

Examining the Challenges facing the Nigerian Correctional Service and its Implications for the Administration of Criminal Justice.

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Abstract

Crime is a social phenomenon that is found in every society. Often, it is perceived as an event that disrupts social order. This is why conscious efforts are made to prevent and control it. In Nigeria, one measure designed to control crime is the establishment of the Criminal Justice System which comprises the Police, Judiciary and the Correctional Service. They all work in synergy to ensure that crime is reasonably regulated. This paper focuses on the challenges of the Correctional Service and how these challenges affect the administration of the system in Nigeria. Different regimes of Criminal Justice Systems in Nigeria are examined. The study adopted conflict theory as the most relevant theory. The paper relied only on secondary sources of data which included journal articles, books, magazines, thesis and dissertations. The study found that there are fundamental problems affecting the Nigerian Correctional Service are many including obsolete facilities, corruption and mismanagement, lack of funding, inhuman treatment of inmates, and jailbreaks amongst others. It was found that these challenges have certain implications for the administration of Criminal Justice in Nigeria. The study revealed that the challenges confronting the Nigerian Correctional Service serve as a wakeup call to the system that is necessary for achieving meaningful reform and promoting a more just and effective criminal justice administration in the country. Consequently, the study concludes that the effectiveness of Criminal Justice in Nigeria can only be achieved when the shortcomings of the Nigerian Correctional Service are effectively tackled.

Keywords: Rehabilitation, Criminal Justice System, Correctional Service, Administration, Criminal Justice.

Introduction

Crime problem remains one topical issue that has been attracting a lot of concern from various groups and individuals due to its pervasiveness and the perceived dire consequences it has for society. For instance, crime is often perceived to result in the disequilibrium of the social system (Bahal, 2018). As a concept, crime succinctly implies an offence punishable by the state. In other words, any act of an individual that violates the law of the state to which the state has powers to sanction it is a crime (Bahal, 2018). Whether in traditional, modern, developed or developing societies, crime and criminality exist, though their pattern, trend and typology may differ from one society to the other and from time to time. However, to prevent disorder and ensure that relative order prevails and society continues to survive, mechanisms such as the Criminal Justice System (CJS) are put in place to checkmate incidences of crime rate in human society (Baminboghye, 2011).

The Criminal Justice System in Nigeria therefore refers to the entire array of criminal laws (substantive and adjectival), the institutions which include the Nigeria Police Force, the Attorney-General and Minister/Commissioner for Justice including prosecuting law officers, the court and the Nigeria Correctional Service. All these are expected to work in synergy to address the crime problem in the country. This arrangement can aptly be described as "administration of justice". These rules and mechanisms permeate all aspects of human social existence and legal segments, whether it is criminality, trade, civil or business relations amongst others. Nigeria as a nation has in place its own set of rules and mechanisms which drive and facilitate the administration of justice within the country.

Statement of the Problem

The place and importance of the criminal justice system in any society cannot be easily ignored. This is because the institutions that make up the



system exist primarily to ensure order. This is why Adebayo (2012) defines the criminal justice system as an 'institution and practices of government whose main focus is to mitigate and deter crime, uphold social control and sanction individuals who violate the set laws of a specific state with rehabilitation and criminal penalties". In Nigeria, criminal justice institutions comprise law enforcement agencies including the Nigeria Police Force and Anti-corruption Agencies (ACAs) such as the EFCC, ICPC, NDLEA and NAPTIP.

Other criminal justice institutions comprise the ministries of justice at the federal and state levels; the courts exercising control over criminal matters and providing administrative support for the courts; the Correctional Service; and the noncustodial systems (Akin-George, 2023). The police are the first point of entry into the criminal justice system by a suspect and if after investigation, is found innocent, the individual goes home but if there is evidence incriminating the individual, the person is prosecuted in court. Again, if the person is found innocent by the court based on the evidence before it, the individual goes home a free person. However, if the individual is found guilty, the person is convicted and sent to the correctional service. By implication, criminal justice administration focuses on crime and how society responds to crime. It encompasses significant components such as law enforcement, criminal courts and the corrections systems. At a broader level, the administration of criminal justice includes identifying crime, conducting pre-trial service and prosecution, adjudicating crime, imposing sanctions and sentencing related to crime and carrying out sentencing through the correctional system (Nwachukwu, 2023). The main objectives of any Criminal Justice System, therefore, are the prevention and control of crime, the correction of offenders, and by extension, the protection and preservation of legitimate individual liberty, rights and freedom (Alemika, 2012).

