

Nigeria Correctional Institution Congestion and its Effects on Inmates

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Abstract

Nigeria Correctional Institution has generally been regarded as an animal cage. Congestion in Nigerian Correctional Institutions is often identified as the cause of inmate ill health and misconduct and of post-release recidivism. The objective of this paper is to examine the causes of congestion in the Nigerian Correctional Institution. The work argues that Inmates housed in large, open bay dormitories are more likely to visit clinics and to have high blood pressure than are inmates in other housing arrangements (single-bunked cells, double-bunked cells, small dormitories, large partitioned dormitories). The work recommends that regular jail delivery should be encouraged, the government should embark on a programme of Correctional Institution expansion, more Correctional Institutions should be built, while open Correctional Institution camps should be encouraged, the Nigerian Correctional Service should assume a creative leadership role in criminal justice administration in Nigeria, and the problem of poverty and unemployment should be addressed to reduce the crime rate in the society.

Keywords: Congestion, Nigeria Correctional Institution, Restorative Justice

Introduction

Although several studies have been conducted by concerned researchers to address Nigeria Correctional Institution Congestion, which has been identified as the reason for inadequacies in the prison system as a corrective institution, it is impartial to say that the Nigerian prison community is more punitive and dehumanising than the corrective role it should be focusing on in the present global dispensation, for the demand for human rights in prisons. In practical reality, the relentless persistence of this problem has become a social ill and a nightmare because it has deprived prison inmates of a sense of belonging and the much-needed opportunity for reformation and rehabilitation for which the prison service was established. This is so because, as far as the economic system and the political terrain are poor and porous, and people must eat to live, they will always, no doubt, alter or manipulate other means of survival that are favourable to them but against the norms and the appropriate social order of society.

Conceptual Clarifications

Correctional Institution: The Nigerian Correctional Service, formerly called the Nigerian Prisons Service was established in accordance with three forms of penal legislation which operate alongside each other in the country; the Penal Code and the Criminal Procedure Code cap 81 laws of the Federation 1990 (CPC): the Criminal Code and the accompanying Criminal Procedures Act cap 80 laws of the Federation 1990 (CPA), and the Sharia Penal Legislation in 12 Northern states (which applies only to Muslim members of these states). By its establishment philosophy, the Nigerian Correctional Services is an institution intended to administer penal treatment to adult offenders; its importance lies in its bid to reduce crime in society. On the basis of the imprisonment policy, the Nigerian Correctional Services was established to manage inmates in Correctional Institutions. This constitutional function empowers the Nigerian Correctional Institution operatives to:

- i. Keep convicted offenders (prisoners) for safe custody.
- ii. Keep Awaiting Trial inmates in custody until the law courts ask for their production.
- iii. Punish offenders as instructed by the law courts.
- iv. Reform the convicted prisoners.
- v. Rehabilitate and re-integrate prisoners who have completed their sentence in the Correctional (Correctional Institution Training manual, cited in (Adetula, Fatusin, 2010).

Based on the above, the main aim of establishing Correctional Institutions worldwide, including in Nigeria, is to provide rehabilitation and correctional facilities for those who have violated their society's rules and regulations. However, the extent to which this saying is true in practice has been a subject of controversy. Instances abound in which Correctional Institutions have become training grounds for criminals rather than rehabilitation homes in Nigeria (Obioha, 1995).

When a correctional institution operates above its population capacity, it is referred to as Correctional Institution overcrowding. According to Olawale (2005:18), overcrowding in our correctional institutions is an obstacle to the practical realisation of the aims and objectives of reformation and rehabilitation. Correctional Institution overcrowding refers to a situation in which a particular Correctional Institution holds more inmates in custody than its normal capacity. It is a situation of an overcrowded inmate population in a Correctional Institution (Olawale, 2005:35).

Opara (1998) defined a correctional institution as a place delimited and declared as such by the law of the state and created to ensure the restraint and custody of individuals accused or convicted of violating the criminal laws of the state. Civil prisoners such as debtors, prisoners of war and state detainees are also received and kept in the Correctional Institution's custody. A Correctional Institution can be described as a place where offenders are kept as punishment for crimes committed. It also serves as places where persons are kept while Awaiting Trial (Opara 1998). Foucault (Cox and Wade 1989) further observed that the Correctional Institution is the clearest, simplest, and most equitable of penalties, because it makes it possible to quantify the penalty exactly according to the variable of time. The idea of the Correctional Institution itself is the isolation of the offender from the rest of society. He is isolated from the external world and from anything which motivates or facilitates his criminal acts.

