



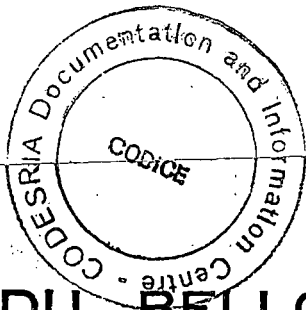
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**Convict's view of the criminal justice system
in Nigeria .**

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CONVICTS' VIEW OF THE CRIMINAL
JUSTICE SYSTEM IN NIGERIA

BY

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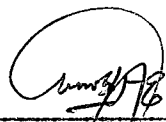
A Thesis submitted to the Post-Graduate School A.B.U. Zaria
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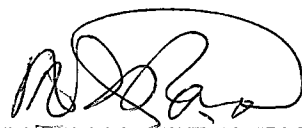
CERTIFICATION

This thesis entitled - "Convicts' view of the Criminal Justice System in Nigeria" by Bashir Tanimu meets the regulation governing the award of the degree of M.Sc. (Sociology) of Ahmadu Bello University and is approved for its contribution to knowledge and literary presentation.



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DECLARATION

I hereby declare that this thesis is a product of my own research work and it has not been submitted elsewhere for the award of any degree. All sources of information have been duly acknowledged by means of reference.

Bashir Tanimu

April, 1991

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DEDICATION

To my Dad, Alhaji Tanimu Shika; who had the foresight to invest in my education.

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ABSTRACT

This study examines the convicts' view of the criminal justice system. It does so by using the Marxist framework which, more than others, places the convicts in their proper context. Its premise is that, the criminal justice system is an institution bound with the corresponding historical and socio-economic structure of the society. Thus, understanding the convicts' view of the criminal justice system requires reaching beyond official pronouncement to its ideological underpinnings.

The analysis establishes a strong link between the convicts' view of the criminal justice system and the dominant characteristics of the bourgeois socio-economic relations. These structures were transplanted by the colonialist and maintained by the emergent petty bourgeoisie class at independence.

Furthermore, the operational units of the criminal justice system were appraised. This was done by assessing the convict's view of the activities of the Nigeria Police Force, Nigerian Judiciary and the Nigerian Prison Service. The nature of the criminal justice operation as discerned from the diagnosis^{of} the convicts view suggest that, it is heavily tilted against the underprivileged class. It was also

found that, the convicts' view of the ability of the criminal justice system to achieve its stated objective is rather in the negative.

The implication of these findings were synthesized for the criminal justice system in Nigeria. After making short term recommendations on how to improve the current operational state of the criminal justice components, it was concluded that, in order to contain the Nigeria crime problem, fundamental steps must be taken to control the socio-economic basis of criminality.

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CHAPTER ONE

INTRODUCTION

This research aims at exploring the convicts' view of the Criminal Justice System based on the totality of their experience as clients within the system. Thus, this opening chapter gives the necessary background for materials that will follow in the subsequent chapters of this work. These include: the analysis of the crime problem in Nigeria, a critical examination of the theoretical framework in relation to the research problem, the statement of the specific objectives of the study and finally, a brief history of the criminal justice system in Nigeria.

CRIME IN NIGERIA

The problem of crime is of concern to all societies. Nigeria, being a peripheral capitalist society, has also been facing the problem of criminality. Odekunle (1979, 1981), observes with respect to Nigeria's crime problem that property and property-related crimes have consistently dominated the country's crime-scene. These are perpetrated with increasing aggression, violence and fatality. He declares that in the light of the worsening crime situation, and the ineffectiveness of the crime-control apparatuses, Nigeria can be deemed to have a "crime problem." The notion of a "crime-problem" according to Odekunle refers to: "... a chronic and recalcitrant situation in which the occurrence of crime is systematic rather than random, in which the incidence is high and the phenomenon is prevalent, in which all section and sectors of the population are participating in its

perpetration, in which prevention, control and correctional instrumentalities are rendered virtually ineffective" (1979: p. 16).

