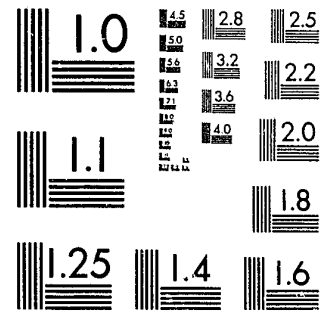


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SEPTEMBER 1983

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

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This Issue in Brief

ERRATUM: In Ted Palmer's article, "The 'Effectiveness' Issue Today: An Overview" (June 1983, pp. 5-10), the sentence on page 5, column 2, line 2, beginning with the words, "In contrast," and ending with "are also implied," should have read as follows: In contrast, the differential intervention view suggests that some offenders (BTA's amenable included) will respond positively to given approaches under certain conditions only, and that these individuals may respond *negatively* to other approaches under very similar conditions; other combinations of offender, approach, setting—and resulting outcome—are also implied.

The editors regret that the important missing words, "certain conditions only, and that these individuals may respond *negatively* to other approaches under," were inadvertently omitted.

Writing About Justice: An Essay Review.—This essay review by Dr. Benjamin Frank deals with what are generally considered the three most influential books on political and moral philosophy published in the past decade. They are, in effect, three competing theories of justice for contemporary liberal society. The focus of Dr. Frank's review is on the implications of each of these theories for penal policy.

Probation as a Reparative Sentence.—Probation as a reparative sentence should become the penalty of choice for property offenders, asserts Professor Burt Galaway of the University of Minnesota at Duluth. The reparative sentence requires offenders to restore victim losses either through monetary restitution or personal service. If there are no victim losses or the nature of the offense requires a more severe penalty, additional reparations can be made to the community in the form of unpaid service.

Selective Incapacitation: An Idea Whose Time Has Come?—Selective incapacitation is a popular, yet controversial new idea for dealing simultaneously with overpopulated prisons and jails and with the problem of high crime rates. Brian Forst of INSLAW, Inc., considers the pros and cons of the idea. His arti-

cle focuses primarily on two issues: the compatibility of selective incapacitation with other strategies for determining criminal sanctions, and the problem of errors in predicting which offenders are the most dangerous.

Recent Case Law on Overcrowded Conditions of Confinement: An Assessment of Its Impact on Facility Decisionmaking.—Crowded prisons and

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Penal Policy, the Public, and Implications for Prison Administration in Nigeria

BY ADEWALE R. ROTIMI

Department of Sociology, North Texas State University, Denton

“UNLESS we do something about the prison system in this country and expand capacity to incarcerate dangerous criminals and keep them in prison, we are not going to be addressing the crime problem.”—*Edwin Meese*¹

Even though the statement quoted above was made by Counsel to the President of the United States in regard to the prison conditions in the United States, the audience might as well have been Nigerians who are now experiencing the highest crime rate in history. In attempting to solve the crime problem in Nigeria, efforts have been made to focus on the police and the courts with less attention paid to the prisons. Consequently, there is a pitiable dearth of literature and research on the relationship between penal philosophy and prison administration and how these affect the crime situation. This article is an effort to correct this anomaly. It is necessary to examine the Nigerian prison system deeply and see how the penal philosophy (which is an embodiment and reflection of public reaction to crime) has hindered or facilitated prison administration.

The crime rate in Nigeria has steadily increased since 1970 which marked the end of a 3-year Civil War (1967-1970). Most of the crimes committed are property-related and are committed by offenders, some of whom after fighting in the war were discharged and lacked opportunities for gainful employment. However, most of the crimes are committed in urban centers by those who have migrated from the rural to urban centers in search of employment, glamour, and adventure.

Cases of theft reported to the police in 1971 were 90,045; in 1974 they were 126,862 and in 1975 property-related offenses² were down to 108,282. In 1976 they had increased again to 115,688 cases.³

Rotimi (1982)⁴ observes that the total inmate

population in all the Nigerian prisons was 9,203 in 1969; 11,508 in 1970; 16,848 in 1971; 20,705 in 1972; and in 1981, it was put at approximately 36,000.⁵ The steady increase in prison population in Nigeria is due mainly to the fact that few alternatives are made available to sentenced offenders (absence of probation, parole and so on practiced on a large scale).

The increase in crime rate and, consequently, in the prison population, has meant additional problems for the prison administrators who have to contend with the perennial problems of overcrowding, custody, and rehabilitation of offenders. It is necessary to look at all these problems.

When an average Nigerian is asked a question on how to curb crime, he or she usually focuses attention on the two most visible parts of the criminal justice system, the police and the courts. The police should catch criminals with better results and the court should give stiffer penalties and dispose cases faster. Little thought is given to the prisons, especially their ability to rehabilitate and therefore cut down on the number of people engaging in criminal activities. If, however, a discussion arises on why prisons fail to rehabilitate, many citizens blame the prison administrators for failing to rehabilitate. Little attention is paid to the fact that prison administrators are civil servants who execute programs which are embodiments of the public penal philosophy—programs that are inclined to be punitive rather than rehabilitative. Focus is now placed on the intertwined relationship between the public, penal philosophy and prison administration.

