

Analysis of changes in scale, composition and management of inmates in Nigeria

Ahmad Salisu Abdullahi

Federal University Dutse, ahmad.salisu@fud.edu.ng, ORCID: <https://orcid.org/0000-0002-4909-3573>

Abstract

An examination of the inmate population can provide vital insight into the relationships between socio-political and social control institutions and punishment. Thus, this essay analyses the changes in scale, composition, and management of inmates in Nigeria. To offer pertinent data for the study, secondary sources, such as official statistics, reports, and data from earlier academic studies, were employed. The study found that the inmate population in Nigeria continues to increase due to arbitrary arrests by the police, delays in sentencing, and the inability to execute condemned criminals, among others. The majority of the inmates are poor, uneducated, and unsentenced, which highlights the structural inequality that exists and the unfair nature of the justice system. The management of the inmate population shows that prisons in Nigeria are still more punitive than corrective. Thus, there is a need for urgent intervention from the government and concerned institutions to rescue the prison system.

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Introduction

Human societies across history have designed different ways of punishing offenders. Madaki (2011) argued that although different societies have different ways of punishing offenders depending on the nature and gravity of the offence, imprisonment is the most popular means of punishment adopted by most societies. Prison is a place that keeps custody of convicted criminals or pending the completion of trial for a specific period of time or for life as well as correct them to become useful members of the society. In prisons, convicts often live in dorms or cells with little to no freedom of movement. They are controlled by varying degrees of security measures, including monitoring, limited access to personal belongings, and regulated access to the wider community.

The modern prison system has a rich history that can be traced back to medieval times, with the use of confinement as a form of punishment. Over the centuries, there have been significant shifts in punishment philosophies and penal reforms that have shaped the development of prisons as we know them today. Specifically, during the 17th and 18th centuries, the practice of confining criminals in prisons expanded in both the United States and Europe. This period marked the transition from corporal punishment methods to the use of incarceration as the primary form of punishment (Schmallegger & Atkin-Plunk, 2017). In the 20th century, there were further elaborations and innovations in the modern prison system. Various countries implemented their own approaches to incarceration and rehabilitation, leading to the development of specialized prisons and alternative forms of punishment. Notable examples include the establishment of supermax prisons in the United States and the introduction of restorative justice practices in some European countries (Rubin, 2018).

Accordingly, incessant criticisms against capital punishment and the claim that with imprisonment, the diverse objectives of punishment (retribution, incapacitation, deterrence, and rehabilitation) can all be achieved have also improved use of prisons globally. Thus, imprisonment has become so important that prison is among the three components of criminal justice system. This have influenced the global prison population as well as the way and manner in which offenders are managed. It is important to note that the history of the modern prison system has been subject to changing perspectives and a broadening focus. The literature on imprisonment has expanded beyond traditional narratives to include critical examinations of interplay between punishment and institutions of power and social control within the society. Analysis of prison population provide an important insight into such institutional interjections. This paper will analyse prison population in Nigeria specifically focusing on changes in scale,

composition, and management. Secondary sources including official statistics, reports and data from previous studies conducted by academicians will be used to provide relevant data for the paper.

Brief overview of Nigerian prison system

Historically, imprisonment as a form of punishment have been in existence even before the period of colonial administration. However, pattern of imprisonment, name and design of prisons is different across the diverse ethnic groups. For example, *Kurkuku* in the Hausa Kingdom, *Kpan* in the Tiv Kingdom and *Ikedu* or *Ogboni* in the Yoruba Kingdom (Abdullahi and Zango, 2005). The first official prison was built by colonial rulers in the Broad Street of Lagos, which initially have 300 inmate population. More prisons were later built in Calabar, Onitsa, Benin, Ibadan, Ibadan, Jebba, Lokoja, Dagama and other places (Dambazau, 2007). Prisons were established primarily to lock up those individuals that stand against the colonial rulers or violate colonial rules.

The promulgation of the Prison Ordinance No. 21 of 1916 led to the development of modern-day prisons in Nigeria, which creates an arrangement in which all prisons in the country are under the control of the government of Nigeria. However, it was until 1968 that Federal Government Prisons and Native Authority Prisons that existed across regions were merged together under an umbrella called Federal Prison Service (Abdullahi, 2014). Then, the objective of the prison service was mainly for retribution and deterrence. The Prison Act of 1972 followed the global shift in penal objectives and included mechanisms of reform and rehabilitation of inmates in the Nigerian Prison. In June 2019, the Nigerian Government passed into law the Correctional Service Act which is meant to substitute the previous Prison Act that have been in existence since 1972 (although it has undergone amendments). This development led to the establishment of the Nigerian Correctional Service (NCS), which is the sole authority managing prisons nationwide, overseeing various facilities (maximum, medium and minimum security prisons) as well as specialised centres like women's prisons and juvenile correctional centres.