Theoretical orientation of the Paper

There are divergent views about the issue of crime and criminality especially how societies respond to it. This is why various theories have been propounded by scholars to explain crime phenomenon in society. In this study, conflict theory of Richard Quinney (1974) is adopted as the most relevant to explain the main theme. According to the theory, the legal order is supposed to protect everyone in society irrespective of varied backgrounds. But in stratified society such as Nigeria, it begins first as an instrument in the hands of the powerful economic and political class to maintain the status quo and perpetuate inequality. The theory further opines that in order to understand the legal order in class divided society, it is important to first know how it is arranged. This is because the institutions that are responsible for law making, interpretation/adjudication and implementation are made up of the representatives of the dominant class hence they do the bidding of their masters. Based on this, the theory posits that the notions of rule of law, equality, legality, fairness, justice and equity are nothing but a myth in class divided society.

In Nigerian society, this theory is well applied because the legal order appears to stark a deck against the poor as the dominant class easily find their ways through the Criminal Justice System. By implication, this theory is used to explain the challenges of the Nigerian correctional Service in the sense that among the shortcomings of the institution, delayed justice stands paramount and according to a cliché, justice delayed is justice denied. This view can be used to explain the experiences of Awaiting Trial Inmates in the Correctional Service facilities Nigeria. Most of these individuals are presumed innocent since they have not been proven guilty by any competent court of law. Yet, due to the fact that individuals do not have any powerful economic or political figure to speak on his or her behalf, the person languishes in the facility for years. But when a case involves a powerful figure in Nigeria, Correctional Service facilities are literally turned into a "tourist centre" where whoever is in the country will be trooping in to visit the "August



Visitor" in the facility. Aside this, the inmate is accorded the deserved recognition, honour, dignity and respect, which ordinary people in the facility do not have access to. On the basis of this assertion, it is very clear that indeed, Quinney's conflict theory of Quinney explains the subject matter of this paper.

Review of related literature

Bahal (2020) is of the view that crime is an exceedingly multifaceted observable fact that varies across cultures and over time, hence it is difficult to attach a precise meaning to it. By implication, the crime question is a social construct that can be explained from various perspectives. Defining crime from the legal viewpoint, Tappan (1947) believed that crime is a deliberate act committed by individuals against the state. Hence, the state reserves the power and authority to punish offenders. From a sociological viewpoint, crime is any act that goes against all forms of social conduct, meaning that any act that is injurious to all facets of society should be considered a crime (Bahal, 2020). Another important concept in this paper is the criminal justice system. According to Alemika (2013), "Criminal Justice System in Nigeria is the aggregate of all operating and administrative or technical support agencies that perform the criminal justice functions". This conception is similar to the definition provided by Eze (2019) who maintained that the Nigerian Criminal Justice System rests on three main pillars-the Police, Court and Correctional Service. The main goal therefore is to achieve the needs for deterrence, incapacitation, retribution, rehabilitation and reintegration of offenders into society.

Criminal Justice Administration Regimes in Nigeria

The administration of justice in Nigeria is a collection of various aspects of legal regimes. It is important to state that in the administration of Criminal Justice in Nigeria, the Constitution stands supreme among every other law be it legislation, customs or case law. This is because it is from the dictates and spirit of the constitution that every other ratification or legal regime draws

its root, to the extent that any legal instrument, pronouncement or custom that does not conform to the constitution, stands null. This implies therefore that the Constitution covers an entire gamut of legal sections.