As mentioned earlier, there is a dearth of literature or research studies which document the impact of or the relationship between penal policy and prison administration in Nigeria, yet it is common knowledge that the prison system of a particular society reflects the penal policy, philosophy and the sentiments expressed towards crime by that particular society. Perhaps Thomas and Peterson (1977) throw light on this relationship:

Prisons are a political entity, their very presence is the outcome of a political process, who runs them, how they are run and the goals they pursue and the resources made available for any aspect of their operation are no less illustrative of a political pro-

¹“Words from the White House,” in *On Line*, published by the American Correctional Association, Vol. 4, No. 5, July 1981.

²International Criminal Statistics, Interpol Secretariat, Paris, France.

³Annual Police Report (1976).

⁴Rotimi, A. R. “Prison Administration in Modern Nigeria,” *International Journal of Comparative and Applied Criminal Justice*, Spring 1982, Vol. VI, No. 1.

⁵“Nigerian Police Expansion Plan,” *African Research Bulletin*, May 1-30th, 1980, p. 568.

cess. . . . A process over which those charged with either correctional or custodial responsibilities have pitifully little control.⁶

Some of the problems afflicting the prison system in Nigeria have been briefly sketched by Rotimi (1982). This article is an expansion on that.

The performance of the prison administrator's duties is affected mainly at two levels. The first and most visible level is the legislative level and also through statutes that prescribe how the prison must be run. These two are usually official documents that embody the collective sentiment of the society. This will affect the official aims of imprisonment; it will also determine the amount of capital outlay appropriated by the government to run the prisons. It will affect salary structure of prison employees, the general conditions of service, housing, retirement, promotion and so on. For the inmates, it will affect sentencing, rehabilitation programs, and level of sophistication of security apparatus.

The other level of public involvement will be mainly “unofficial.” This will include special interest groups that seek prison reforms, voluntary associations that help ex-offenders to readjust by helping them to re-settle with their families, obtain jobs or even travel to their places of origin after discharge. It also includes such an existing organization like Discharged Prisoners Aid Society. It is my contention that the impact or lack of it of the society at large at the two major levels has created formidable problems for prison administration in Nigeria. I will examine these impacts in detail by firstly examining the aims of imprisonment in Nigeria. The aims of imprisonment as set down by the government will determine the direction of prison administration, whether the emphasis will be on punishment, retribution, or rehabilitation.

Aims of Imprisonment

In Nigeria, the aims of imprisonment have not been concretely laid down in form of a statute, but it is generally assumed that they are retributive, deterrent (general and specific) and reformatory (Rotimi, 1982). If the above lead to nonrepetition of crime, the offender would ultimately have been rehabilitated! As Adeyemi (1968)⁷ has rightly observed, treatment has never been the declared aims of any sentence. This argument is supported by a common observation which reveals that only a very small percentage of

prisoners are involved in rehabilitation programs, e.g., vocational rehabilitation, remedial educational programs, and so on. Although the government has not categorically pronounced the aims of imprisonment to be the rehabilitation of the offender, some recent official pronouncements point to this direction. For example, in the 1975-81 4-year development plan,⁸ the policies and objectives were stated as follows,

- Reorganization and reintegration process to continue,
- Decongestion of prisons
- More skilled manpower
- Rapid expansion of facilities
- Expansion of prison farms and industries to permit easier and smoother reintegration of prisoners on their discharge.

Also, support programs consist of proposed establishment of prison agricultural farms at a total cost of N 32.4 million, establishment of 3,000 acre prison farm in each state with a prison population of 400 per farm. Also, expansion of prison industries.

The Fourth Development Plan, 1981-85, carries the third 4-year development plan further. It emphasizes the improvement in the management of prison farms and industries. Briefly it states,

Such farms and industries will be better equipped and developed with a view to achieving a high degree of self-sufficiency and equipping prisoners with the necessary skills to facilitate their reintegration into society.⁹

It can be observed that there is a gradual change and emphasis on rehabilitation which is in line with modern penological thinking. How the programs of rehabilitation are successfully executed will depend on the actual availability of the necessary monies and the recruitment and retention of the qualified staff to carry on the programs. It will also depend on an accurate classification and evaluation of the inmates to insure that those who partake of the programs are mentally and physically qualified and that they are interested in taking part in the programs without any coercion. All these will constitute problems and the challenges to which the prison administrator must respond. The staff is the first in line of problems to be examined as problems of staffing will reverberate through the entire system.

Staffing

It is necessary to examine the entry qualifications of the staffs (junior or senior), the duties expected of them to perform, the remunerations that accompany the performance of these duties. If the remunerations are out of alignment with requirements of job performance, it will affect the morale of the staff and this could result in high turnover rate, a very knotty problem for successful prison administration. In addition

⁶Thomas, C. W. and Peterson, D. M. *Prison Organization and Inmate Subcultures*, Indianapolis, The Bobbs-Merrill Company, Inc., 1977.

