criminals too are not considered for release during the exercise. As soon as an inmate is released by the judge or magistrate in the process of jail delivery, the prisons authorities have no power to detain or keep such inmate further. As soon as the chief judge or senior magistrate departs, all released inmates must be discharged accordingly.

3.6 Release/Discharge of Inmates

Inmates must be released some day from prison. This suggests that it is not a permanent home. Although at times, life imprisonment can be converted to a specific term of imprisonment, which means that one day that person must be discharged to become free again.

Discharge List

Discharge list refers to a compilation of the names of convicted prisoners due for discharge six weeks before the first day of the month to which it relates. The list is normally prepared by the officer in charge of records. It is also referred to as prison Form 81.

The completed discharge list is normally sent to:

- i. The State Criminal Investigation Department
- ii. Controller General of Prisons
- iii. Officer in charge of Station Police
- iv. The Registrar of Criminals, Abuja.

Discharge Process

The superintendent in charge of prison is responsible for the discharge of all prisoners at the expiration of their terms. All prisoners that are due

for discharge must be seen by the superintendent in charge on the discharge day or the previous day. On the discharge of a prisoner, the clothes in which he was admitted, and any other articles he brought with him on his admission shall be returned to him. He should be allowed to have his cloth washed and well cleaned a day before his discharge to make him appear good on discharge. Also on the day of discharge, the prisoner is seen by the Medical Officer and certified fit to be discharged. The prisoner will then be issued with his clothes and every other property in the custody of the records office.

Under normal circumstances, a prisoner may however be discharged at an earlier hour to enable him catch up with transport that is leaving before 09:00 hours. This will be at the discretion of the officer in charge of prison. No prisoner should be discharged a day before his due date for whatever reason. Every prisoner must be weighed before discharge. A prisoner will also be given normal first meal of the day in the morning of release. Where a prisoner has a long journey to make, he is issued with dry rations for the journey or money in lieu. Prisoners due for discharge on Sunday or public holidays will be discharged on the previous day.

The discharged prisoner will be escorted to the gate by the record officer and the gate keeper will help check and see that the real person is being discharged and that all his belongings are handed over to him correctly.

Head of State Special Order of Release

The head of state can grant an order of release on the following grounds:

- a. Governor's instructions
- b. As a result of prisoner's petition
- c. Persons detained on the Head of State's pleasure
- d. As a result of prisoner's appeal.

Discharge Board

The discharge board is made up of the following:
The Superintendent in charge or his representative
The Chief Warder
The Welfare officer
The Medical Officer
The Records Officer.

4.0 CONCLUSION

Prison authorities have a long view that goes beyond the reformation of prison inmates. This view informs the after-care services rendered to discharged inmates that ease the process of re-acclimatization to life in their various communities on discharge.

5.0 SUMMARY

All the programmes and processes treated in this unit are in agreement with and constitute prerequisites for prisons rehabilitation of inmates on discharge. The programmes, in particular, are meant to ensure that inmates are not just discharged into the society after correction unprepared for a better life as law abiding and gainfully employed members of society.

6.0 TUTOR-MARKED ASSIGNMENT

1. Differentiate between Parole and Probation.
2. Do you see any need for after care services?

7.0 REFERENCES/FURTHER READING

Reid, J.D. (1976). *Crime and Criminology*. New York: The Dryden Press.

Cox and Wade (1989). *The Criminal Justice Network: An Introduction*. Iowa: W.M.C. Brown Publishers.

Nkwocha, D.I. (2009). *Criminal Justice Administration and Penology: An Introduction*. Owerri: Divine Mercy Publishers.

UNIT 4 TENSION REDUCTION MEASURES

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Conjugal Visit
 - 3.2 Religious Programmes
 - 3.3 Recreational Facilities
 - 3.4 Good and Adequate Ration
 - 3.5 Good Medicare
 - 3.6 Conventional Visit
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Some measures are taken by the prisons authorities to reduce tension levels among prison inmates. These measures, which we are going to treat in this unit, are necessary inmate welfare programmes that help to maintain both physical and mental well being of prisoners as well as also help correction officers in performing their duties towards the inmates.

2.0 OBJECTIVES

At the end of this unit, you should be able to we shall know:

- understand why these programmes are called tension reduction measures
- how they contribute to or aid the maintenance of peace and reformation in the prison system.

3.0 MAIN CONTENT

3.1 Conjugal Visit

The motive behind this privilege is the principle that the sexual life of a prisoner should not be terminated by imprisonment. The urge in every man to have sex can only be reduced hence the man is under incarceration; but to stop this urge totally is inappropriate except the curtailment or total stoppage is linked to an extant biological challenge.

According to Reid (1976:14), one of the approaches to the sexual adjustment problems of inmates is a system of conjugal visiting. This is an attempt on the part of penal administrators to provide prisoners with some sexual and social contacts with their spouses in a relaxed, unsupervised, special area of the prison community. During the visit the couple may engage in sexual intercourse, just be alone together or use the time in any other way they choose. In some cases, the visit has been expanded to include the entire nuclear family, not just the spouse.

Examples of countries that practice conjugal visit are:

- a. Sweden
 - b. Mexico
 - c. United States of America
- Omu (2008:59-60).

