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Prison and Crime Control: A Criminological Discourse of Recidivism in Nigeria

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ABSTRACT

Prison in every society is established to keep away people who commit crime thereby enhancing the security of the general society. Studies have shown that prison helps to curtail criminal activities by reforming criminals and reintegrating them back to the society as law abiding individuals, hence reducing recidivism. Recidivism is generally used for describing repetitious criminal activity, and a recidivist is an individual who engages in such activity. Every year, the statistics of crime increase at geometric rate and a large number of criminals are being imprisoned in Nigeria. Eventually, a large chunk of them are released, they commit more crimes and return to prison before two years (Ugwuoke and Otodo, 2015). Hence, this study investigates the prison and crime control vis-à-vis its role in reducing recidivism, using a combination of the ethnographic and historical research methods. The Life-course theory was used as an underpinning to explain the subject matter. The study concentrates on how prison helps to tackle criminality and recidivism considering the lapses in the Nigerian prison circle. The rehabilitative model in the Nigerian prison system is faulty, therefore attempt to equip prisoners with the necessary skills in order to try to re-integrate back to society and consequently prevent recidivism, are not efficient and sufficient. Some of the obstacles leading to recidivism in Nigeria arise from the lapses in the Nigerian prison system, such as the poor rehabilitation model. There have been no or few rigorous studies done on the rehabilitation model in Nigeria; hence this study. The remedies to recidivism as they relate to the lapses in the Nigeria prison system were rendered.

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KEY WORDS: prison, crime, control, recidivism, criminological

INTRODUCTION

Crime is any act that violates the law of the society or serious offence against the law of the society for which is there the punishment of incarceration in the prisons. In recent years there seems to be a global upsurge in crime rate that appears not to be gender discriminative as both males and females are involved. There are different views and opinions expressed by many criminologists concerning the causes of crimes. Since crime is a complex psychological, sociological and situational behaviour, Gibbon (1975) viewed the causes from broad dimensions. These dimensions had been tied up closely with sociological theory which is biforked into environmental and situational causes, hence generic causes mediated through personality factors or personality characteristics. According to Eysenck (1970), personality characteristics are tied to criminality. The inability of certain individuals to tolerate frustrating situations without resorting to aggressive and violence tendency is a product of personality traits. Tenibiaje & Owuamanam (2005) in their study on personality traits of female inmates in some Nigerian prisons concluded that extroversion, neuroticism and psychoticism were significant in predicting criminality. Further, they found that psychoticism traits of inmates have the highest contributory factor to criminality. The other factors which contribute to criminal behaviour are only moderating factors to criminality.

Prison sentence is the punishment that judges give to someone who has been declared guilty of a crime. Walker & Padfield (1996) argued that sentencing is a complex process with several interlinked aims of punishing offenders which are generally condensed into retribution, incapacitation and deterrence. According to McGuire (2009), the pivotal agent in the dispensation of justice is the criminal court, and the main means of doing so at its disposal is the sentence, that its able to impose. The importance of sentencing is to discourage or prevent individuals from committing crime which is similar to the one for which the offender has been sentenced. Punishment is a way to prevent the individual from committing additional crimes. The purpose of punishment is for someone to learn from what has been done wrong. Punishment is a system of correcting

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which depends largely on the offences. Before the advent of prisons, corporal punishments were often imposed for serious crimes. Punishments are in various forms; physical punishment like flogging, hanging, beheading, confinements, incarceration, imprisonment, probation and parole which put severe restrictions on the condemned persons from freedom of action and movement. According to McGuire (2009) punishment is a widespread and firmly established standard or mainstream approach to criminal conduct which reduces the likelihood of future or continued criminal behaviour. Observations and reports have it that at any one time, only a fraction of those committing crimes in society are apprehended and punished. Yet the public visibility of this process is held to act as a general deterrent for the remainder of the population, including those likely to offend. If general deterrence operates to an extent that justifies its central position in society, then there should be some associations between the activity of the criminal justice system and the total amount of crime (McGuire 2009).