Nevertheless, the increased concern for the growing number of awaiting trial inmates and the attendant over congestion of Nigerian Prisons led to the introduction of noncustodial sentencing alternatives. With the implementation of this new Act, the Nigerian prison system sort to address challenges confronting the institution and adopt global imprisonment policies and practices. The government seeks to strengthen the system through revisiting its strategies of correction as well as reduce the inmate population through noncustodial sentencing alternatives. Turhule (2020) similarly asserted that the main focus of the prison system is now centred on rehabilitation and the integration.

Prison population in Nigeria

As explained above, the Nigerian prison system has undergone some transformations over the years. To have a better understanding of the penal system, it is important to analyse changes in the prison population. Specifically, what are the changes in the scale of the prison population? What are the changes (if any) in composition or category of inmates within the Nigerian prisons? What are the changes in the management of prison population? And how can these be explained?

Changes in scale

According to World Prison Brief (2022), the prison population in Nigeria has increased from 41,034 in 1982 to 62,388 in 2020. The report also revealed that the prison population increased annually from 2004 to 2018. Accordingly, statistics provided by the Nigerian Correctional Service (2024) put the inmate population at 74, 825 in 2022 and 84,492 in 2024.

The rise in prison population is not a Nigerian phenomenon; rather, it is a global phenomenon. According to the Global Prison Trend (2021), the global inmate population has continued to rise by 8% since 2010. A report by UNODC (2018) similarly revealed that the prison population has continued to increase since 2000 by more than 25%. Report by Fair and Walmsley (2020) revealed that the prison population rate has not increased in line with the total prison population in Nigeria. The same report also revealed that Russia (which has the largest population in Europe) recorded a reduction in prison population of 56% since 2000. This means that the increase in scale of the prison population over the years is not due to an increase in human population. Hence, why is the size of prison population increasing in Nigeria?

The incessant increase in prison population can be said to be due to the random arrests made by the police, taking suspects to court for minor offenses, and unnecessary delays in court sentencing. According to the National Bureau of Statistics (2017), arrests for minor offences most frequently land people in prison without being charged, and inmates are usually imprisoned due to suspicion and other reasons, rather than actual conviction. This has led to the massive imprisonment on awaiting trial, which continues to increase the size of the prison population in Nigeria.

Secondly, even though capital punishment is legitimate, state governors often resist signing the death warrants, which increases the number of inmates living as condemned criminals. From 2000 to 2022, only 15 condemned criminals were executed (7 in 2006, 2 in 2012, and 6 in 2016), which continued to increase the prison population (Ojeme, 2022; Igbintade, 2022). According to the Statistics Research Department (2022), between 2010 and 2020, not less than 54 people were sentenced to death in Nigeria, with nearly 1807 death sentences in 2014, 2016 and 2017. With 3,036 out of a total of 5,841, Nigeria had over 52 percent of the total number of inmates on death row in Sub-Saharan Africa (Amnesty International Global Report, 2022). This questions the rationale behind the use of capital punishment in Nigeria. One may ask; why legitimise a law that cannot be executed? Irrespective of the reason, the increased use of capital punishment and attendant growth in the number of inmates on death row contribute to the annual increase in the prison population in Nigeria.

Also, the seeming disregard for the use of alternatives to imprisonment also increases the scale of the prison population. Before 2015, only the president and governors could use their prerogative of mercy to pardon inmates. The Administration of Criminal Justice Act (2015) permits judges to grant parole to inmates based on their character and duration spent in prison. However, the law is hampered by a lack of clarity on the former criteria, making it difficult for judges to grant parole to inmates (Ayinde, 2022). Even with the implementation of the Correctional Service Act (2019), only a few inmates were granted probation or parole. Since the introduction of the Act, only about 3% of the total prison population had been sentenced to noncustodial measures in 2022 and not more than 1% in 2024 (Nigerian Correctional Service, 2022/2024).

Finally, prisons arguably serve as an instrument for wealth generation among members of the ruling class. Alemika (1984) noted that top bureaucrats and contractors are benefitting from the money budgeted for managing prisons. The story has not changed as billions of naira is annually budgeted for prison expenses, but the prison conditions are not improving. For example, the Federal Government revealed that nearly 7.6billion (450 naira per inmate) is spent daily on feeding of unsentenced inmates only (Francis, 2021). However, this is inconsistent with the data found regarding poor feeding and nutrition.