3.2 Religious Programmes

According to Olawale (2005), religious instruction can help the system to achieve the goal of moral rearmament of prison inmates. In every prison, religious activities take place. Christians are allowed to go inside the prison to preach; so also are the Moslems allowed to go inside and preach to their members. This is aimed at making inmates focus their attention on God and begin to ask for forgiveness. The programme is capable of and has often led to repentance by the prisoners; by so doing they will not go back to crime again. And while in the prison, it helps them to relax their minds.

3.3 Recreational Facilities

According to Cox and Wade (1982:23), the potential for successful rehabilitation in prison depends upon a number of factors. Two of the most important factors are the presence of qualified staff members in sufficient numbers and creation of an atmosphere conducive to rehabilitation. Such recreational facilities as football fields, handball pitches, indoor games like *ludo* and scrabble, monopoly, etc create an atmosphere conducive to rehabilitation.

During the periods designated for recreation, inmates are engaged in one or the other game or sporting activity and thus do not have troubled minds. To encourage this programme of recreation, some prison authorities donate trophies for competition among different cell members, especially in the game of football. The spirit of healthy competition engendered in this manner goes a long way in reducing tension among the participating inmates. Hence it reduces their period of thinking about their conditions of incarceration (imprisonment).

3.4 Good Ration

As we all know a hungry man is never happy person in a society. Many of his thoughts dwell on bad or evil things. And the hope of every man held in prison lies in the hands of the keeper to provide his feeding and other things. Most often, prisoners' complaints are mostly about feeding.

Any attempt to compromise standards in the supply of prisoners' rations or the sharing out of rations, either raw or cooked, by the officer in charge are avoided. Staff or prisoners are prohibited from this act and it is seen as an offence and is so treated according to the provisions in the prisons regulations. Hence adequate and good food supply makes prisoners look physically healthy and mentally relaxed.

3.5 Good Medicare

Like the recreational facilities, good medicare is as important as good and adequate rations (feeding). Inmates are human beings who are likely to breakdown as a result of ill health at one time or the other. This fact informed the establishment of clinics or hospitals as the case may be in every prison. The essence is to provide good medicare for inmates who have no relatives around to cater for their welfare, especially when they are ill.

If death rate within the prison yard is reduced as a result of good medicare, then tension is reduced since a high death rate in the prison creates a testy atmosphere in the prison system. And even the authority will not be comfortable or at ease until the matter is addressed.

Inmates' health is guaranteed with the provision of good medicare, which complement other factors that play other roles in assuring the well being of inmates, e.g. feeding. According to Reid (1976: 680), it is a constitutional right of the inmates to be afforded medical treatment when the need arises.

3.6 Conventional Visit

According to Omu (2008: 55), a prisoner is entitled to visits from his relations, friends and lawyers. The visiting time, however, varies according to the class of prisoners. For example, for awaiting trials, the time of visits is between 9:00 am to 1:30 pm on Sundays and at such other time as the superintendent may arrange. Prisoners are visited on application to the officer in charge submitted not later than Thursday of the week against a Sunday visit (S.O. 188).

According to Reid (1976: 666), courts have held that the visitation rights of inmates may be regulated by prison officials. Inmates are allowed to see their relatives during visit, which makes them relax their minds, especially when the visits are supervised and visitors are not allowed to pass on bad information to inmates, e.g. death of a relation.

4.0 CONCLUSION

The tension-reducing programmes we have discussed in this unit help to pacify the minds of prison inmates who naturally are liable to be worried due to the curtailment of their freedom and the general prison conditions in which they find themselves. As they participate in these programmes, their minds are relaxed and are thus better able to cope with their situation.

5.0 SUMMARY

A man whose freedom is curtailed as a prisoner is of a nature under tension. This is why the provision of his immediate needs through well designed programmes reduces his tension.

6.0 TUTOR-MARKED ASSIGNMENT

Use 5 reasons to present an argument in support of conjugal visit.

7.0 REFERENCES/FURTHER READING

Reid, J.D. (1976). *Crime and Criminology*. U.S.A.: The Dryden Press.

Nkwocha, D.I. (2009). *Criminal Justice Administration and Penology: An Introduction*. Owerri: Divine Mercy Publishers.

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MODULE 5

Unit 1	Theory 1 (Punishment) – Deterrent theory
Unit 2	Theory 2 (Correctional) – Imitation Theory

UNIT 1 THEORY 1 (PUNISHMENT) – DETERRENT THEORY**CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Deterrent theory
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

When punishment is inflicted (administered) on the offender (deviant), it is believed that it will serve as a deterrent to other members of the society. It is on this premise that J. Bentham theorized.

2.0 OBJECTIVES

This unit will enable you to:

- understand the rationale behind the theory of punishment in penology
- discuss the deterrent goal of the theory of punishment in the crime prevention.

3.0 MAIN CONTENT**3.1 Deterrent Theory**

One of the primitive methods of punishment believes in the fact that if severe punishment were inflicted on the offender it would deter him from repeating that crime. Those who commit crime, it is assumed, derive a mental satisfaction or a feeling of enjoyment in the act. To neutralize this inclination of the mind, punishment inflicts equal quantum of suffering on the offender so that it is no longer attractive for him to carry out such committal of crimes. Pleasure and pain are two

physical feelings or sensations that nature has provided to mankind, to enable him to do certain things or to desist from certain things, or to undo wrong things previously done by him. It is like providing both a powerful engine and an equally powerful brake in the automobile impelled by taste and good appetite, which are feelings of pleasure a man gets from over-eating. Gluttony and Surfeit make him obese and he starts suffering disease. This causes pain. He consults a doctor and thereafter starts dieting. Thus the person before eating in the same way would think twice and may not at all take that food.