Congestion: Correctional Institution congestion, also known as Prison overcrowding, occurs when the number of Inmates or Prisoners exceeds the officially designed capacity of a Prison or facility, leading to overcrowded conditions. This situation causes numerous problems, including poor health and living conditions, increased stress and violence among inmates, and strained resources, impacting the overall effectiveness and humane operation of the Criminal Justice System.

Theoretical Framework

Administrative Control Theory (Useem & Reisig, 1999) was used in his paper, whereby authorities neglect their administrative responsibilities rather than lack awareness of them. The Administrative Control Theory argues that disorder or riot in Correctional Institutions results from unstable, divided, or otherwise weak management (see Useem & Reisig, 1999). It argues that conflict or riot results from poor management of Correctional Institution facilities, which have three central components: inadequate conditions, weak security and the emergence of group formations among inmates, such as gangs. In poorly managed prisons, the more dissatisfied inmates are with the management, the more likely they are to engage in violence and collective action.

Literature Review

According to the report of the Bureau of Justice Statistics (2021), it is essential that correctional facilities should operate below capacity to prevent congestion. But as long as the

capacity of correctional facilities remains static, an increase in the prison population would continue to be a threat to prison administration, the State, and the country as a whole (Joseph et al., 2021).

Many studies have been conducted to understand the problems of correctional facility congestion in developed countries with varying magnitudes of anti-social and health problems in correctional facilities, which may not be the same as those in Africa or Nigeria because of differences in their socio-cultural settings (Alaba, 2020; Nweze et al., 2021). Correctional facility congestion has been a constant in many studies, and the issue should be a significant concern for government officials. Nweke et al. (2021) observed that problems relating to correctional facility congestion in Africa have long been studied, but there has been a dearth of specific or accurate data on the capacity of each correctional facility, following the congestion, which largely varies from one region to another and from one country to another within a region in Africa.

Ahire (1990:6) examines the method of operation of the colonial prison. According to him, colonial prisons were designed to take custody and control of those who resisted colonial domination and exploitation. This explains why prisons were designed and built in such a way that they were punitive in nature initially. What Ahire did not highlight, however, was that the prison service's reform initiative was equally a colonial creation, with the appointment of R.A. Dolan in 1946 as Director of Prisons in Nigeria. With independence in 1960, there was a gradual withdrawal of the British officers who had manned the prison system in Nigeria, and the prison system was administered through the Standing Order (S.O.) of 1961.

Ogundipe (2006), cited by Eze (2009), stated that the Nigerian Correctional Services was exacerbated by the dominant military leadership which Nigeria has experienced since independence. The military, in its twenty-nine (29) years of political leadership, views the prison as a punitive institution and therefore does not give it any attention to develop its infrastructure or conditions. He noted further that the military did periodically visit the prisons, but only to make sure that those they had detained were not allowed any measure of "comfort". The population of inmates under them (that is, the military era) became so large that the capacity of each prison became torturous; it served the purpose of the military regime very well. Ogundipe (2006) maintained that the "detainees were held in squalid and congested cells without adequate medical care, food supplies or water and often with some outbreak of diseases, environmental degradation, and an increased mortality rate among inmates". The condition of the Correctional Institutions staff was worse than that of any other government agency at that time. The prison staff was also treated as prisoners. Most of the prison branches or sections around the country did not have a single official vehicle, while the very few that had vehicles found it difficult to maintain them due to poor funding. The institution had no suitable corporate headquarters before 1999.

Nigeria Correctional Institution Congestion

The rapid increase in urban population has also increased the rate of crime committed in most towns and cities. This has further posed a major challenge to the existing capacity of correctional facilities due to the increased number of inmates. The steady increases in prison populations in both developed and less developed countries have not been matched by additional built capacity and other resources, thereby leading to congestion and unhealthy environments, with cramped living spaces and reduced access to the basic minimum requirements for human health (Heard, 2019). In addition, more crimes are committed in correctional facilities instead of serving as correctional centres. Kurland (2021) stated that congestion in correctional facilities has a resultant effect of increased rates of crime in the facility.

Thus, congestion within Nigeria's correctional institutions remains one of the most persistent challenges confronting the country's criminal justice system. Despite constitutional guarantees of dignity and fair hearing, custodial facilities across the federation are widely characterised by overcrowding, inadequate infrastructure, prolonged pre-trial detention, and limited rehabilitative capacity. Prison congestion is not merely an administrative inconvenience; it constitutes a structural problem with legal, ethical, social, and public health implications. It undermines the rehabilitative purpose of punishment, compromises the rights of inmates, and strains institutional resources.