Odekunle explains further that, the type, magnitude and seriousness of Nigeria's crime problem is dictated by the socio-economic formation of the country. This is because the philosophy informing the system emphasizes so much private accumulation of material wealth leading to cut-throat competition and the brutal exploitation of the 'have nots' by the 'haves'. It is no wonder, therefore, that crime in Nigeria is essentially property-related in character.

Police crime statistics, though usually highly inaccurate due to the 'dark figures of crime' and under-reporting of crime by victims, are abiding evidence of the frightening dimension which property-related crime has assumed. Tables below presents annual figures of the monetary value of property stolen known to the police for the years 1980-1986.

Table 1.1

VALUE OF STOLEN PROPERTY KNOWN TO THE POLICE
FOR THE YEARS 1980-1983

Year	Value of property reported stolen (N)	Value of recovered property (N)	Percentage recovered
1980	154,700,732.30	21,379,889.84	13.8
1981	156,847,279.29	27,673,968.69	17.6
1982	228,145,620.35	49,495,058.95	21.7
1983	289,005,004.29	44,150,716.73	15.3

Source: Annual Reports of the Nigerian Police Force cited in Newswatch Magazine; 23 January, 1989.

Table 1.2

VALUE OF STOLEN PROPERTY KNOWN TO THE POLICE FOR THE YEARS
1984 and 1986

Year	Value of Property Reported Stolen (₦)	Value of Recovered Property (₦)	Percentage Recovered
1984	247,265,277.76	58,882,945.11	23.8
1986	298,877,946.87	53,882,896.62	18.0

Source: Annual Reports of the Nigerian Police Force; 1984 and 1986.

From the above figures, one can see that the monetary value is not only substantial, but there is a rising trend over the years. This is just an aspect of the Nigerian crime scene.

Other crimes like armed robbery, hired assassinations and other forms of gansterist violence by criminals are increasingly threatening the operation of social, political and economic activities in the country. Innocent citizens are frequently attacked on highways, offices, market places or residential areas. Other crimes like traffic offences are also on the increase.

The crime problem in Nigeria is not limited to the categories addressed above. Smuggling, drug addiction and trafficking, and currency offences have been proliferating. Many Nigerians are now serving varying jail terms both within the country and outside for attempting to smuggle various items into or out of the country. The gravity of the current crime problem can also be appreciated in instances where law enforcement agencies aid and abet criminals.

The increase in criminal activities has led to a nationwide fear and anxiety. Due to the fear generated by crime, workers are forced to hurry home so as to avoid the claws of criminals. In business circles, traders go out for their daily businesses only when they feel it is safe enough, and they close early enough, all in the bid to avoid criminal victimization.

Many households, traders and other organisations employ private security services for their additional protection. This is why there is a current expansion of old, and the upsurge of new private security companies all over the nation. This development is not only an indication of public anxiety about crime: it also points to the public loss of confidence in the operation of the state agencies for law enforcement and crime control. In some residential areas, vigilante groups are organized, and in some premises, hired security guards are supplemented with guard dogs and tall fences. Where the owners can afford them, electronic gadgets are put in place to throw a security cordon over household. This situation has made Nigerians to be 'prisoners' in their own homes, prisoners of civilization and indeed prisoners' of crime.

Unfortunately, most of these measures have failed to yield the desired effect. Criminals still strike using a combination of superior force and techniques. They do so in complete defiance of the police, the vigilante groups, and other security measures employed. This state of affairs can partly be attributed to the fact that crime today has become a complicated and sophisticated business, employing modern techniques in the arts, science and

technology. It has developed its own language and bureaucracy. Thus, in order to enhance the effectiveness of crime control strategies, there is the need to understand and analyse the problem by considering the issues involved from the convicted offenders' point of view.

Another aspect of the Nigerian crime scene which is noteworthy is the interest ridden character of the law enforcement agencies. Due to their influential position in the army, police, judiciary, civil service, business etc; the rich manipulate the criminal justice system to service their interests. It is no wonder, therefore, that the criminal justice policies and practices in Nigeria respond to the interest of the economically affluent class. This discriminatory pattern is exhibited both at the level of the formulation and the execution of policies.