In social life punishment introduces the element of 'pain' to correct the excess action of a person carried out by the impulse (pleasure) of his mind. We all like very much to seize opportunities, but abhor when we face threats. But in reality pain, threat or challenges actually strengthen and purify a man and so an organization.

The basic idea of deterrence is to deter both offenders and others from committing a similar offence. But also inherent in Bentham's theory was the idea that punishment would also provide an opportunity for reform.

While a person goes on seeking pleasure, he also takes steps to avoid pain. This is a new system of political philosophy and ethics developed by Jerome Bentham and John Stuart in the 19th century called **utilitarianism**. It postulates that human efforts are geared toward "maximization of pleasure and maximum minimization of pain as the goal... "The main ethical imperative of utilitarianism is, the greatest good for the largest number of people; or the greatest number of goods for the greatest number of people". The fear of consequent punishment at the hands of law should act as a check from committing crimes by people. The law violator not merely gets punishment, but he has to undergo an obnoxious process like arrest, production before a magistrate, trial in a criminal court, etc. This brings about a social stigma to him as the accused. All these infuse a sense of fear and pain and one thinks twice before venturing to commit a crime, unless he is a hardcore criminal, or one who has developed a habit for committing crimes.

Deterrent theory believes in giving exemplary punishment through adequate penalty.

4.0 CONCLUSION

As we have seen, this theory stresses the need to punish offenders as it will hinder them from further commission of crime.

5.0 SUMMARY

Punishment deters further commission of crimes as stressed by J. Bentham in his theory of deterrence.

6.0 TUTOR-MARKED ASSIGNMENT

Mention a common punishment on offender in Nigeria that can prove this theory, and why you believe it?

7.0 REFERENCES/FURTHER READING

Nkwocha, D.I. (2009). *Criminal Justice Administration and Penology: An Introduction*. Owerri: Divine Mercy Publishers.

UNIT 2 THEORY 2 (CORRECTIONAL) IMITATION THEORY

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Imitation Theory
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

This unit treats the theory that stipulates that prison inmates are charged with the obligations to learn things that will help change their lives within the prison and on discharge. On the other hand, the responsibility of teaching those things lies with the correction (prison) officers.

2.0 OBJECTIVES

At the end of this unit, we shall

- know how limitation theory helps in the reform process of the inmates
- understand the relationship between prison inmates and prison officers in respect of correction.

3.0 MAIN CONTENT

3.1 Imitation Theory

Tarde's social process theory of criminal behaviour is reflected in his belief that all of the important acts of social life are carried out under the domination of example. Upon this belief, he formulated his theory of imitation, through which he explained the process of acquiring criminal behaviour. He advocated that his theory applies not only to criminal behaviour but also to other types of behaviour, such as suicides, stealing, and assassination. All such acts done as people imitate others.

Gabriel Tarde's Laws of Imitation

1. The first law of imitation is that men imitate one another in proportion as they are in close contact;

2. The second law of imitation is that the inferior imitates the superior. Peasants imitate royalty, small town and rural residents imitate the acts of city residents.
3. The third law of imitation is the law of insertion; “when two mutually exclusive fashions come together, one can be substituted for the other. When this happens, there is decline in the older method and an increase in the newer method. He explains this, using the gun rather than the knife for murder (Reid 1976:210).

Gabriel Tarde’s theory of imitation is applied in this work to explain how the prisoners imitate and why they should imitate the prison officials. Tarde says that all important acts of social life are carried out under the domination of example. This informed why it is possible to reform prison inmates. There is a high level of close contact between the prison inmates and the prison officials and that is why the prison inmates imitate the prison officials in consonance with Gabriel Tarde’s second law of imitation, which states that, the inferior imitates the superior.

4.0 CONCLUSION

The imitation theory, as explained in this unit, emphasizes the relationship that exists between prison inmates and prison authority (correction officers) and the beneficial effect of this relationship on the inmates who see the officers as role models.

5.0 SUMMARY

The society’s expectation is that on discharge, the life of every prison inmate should be changed for good. A comfortable way of doing this is to provide an enabling environment for inmates to imitate the prison officers with whom they interact on a daily basis during their period of incarceration.

6.0 TUTOR-MARKED ASSIGNMENT

With (3) three points criticize this theory.

7.0 REFERENCES/FURTHER READING

Reid, J.D (1976). *Crime and Criminology*. New York: The Dryden Press.

Nkwocha, D.I. (2009). *Criminal Justice Administration: An Introduction*. Owerri: Divine Mercy Publishers.

MODULE 6

Unit 1	Problems of Correction – Trafficking
Unit 2	Problems of Correction – Poor Funding
Unit 3	Problems of Correction – Congestion
Unit 4	Problems of Correction – Homosexuality

UNIT 1 PROBLEMS OF CORRECTION - TRAFFICKING

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Meaning of Trafficking
3.2	Causes of Trafficking
3.3	Evils of Trafficking
3.4	Escape and Recapture
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References/Further Reading

1.0 INTRODUCTION

Trafficking in prison is as dangerous as bribery and corruption. It is a big problem that hampers reformation and correction of inmates.