However, to have a clearer picture of the changes in scale, it is also important to segregate the inmates based on gender. Official statistics revealed by the National Bureau of Statistics (2016) clearly revealed changes in scale based on gender from 2012 to 2016. Whereas the population of male inmates increases each year, the population of female inmates doesn't. However, this does not reflect on the general inmate population of the country, as female inmates mathematically constitute an insignificant percentage of the total inmate population. For instance, only 1.9% of the inmate population in 2012 were female, 1.6% in 2013, 2.0% in 2014, 2.1% in 2015, and 2.0% in 2016. Recent data provided by the Nigerian Correctional Service put the percentage of female inmates at 1.8%.

Changes in composition

The prison population in Nigeria is majorly occupied by unsentenced inmates (Alemika, 1983; Alemika, 1988). According to the World Prison Brief (2022), the prison population in Nigeria has consistently been dominated by awaiting trial inmates from 2000 to 2020. A report by UNODC (2021) revealed that although the global rate of unsentenced inmates has not changed across 20 years, African countries recorded a significant decline from 45% in 2000 to 34% in 2019. Data from the Nigerian Correctional Service (2024) revealed that currently, 68% of the inmates in Nigeria are awaiting trial. A report by the National Bureau of Statistics (2017) linked the high number of awaiting trial inmates to the arbitrary arrests made by law enforcement agents. Many people are arrested for minor offenses, and financial demands are made in the form of bail fees in exchange for their release. However, most of them are incapable of settling the bail fees, which eventually land them in prison. Most could not afford to secure a good legal representative to pursue their cases and ended up spending several years in prison, sometimes without even appearing in court again. For this reason, Amnesty International (2007) found that some of the unsentenced inmates are commonly known as "forgotten inmates".

There are no official statistics available that detail the socioeconomic characteristics of the prison population in Nigeria from 1980 to date. The available data will be supported by the findings of some empirical studies conducted by researchers using sample from Nigerian prisons from the 1980s to the 2020s. With regards to gender, Available data revealed that men outnumbered women in Nigeria's prison population. Alemika (1988) found that male inmates constitute the absolute majority of the inmates in Nigeria. Abdullahi and Zango (2005) found that only 7% of inmates in three studied Nigerian prisons are women. A report by the National Bureau of Statistics (2017) revealed that the percentage of female inmates has not been higher than 5% from 2012 to 2016.

Even though men have dominated the prison population globally, Flair and Walmsley (2010) found that the proportion of female prisoners in Africa is generally low compared to other continents. The Nigerian Correctional Service (2024) puts the current population of male inmates at 98%, compared to women's at only 2%. This high rate of male prisoners in Nigeria and Africa at large is due to differentials in socialization. The majority of African women continue to spend more time indoors than men, lowering their risk of committing crime. Also, women are more or less consumers and largely depend on men to take care of them, which reduces the stress of acquiring wealth and the likelihood of engaging in crime. This is consistent with arguments of Hurwitz and Smithey (2016), who emphasised the role played by socialisation in explaining gender differences in crime and punishment. Another factor is leniency in sentencing women. This is a factor used by Kruttschnitt (2010) to explain how the shift from indeterminate to determinate sentencing increased the population of female inmates in America. In Nigeria, the penal code operating in the northern part of the country (based on

the dominant culture of the people) is particularly lenient to women with regards to sentencing. Except for serious offences, women are hardly sent to prison.

Studies conducted by Alemika (1988), Abdullahi and Zango (2005), Adeyemi (2015), and Usman *et al.* (2020) revealed that the majority of the inmates are young adults, while most have no more than secondary education or no formal education at all. The studies equally found that most of the inmates are single or married; only a few have been separated or divorced. They are more at risk of engaging in violent behaviour to satisfy their unmet needs. This is why these categories of people are more likely to commit crime (Fleisher, 1966). Low education frequently places people at the bottom of the occupational ladder and earns them a low income. Thus, the prison population is largely occupied by people from the lower economic group. Alemika (1988) argued that the inmates are drawn from the lower economic fraction of Nigerians, with 50.7% earning less than the minimum wage (125 naira per month) and 49.3% earning a little bit more before imprisonment. Many of the inmates are unemployed, while the rest are peasant farmers, junior staff, or engaged in hard labour or minor trading businesses (Abdullahi and Zango, 2005; Adeyemi, 2015; Joseph and Emmanuel, 2018; Usman *et al.*, 2020).