The transformation of the Nigerian Prisons Service into the Nigerian Correctional Service (NCoS) under the Nigerian Correctional Service Act of 2019 signalled a shift from punitive incarceration to correctional and rehabilitative philosophy. However, congestion continues to obstruct the realisation of this reformist vision.

One of the primary causes of congestion is the high incarceration rate. A rapid increase in the number of individuals being imprisoned, often linked to high crime rates, social instability, unemployment, and urbanization, significantly contributes to overcrowding. In many instances, incarceration is used as the default response to criminal behaviour, even for minor or non-violent offences. The over-reliance on custodial sentencing results in a steady inflow of inmates without a corresponding outflow through discharge, acquittal, parole, or alternative sentencing. Consequently, correctional institutions operate beyond their intended capacity, thereby undermining their corrective and rehabilitative functions.

Closely related to this is the problem of insufficient infrastructure. Many custodial centres in Nigeria were constructed during the colonial and early post-independence periods, when the population size and crime rate were significantly lower. Since then, there has been inadequate expansion or modernisation of facilities to accommodate the growing inmate population. The absence of newly constructed correctional institutions and the failure to expand existing ones have led to a mismatch between available space and the number of inmates. This

infrastructural stagnation reflects broader challenges of underfunding and limited political prioritisation of correctional reforms.

Another critical factor is the delay within the criminal justice system. Slow court proceedings, frequent adjournments, and prolonged trials contribute significantly to the high number of Awaiting Trial Inmates (ATIs). In many custodial facilities, a substantial proportion of inmates have not been convicted but remain detained while their cases are pending. Judicial inefficiency, an inadequate number of judges, case backlog, and procedural bottlenecks prolong detention unnecessarily. The principle of presumption of innocence is thus compromised, and correctional institutions become holding centres for individuals whose guilt has not been established.

The lack of alternatives to incarceration further exacerbates congestion. Modern penology emphasises non-custodial measures such as probation, parole, community service, restorative justice, and home detention, particularly for non-violent offenders. However, inadequate institutional frameworks, insufficiently trained personnel, and limited public awareness have hindered the effective implementation of such alternatives in Nigeria. As a result, many offenders who could have been subjected to community-based supervision are instead committed to custodial centres, thereby unnecessarily increasing congestion.

A structural imbalance in institutional development also contributes to overcrowding. The non-expansion of correctional institutions relative to the expansion of police and court formations has created systemic pressure. Over the years, police commands and court establishments have expanded to accommodate administrative and population growth. However, a corresponding expansion in correctional infrastructure has not occurred. This disproportionate development means that more arrests and prosecutions occur without adequate custodial capacity to manage the resulting inmate population.

Closely connected to judicial delay is the problem of protracted police investigations. In many cases, investigations are not concluded promptly. Some suspects remain in remand custody for extended periods, sometimes exceeding ten years, under the pretext that investigations are ongoing, particularly in capital offences. Such prolonged detention without conclusion of investigation violates the right to a fair hearing within a reasonable time and significantly contributes to congestion. The inefficiency of investigative processes, therefore, shifts the burden of delay onto correctional institutions.

Similarly, long court adjournments are a major cause of overcrowding. Adjournment though a legitimate judicial tool, becomes problematic when excessively prolonged or granted on flimsy grounds. Frequent postponements due to the absence of witnesses, lack of preparedness by counsel, or administrative challenges prolong the duration of trials. In some instances, cases are adjourned sine die (without a fixed date), leaving suspects in indefinite custody. Such practices increase the population of awaiting trial inmates and contribute directly to institutional congestion.

Another operational challenge is the insufficient means of transporting inmates to court. Following the transfer of escort duties from the police to correctional authorities, adequate funding and logistical support were not sufficiently provided. In many instances, lack of operational vehicles, fuel shortages, and security constraints prevent inmates from being transported to court as scheduled. When inmates are not produced in court, cases are adjourned, thereby prolonging detention. The combined effect of inadequate transportation and judicial adjournments significantly intensifies congestion within custodial facilities.

The increase in population and crime rate also plays a substantial role. Nigeria's population has grown significantly since the colonial era, leading to increased urban density, unemployment, and socio-economic pressures. As the population rises, the incidence and complexity of criminal activities tend to increase. Contemporary crimes, including organized crime, cybercrime, terrorism, and sophisticated white-collar offences, have added new dimensions to criminal justice administration. However, correctional infrastructure has not expanded proportionately to accommodate the increased number and complexity of offenders, resulting in persistent overcrowding.