2.0 OBJECTIVES

This will enable you to:

- understand the causes of trafficking
- appreciate the consequences of trafficking
- know the meaning of escape and recapture.

3.0 MAIN CONTENT

3.1 Meaning of Trafficking

Trafficking in very simple terms is the unauthorized or ‘unpermitted’ transmission of either a message or item into or out of the prison; that is, when such message or item is sanctioned by the prison authority.

According to Omu (2008:96) trafficking is the act of taking in, throwing in, attempting to take in, or taking out of all unauthorized articles or information into and from a prison. In the views of Olawale (2005), it is all unauthorized transaction or communication with prisoners by either a staff or an outside visitor through negligence of duty by custodial staff.

3.2 Causes of Trafficking

Like every other corrupt practice, those who engage in trafficking have given one or two reasons for their involvement as poor salary, irregular payment of salary on the part of authority to staff. On the other hand, inmates who engage in trafficking say that since they do not have any means of livelihood while in the prison, selling of any item that is available to them helps them make some money for occasional purchases.

Nkwocha (2008) views the causes of trafficking from two different perspectives. The first perspective is as a result of the reformation by ill-prepared reformers. By this he means that not all reformers are well reformed, thus affecting their input in the task of reformation/correction. The second cause of trafficking is from the perspective of awaiting trial inmates and prisoners who are serving short terms sentences and indeed never engage in reformatory measures due to time factor that will not allow proper planning for them.

3.3 Evils of Trafficking

Many ills bedeviling the staff, inmates and the prison system in general are attributable to the menace of trafficking.

According to Nkwocha (2009), the resultant evils of trafficking include:

- (a) Riot or disorderly conduct by inmates
- (b) Break down of law and order
- (c) Deaths of both staff and inmates
- (d) Retardation of reformation of inmates
- (e) Escapes

3.4 Escape and Recapture

Escape could be defined as gaining illegal freedom from lawful custody. It could also be seen as the ability of an inmate to beat the security network of the prisons to gain illegal freedom from lawful custody. Escape can occur during labour or gang duties outside the prison or inside the prison. Escape is a very serious challenge as far as the prison

is concerned. Escape can also occur when inmates on admission in hospitals are not well monitored or guarded.

Reasons for Escape

Several reasons are responsible for escapes in our prisons. Among them are:

- i. Carelessness on the part of the warder, by keeping prisoners out of sight while on outside gang or sending prisoners on errands unescorted while outside the walls of the prison.
- ii. Another reason for escape is the habit of taking out unqualified prisoners to work without confirming their eligibility for outside gang from the records office.
- iii. “Unholy” relationship between warders and prisoners, which makes warders to trust inmates and thereby allowing them to work or go on errands unescorted while on outside gang.
- iv. Allowing prisoners to go on outside labour with clothing other than their real uniform.
- v. Allowing prisoners to be in possession of large sums of money while going on outside labour.
- vi. Allowing a warder to take out more than four prisoners at a time for outside labour.
- vii. Lack of supervision of the inmates by warders while working outside.
- viii. Sending prisoners to work outside during weekends.
- ix. Allowing prisoners to have access to uncensored information and communication gadgets such as radio and GSM handsets.
- x. Irregular searching and checking of burglary proof on windows and doors to ensure that their integrity is uncompromised.
- xi. Prison congestion and poorly coordinated visits.
- xii. A porous prison gate with an inexperienced and inefficient gate man.
- xiii. Irregular night inspection on the part of the senior officer and the chief warders.
- xiv. Leaving ladders, tables and poles carelessly in the yard.
- xv. Trafficking which allows prisoners to have access to saw blades, acid and other dangerous weapons such as guns and knives which can be used to plan mass escape.
- xvi. Keeping dangerous weapons used in prison kitchen such as knives carelessly.
- xvii. Handing over prison keys to prisoners by warders for whatever reason.
- xviii. Drunkenness or sleeping on duty can facilitate escape on outside gang and inside the prison yard.

- xix. Shortage of staff and faulty duty roster leaving some beats uncovered particularly at night.
- xx. The habit of eating, drinking and sharing of Indian hemp with prisoners while on duty. A warder can easily be poisoned or drugged in the process to give room for escape.
- xxi. Leaving sick prisoners on admission in hospital wards without applying mechanical restraints as stipulated by regulation coupled with lateness or absenteeism from duty.

Prevention of Escape

To prevent escape in our prisons, warders should be security conscious at all times. When they take out prisoners, they should ensure that prisoners are not allowed to go anywhere unescorted. Ever when prisoners want to go to toilet, they should be escorted. Chief warders should ensure that unqualified prisoners are not allowed to go on outside labour with money or extra clothing. Regular night inspections should be encouraged among the senior officers. Regular searching of cells and rod testing should also be encouraged.

Prisoners should not be allowed to have access to uncensored information and communication gadgets such as radio and GSM handsets. Ladders, tables, poles, kitchen care and knives should not be left carelessly in the yard. The kitchen keys should always be kept at the gate lodge after use. Warders should stop the habit of giving cell keys to inmates for whatever reason.

More staff should be deployed to work in the yard and the chief warder should always ensure that he covers all beats in his roster. Prisoners should not be left on sick beds in the hospital without chaining them to the bed according to law. "Unholy" relationship leading to unlawful familiarization with inmates should be discouraged among staff. The problem of congestion in our prison should also be addressed. It should be ensured that not too many prisoners are engaged to work at the gate lodge and the prisoners' offices.