⁷Adeyemi, A. A. “Sentences of Imprisonment: Objectives, Trends and Efficacy,” in Elias, T. O. (ed.), *The Prison System in Nigeria*, Lagos, University of Lagos, 1968.

⁸*The Third Four-Year Development Plan 1975-81*. Published by the Federal Ministry of Economic Planning, Lagos, Nigeria, 1975.

⁹*Summary of Fourth Development Plan 1981-85*. Published by the Federal Ministry of Planning, Lagos, Nigeria, 1981, p. 86.

to the entry qualification and required job performance, it will be necessary to compare the job requirements of prison workers of the same qualifications with those in other arms of the government. This will be useful in concluding whether the salary scale offered the prison officer is justified and it will throw light on the understanding of the job satisfaction of the prison officer.

Junior Staff (Warders and Wardresses)

The entry qualification for warders or wardresses is class 4 secondary school (10th grade) plus 3 months on-the-job training. The duties of the warders include examining cells, locks, bolts and so on. It also includes reporting of offenses to the superintendents, watching inmates at cells, playgrounds, workshops, dining rooms, worksites and so on (S.O. 529).¹⁰

For the chief warders, the workload is even more. It is specified in Prisons Standing Orders, as follows,

General control of the entire prison in the absence of the superintendent of prison, attend parades, keep chief warden's journal up to date, locate the record of every prisoner ordering punishment of prisoners, supervision of prison stores, be present at recreations outside prison walls.

The prison workers are exposed to the dangerous offender population for the entire period of performing their duties. For those assigned to the workshops, they are further exposed to psychotic criminals, using dangerous weapons; chisels, hammers, saws and so on. While the duties outlined above are expected of the warders, they are paid the same salary with their counterparts of the same qualifications who work for 8 hours from Monday to Friday in well-aerated or air-conditioned offices in other branches of the government.

It is more than obvious from the above that the salary of the junior staff is not commensurate to his job performance and responsibilities. For this reason, it has been difficult for the prison administrator to recruit enough qualified staff. Okediji (1968)¹¹ interviewed a sample of the junior staff workers at both Agodi and Kirikiri prisons. The result is most revealing: 0.81 percent of the warders were illiterate, 13.8 percent of the warders had below sixth grade education, 53.66 percent had sixth grade education, 15.45 percent finished secondary modern school (9th grade), 5.69 percent had class 4 of 10th grade education, 4.80 percent finished high school and 5.69 percent had technical education. The consequences of the above

are obvious; some of the warders might not be able to read, much less translate prison regulations accurately. Lower educational qualifications will limit upward mobility. Indeed, when Okediji (op. cit.)¹² asked the warders, "Are you satisfied with your promotion system?" 71.53 percent were not satisfied. Only 24.38 percent were satisfied.

Coupled with low education and low salary is the high fertility among the junior staff. This puts an added strain on them. Okediji (op. cit.) discovered that an average junior staff had 7.6 children and many other dependents.

Among the consequences are lack of morale or low self-esteem, because of low educational standard. Tinubu (1968)¹³ observes that some warders even turned to inmates for counseling! Low education not only leads to low or lack of self-esteem but also inability to accurately anticipate the consequences of some actions. These could spell problems for prison administrators, especially in the area of security. For the unscrupulous warden, for example, dealing in contrabands could be an avenue for an additional income. This is accomplished either by bringing contraband items inside the prison or making previous arrangement with an inmate for purchase of an article; for example, tinned milk, sardines, ovaltine, and so on. This action is sometimes executed as follows: The inmate waits with his wares at a special location close to the prison's perimeter walls. When the pre-arranged time comes, the inmate throws the items over the wall and the warden (usually off duty) picks it up, sells it or barter it for cigarettes, or, in extreme cases, marijuana. This trafficking creates serious problems of security and discipline. The senior staff are not exempt from general problems affecting staff.

Senior Staff

The senior staff member either entered the service as a cadet-assistant superintendent of prisons or directly as a superintendent of prisons after having obtained a university degree. As in the case of the junior staff, it is necessary to outline the duties expected of the senior officer vis-a-vis his counterpart in the nonuniformed branch of the civil service who works for 8 hours a day, Monday to Friday, and earns the same salary as the prison officer. The Prison Standing Order Number 438, outlines the duties of the senior officer, usually a superintendent.

The Superintendent shall exercise a close and constant personal supervision over the whole prison.

The Superintendent shall make a night inspection every week at an uncertain hour between 2300 and 0500 hours.

The Superintendent shall not spend a night away from his quarters without previous permission from the Director or Assistant Director of Prisons.

The Superintendent must also look after and have a list of all keys in the prison. He must receive verbal reports accounting for all prisoners in his custody,¹⁴ when unlocking prisons, at 100 hours, at 1330 hours, at 1600 hours, and at lockup at night.