Theoretical Background

Life-course theory is the basis on which this paper is premised. The theory explains how an individual's life history and early events influence future decisions and events such as engagement in criminal lifestyle (Wikipedia, 2015). By implication, the theory provides an explanation for understanding why offenders stay away from committing additional crimes; it also suggests that positive social bonds decrease the likelihood of further crimes, while negative social bond increases the propensity to commit crime again and again (Sampson & Laub, 1990; 1993). Research studies have affirmed that events such as marriage and full-time employment have a pronounced effect on criminality (Sampson and Laub, 1993). It suggests that the quality of social bond from spouses, children and colleagues decreases the propensity of an individual to recidivate. Also, this theory propounds that bonding with families, colleagues at work, and neigbours in communities decreases criminal behavior over the life course regardless of delinquent and antisocial backgrounds. The Life-course theorists also agrees that early childhood experiences, such as a lack of appropriate attachment to family members, increases the likelihood of engaging in criminal behavior (Laub and

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Sampson, 1993); though, transitions such as marriage and employment can act as turning points in an individual's criminal livelihood (Sampson & Laub, 1990). Moreover, Laub and Sampson (1993) argue that persistence in crime is due to a lack of social bonds and a subsequent lack of structure, routine activities, and healthy human relationships.

Methodology

This research paper adopted the multidimensional approach of research. Hence, the research made use of the ethnographic research survey which involves participant observation and historical methods. The observational technique provides the researchers with the ability to perceive events as they occur in an experiential manner. Again, this approach provides the researchers with the chance to accurately summarize; systematize and simplify the discourse at hand.

The historical approach on the other hand enables the researchers to engage in critical analysis and scrutiny of the events and developments in the role of prison in crime control in Nigeria across time and space. It evaluates the trends of recidivism in Nigeria and allows the researchers to chart a better course forward. It is in this context that the participant observation and the historical approaches are adopted as appropriate tools and instruments for appraising the subject matter (Berger, 2000).

The Role of Prison in the Society

The Nigerian criminal justice system is a tripodal system which comprises: the police, the courts and the prisons. The effectiveness of the criminal justice system is measured by its ability to meet the goals of deterrence, incapacitation, retribution, rehabilitation and reintegration. The realization of such goals depends on the level of coordination among the various agencies of law enforcement. At the early stage of a crime, if the police effects an arrest, the arrestee becomes a "suspect". If eventually the "suspect" is arraigned in courts, his or her title changes to "accused". The "accused" remains innocent until the court proofs otherwise. If the "accused" is not discharged and acquitted after trial and is sentenced, the title changes to a "convict". The sentence may involve fines, probation (supervised release), or incarceration (confinement). At this level, the prison takes him or her in as "an inmate".

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Imprisonment thus becomes an act of legally restricting, limiting or confining a person. In Dambazau's (1999) assessment, imprisonment is one of the widely used criminal justice disposal methods in Nigeria. For the purpose of this paper, a prison is defined as any building declared by law where suspected or convicted criminals are legally kept with the intention to transform them into responsible and law abiding citizens.Imprisonment serves several universal functions, including the protection of the society, the prevention of crime, retribution (revenge) against criminals, and the rehabilitation of inmates.

Additional goals of imprisonment may include the assurance of justice based on a philosophy of just deserts (getting what one deserves) and the reintegration of inmates into the community after serving their sentences (Conklin, 2001). Locking up dangerous criminals or persistent non-violent offenders means that the society will be protected from them for the duration of their sentences. Thus, imprisoning criminals temporarily incapacitates them. Other than this, the expectation is that prisons will cause inmates to regret their criminal acts, and when they are released, will be deterred from committing further crimes (Alemika & Chukwuma, 2001). Incarceration of criminals may also deter other individuals from engaging in criminal behaviour due to the fear of punishment (Pursley, 1977).