Escape Chart and Recapture

Escape Chart is a chart containing relevant information about an escape. It contains details such as number, sentence of escapee, date of recapture, punishment and other relevant information about an escape. Escape chart is kept on the wall of the records office and at the gate lodge. It is a compilation of the records office.

Recapture means re-arresting an escaped prisoner. A warder has the power to arrest an escaped prisoner anywhere he sees him. But he must

be very careful in doing this. Immediately an escape is reported to the officer-in-charge, a search party is usually constituted to search for and re-arrest the escapee. When an escapee is recaptured, he is charged to court for escaping from lawful custody and subsequently given an additional sentence. A recaptured escapee is not allowed to go on outside labour for whatever reason.

4.0 CONCLUSION

Escape is a very serious matter as far as the prison is concerned. This is why the Prison authority makes all possible efforts to forestall escape and prevent further occurrences.

5.0 SUMMARY

Every society views trafficking as serious challenge to the penal system, for the fact that it retards reformation and rehabilitation, which are the main aims of imprisonment.

6.0 TUTOR-MARKED ASSIGNMENT

1. Why is the society totally opposed to trafficking?
2. What are the gains of trafficking to prison inmates?

7.0 REFERENCES/FURTHER READING

- Omu, L. (2008). *Basic Principles of Penology in Nigeria*. Port Harcourt: Anyifovy Complex.
- Olawale, Wole (2005). *Revisional Digest for Prison Workers*. Owerri: Alphabet Nigeria Publishers.
- Nkwocha, D.I. (2009). *Criminal Justice Administration and Penology: An Introduction*. Owerri: Divine Mercy Publishers.

UNIT 2 PROBLEMS OF CORRECTION – POOR FUNDING

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Poor Ration
 - 3.2 Poor Medication
 - 3.3 Consequences of Imprisonment
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

No organization can work effectively without proper funding. Therefore adequate and proper funding of prison makes things go according to plans and programmes, while poor funding hinders correction.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- understand the effects of poor funding on both inmates and prison authority
- know what is meant by poorly equipped workshops.
- discuss the consequences of imprisonment.

Inadequate funding of prison has had many deleterious effects on correction in the prison system. According to Olawale (2005:18), prison workshops are grossly neglected with only obsolete and non-functional machines and equipment. The prison is also incapacitated as a result of non-availability of the basic logistics the workers require for carrying out their professional assignments.

3.0 MAIN CONTENT

3.1 Poor Ration

As we have discussed in the preceding unit, insufficient funding has many untoward repercussions on the operations of the prison system. And as we shall find out in this unit, another problem resulting from poor funding, which bedevils correction is the issue of poor ration. If

prisoners are not well fed, the reformatory and rehabilitative activities are jeopardised. A hungry man, as we know, is an angry man. In such a situation, nothing works well. If prisoners are not well fed, a high death rate is always recorded as they easily contract diseases.

Omu (2008:54), has recognised this issue of low ration (food) administered to the inmates as a critical challenge in prison administration. It has to be noted though that the type of food items needed in a particular prison depend on the locality; but the important point is that whichever food items are available should be served to the inmates in sufficient rations.

3.2 Poor Medication

For Omu (2008:143), the Nigerian prisons health sector is one of the most organized in terms of personnel. There are medical Doctors, Nurses, Environmental Health Officers, Community Health Workers, Pharmacists, Medical Laboratory Technicians, etc but the problem is the availability of drugs and other medical and laboratory equipment for effective health delivery.

3.3 Consequences of Imprisonment

Waste in human resource: the vast majority of prison inmates belong to the 16-50 years economically-productive age bracket; it is a well documented fact that a number of the awaiting trial inmates remain in prison in a most dehumanizing condition for many years. The extent of the resources wasted on both sides, that is the government and the unconvicted inmates, can thus be deduced.

Exposure to Disease: Immense emotional and psychological stress is common antecedents of the custodial circumstances of imprisonment. Thus, for example, the spread of a communicable air-borne disease such as tuberculosis or even HIV/AIDS continues unchecked aided by the congested state of most prisons.

Social Ostracism: The social attitude of rejection of released inmates and certain government provisions, especially those requiring applicants for jobs to indicate past convictions, have the effects of limiting opportunities and pushing discharged convicts into criminal activity as an option for survival.

Consequences of Imprisonment on Government

Cost implication: maintenance of round the clock prison security, infrastructure and provision of other support services to the prison

system is an enormous capital intensive social responsibility on the government. The bulk of the funds which is being expended on the over 70% pre-trial detainees are resources which could have been otherwise best applied in solving numerous other needs of governance or improving the existing standards of care and reform efforts at the prisons if the number of inmate population were fewer. This fact underscores the needless resource waste.

Political Dimension: the high number of pre-trial detainees who are in custody due to the obvious inadequacies of the country's criminal justice apparatus is often an indicator of the extent to which the rights of the detainees is respected. This has obvious political implications as countries manifesting gross human rights abuses are accorded pariah status amongst the comity of nations. Nigeria cannot afford to be so stigmatized.

Effect on Functional Efficiency of the Prison System: The prison community is in a constant complex state. Round the clock supervision of inmates is an arduous task fraught with danger from frequent contact with hardened criminals. For example, of the 112 reported cases of escapes by inmates during the year 2000, only 29 or 25% of these were recaptured. While it can be conceded that limitation in surveillance appliances could contribute to this, the low percentage rate of recapture could also in part be a manifestation of low morale of an over-stretched staff. Obviously, the welfare of personnel needs to be decisively addressed for attainment of better functional efficiency.