The Standing Order Number 457 also says that the superintendent must maintain the daily journal, supervise corporal punishment, account for inmates restrained, account for escapes, death, execution. He must have knowledge of the inmates' cash in the possession of the prison, inspect and taste prisoners' food, and ensure that proper rations are given to inmates.

In addition to the above, the Superintendent must ensure that appropriate actions are taken to forward notices of appeal. He must act as the public relations officer between his prison unit and the public. He must pay his staff's salary. The list is endless. With all this burden of duty and extremely high responsibility, he is likely to be on the same salary scale with his counterpart who is a school teacher or an office worker who works a normal 8-hour day in other arms of the government.

The superintendent also has to wear a uniform for most of the day (especially during the working hours). Although little research has been done on this, the author feels that sometimes, the uniformed officer could feel "imprisoned" in his own uniforms. Uniforms lead to a loss of personal identity, and, sometimes freedom. The wearer becomes "an officer" instead of an individual. His actions are defined by the label "officer." The fact that he wears a uniform limits the universe in which he can operate. He cannot do shopping on his way from work, he cannot eat at any roadside eating place ("buka") and, in fact, he cannot go to the bank or post office and join the endless queues or freely mix with people. By the Nigerian culture, such activities will tend to "devalue" his prestige as "an officer." This is not, by any stretch of imagination, an argument against wearing of uniforms. In fact, the uniform enhances the officer's authority as Nigerians seem to pay deference to those in uniform, a practice which became very much in vogue during the military regime. Outside the locale of duty, however, the prison officer is confined in his activities as he loses anonymity. Some type of compensation or incentive must be built into the system to compensate him. Other problems which are experienced by both junior and senior officers pertain to accommodation and transfer.

Many officers still live away from the prison barracks. This means that, in case of emergency (especially an escape or riot), it is difficult to get in touch with the security personnel as the majority of homes have no telephone, even though S.O. 710 specifically states,

Warders will normally live in departmental quarters.¹⁵

They still live far away in the cities more often than not. Senior officers live side by side with warders in the barracks or they live many kilometers away in the city, a situation which prevents quick communication with the officer or exposes him to dangers during a night inspection. In case of cities like Lagos or Ibadan, the officer has to negotiate his way through the "go slow." He might be late to work, completely exhausted after spending hours on the road. The next problem concerns transfer.

Both senior and junior prison officers are subject to transfers during their time of service. This means, that, at any time, an officer is subject to be transferred from one part of the country to another. Firstly, I will look at the advantages of this practice and weigh them against the disadvantages. This practice allows the officer a full exposure to the diversified cultural and geographical aspects of the country. However, some disadvantages are inherent in the practice. Transfer is a very inconvenient undertaking for the officer as he has to move all his belongings from one place to another, find new banks, new friends and in some cases, a new accommodation. For the entire family, it could be devastating. Wives have to change jobs and in the case of professional women, opportunities might not be available in her husband's new place. This might lead to loss of income for the family, or, if the wife chooses to remain behind, it can lead to separation or divorce. For the children, the officer has to find new schools and these children might have to learn a new language and find new friends. For all these, there should be some form of compensation built into the system. This should be either in the form of salary or generally superior conditions of service. In the absence of the above, some alternatives are sought by the prison staff. This results in high turnover rate or/and for those remaining, a disgruntled staff.

The typically dissatisfied senior officer, if he happens to be a graduate, usually seeks an interdepartmental transfer, or he resigns to take a more lucrative job. For the warders, a new escape valve has recently been discovered—the Universal Primary Education program which trains high school or secondary class 4 certificate holders to be primary school teachers. This program not only serves as a ladder for immediate upward mobility but also a new path which

¹⁰Prisons Standing Orders—Enacted in 1961.

¹¹Okediji, F. O. and Okediji, O. O. "The Sociological Aspects of Prison Reorganization in Nigeria." In Elias, T. O. (ed.) op. cit., 1968.

¹²Op. cit.

¹³Tinubu, M. O. "Staffing Problems: Training and Orientation," in Elias, T. O. (ed.), op. cit., 1968.

¹⁴Prisons Standing Orders, No. 456.

¹⁵Prisons Standing Orders, No. 710.

might eventually lead to a university degree. Perhaps, Tinubu (1968) sums up the attitude of the staff:

Reported attitude of indifference and expectation of opportunity to transfer to other services.¹⁶

This, Tinubu continues, leads to "annual wastage by way of resigning and discharge higher than that of police and customs service." The next headache for the prison administrator is the area of inmate management. The problems discussed here will focus on such things as classification, vocational rehabilitation, remedial education congestion, and the general inmate welfare. It is necessary to examine these problems individually to see how the prison administrator in Nigeria copes with them.

Inmates

Since the aims of imprisonment include securely containing the inmate within the prison, rehabilitating him and returning him to society in a physically sound condition, the prison administrator has to contend with problems of security, classification, vocational training, remedial education, general inmate welfare, and so on. Because of its importance, it is necessary to firstly examine classification.