Prisons are also called penitentiaries because of the belief that through solitary religious instruction while under confinement, prisoners would become penitent (remorseful) and reform their behaviour. It is a package of tangible and intangible provisions directed at inmates' rehabilitation and reform so that they can pursue an independent and legally accepted way of life on discharge. Based on this philosophy, the prison system was equated with corrections. Imprisonment was therefore aimed at correcting criminals and transforming their behaviour, rather than merely penalizing them for their wrongdoing. It is debatable if that philosophy is achievable today, nor was it ever achieved in the past. Opinion differs, but several authors including Dambazau (1999), Jarma (1999), Alemika and Chukwuma (2001) and Otite and Albert (2004), argued that the prison system in Nigeria is worse today than in the days after colonial rule. The workshops that were in the prisons have been converted into makeshift centers because of congestion. Where they still exist, there are no

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implements, no tools and incentives to put them to use. Nigerian prisons built for a gross capacity of 25,000 inmates are today overcrowded with over 47,000 inmates, and about 70 per cent of these inmates are Awaiting Trial Inmates (ATI).

This congestion is not without consequences. It has resulted in many related health problems of unsanitary environment, poor feeding, poor clothing, over stretched facilities, insufficiency, or even non-existence of welfare rehabilitation facilities. It also poses serious management problems as can be seen in the inability to separate hardened criminals from minor offenders (Odekunle, 1978). Cases of infections ranging from scabies, asthma, tuberculosis, rashes and HIV/AIDS have been recorded (Jarma, 1996). The year 2000 "Country Report" on Human Rights Practices in Nigeria remarked that the Nigerian Prisons conditions were harsh and life threatening (Otite and Albert, 2004). These conditions are by no means different today. The penal policy of reformation and rehabilitation in Nigeria is therefore a public disguise for modernizing imprisonment from the inherited colonial system "geared toward punishment, incapacitation and deprivation of incarcerated offenders" (Alemika & Chukwuma, 2001). Judging from this background, this paper examines the failure of the rehabilitation/reformative philosophy of the Nigerian prison. The paper argues that dysfunctional prisons do not only fail to deliver services, they silence the inmates through patterns of humiliation and exclusion. Since the inmates have no constructive ways of spending their time, they resort to filling the idle hours with reservoir of resentment, with the old criminals teaching the new ones new criminal tricks that they will take back to the society. The consequences are hardened criminals that come out of our prisons and the attendant high rate of recidivism. This informs the argument for alternative incarceration model.

The Nigerian criminal trial system is accusatorial in nature. Once the Police conclude investigation and a case is deemed established, the justice process gets underway. Section 36(5) of the 1999 Constitution confers a presumption of innocence on an accused person until proven guilty. The burden of proof in criminal trials rest on the prosecution and it is to prove all the elements of the offence charged as defined by law. Once convicted, imprisonment appears to be the preferred

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mode of punishment in the Nigerian penal system. However, in the face of worsening conditions of prison inmates, it is clear that the time is ripe to consider alternatives to incarceration for treatment of offenders in the Nigerian penal system.

Sentencing and imprisonment are ways of reducing offenders‟ capability to commit future offences yet, crime commission appears to be on the increase and recidivism is becoming rife.

Recidivism appears to be on the increase due to new and different crimes that are rapidly increasing in Nigeria. This study therefore reviews literature on the ways that prison helps to reduce crime in the society.

Prison and Crime Control

The term prisons and corrections are often interchangeably used. Corrections are concerned with improving the behaviour of criminals while prison is seen as state institution whose principal objective is to punish offenders.