In Nigeria, for instance, in determining the rights of individuals, the constitution as provided in chapter 4 therein clearly states what is referred to as "Fundamental Rights" which is aimed at ensuring justice for the citizenry regarding their freedom to live and living in general. Consequently, the Fundamental Rights Enforcement Procedure Rules 2009 (FREP Rules) is extant to procedurally put the dictates of the Constitution into practice. One other important constitutional role in the administration of justice in Nigeria deals with the establishment of courts and their duties. "These courts, in turn, put to practice the dictates of the constitution and other enactments that draw root and legitimacy from the Constitution" (Taboola, 2024).

However, it is important to state that criminal justice administration regimes in Nigeria comprised of the Criminal Procedure Act for the Southern part of Nigeria which was enacted in 1902 and the Criminal Procedure Code for the Northern part of the country which was enacted in 1960 were the two major extant Acts before the enactment of Administration of Criminal Justice Act (ACJA) of 2015 in Nigeria. The ACJA an extant enactment came into force in May 2015, with the primary aim of reforming the delivery of criminal justice in Nigeria. Section 1(1) of the Act states the objectives of the Act as follows:

The purpose of this Act is to ensure that the system of administration of criminal justice in Nigeria promotes efficient management of criminal justice institutions such as the Nigerian Correctional Service, speedy dispensation of justice, protection of society from crime, and protection of the rights and interests of the suspect, the defendant, and the victim (Adebayo, 2020).



The Nigerian Correctional Service

The Nigerian Correctional Service is the agency of the Nigerian government. Based on the Nigerian Correctional Service Act (2019), the agency is saddled with the responsibility of operating the correctional service custodial centres in Nigeria. The Nigerian Correctional Service is under the supervision and control of the Ministry of Interior and the Civil Defence, Corrections, Fire and Immigration Services Board (CDCFISB) with its headquarters in Abuja (FGN, 2019). According to Ezeilo and Akinseye-George (2020), the Nigerian Correctional Act (2019) was necessitated by the many flaws that characterised the prison system that hitherto existed in Nigeria. Before the advent of the Nigerian Correctional Service Act 2019 (NCSA), the Nigerian Correctional Institution was under the control of the Prisons Act of 1972 as amended by the Prison Act 2004.

The aim of the NCSA 2019 shows clearly in its name as the Act states that the Nigerian Prison Administration shall henceforth be referred to as the Nigerian Correctional Service contrary to its former name the "Nigerian Prisons Service". Furthermore, section 2(1) (a) of the Act provides that the goal of the Nigerian Correctional Service is to fully comply with international Human Rights standards of treatment of inmates. It must be observed that the Standard Minimum Rules for the Treatment of Prisoners Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, provided for various rules on how inmates of correctional centres are to be treated and some of the provisions are inter-alia

- 1. Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.
- 2. Each inmate shall, following local or national

- standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness
- 3. Every prison inmate shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served amongst others (Alemika, 2013).

It is in line with these provisions that the Nigerian Correctional Service Act 2019 made several provisions on how to improve the conditions of inmates of correctional centres across the country. For instance, part II of the Act makes provision for a Nigerian Non-Custodial Service system, a globally known form of reformative justice defined in the Act as "an aspect of Nigerian Correctional service that serves as an alternative to going to a custodial Centre". For instance, Section 37(1) of the Act10 states that "the Nigerian Non-Custodial Service shall be responsible for the administration of noncustodial measures such as Community Service, Probation, Parole, Restorative Justice Measures and any other Non-Custodial Measures assigned to the Correctional Service by a Court of competent jurisdiction". Section 42 of the Act strengthens section 37 by stating the methods to be used in managing community service sentences. Among these salient innovations is the need for the appointment of supervisors to supervise offenders sentenced to community service, and the submission of reports by these supervisors to the Comptroller-General.