Classification

In Nigeria, inmates are not necessarily classified according to the seriousness of their offenses except for condemned prisoners who are usually separated from the general inmate population, rather, they are classified according to the number of years for which they were convicted. This has some implications. For example, a career or dangerous criminal who has got a light sentence because he was able to afford a very good lawyer, might end up in the same prison with a person who has committed a less dangerous crime but who was too poor to get a good lawyer to plead his case for him. Besides, the same prison might hold a career prisoner, a debtor, a detainee or even those still awaiting trial. This mixture provides an atmosphere of contamination for those not yet launched into career criminality.

There are no separate facilities for the psychiatric criminals. These are "warehoused" in the prisons where they lack adequate care by psychiatric nurses and doctors. This creates a dilemma for the prison ad-

¹⁶Tinubu, M. O. op. cit.

¹⁷Idada, S. E. "The Aims and Philosophy of Imprisonment: How These are Being Realized by Training (i) Education, (ii) Industries (Wages Inclusive)." In Elias, T. O. (ed.), op. cit., 1968.

ministrator who can neither provide facilities for treatment nor possesses the authority to transfer them to psychiatric hospitals without going through a lot of bureaucratic red tape.

The problem of classification is aggravated by lack of diagnostic centers where sociologists, psychiatrists, psychologists and social welfare workers can adequately test and screen inmates for various programs. Besides, there is no accurate instrument for I.Q. or personality tests in Nigeria. In discussing classification, the "special class" prisoners deserve special mention. The inmates in this category are those who, prior to incarceration, held responsible positions in the government or who are expatriates. They enjoy special privileges. They don't engage in physical labor, they wear special uniforms, eat better and richer food and are housed in buildings with special facilities. This system was apparently introduced by the British who wanted to minimize the effects of incarceration on their imprisoned citizens. While this classification may be an advantage to the prisoners concerned, its disadvantages are also obvious. It creates a dual system of justice to inmates in general, who are already skeptical of the system. Moreover, most of the "special class" inmates are usually white collar criminals who used their positions to misappropriate government funds. To give them special privileges over petty thieves seems far from equal justice of all citizens before the law. It is necessary to turn attention away from classification to another aspect of inmate problems, vocational rehabilitation.

Vocational Rehabilitation

Vocational rehabilitation serves many purposes. It keeps the inmate from being idle, it promotes good working habits and, in cases where certain trades are learned, it ensures prospects for jobs after discharge, thereby solving the problem of unemployment—a situation which induces criminal behavior. Although the following are available in Nigerian prisons—carpentry, tailoring, mat making, cane weaving, and so on—the percentage of inmate involvement is very low. Idada (1968) expands further:

The prison statistics show that only a small portion of the total prison population are effectively and gainfully employed, mainly in departmental projects.¹⁷

The number of inmates participating in the programs could be increased if more funds were made available to produce materials and hire more qualified personnel. In this situation, the institutional needs take priority over inmate rehabilitation. The next problem to be examined is overcrowding.

Overcrowding

It is common knowledge that when human beings are enclosed in a small space, there is heightened interaction not to talk of health hazards as disease spreads very rapidly in a congested environment. It also induces riots. The director of prisoners observed in 1980 that the prison capacity was exceeded by 8,310.¹⁸ Earlier, Osagie (1968), the former director of prisons, put the prison population of Kirikiri at 1,103 even though it is expected to hold only 785 prisoners.¹⁹ Nacci, et al. (1977),²⁰ dramatize the effect of overcrowding. In a 26-month study of effects of overcrowding in some United States penitentiaries, eight homicides were reported, so also were many rule-infractions not unconnected with overcrowding. Apart from overcrowding, there are also problems connected with inmate welfare, for example, food, medical care, education and so on.

Food

Food is very essential to the inmate's well-being; more often than not, prison riots have taken their roots from inmates' discontent with food. In Nigeria, where many free citizens cannot boast of three square meals a day, it sometimes constitutes a dilemma whether prisoners should enjoy special meals which they otherwise could not enjoy in the free world. To the outsider, this may create "hotel-like" prison conditions which so many citizens will complain about. Normally, inmates are provided enough food to keep "body and soul together." However, some inmates could be put on "special diets" on the recommendation of the doctor. Many inmates are aware of this, and, as can be expected, they sometimes take advantage of it. They can feign sickness and go to the hospital where the doctors can be manipulated into putting them on "special diets." Some of the items of special diet, beverages, sugar, tinned milk, are usually sold in the black market or bartered for cigarettes instead of being consumed! More people on special diets squeeze the already tight budget further and this constitutes a headache for the prison administrator who is usually provided with enough money to allow for only diets which will "keep body and soul" together. It is also necessary to look at education in the prisons.

Education

Programs of education in the Nigerian prisons involve teaching the inmates to read and write, preparing them for vocational and professional exams. On occasions, some prisoners have taken advantage of the educational opportunities provided by the prisons to obtain professional certificates in such professions as accounting, secretaryship and so on, but these programs could benefit more inmates if funds were provided for more elaborate programs that would involve employing more teachers or improving the library facilities.