Correctional Institution Congestion and Society

Nigeria's overcrowded correctional system, primarily due to a high number of waiting trial inmates, negatively impacts society by hindering Inmate rehabilitation, increasing healthcare issues, promoting criminality through mixing of Inmates, and straining national resources that could be better used elsewhere. The congestion also signifies failure in the administration of justice and contributes to social instability.

A report on the situation in Philippine Penitentiaries revealed that most prisons lack appropriate recreational spaces, adequate sanitation (particularly toilets and water supply), adequate beds/bedding/mosquito nets, and sufficient medical facilities, and that facilities are poorly equipped (De Guzman et al., 2020). These problems are real in prisons in the provinces due to inadequate facilities (Jones & Narag, 2021, cited in Alipoyo, 2022). Franklin and Pratt (Juan, 2019) examined the relationship between prison overcrowding and inmate misconduct and found that congestion in correctional facilities significantly affects inmates' behaviour. The authors further noted that imprisonment is a stressful experience and that stress levels increase when inmates feel crowded, which can lead to violent behaviour. Garcia-Guerrero & Marco (2021) reported that this issue can be resolved either by sentencing inmates to shorter periods or by building more prisons.

Congestion in correctional facilities can also affect the physical health of inmates. Cook (2015) reported that despite efforts by administrators, jails still face severe congestion. According to El-Nasr et al. (2020), many countries design prison facilities on the basis that they are places of punishment, and therefore these facilities are not designed with any humanitarian considerations. The authors studied the design of a building in one of the international prisons designed according to the human rights standards mentioned in the international agreements,

to derive an ideal design vision for the prison building. The condition of correctional facilities in many African countries, in general, and Nigeria in particular, is afflicted by severe inadequacies, including high congestion, poor physical, health and sanitary conditions, and inadequate recreational, vocational and rehabilitation programmes (Joseph, 2021). The number of inmates is increasing daily without an equivalent increase in funding and upgrading of the physical structures and facilities, which has been a serious problem.

Nigeria's Correctional Institutions' congestion affects inmates, the Correctional Institutions system, and society. Overpopulation places heavy strain on maintenance costs, stretches the workforce, and overloads other facilities, as noted in research on humanities and social sciences. The few facilities available become grossly inadequate for the inmate population. Life in Correctional Institutions has become degrading, brutal, and dehumanising. In reality, it is harsh and life-threatening. Correctional Institutions leave inmates with the poorest preparation for re-entry into society. The Criminal Justice System is so backlogged that a large proportion of the country's Correctional Institutions' population consists of pre-trial detainees rather than convicts. Reforms and rehabilitation programmes were nominal, and the Correctional Institutions were aptly dubbed "Colleges for Criminals" or "breeding grounds for crime". In Correctional Institutions, the individual is exposed to a criminal subculture that provides rationales for illegal activities; the prisoner is also taught 'new' techniques for committing crimes upon eventual release, thus increasing the number of recidivists (Adebisi, KS. 2008).

Foucault (1995:105) opines that Correctional Institution "is not at first a deprivation of liberty to which a technical function of correction was later added; it was from the outset a form of 'legal detention' entrusted with an additional corrective task, or an enterprise for reforming individuals that the deprivation of liberty allowed to function in the legal system." From the foregoing, it is evident that inhuman treatment and deprivation of basic facilities are not a sine qua non for effective Criminal Justice Administration. Prisoners have some rights, although they are incarcerated, and some of their rights, such as the right to freedom, are suspended during the period of incarceration; other rights, such as the right to dignity, must be respected, especially in free and democratic societies. Offenders are sentenced to Correctional Institutions as punishment and not for punishment. The culture of Correctional Institutions has always been dominated by aggression, running counter to the values of humaneness, softness, openness, and anti-oppression (Weschler, J., 1991).

Inadequate funding of the Correctional Institution has had many deleterious effects on correction within the Correctional Institution system. According to Olawale (2005:18), prison workshops are grossly neglected, with only obsolete and non-functional machines and equipment. The Correctional Institution is also incapacitated as a result of the non-availability of the basic logistics the workers require for carrying out their professional assignments. Omu (2008:143) states that the Nigerian Correctional Institutions' health sector is one of the most

organised in terms of personnel. There are medical doctors, nurses, environmental health officers, community health workers, pharmacists, medical laboratory technicians, etc. Still, the problem is the availability of drugs and other medical and laboratory equipment for effective health delivery. A review of the literature revealed that an ideal correctional facility requires adequate space to house inmates, but space depends on the size of the facility compared with the maximum capacity and the total number of inmates daily (Juan et al., 2019).