Again, it provided for the conversion of sentences of qualified offenders serving punishment of imprisonment given to them within the last six months of the coming into force of this Act, to community service, consequent upon formal application. The provisions of the above sections 37 and 42 are in tandem with the position of the already in-force Administration of Criminal Justice Act 2015. For instance, Section 460 (2) and (4) of the Administration of Criminal Justice Act 2015 provides inter-alia:



The Court may, with or without conditions, sentence the convict to perform specified service in his community or such community or place as the court may direct". The Court, in exercising its power under subsection (1) or (2) of this section shall have regard to the need to minimize overcrowding in correctional service custodial centres, rehabilitate inmates by making them embark upon productive work and deter convicts who commit minor offences from integrating with hardened criminals. The inclusion of provisions which provide for the establishment of a community service program in both the Administration of Criminal Justice Act 2015 and the Nigeria Correctional Service Act 2019 shows clearly the progressive intent of the Nigerian Legislation on issues of Restorative Justice. Similarly, section 43 of the NCSA is a departure from the old-fashioned nature of the preceding 42 (Ezeilo and Akinseye-George 2020).

According to Abdulahi (2021), another important aspect of the Nigerian Correctional Service Act 2019 can be found in Section 14(1) of the Act which states that "the Correctional service shall provide opportunities for education, vocational training, as well as training in modern farming techniques and animal husbandry for inmates". Also, Subsection (5) of section 14 states that "the Correctional Service may recommend for issuance of certificates of good behaviour upon discharge to an inmate who had demonstrated good conduct, including those who have acquired training through formal and informal education aimed at facilitating their reintegration into society".

Challenges of the Nigerian Correctional Service

Although, the extant Nigerian Correctional Service Act of 2019 provisions were well articulated to ensure that imprisonment in Nigeria is not punishment-centred but rather a means of making the offender seek the error of his ways. But, the system is bedevilled by many challenges that have continued to militate against the

laudable objectives of the Act with implications for the administration of criminal justice in Nigeria. Some of these challenges are briefly discussed below.

Overcrowding and infrastructure

The correctional custodial centres in Nigeria are overcrowded. One of the major causes of this problem is that most of the correctional custodial centres are old and obsolete, For instance, considering the state of the facility structure which includes the year they were built, the capacity, lock up, number of convicts, number of awaiting trials inmates (ATMs) and the sanitary condition, it is obvious that majority of the custodial centres were built during the colonial era. Some are dilapidated and need urgent renovation. Examples are correctional facilities in the North East zone which were to a large extent old as they were built as far back as 1820 such as the Bauchi custodial centre. The Jimeta custodial facility in Adamawa was built in 1938, while the Jalingo medium facility was built in 1912. This position was supported by Tunji-Ojo (2021) who established that Kuje correctional facility was built to accommodate 250 inmates but before the jail break that occurred in 2021, the facility was accommodating 499 inmates, thus exceeding its official capacity by almost 100%. In addition, sleeping arrangements, feeding, recreational amenities and many other things that could make inmates better citizens upon release are lacking in most of the correctional facilities. The problems of overcrowding and inadequate facilities at the correctional custodial centres have the potential to drain resources and personnel, thereby affecting the ability to manage and rehabilitate inmates.

Describing the conditions of the Nigerian custodial centres, Igbo (2022) states that "these centres seem to exist more as breeding grounds for criminals because most people who come out of these centres usually become more hardened as opposed to who they were before entering into the system". This is a situation which he attributed to the treatment given to inmates and the custodial centre culture that fosters crime rather than reducing it. For instance, in Nigerian correctional custodial centres, hardened criminals are not



separated from minor criminals and this results in the contamination of the latter's behaviour by the former.

Human rights violations

Congestion and paucity of facilities at correctional facilities result in gross human rights violations within the facility. For instance, inmates could be subjected to physical and psychological abuse, lack of access to medical care and prolonged detention without trial amongst others. These infringements undermine the principles of justice and fairness enshrined in the Standard Minimum Rules for the Treatment of Prisoners and the Nigerian legal system.