Capital Punishment and Under Population

The Debates on the death penalty focus on the following fundamental values:

Respect for the sanctity of human life; the protection of human life; the preservation of order in society; and the achievement of justice through law.

Controversy over the death penalty has been more prominent in the United States than anywhere else in the world. The first known execution in the territory now known as the United States was of Daniel Frank in 1622 in Virginia, executed for theft. Since 1972 there are a number of cases determining the constitutionality and redefinition of the death penalty.

The population of condemned convicts in the Nigeria prisons is very high, so much so that if they are put together, it will out-number other categories of prisoners. In their own case, since they have not been

executed, and the law says that they must be killed, they have no hope of leaving the prison. During census, the prison inmates' population was added to the entire Nigerian population. Therefore if all the condemned convicts, otherwise known as CC are executed, it will result to under-population of the nation.

Under Development

So many factors that are responsible for under-development in society. One of these factors is under-population. Under-population results in under-development. The population of any country plays an important role in the development of that country. This is true if the national resources cannot be harnessed as a result of the few people in the working class age.

4.0 CONCLUSION

Prison management is faced with so many challenges. Some of these challenges are mentioned above. They are the very critical problems facing the prison authorities.

5.0 SUMMARY

The prison authority has suffered a lot of setbacks due to poor funding. Inmates, on the other hand, have suffered untold hardship due to poor handling caused by poor funding.

6.0 TUTOR-MARKED ASSIGNMENT

1. What is poor funding?
2. Can poor funding affect the inmate population in a prison?

7.0 REFERENCES/FURTHER READING

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UNIT 3 PROBLEMS OF CORRECTION – CONGESTION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Meaning of Congestion
 - 3.2 Causes of Congestion
 - 3.3 Effects of Congestion
- 4.0 Conclusion
- 5.0 Summary
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1.0 INTRODUCTION

Prison congestion is one of the major causes of the problems in the prison system. While it poses a serious health hazard to inmates as well as the staff who operate daily in this environment, it also hinders correction of inmates.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- understand the meaning of prison congestion
- discuss the causes and effects of prison congestion.

3.0 MAIN CONTENT

3.1 Meaning of Congestion

When prison is taking above capacity in terms of population, it is referred to as prison congestion. According to Olawale (2005:18), congestion in our prison is an obstacle to the effective realization of the aims and objectives of reformation and rehabilitation.

Prison congestion refers to a situation whereby a particular prison formation keeps more inmates under custody above its normal capacity. It is a situation of over-crowded inmates' population in a prison (Olawale, 2005:35).

3.2 Causes of Congestion

Congestion is one of the major problems facing the Nigerian prison service. The causes of congestion include the following:

- (a) Poor administrative network among the criminal justice system; i.e. the police, the judiciary and the prison.
- (b) Lack of access to legal aid by most awaiting trial prison inmates.
- (c) Inadequate or limited accommodation in the prison.
- (d) Delay in dispensation of justice.
- (e) The large number of awaiting trial inmates in the prisons.

Other factors responsible for congestion:

- i. **Non-expansion of Prisons:** The non-expansion of prisons formations to match the corresponding increase and expansion of the police and courts formations in the country is partly responsible for congestion in our prisons. New police stations and court projects are being established in different parts of the country year in year out. For instance, since the creation of a state like Bayelsa, many police stations and new courts have been put in place there, as is the case in every other state; but up till this moment, no single prison project has been put in place in that state. Rivers State has only three prisons since independence; Ekiti State has only one prison; Osun State has only two prisons; Oyo State has two and Kwara State has only two prisons since its creation; Imo State and Abia States have only two prisons each since creation.
- ii. **Protracted Police Investigations:** It takes the police a reasonable period of time to conclude investigations in many cases. In most cases police may continue investigation for over ten years in some capital cases. A situation whereby a suspect remains in remand custody for over ten years under the pretext of in-conclusive investigation, contributes to congestion in our prisons. In most prisons, awaiting trial robbery suspects constitute the a majority of the prisons population. Many factors are however responsible for these delays in investigation. Inability of inmates to meet up with the demand of the IPOs (Investigation Police Officers) is at times responsible. At times, incessant transfer of IPOs and rife cases of missing case-files may also be responsible. In this regard, the provisions of the rule of law become part of the problem. The law should clearly define the time limit within which a case under investigation should be concluded.