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

In 1999 when Nigeria returned to the path of democracy, hopes were very high among the entire citizenry not only because democracy was the major “game in town” but also for the fact that it promises to be free and egalitarian. It was expected that all aspect of

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the Nigeriannation will taste the joy and benefit of the system of government that concerns itself with the welfare of the citizens but this was not to be. In fact, the 1999 constitution identified welfare and security of the citizen of Nigeria as some of the major responsibilities of government. However the Nigerian Prisonas an institution of government has not benefited from the new system in any concrete term. Problems that have affected the prison system during colonial and military rule have not only continued but became more biting under the civilian rule.

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

• **Deterrence**: Prisons are expected to deter individuals from committing crime. The major reason for sending the offender to prison for a crime is to make him less likely to commit further crimes, through fear of more imprisonment.

• **Protection**: Protecting the public from certain offenders. The aim of this second reason is to send offenders to prison to render them incapable of committing crimes.

• **Rehabilitation**: Offenders are sent to prisons to rehabilitate them, so that they no longer need to commit crimes

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

The role of prison in crime control and general security of the society cannot be over-emphasised. The word security has emerged as one of the most texted concepts in the 21st century. The term is used to describe guaranteed protection or assurance

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against danger, harm or threat of it on lives, property, resources and other materials of value to human existence. Hence, it is common to hear variants of securities such as energy, job, food, health, human security among others. Buzan (2007) opined that security is all about management of threat. However, until recently, writings on security are concentrated on militaristic point of view. Nwolise (2006) opined that security should include not just the armed forces but also the police, customs, immigration, prisons and even mobilisation of the entire citizenry. These are, of course, parts of elements of national security as noted by Paleri (2008). For him, national security has a number of component elements which when individually satisfied provide a nation with security of its value, interests and freedom to choose policies. He listed military, economic, resource, border, energy, food, environment security as key components of national security. Atwood (1995) opined that a whole lot of things are included in the security calculus of a state. He noted that what people do even in their privacy may constitute security threats or challenges. Security therefore entails management of factors which are capable of putting individual or collective interest of people at risk or real danger.

The Prevalence of Recidivism

Globally, recidivism has become a very serious challenge to communities, societies and governments. Report has it that recidivism among released prisoners in 30 American states is high. In a study carried out by Durose, Cooper and Snyder (2014) in the United States of America, it was found out that over 67.8% of the 404,638 prisoners released in 2005 were re-arrested within 3 years while 76.6% were arrested within five years. In Norway, it was discovered that recidivism rate ranged from 14% to 42% depending on whether the sample included arrested, convicted or imprisoned (Anderson and Skardhamar, 2014); while in Sweden, a 2-year reconviction rate amongst prisoners was 43% (Graunbol, Kielstrup, Muiluvuori, Tyni and Baldursson, 2010). England and Wales recorded a recidivism rate of 59% (Ministry of Justice, 2012).

According to Osayi (2013), recidivism has increased tremendously in Sub-Saharan Africa, and also has become a major social problem affecting the society, governments, multinationals and humanitarian organisations the world over. Abrifor, Atere

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and Muoghalu (2012) posits that recidivism has become very high and a common phenomenon among Nigerian subjects, both the male and female prisoners in the Nigerian prison custody. Soyombo (2009) in his study found out that the prevalence rate of criminal recidivism in Nigeria in 2005 was 37.3%. This statistic is high when comparediwith other countries which have less than 10%. In 2010, Abrifor, et al., (2012) found out that the estimated prevalence of recidivism in Nigeria prisons was 52.4%. It has also been reported that 81% of male offenders and 45% of female offenders in Nigeria were re-arrested within 36 months of release from the prison custody (Wilson, 2009).