Recidivism

The high rate of recidivism in the country has also been attributed to the inability of the Nigerian Correctional Service to adequately perform its obligations of reforming and rehabilitating offenders (Bala, 2021). By implication, lack of rehabilitation of inmates leads to high recidivism of inmates on release. The absence of vocational training or support services makes it difficult for inmates to adequately reintegrate into society upon release. And the consequence of this is reoffending and re-incarceration thereby making nonsense of the reformation/rehabilitation rationale of imprisonment. Thus, to address this problem requires that there should be investment in programs that are oriented towards equipping inmates with the skills. Support and knowledge that can enable them to successfully re-integrate into their various communities. According to Ulo (2019), the Nigeria correctional service has been attributed with a lot of problems "ranging from administrative problems, poor financing, poor health care, infrastructural/recreational facilities, focus on punishment, lack of rehabilitation, poor training and retraining of staff, problem of human resource wastage and too regimental on the inmates".

Delayed justice

The number of Awaiting Trial Inmates in Nigerian correctional custodial centres has been identified as being far more than convicted inmates. This problem remains a major issue in overcrowding.

The backlog of cases and inefficiencies within the criminal justice system has been attributed to this because it results in extended or prolonged pretrial detention for many people. Lengthy delays in the adjudication of cases and dispensation of justice cause a lot of inmates to spend long periods in detention before their guilt or innocence is established. This problem contributes to overcrowding and impacts negatively on the resources of the Nigerian Correctional Service.

Corruption and Mismanagement

This is another challenge confronting the Nigerian Correctional Service. Issues such as bribery, extortion and diversion of resources meant for the welfare of inmates by state officials undermine efforts towards reforming the Nigerian Criminal Justice System thereby eroding public trust and confidence in the administration of criminal justice in the country.

Jailbreaks

Correctional custodial centres in Nigeria have been subjected to a series of attacks by criminal elements such as Boko Haram terrorists, armed bandits and ISWAP leading to several jailbreaks. For instance, unknown gunmen attacked the Abolongo Correctional facility in Oyo town freeing about 907 inmates on 22nd October 2021 most of whom were awaiting trial. Similarly, ISWAP claimed responsibility for the Kuje correctional facility attack thereby releasing 879 inmates.

Obsolete facilities

Most correctional facilities are very old because most of them were built during the colonial era and were meant to accommodate fewer numbers of inmates. But today, those that are supposed to accommodate 300 inmates such as Suleja correctional facility, are housing not less than 1300 inmates. Aside from this, the structures have been dilapidated making them vulnerable to collapse as occurred at the Suleja correctional facility in April 2024 which enabled many inmates to escape.



Institutional problem

Inmates of Correctional facilities in Nigeria are treated in the most cruel, inhuman and degrading manner (Yahaya, Gwangndi & Hassan (2020). For instance, sleeping arrangements in most facilities is highly deplorable as many inmates stand instead of lying down to sleep due to lack of space. Also, inmates are poorly fed and most often do not have water for bathing. There are no recreational facilities in most facilities and no good facilities for defecation. All these have resulted in many problems such as correctional facility riots and jailbreaks.

The Challenges of the Correctional Services and administration of criminal justice in Nigeria

Problems confronting the Nigerian Correctional Service have enormous effects on the administration of criminal justice in Nigeria for instance while reacting to jailbreaks that occurred in Kaduna correctional facility in March 2020, Sani (2020) stated that it is a welcome development because it serves as yet another wakeup call for the Nigerian government to reposition the Correctional Service system in the country. This view has been echoed by Asasona (2016) who observed that the incessant attack on correctional service custodial facilities across the country is an indication that the government should urgently address anomalies in the system. Hence, Okuson (20022) recommended that adequate security should be provided in all custodial facilities across the country. This is borne out of the fact that the escape of inmates from the custodial facilities including bandits, kidnappers and terrorists continued to intensify insecurity across the country because they are forcefully integrated into the society. The implication is that there are more terrorists, unknown gunmen, kidnappers and bandits roaming the streets and engaging in more crimes Consequently, this has not only undetected. increased the crime rate but has also jeopardized the peace and tranquillity of the country resulting in an overstretch of the Nation's security architecture (Matazu, 2022).