- iii. **Courts Long and Sine Die Adjournments:** Adjournment means deferring hearing till a later date in a matter before the court of law. Adjournment is an exclusive prerogative of the Judges and Magistrates. Many factors are responsible for long adjournments in our courts. In cases where suspects are unable to meet the demands of the court officials or one flimsy excuse or the other often provide grounds for adjournments. Some presiding judges and magistrates even go to the extent of adjourning *sine die* in cases that could be disposed of speedily.
- iv. **Insufficient Means of Transportation of Inmates to Court:** Since the Federal Government directed the prisons to take over escort duty from the police some years ago, the lack of requisite funding for the project has not been provided by government. At present, only twelve (12 no.) Black Maria vans are functional nationwide, out of a projected escort fleet of 300 Black Maria lorries and 250 intermediate duty trucks among others (NPS Retreat, Makurdi 2003). The resultant effect of this situation is that the prisons find it difficult to convey inmates to court as expected. This problem of lack of adequate means of transportation and the problem of long adjournments jointly contribute to the problem of congestion more than any other factor.
- v. **The Dilatory Process of transfer of Cases from the Police to Director of Public Prosecution (DPP):** It is the duty of the police to carry out investigations in some sensitive cases and forward their findings to the DPP for advice. It is the duty of the DPP to write their reports (opinions) and send same to the court. It is also the duty of the DPP to advise the judges and Senior Magistrates. When the police give wrong charges, it is the duty of the DPP to advise them on what the proper charges should be. From the above, one can see that there is a close relationship between the police, the DPP and the court. The process of transferring cases from police to DPP is quite cumbersome and demanding. When the police make arrest and conclude preliminary investigations, they then transfer the case to the DPP for further action. This transfer process as earlier stated is quite cumbersome. So many demands are involved. Some case files even get lost in the process of this cumbersome and demanding case transfer. Without the case file getting to the DPP nothing can be done. While this process lasts, the suspect is abandoned in prison custody to add up to the number thus promoting congestion. Similarly, the slow movement of case procedure from the DPP's office to the courts is another source of concern. The few case files that manage to reach the DPP's office are

unnecessarily delayed for one reason or the other before getting to the courts. In most cases, the DPP may declare a suspect to have no case to answer. Before this happens too, it takes time and many things are involved. For an effective dispensation of justice therefore, there is need for extensive overhaul of our prosecution and adjudication process.

- vi. Increase in Population and Crime Rate:** Most of our prisons were built during the colonial and early post-colonial eras when population was quite low. The United Nation recommends census exercise for every country once in ten years because of an expected rise in population. But from the post-colonial era till date, based on United Nations statistical data expectation, the Nigeria population would have risen very high. As the population is rising, so also is crime increasing. Nothing positive was done to meet up with this challenge. The rise in population, as is to be expected, led to a systematic increase in crime rate. In recent times, criminal activities have assumed a new dimension. One hears of organized crimes and sophisticated white-collar crimes. Armed robbery is on the increase; cultism, prostitution and advanced free fraud are all on the increase, with kidnapping being the latest in the increasing list. This unfortunate rise in crime rate has directly or indirectly contributed to congestion of our prisons.
- vii. Poverty:** This is a vital factor responsible for congestion in our prisons. Many inmates who would have gained freedom from prisons have no money to pay lawyers to handle their cases. Similarly, many inmates who are granted bail have no money to arrange for their bail even though bail is supposed to be free.
- viii. Non-Execution of Condemned Criminals:** The non-execution of condemned inmates many years after pronouncement of judgment is another contributory factor to congestion in our prisons. Many condemned prisoners are kept for periods of up to 20 years in the prison waiting endlessly for execution that is carried out long after judgment. If a condemned prisoner would not be executed years after sentence, there is no need pronouncing such sentence. For many years now, execution has not taken place in some of our prisons. The numbers of condemned criminals have since been rising thus contributing to congestion in our prisons. Port Harcourt and Enugu prisons are examples of prisons where condemned criminals have massively increased the figures of inmates.

3.3 Effects of Congestion

Prison congestion affects the aim and objectives of imprisonment in so many ways. In addition to the deleterious effects of congestion in prisons that we have alluded to earlier in this unit, the following are its main side effects:

- (i) Congestion makes it easy for inmates to beat or circumvent the prison's security networks
- (ii) It provides an atmosphere where good inmates are polluted or contaminated by the bad ones.
- (iii) Promotes conspiracy against the constituted authority by the inmates.
- (iv) It gives room for homosexuality and lesbianism.
- (v) Overstretches the facilities for reformation and rehabilitation due to numbers.
- (vi) It affects the health of inmates. Congestions may lead to infectious skin diseases or even an outbreak of epidemic.
- (vii) It leads to overstretching of the available facilities in the prison such as toilet and water supply.
- (viii) It hinders classification of inmates or at best makes the task of classification difficult in the prisons. Classification refers to diversion of prisoners into various categories. Classification is an important aspect of prisons administration. The aim of classification among other things is to facilitate training and treatment of prisoners and also to maintain discipline among the inmates. But when there is congestion, the task of classification becomes very difficult.
- (ix) Congestion promotes escape.
- (x) Congestion facilitates trafficking
- (xi) It facilitates riots and breakdown of discipline.
- (xii) Congestion leads to frequent jail delivery in the prisons.

Solutions to Prisons Congestion

To address these problems of congestion in prisons, certain steps must be taken and these include:

1. Regular jail delivery should be encouraged.
2. The government should embark on a programme of prisons expansion. More prisons should be built while open prison camps should be encouraged.
3. The Nigeria prisons service should assume a creative leadership role in criminal justice administration in Nigeria
4. The problem of poverty and unemployment should be addressed to reduce crime rate in the society

5. All the Black Maria vehicles should be made functional and enough funds should be made available to fuel and maintain them. More vehicles should be added to the fleet.
6. The laws regulating court adjournments, the process and period of police investigations, method of handling case files from police to DPP and the court should be revisited and revised to make for more efficient and timely service delivery.
7. Computerizing the CJS in Nigeria will help in quick dispensation of justice and thereby reduce congestion. Computerization may bring an end to the missing case file phenomenon and will speed up the transfer of procedures between the various stakeholders of CJS.
8. The programmes of the prisons should be given more attention and priority. The programmes of reformation and rehabilitation should be properly funded.
9. Death sentences should be proscribed if government is not ready to carry out the order, instead of keeping condemned people for years.
10. The society at large should be encouraged through strategic campaigns to appreciate the fact that serving a prison term is not the end of one's life. They should change their attitude and ethical typing of ex-convicts. They should not see them or regard them as outcasts. By doing this, ex-convicts will be free and feel at home in the society after leaving the prison. Thereby, the urge to revert to crime will not be there.