Scholars in Nigeria such as Igbo and Ugwuoke (2010), Osayi (2013) and Soyombo (2009) have supported that there is an increase in the rate of reoffending and that male offenders have greater propensity to reoffend. Studies done by researchers have offered explanation on factors that could be responsible for the increase in the rate of recidivism. Some of the factors that could be responsible for an increase in the rate of recidivism among male ex-prisoners could be the harsh prison conditions and negative attitude of the public towards ex–convicts (Igbo and Ugwuoke, 2003). Others include stigmatization of prisonisation, defective prison system which promotes the dissemination and exchange of criminal influences and ideas (Ugwuoke, 2010), alcohol and substance abuse (Chenube, 2011), poor educational attainment and peer group influence (Temibiaje, 2013). Other predisposing factors which increase recidivism among male recidivists in Nigeria are marital status, number of siblings/children, socio-economic status, ethnicity, family background, imprisonment terms and type of crime (Abrifor et al. 2012).

Studies that have been done on recidivism have linked its high prevalence to factors such as gender difference (Abrifor et al., 2012), poor resettlement of ex-prisoners after release (Ugwuoke, 2013), lack of jobs after discharge (Meyers, 1984), low education attainment and unstable work history (Eisenberg, 1985), and the discharge environment (Abrifor, et al., 2012). Also, studies have equally indicated that post-release job training positively influence the prevalence rate of recidivism (Jengeleski, 1981).

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According to Ugwuoke (2015), the causes of recidivism in Nigerian prisonsare enormous. Some of these causes include:

1. **Skewed Ideology of Prisonization in Nigeria:** The ideology of the Nigerian prisons system is still hinged on brutality and vengeance. The ideology is premised on punishment than rehabilitation, reformation and resettlement. In Nigeria, offenders are sent to prison to atone for the wrongs they have committed, instead of for treatment like is obtainable in other climes. Hence, ex-offenders are not properly prepared for life after imprisonment, and this contributes to the seemingly high rate of reoffending in Nigeria.

2. **Poor Rehabilitation Model of the Nigerian Prison System:** The major aim of any prison is to rehabilitate those who are in conflict with the law. Prisons in Nigeria have failed in their attempts to fulfil their aim of rehabilitating criminals and making them better citizens.This is because the Nigerian prison system has a very poor rehabilitation model which has outlived its relevance in this present age. The rehabilitative model of the Nigerian prisons system is a continuation of the colonial model; little or no changes has been made since the introduction of conventional imprisonment in Nigeria. Again, the rehabilitation facilities in Nigerian prisons are archaic, comatose and non-functional. This has become an impediment in the rehabilitation efforts in our prisons. Infact, as it stands now, there is little or no rehabilitation in Nigerian prisons as the facilities for rehabilitation are not there. There is also dearth of professionals such as psychologists, social workers, counsellors etc, in our prisons. This has led to poorly rehabilitated inmates. Thus, the inmates are most often times deformed in prison rather than being reformed.

3. **Poorly Funded Aftercare Programme**
The major objective of the Aftercare programme is in the counselling and rehabilitation of released prisoners to

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assist them to integrate back into the society. The Aftercare unit of the Nigerian prisons system is poorly managed cum funded. Ideally, the Aftercare unit is to follow up on released inmates, supervising them in the resettlement process so as to ensure efficient reintegration back to the society. In Nigeria, the resettlement of offenders is poorly coordinated and fails to address social exclusion issues such as housing, employment and drug addiction problems that could lead people back into crime. Most prisoners often are released from prison ill prepared to live and work in the community, and without having addressed their offending behaviour. This causes them to relapse to criminal livelihood as soon as they are outside the prison gate.

4. **Poorly trained staff of the Nigerian Prison system:** This is one of the major causes of recidivism in Nigeria. The quality of the staff in the Nigerian prison system is very poor. Staff are recruited without recourse to their antecedents, crime history or medical history. Recruitment into the Nigerian Prisons Service is based on biases and sentiments; hence, at the end, criminals and all manners of misfits find their ways into the payroll of the Nigerian Prisons Service. Asides that, the quality of training given to these staff is grossly inadequate. Most staff are recruited and deployed to the prison without being effectively trained; while those that find their ways into the training schools are not properly trained in contemporary techniques in prison management. These staff that are poorly trained are later deployed to the prisons to reform, rehabilitate and reintegrate prisoners. The result in the long run can best be imagined than experienced.