Apart from the general problems outlined above which arise out of the official policies on prisons, there are other problems which the prison administrator must also contend with. These problems reside in the inmates themselves or the nature of imprisonment.

As Tanner (1972)²¹ has rightly pointed out, many prisoners believe that "crime pays at the top." They read in the papers of reports of corruption involving high government officials. They are also aware that many "commissions of inquiries" into the crime never lead from dramatic revelations and court scenarios to indictments. Even when indictments take place, the culprits will get light sentences as "special class" prisoners.

Many prisoners don't see themselves as "criminals." They define their situation as "trying to get their own share of the 'oil boom.'"

As Tanner (op. cit.) also points out, many prisoners see their incarceration as a result of bad luck, bad timing, or even a result of evil machination of their enemies—real or perceived. Since some prisoners don't see themselves as criminals, it is difficult for them to mentally "submit" themselves to "rehabilitation." This situation provides a vicious circle where prisoners leave prisons vowing to be "more careful." This results in their being siphoned back into criminality, and recycled back to the prison, which results in bulging recidivism.

Even when prisoners are released, the government regulations continue to punish them. They are banned from government employment and their memberships in professional bodies are automatically lost. The effects of such practices are aptly stated by a prisoner interviewed by the Okedijis (1968).

If we cannot find gainful employment after completing our prison sentence, we have no choice but to steal. After all, we are sure of our room and board irrespective of low standards of life.²²

Many of the discussions above relate to the consequences of official policies of the prison and how they affect prison administration. It is now necessary to turn attention to the "nonofficial" public comprising citizens groups, voluntary associations and so on. It

¹⁸"Dateline Africa," in *West Africa*, March 22nd, 1980, p. 642.

¹⁹Osagie, Griwa. "Problem of Prison Administration and Organization," in Elias, T. O. (ed.), op. cit., p. 64.

²⁰Nacci, P. L., Teitelbaum, H. E., and Prather, J. "Population Density and Inmate Misconduct Rates in the Federal Prison System," *Federal Probation*, June 1977.

²¹Tanner, R. E. S. "Penal Practice in Africa, Some Restrictions on the Possibility of Reform," *Journal of Modern African Studies*, Vol. 10, No. 3 (1972), pp. 447-468.

²²Okediji, F. O. and Okediji, O. O., op. cit.

is necessary to examine how the relationship between nonofficial public also affects prison administration.

The Public

As aforementioned while it is necessary to examine how the government policy has hindered or facilitated prison administration in Nigeria, it is also necessary to examine the role of private citizens. Perhaps Amos Reed (1981) describes this relationship accurately.

The healthiest correctional programs are those that have broad participation from private groups. . . . Professional affiliations, advocacy groups and many correctional policies and procedures as well as statutes are best when there is general discussion and input from citizens outside governmental corrections agencies.²³

Unfortunately, in Nigeria, citizen participation in the process of corrections is very low! It is pertinent, however, to mention two groups presently in operation. These are Discharged Prisoners Association and Prisons Visitors.

The Discharged Prisoners

The Discharged Prisoners Aid Society is the most prominent and active citizens group which caters to discharged prisoners. The Lagos branch which was inaugurated over 30 years ago comprises citizens from all walks of life (lawyers, pastors, doctors, and so on). The financial assistance rendered to ex-convicts varies from financing the transportation of the discharged prisoner to his home to buying tools or providing financial assistance for them to start some trade. Despite the apparently good intentions of this group, it has failed to attract businessmen or other citizens who could donate money or offer employment. Also for lack of funds it has not been possible to do followup studies on those who have received assistance in the past years.

The Prisons Visitors

The Prisons Visitors occasionally visit prisoners to ensure that some standards are met by the physical environment. Occasionally, inmates are interviewed. These visits are very infrequent and whenever they occur, they are conducted in such an official manner that visitors only see the "bright side of things." Even

when the conversations take place between visiting members and inmates, they are done under the gaze of prison officers.

Conspicuously absent are such citizens groups as the Local Review Boards that exist in England (Burns, 1978)²⁴ or such as the Howard Penal Reform Group which has successfully campaigned for such prison reforms resulting in building day training centers, group work, halfway houses, suspended sentence and so on (Mays, 1975).²⁵ Also in the United States are Public Parole Boards, Citizens Group for prison welfare, halfway houses, and so on.

Apart from lack of adequate citizen participation the Nigerian prison system is sometimes a target of adverse publicity by the press. A few examples are in order here. On December 5, 1978, the *Daily Times* had a caption, "More Warders in Court."²⁶ They were charged with "behaving" in a manner "calculated" to commit breaches of discipline. Earlier, on December 1, 1978, there was a headline, "140 Warders Charged."²⁷ The warders were charged with "fomenting" industrial action. On December 21, 1978, there was another headline, "Warders 'Axed' Over Publication."²⁸ A warden was being charged for writing to the press about some things happening in his department. On November 23, 1980, there was another headline, "20 Prisoners Escape from Maiduguri Prison."²⁹ This adverse publicity helps to reinforce the negative image of the prison as where "nothing good" comes from, thereby crystalizing the public apathy towards it. Stories of prisoners who successfully gain certificates during incarceration, those who become "born again" Christians and so on, go unnoticed. Tanner (op. cit.) summarizes why such negative feelings towards the prison exist.