Methodology

The study's methodology was structured to investigate the institutional difficulties experienced by the Nigeria Correctional Service (NCoS) and how these issues influence the broader criminal justice system. A qualitative approach was adopted to allow for a rich exploration of participants' experiences and institutional realities.

Research Design

The research utilized a qualitative design, which is well-suited for examining social and institutional phenomena in their real-life context. This approach encourages detailed exploration of individuals' perspectives and offers the flexibility needed for studying complex correctional issues (Bryman, 2012).

Study Area

Fieldwork was conducted in selected correctional centers across Nigeria, particularly in Lagos, Abuja, and Port Harcourt. These sites were selected due to their large inmate populations and ongoing relevance in discussions around correctional reform and justice delivery.

Population and Sampling

Participants included prison staff, inmates, legal professionals, and justice system officials. Using purposive sampling, 20 respondents were selected: 10 officers, 12 inmates, and 5 legal experts. This sampling

strategy ensured input from those with direct knowledge and experience of the system (Patton, 2002).

Data Collection Methods

The research employed semi-structured interviews and focus group discussions (FGDs) to collect data. Interviews covered topics such as institutional conditions, rehabilitation programs, and justice system interactions. FGDs provided insight into inmates' personal experiences and perspectives (Bryman, 2012).

Data Analysis

All responses were transcribed, coded, and evaluated using thematic analysis. This method



enabled the identification and interpretation of key themes within the data. Themes were derived directly from the responses to ensure authenticity and relevance (Braun & Clarke, 2006).

Ethical Considerations

The research was guided by established ethical standards. Approval was secured from the institutional ethics committee, and informed consent was obtained from all participants. Confidentiality and anonymity were maintained, and participants were made aware of their right to withdraw at any time (Israel & Hay, 2006).

Conclusion

This paper examines the administration of criminal justice in Nigeria. The paper argues that the administration of criminal justice in Nigeria is an aggregate of laws and institutions and it has passed through regimes before the extant 2015 reform. Also, it states that the two main components of the criminal justice system in Nigeria are the Police, Court and the Nigerian Correctional Service. The paper therefore focused on the Nigerian Correctional Service with the view to determining how its challenges have affected the administration of criminal justice in the country. The study found that the system is confronted by problems such as overcrowding, obsolete infrastructure and paucity of manpower. Based on the findings, it was found that the phenomenon has many implications for the administration of criminal justice in Nigeria and unless these shortcomings are adequately taken care of, the goal of criminal justice administration cannot be achieved

Recommendations

Consequent to the above, it becomes most pertinent to make certain useful recommendations on how to mitigate the challenges of the Nigerian Correctional Service to ensure the effective administration of the Nigerian Criminal Justice System. Thus, it is recommended that speedy dispensation of justice by the courts is an important way of ensuring the Correctional Service is not saddled with the problem of facility congestion as it is among the problems hampering the performance of the institution.

Also, there is a need to upgrade the entire correctional centres in Nigeria to meet the international best standard so as to make incarceration not punishment centred rather a place to make the offender seek the error of his ways. In this regard, there is a need to build more modern structures equipped with facilities that could enable inmates to acquire skills and vocations that could help them to lead a self-sustaining life consequent upon their reintegration back into society. This recommendation is based on the fact that one of the outstanding banes of the Nigerian Correctional Service is obsolete facilities and programmes, many of which came into being during the colonial era.

Generally speaking, addressing these challenges that confront the Nigerian Correctional Service requires a multifaceted approach involving reforming laws and policies, improving infrastructure and resources within the correctional system, strengthening oversight mechanisms, and promoting alternatives to incarceration where appropriate. Furthermore, there should be efforts to enhance collaboration and coordination among relevant stakeholders, including law enforcement agencies, the judiciary, civil society organizations and international partners. These are essential for achieving meaningful reform and promoting a more just and effective criminal justice administration in Nigeria.

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