This can be explained in two ways. But most importantly, the penal system cannot be treated in isolation when the issue of bias comes up (Cavadino *et al.*, 2019). The police in Nigeria increasingly reinforce minor offences mainly committed by the poor. Most often in court, options are given to pay fines or go to prison, which eventually lands many of them in prison because they cannot afford to pay. This is why Ojukwu and Agu (2018) found that a noticeable number of the inmates could not pay their fines, and quite a number were unable to post bail. Secondly, this category of people has a greater propensity to commit crimes to settle their financial needs. This is reflected in the high rate of inmates imprisoned for theft. Dambazau (2007) revealed that a significant majority of prisoners imprisoned from 1996 to 2005 were convicted of theft. The National Bureau of Statistics (2017) also revealed that the majority of prisoners imprisoned from 2011 to 2016 were imprisoned for theft.

It is also important to consider how many members of a particular social group end up in prison. This mass incarceration has so much to do with social inequality. Muller (2012) noted that imprisonment has mostly moved in lockstep with social inequality. Policing is highly concentrated and hyper-intensified in areas with high concentrations of disadvantaged and less privileged members of society, which increases their risk of imprisonment (Abdullahi, 2018). Explaining the scenario in American prisons, Wacquant (2009) posited that the systematic recourse of the justice system to enforce routine disorder in poor communities explains why American prisons are overfilled with nonviolent offenders and minor delinquents, most of whom are drawn from the most vulnerable fractions of the working class. Houchin (2005) discovered that people from the most deprived areas make up the majority of the prison population in Scotland. According to Houchin (2005), people in deprived communities face a higher risk of incarceration due to the nature of support provided and the availability of services, which includes the number of prisons and the intensity of policing, all of which influence their chances of going to prison. Jibueze (2016) argued that the idea of equality before the law is hardly a reality because the law is applied and enforced differently depending on class, status, and political position in Nigeria. He extended the idea that money, power, and connection or what he tagged as 'the Nigerian factor' determine your relationship with the criminal justice system. This is not specific to the male population; homeless urban migrants involved in street hawking and prostitution in deprived localities are mainly sent to prison (Abdullahi, 2018), but prostitutes in brothels are not prosecuted or imprisoned mainly because of their relationship with those in power. Hence, the uneducated, unemployed, low-income

earners, and impoverished urban migrants are mostly the imprisoned. This is why addressing the systemic inequality that promotes the persistence of crime becomes necessary (Abdullahi and Zango, 2005; Tarhule, 2020).

The unchanged composition of inmates in Nigerian prisons can also be explained using the idea of conflict theory. The theory argued that the state is an instrument used to perpetuate the interests of the dominant group. Through control of state institutions like the criminal justice system, the interests of the dominant group can be protected through continued oppression of the poor section of the society (Ozo-Eson, 2010). The marginalised group dominates the prison population because the priority is to protect interests of the dominant group by preventing violence that may result from them. With the high rate of political corruption and economic exploitation that envelop the country, the possibility of riot, protest, or violence is reduced through imprisoning those with a high risk of engaging in violence.

Changes in management

The task of managing prison populations is intricate and multifaceted; it entails safeguarding the safety and security of both inmates and staff, advancing the particular purpose of imprisonment (such as retribution or rehabilitation), and resolving problems caused by factors like overcrowding and health issues. In Nigeria, the management of the prison population has changed little over the years. Turner *et al.*, (2003) posited that one of the tasks of correctional managers is to establish and ensure compliance with the goal of imprisonment. In other words, how inmates are governed is largely dependent on the purpose of incarceration. The dominant goal of incarceration from the 1970s to date has been to keep safe custody of, rehabilitate, and reintegrate inmates. However, the management of the prison population in the 1980s was punitive and inhumane. Alemika (1983) observed that the shift in penal policy toward the correction of offenders tends to merely follow the global penal trend, but the existing practise is still that of incapacitating and depriving prisoners. This is largely linked to the colonial orientation and military rule that dominated the 1980s and 1990s. Saleh-Hanna and Ume (2008) linked the inhumane style of prison management to its historical antecedents. The military, on the other hand, fails to improve prison welfare because they treated prison as a punitive institution. Hence, the prison staff were not trained to correct but to punish offenders (Onyekachi, 2016).