. . . the public is overwhelmingly against any further relation of prison condition, ordinary person's life is too unstable for him to take a more relaxed view of criminals.³⁰

He goes further,

In money economy, property becomes valuable and society views stealing with seriousness. . . .prisons are called "hotels" because prisoners are privileged in terms of their standards of living, they are too comfortable when compared to the general population who work longer, harder and eat less, deprivation of liberty seems relatively unimportant to them.³¹

Apart from lack of participation and negative publicity, the public labels the prison officer as revealed in a popular saying in Nigeria—"A prison officer and a prisoner are all 'prisoners.'" It is the prison administrator who bears the brunt of these attitudes. Having examined the effects of public penal policy on prison administration, it is necessary to offer some suggestions for improvement.

Discussions and Recommendation

It is safe to conclude from the foregoing discussions that the prison administrator has got to contend with many problems inherent in the nature of the system. The administrator works in an organization where there is an imbalance of power relationship between it and those forces external to it. Problems are aggravated because the government has not completely resolved the ambiguity between the punitive and rehabilitative penal philosophies. To complicate things further, the prison administrator has no control over the flow of capital to execute many programs, and, as Peterson and Thomas (1977)³² have accurately pointed out, the administrator does not even have control over who will become members of his organization. For example, the best inmates are always constantly removed by release. The general apathy of the public means that the government is not usually under any pressure to make changes.

No discussion on the Nigerian prison system is complete without a special reference to the conference on the system, which was held at the University of Lagos, Nigeria, in 1968 (July 1-5). The conference examined many aspects of the prison system and concluded by making 25 recommendations. These recommendations ranged from the government making a clear-cut penal policy to improving the general conditions of staff and inmate. It is necessary to comment on some of the recommendations as they are very pertinent to the discourse of this paper.

One of the recommendations was the establishment of classification centers in each state of Nigeria. This will be an expensive undertaking even if the number of states were smaller (Nigeria now has 19 states and hopes to create more). It is doubtful, also, if there will be enough staff (psychologists, psychiatrists, social welfare workers, and so on) to man the classification centers. This writer will rather suggest the creation of a few administrative regions for the sake of inmate classification. Each region will have a diagnostic center (about four will be enough). These centers will have adequate staff to classify inmates according to some set criteria.

Another recommendation concerns bridging the gap between the government and the prison service. Such a gap would be filled by a prison service commission or a prison council. To carry this further, the writer would like to suggest members to be composed of people spanning the entire society: doctors, lawyers,

police officers, retired prison officers, laymen, politicians and so on.

Another recommendation concerns need for expert and legal division. This writer would suggest further that such a division works rigorously with the universities.

The 24th recommendation concerns the need to employ psychiatrists, psychologists, and sociologists in the prison department. While this recommendation is laudable, it is doubtful whether it is practical in view of the present manpower situation in Nigeria. As Igbinovia (1981) has rightly pointed out in case of the Nigerian police,³³ there were only 10 psychiatrists in Nigeria in 1966; today the picture has not changed much despite an estimated population of over 70 million.

One thing was conspicuously absent in the list of recommendations, the advocacy of the participation by the general public in prison reform and administration. Extensive education and publicity is very essential in this direction. The public needs to be made aware of the necessity to change or modify its image to the prison. The public needs to be made aware that punishment alone does not rehabilitate. The general public can help influence legislation that will provide enough capital for better and more buildings, better staff and excellent conditions of service. These are needed either to keep the dangerous prisoners longer or effect programs of rehabilitation.

Businessmen can become more active in providing jobs and monies necessary to resettle discharged prisoners. It is necessary to educate the public, that it is to the society's best interest to rehabilitate some prisoners rather than continue to recycle them through the criminal justice system. Reed (1981) emphasizes the benefits of citizen participation and the benefits to be derived.

They [citizens] will become informed about causes of anti-social behavior, about needs and problems of the agency and of their clients, and can become aides in effective positive change and in obtaining resources.³⁴

Crime is a general problem that affects the majority of citizens. These citizens must actively involve themselves in solutions to criminality.

It is of extreme importance to actively involve the universities in some aspects of prison administration. The Nigerian prison system is too limited in staff, funds, and expertise to carry out all necessary research. The universities can help in program evaluation, cost and benefit analysis, staff training, group counseling, and so on. The association between the two institutions is mutually beneficial. It provides rich areas of research and sources of dates and practical training for the university. It will add needed

²³Reed, Amos. "Citizen Participation and Advocacy," *Corrections Today*, July-August, 1981, p. 6.

²⁴Burns, Henry. "Correctional Reform: Britain and the United States Compared and Contrasted," *Federal Probation*, Vol. 42, March, 1978, p. 21.

²⁵Mays, John Barron, *Crime and Its Treatment*, London, Longman, 1975.