In conclusion, the task of addressing and finding a permanent solution to this menace of congestion should be a joint responsibility of all the stakeholders in the criminal justice administration. This includes the police, the court, the government, the society and the officers and men of the Nigeria prisons service.

4.0 CONCLUSION

Most especially the increasing number of the awaiting trials persons (ATPs) is the major cause of the congestion in the prison.

5.0 SUMMARY

Congestion in the prison is a problem that will never allow proper and effective correction of prison inmates. It destroys the prison system.

6.0 TUTOR-MARKED ASSIGNMENT

1. What is prison congestion?
2. What did you understand as the causes of congestion in the prison?

7.0 REFERENCES/FURTHER READING

Olawale, Wole (2005). *Revisional Digest for Prison Workers*. Owerri: Alphabet Nigeria Publishers.

Nkwocha, D.I. (2009). *Criminal Justice Administration and Penology: An Introduction*. Owerri: Divine Mercy Publishers.

UNIT 4 PROBLEMS OF CORRECTION – HOMOSEXUALITY

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Meaning of Homosexuality
 - 3.2 Causes of Homosexuality
 - 3.3 Effects of Homosexuality
 - 3.4 Other Problems of Correction
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Homosexuality and lesbianism, apart from the fact that they are immoral acts; they are prohibited in the prison. Societies even frown at it, when people of the same sex make love.

It discourages reformation/correction of inmates. It is against the prison discipline.

2.0 OBJECTIVES

At the end of this unit, we shall know:

- what homosexuality is
- what causes homosexuality
- its effects on prison reformation.

3.0 MAIN CONTENT

3.1 Meaning of Homosexuality

Homosexuality is a combination word comprising the two elements homo (from Latin for man) and sexuality noun form from the words sex (n) and sexual (adj.). The word refers the erotic interest in members of one's own sex.

It is discovered that in prison many engage in homosexuality because heterosexual partners are unavailable.

3.2 Causes of Homosexuality

Many factors are responsible for homosexuality in the prison and the factors are listed below:

- (a) Lack of conjugal visit – a situation where inmates have no access to their spouses.
- (b) Overcrowding in the prison
- (c) Lack of proper classification of inmates
- (d) Accommodation problem in the prison
- (e) Undue influence by the have inmates over the have not inmates.
- (f) Ineffectiveness of the officers on guard. They do not practice it in the day time or open place. So if the officer on duty is not active, effective, the condition becomes conducive for them.

3.3 Effects of Homosexuality

According to Nkwocha (2009), homosexuality is a major setback to reformation and rehabilitation.

Those who practice it contact diseases from their sex partners and it encourages indiscipline among prison inmates.

3.4 Other Problems of Correction

As we have already indicated, Nigerian prisons are statutorily charged with the task of ensuring the safe custody of offenders as well as their reformation and rehabilitation. The prisons appear to have done their best within the constraints posed by a number of problems. According to the Nigerian prison service annual report of 1984, in Igbo (2007) such problems include:

- i. Inadequate residential and office accommodation for staff near the prisons to enable staff to respond immediately to crisis situations in prisons as during riots and escapes.
- ii. Inadequate funding for the maintenance of existing infrastructure and equipment.
- iii. Gross inadequacy of essentials such as blankets, beds, soap, disinfectants, prisoners' uniforms.
- iv. Lack of promotion for eligible staff with the resultant low morale and frustrations, and, by extension, low productivity.
- v. Acute shortage of staff resulting from retirement, death, etc.
- vi. Abandonment of capital projects midstream, thus aggravating prison congestion.
- vii. Continued use of grass wall instead of concrete perimeter wall, which discourages escapes.

- viii. Continued use of bucket latrines which constitute health hazards in some prisons.
- ix. Acute shortage of drugs and ambulances in prison clinics, leading to high incidence of epidemics and high mortality rate among prisoners.
- x. Lack of vehicles to convey staff and prisoners as well as materials to where they are badly needed and for efficient administration.

These numerous problems have continued to be reflected in all the Annual Reports of the Nigerian Prisons to date. The impression that one gets is that either the government does not appear to understand the gravity of the problems and the consequences for reformation and rehabilitation or it simply wants the prison to continue as a place of punishment for offenders Igbo (2007).

4.0 CONCLUSION

Homosexual practices among the prison inmates retards correction as it is an act of immorality as well as an act that flies in the face of the prison's ideals of reformation. Also other problems, as discussed above, do not encourage correction.

5.0 SUMMARY

Homosexuality is rife among prison inmates due to, among other factors, congestion in the prison cells. The practice of homosexuality has many effects on the inmates as well as the prison system at large, including the increase in the spread of disease within the prison.

6.0 TUTOR-MARKED ASSIGNMENT

How do you eradicate homosexuality in the prison?

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