Some of the negative societal effects include:

1. Increased Criminality: Congestion can lead to mixing of Awaiting Trial Inmates with convicted offenders, which can reinforce criminal behaviours and negatively influence those yet to be convicted and reintegrated into society.
2. Poor rehabilitation: The primary goal of rehabilitation and reintegration into society is thwarted by congestion and poor conditions, making it difficult for the system to serve as a correctional facility.
3. Health and social crises: Poor sanitary conditions, inadequate ventilation, and lack of hygiene in congestion facilities lead to the spread of diseases, creating potential public health crises that extend beyond the Correctional Institution walls.
4. Economic Strain: The high cost of housing and maintaining an excessive Inmate population places a significant burden on the national economy, diverting funds that could be used for other essential social services.
5. Justice system failure: High numbers of awaiting trial inmates indicate systemic delays and inefficiencies in the judicial process, undermining public trust and suggesting a breakdown in the rule of law.
6. Increased social instability: When a correctional system fails in its core functions of rehabilitation, it can lead to increased recidivism and contribute to broader social instability by failing to reintegrate former offenders effectively into society.
- v. Crime was seen as a behaviour that has been prohibited by the governmental authority and that can be punished through the application of formal sanctions.

Conclusion

The task of addressing and finding a permanent solution to this congestion menace should be a joint responsibility of all stakeholders in the Criminal Justice Administration. This includes the Police, the Court, the government, society, and the Officers and men of the Nigerian Correctional Service. Most especially, the increasing number of the Awaiting Trial Persons (ATPs) is the major cause of the congestion in the Correctional institution. The critical investigations conducted on the effect of Correctional Institution congestion on national security have revealed that much needs to be done as regards Correctional Institution congestion. The results gathered from this research have shown that the Correctional Institutions in Nigeria need total reformation and experienced individuals to be employed to manage the Correctional Institutions.

The stance of this article is that Re-Integrative Shaming theory of Restorative Justice is an indispensable philosophy of punishment/treatment that can favourably address the problem of Correctional Institution overcrowding in Nigeria. Unlike in the Police or Court, where most cases end up in remanding offenders or the accused in prison custody, thus leading to congestion in the system, the Restorative Justice System restores social justice, pacifies social harm, and rights wrongdoing in the community. Under the Restorative Justice System, punishment or treatment of offenders, conflict resolution, and crime adjudication are humanely handled outside the formal agencies detailed by the government to enforce law (the Police), process crime and criminals (Courts), and correct or rehabilitate outlaws (Correctional Institutions).

To realise the objectives of reducing prison congestion, the government should, as far as possible and practicable, implement the various recommendations cited in this work. It is hoped that this modest contribution to policymakers, the government, the judiciary, and non-governmental organisations (NGOs) will help chart a more acceptable and reliable course, “convenient” in making the Nigerian prison a more suitable and less horrible institution for the reformation of inmates (prisons are known as schools for prisoners). It is a clear representation of the reform system and the rehabilitation plans of Nigeria as a country. It examines the prison condition with the aim of answering important questions about why recidivism is on the increase, as well as the failure in the reintegration of ex-convicts back into society. This should form the basis of increasing prison capacity, not just the population of the state. To this effect, it indicates that the problem of prison overcrowding is not just a result of the ill functioning of the criminal justice system but also a gap in policy implementation for increasing prison capacity. When prisons are overcrowded, the purpose of punishment becomes difficult to achieve.

Recommendations

Based on this study, to address these problems of congestion in Correctional Institutions for the Criminal Justice System in Nigeria, so as not to be affected and for a formidable Criminal Justice System, the following recommendations are hereby offered:

- i. Regular jail delivery should be encouraged.
- ii. The government should embark on a programme of Correctional Institution expansion. More Correctional Institutions should be built, while open Correctional Institution camps should be encouraged.
- iii. The Nigerian Correctional Service should assume a creative leadership role in criminal justice administration in Nigeria
- iv. The problems of poverty and unemployment should be addressed to reduce the crime rate in society.
- v. All the Black Maria vehicles should be made functional. Enough funds should be made available to fuel and maintain them. More vehicles should be added to the fleet.

vi. The laws regulating Court adjournments, the process and period of Police investigations, the method of handling case files from Police to DPP and the court should be revisited and revised to make for more efficient and timely service delivery.

vii. Computerizing the CJS in Nigeria will help in the quick dispensation of justice and thereby reduce congestion. Computerization may bring an end to the missing case file phenomenon and will speed up the transfer of procedures between the various stakeholders of CJS.

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