According to the data from the Nigerian Correctional Service portal, correctional centres in Nigeria hold 37% more inmates than their designed capacity, with an occupancy rate of 137%. The capacity of the prisons is incapable of accommodating the overcrowded inmate population. Sadly, the majority of the prisons in the 36 states were built by the colonial rulers (before the 1960), although few were renovated in the early 2000s (Saleh-Hanna, 2008). The return of democracy in 1999 came with much interest in prison reform. According to Amnesty International (2007), several committees and working groups were established between 2000 and 2007 to improve the condition and treatment of offenders, with much concern given to decongestion and improving the inmate's welfare. The Nigerian Correctional Service collaborated with the National Open University of Nigeria to provide access to online studies for a limited number of interested inmates. They were improvements, especially with regards to education, but never sufficient enough to enhance the realisation of the established penal objective because of the looming prison population (Eze, 2009). In fact, none of the prisons in Nigeria are adequately equipped to fully realise the objective of rehabilitation and reintegration (Idowu & Erhuhu, 2017).

The signing of the Administration of Criminal Justice Act 2015 into law granted judges the power to approve parole. Parole will only be granted based on the observed improvement in the behaviour of inmates within the prisons. The protection of society is always the primary

concern in the decision to approve inmates on parole (Ezekwem, 2017). However, the law did not stipulate how probation would be granted to certain inmates, which made it difficult for the inmates to be released (Ayinde, 2022). To revisit the challenges of the Act and address other management issues, the Correctional Service Act 2019 was established. The Act provides the basis for the change in management of the prison population in contemporary Nigeria. It also changes the name of the prison institution from the Nigeria Prison Service presiding over prisons to the Nigerian Correctional Service presiding over correctional centres.

The change of name is symbolic of a transition in management from punishment to correction (Edafe, 2019). The Correctional Service Act 2019 clearly establishes rules for the use of noncustodial measures, grants permission for the creation of probation and parole centers, and training of correctional officers for community supervision. The Nigerian Correctional Service (2022) provided that 4 inmates are on probation, 2 are on parole, 27 are on restorative justice, and 166 are doing community service. Recently (as at September 2024), 14 inmates are on probation, 97 on restorative justice, 359 are on community service and none on parole. The Act equally grants power to the Controllers of various correctional centres to reject inmates when their centres have reached maximum capacity. The correctional service also improves access to online studies for a greater number of inmates. 74 inmates have already finished undergraduate and postgraduate degrees. Currently, approximately 1,215 inmates are pursuing undergraduate degrees, 62 are pursuing diploma programs, and 5 are pursuing postgraduate programmes (Idoko, 2022).

Even with the change in management and or authority given to prison staff to assess the character of inmates to determine who should be deemed appropriate to be granted parole, there isn't a change in the nature of the relationship or pattern of control. The idea of a change in penal power identified by Crewe (2011) in England and Wales is not applicable to Nigerian prisons. The prison staff still treats the inmates authoritatively and in an inhumane manner. Equally, not much has improved on the treatment, welfare and wellbeing of inmates, the resources and technologies necessary to successfully rehabilitate inmates. Thus, the Nigerian prisoners are still more or less primarily managed punitively (See Banwo, 2021).

Conclusion

The prison population in Nigeria continues to increase annually due to arbitrary arrests by the police, delays in sentencing, an increased number of awaiting trial inmates, an inability to execute condemned criminals, and an increased use of custodial sentencing. The prisons are overcrowded beyond their capacities which may lead to prison violence, jail breaks, and poor rehabilitation of inmates. The majority of the prisoners are from lower economic groups of the society, which highlights the structural inequality that exists within society and the unfair nature of the justice system. The management of the prison population portrays prisons as still more punitive than corrective. The penal objective of imprisonment to reform and rehabilitate offenders is clearly struggling in Nigeria. Thus, there is a need for urgent intervention from the government and concerned institutions to rescue the penal system. The paper recommends the following below:

1. The Nigerian judicial system is in urgent need for reform. Prison congestion can be reduced by making the legal system more effective, speeding up the trial process, and looking at alternatives to imprisonment for non-violent and minor offences. The use of alternative measures to punish offenders is evidently not a choice but a necessity.
2. There is need for the development of more correctional centres. To combat overcrowding, money must be spent on the development and upkeep of contemporary prisons with sufficient capacity.

3. Recidivism rates can be decreased by implementing efficient rehabilitation programmes that include education, vocational training, and mental health care to better prepare inmates for successful reintegration into society.
4. There is need for improved partnership and cooperation between the Nigerian Correctional Service, governmental bodies, non-governmental organisations, and local community organisations to assist in the administration of the prison population and offer essential resources.
5. Finally, staff training on the contemporary skills of managing offenders is necessary to change the staff orientation from punishment to correction. Ensuring adequate training and support for prison staff, as well as improving their welfare, can contribute to a more effective and humane management of the prison population.

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