²⁶*Daily Times*, December 5, 1978, p. 12.

²⁷*Daily Times*, December 1, 1978, p. 1.

²⁸*Daily Times*, December 21, 1978.

²⁹*Sunday Standard*, November 24, 1980, p. 16.

³⁰Tanner, op. cit.

³¹Op. cit.

³²Thomas, W. C. and Peterson, D. M., op. cit.

³³Igbinovia, E. "A Critical Evaluation of Personnel Selection Requirements in the Nigerian Police," *Police Studies*, Vol. 4, No. 2, Summer 1981, p. 44.

³⁴Reed, Amos, op. cit.

prestige to the prison; some positive findings through university research could convince the skeptical public that the Nigerian prison system is not all stories of failure. The association can attract better qualified staffs, especially new university graduates who might want to pursue a career in the prison system.

Since Nigeria is undergoing major rapid economic and social changes, it will be interesting to see how the prison system will continue to be affected. In 1979, for example, the country adopted an American-type constitution. Although not a single line was devoted to the Nigerian prisons in the new constitution, chapter 5 deals extensively with citizens' rights. It will be interesting to see whether the law will be eventually confronted with the rights of inmates. Recently, in the United States, for example, in *Texas v. Estelle*, the Supreme Court ruled that the Texas Department of Corrections violated inmates' constitutional rights in the areas of overcrowding, security and supervision, health care delivery, discipline and access to courts (Cohen, 1981: 252).³⁵ It will be instructive if a hypothetical situation arises where inmates want to know whether the Nigerian prison system is bound by law to provide good food, good medical treatment or whether these basic rights go down the drain with incarceration.

To alleviate the problems of staff shortage, the Nigerian prisons should embark on building modern barracks which would house staffs of all categories. Since these barracks are usually almost rent-free, it would solve one of the problems of accommodation, especially in big cities where rent accounts for about one-third of an officer's salary. Because it is free and close to place of work, it will be an incentive to the staff. This will compensate for the extra hours put in at work and the hard conditions under which prison officers work.

The agricultural activities of the prison system could be extended where farming is mechanized. The food produced could sustain the inmate population, and even excess sold to staff at considerably reduced prices. In Nigeria, where food accounts for a substantial part of one's salary, this will be another incentive for staff.

The present prison administrative structure needs to be modified so that the prison becomes a semiautonomous institution where the director can communicate directly with the Commissioner for Internal Affairs. Also there needs to be a more harmonious relationship between the court, police, and prisons.

A rigorous effort should be made to divert many offenders away from the prisons. Temporary jails, attached to police stations, could be built to relieve the prison of added ATM (Awaiting Trial) population.

The extended family system can be utilized by the criminal justice system. In the villages, offenders who don't constitute threats to the society could be subject to the supervision of local chiefs or prominent figures. Even in the urban centers, offenders could be bound over to be supervised by prominent members of clan or ethnic association to which the offender usually belongs.

The curricula in Nigerian law schools need to be reviewed to include courses in social and behavioral sciences. This could have a long-term effect on sentencing. Judges with better understanding of human behavior will be more inclined to use more alternative means to imprisonment. Also, judgments should not be totally based on precedents but also on social and psychological conditions accounting from crime commission.

It is necessary for the Nigerian government to continue to pursue programs which will minimize unemployment for the general population, stem rural-urban migration, and discourage conspicuous consumption. The use of fines, suspended sentencing, probation, parole and so on should be experimented.

Summary and Conclusion

This paper has briefly examined the present penal philosophies and practices in Nigeria, how they attempt to provide answers to the challenge of a rising crime rate, and how they consequently affected the administration and management of the prison system. The penal practices are examined from two levels. The first level is where penal sentiments and practices are made "official" in the form of legislation, statutes, decrees and so on. At this level, many prison programs are directly affected, for example, salary scales for staff, building accommodations for both staff and inmates, and general inmate welfare. Because of the direct bearing of this level on the day-to-day running of the prison, it has direct impact on prison administration.

The second level, "unofficial," is that at which the average citizen can have a direct input in the affairs of the prison. This could be in the form of pressure groups to push legislation which is favorable to the prisons or voluntary discharged prisoners. Whatever happens at these two levels above will have serious impact on prison administration. Because of public apathy and lack of clear-cut penal philosophy of the government, the prison administrator in Nigeria is sometimes confronted with problems of staffing and

inadequate funds to execute programs that would have positive, marked impact on prisoners.

To alleviate the problems of prison administration in Nigeria, rigorous efforts must be made to educate the public to the modern penal practices. If the public is enlightened and citizens' enthusiasm is stimulated,

there will be enough funds to provide adequate salary and facilities for staff, enough accommodations for dangerous offenders who need to be separated from society, adequate programs to rehabilitate selected prisoners, and so on. All these will result in lightening the burdens of the prison administrator.

³⁵Cohen, Fred. "Corrections Law Developments: The Texas Prison Conditions Case," *Criminal Law Review*, Vol. 17, No. 3, May-June, 1981, p. 241.

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