5. **Trafficking by staff:** This is a fall out of the poor training gotten by the staff in the training schools. Staff are not properly trained, thereby engaging in unwholesome acts like trafficking in contraband such as hard drugs with the inmates they are meant to reform. Trafficking is one

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of the major causes of recidivism in Nigeria. Through trafficking, drug offenders get access to drugs and still continue to depend on them. Hence, making mockery of the little rehabilitative training they get.

6. **Lack of Facilities in Nigerian Prisons:** Nigerian prisons are bereft of facilities for rehabilitation and reformation of inmates. Facilities such as workshops for the training of inmates are not provided. Such workshops usually are used for the training of inmates in handcrafts so that they can fall back to them when they are discharged. Such workshops are not present in the prisons, and where they are provided, they are comatose. Other facilities such as recreational grounds are not also provided. This is one of the causes of the high rate of recidivism in Nigeria.

7. **Lack of proper classification of inmates:** This is another cause of recidivism in Nigeria. Different classes of inmates are lumped together in prison cells. First time offenders and recidivists are locked up in the same cells thereby giving room for first offenders to learn more sophisticated criminal ways of life from the recidivists.

Conclusion/Recommendations

Recidivism as a concept is a fairly simple idea which can be understood as a situation where some people will reoffend after they have been convicted, treated, and/or punished for a crime. The rate of recidivism in Nigeria is becoming worrisome; therefore the need to speak out so that the various agencies of government responsible can curtail it before it assumes a national danger. Researchers have documented the extent of reoffending throughout the country, while various theoretical perspectives have demonstrated that it is a vital component to understanding criminal justice. However, determining why people reoffend and measuring how often they do so proves to be much more difficult. Furthermore, the politicizing of the causes and implications of recidivism has led to even more confusion on how to reduce or eliminate this problem. Until these issues are rectified or somehow resolved, high rates of recidivism will

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continue in Nigeria. Therefore, this present study engaged in finding out the causes of recidivism which are due to the lapses inherent in the Nigeria prisons system.

The following remedies are proffered to address the lapses inherent in the Nigerian prisons system that leads to the high rate of recidivism in Nigeria.

1. The Nigerian prison system should be overhauled to provide spiritual and rehabilitative counselling to inmates, and also to study the needs of inmates while in prison. The prison should be strengthened to provide link between the prisoners and their families if the need arises, and assist inmates in finding meaningful employment upon release from custody as well as do follow up counselling for prisoners after being released.
2. The Nigerian Prisons Service should be sufficientlyfunded to provide adequate service. Also the officers and men of the service should be sponsored for courses, workshops and seminars to broaden their knowledge on contemporary issues in prisoners' rehabilitation.
3. The Nigerian Prisons Service should collaborate with the National Orientation Agency and other media organisations to educate and change the mindset of the public that prison is for rehabilitation and not for punishment. This will go a long way in improving the quality of inmates that are churned out of our prisons.
4. Staff recruitment into the Nigerian Prisons Service should follow due process. The status quo where recruitments are based on sentiments and horse-trading should not be allowed. Proper recruitment process should be spelt-out and followed in appointment of staff into the service. This will ensure that the right people find their ways into the service, and that will improve inmates' rehabilitation. Hence reducing recidivism.
5. The Nigerian Prisons Service should understudy the rehabilitative models of other climes like the United States of America, the Netherlands and Australia. The rehabilitation models of these countries have provided

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results, hence leading to low rates of recidivism. The Nigerian Prisons authority can understudy these countries' rehabilitation models and adopt them.

6. The Nigerian prisons should be properly funded. Workshops and other facilities which will aid smooth rehabilitation should be provided.
7. The Nigerian prison system should ensure the proper classification of inmates which will hinder the corruption of first offenders, thereby reducing recidivism.

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