A close look at the operation of the criminal justice system in Nigeria will reveal that, the system consistently operates against the poor. For instance, for the same offence committed, the poor are more likely to be arrested, charged, convicted and sentenced to prison with longer prison term, than members of the economically affluent class. In other words, the image of the "criminal" in the official eyes is an image distorted by the structure of the socio-economic system itself. In line with the above Odekunle (1981) argues that, criminal laws are enacted, broken and sanctioned differentially within a certain socio-economic and political context. He notes further that, the personnel, their mode of operations and other attributes of the agencies of prevention, control and correction do sometimes aggravate rather than reduce the problem; "that

these agencies by their mode of operations are sifting system where the great flies are usually screened-off to legal 'innocence' and freedom and the small ones are retained" (1981: 2). One consequence of this, Odekunle notes, is that the prisons regularly receive back almost half of those they have 'corrected' and discharged.

Raiman (1976), also opines that in general, the criminal justice systems in capitalist societies fail to reduce crime because it closes its eyes to the dangerous acts of the affluent class and insists on stacking the deck against the poor. Consequently, the perspective of the offenders who are mostly the economically disadvantaged class is totally ignored in the administration of justice. This, of course, is with the aim of furthering capitalist economic interests.

The reform of the criminal justice system needs to take due cognizance of the views of the convicts. Most of the social reforms in this country, where the view of the Nigerian populace is sought, have consistently ignored the view of the convicted offenders. Even criminal justice policy makers have consistently avoided the convicts' view and opinion as a source of insight for policy making. It is the considered opinion of this study that, such policies could be more effective if they were based on a balanced assessment of the views of the policy makers on the one hand, and the convict's view on the other.

Furthermore, examining the view of the convicts can help criminal justice policy makers and law enforcers to uncover some of the hidden aspects of the problems confronting the

criminal justice system. Having gone through the criminal justice system, the convicts will form certain impression of the system. This impression can reinforce certain views which have various implication for criminal justice policies and practices. At least, it can shed light on how best crime control policies can be formulated and enforced. For example, the formal and informal processes involved in arresting, prosecuting and sentencing offenders will be known. Furthermore, all the formal and informal experiences a convict acquires during his trial and imprisonment will be exposed. These would place one in a better position to critically reappraise the criminal justice system, and be able to offer concrete suggestions.

Studying the views of the convicts will also indicate whether by virtue of their experience, prisoners in Nigeria are of the opinion that the criminal justice system is actually protecting the interest of the society through the prevention of crime and the treatment of offenders; or whether it is protecting the interest of a particular class of people in the society.

Another reason for the need to be concerned with the convicts' view is that, the attempt to achieve the penal objectives of correction and reformation need to contend with the convicts' evaluation of these programmes. Awareness of the convicts' view will be beneficial because it has implication for the convicts attribution of legitimacy and respect to the criminal justice system, and to their willing acceptance of, and obedience to,

penal sanctions. It is the contention here that, a criminal justice policy which is informed by a realistic convicts view and opinion will produce a significant criminal justice institution which will enjoy both the public and convicts support and respect through time. This it is hoped will enhance the effectiveness of the criminal justice system.

In summary, it can be said, that, if the criminal justice system is to enjoy the confidence of the public and the convicted offenders, it is desirable to give them a chance to air their view on the working of the system. Therefore, the experience of convicts regarding their arrest, prosecution, trial, conviction and sentence; and their reaction to prison conditions such as food, shelter, clothing, work schedule, educational and vocational training, medication, social life and recreation needs to be closely and diligently studied.

RESEARCH OBJECTIVES

The insight and motivation to carry out this study is not unrelated to the findings of earlier studies on the criminal justice system. In the course of the survey of available literature, the appalling condition of the criminal justice system in Nigeria came to light. This generated the researcher's interest in the operation of the criminal justice system most especially as it relates to the convicts' view. Consequently, this study is embarked upon to achieve the following objectives:

1. To critically examine the convicts view of the operation of the criminal justice system.
2. To examine the reaction of convicts to their incarceration and treatment.

3. To critically assess the convicts' view of the Nigerian society as a whole based on their experiences in the criminal justice system.
4. To make recommendations on the operation of the criminal justice system based on findings in 1-3 above.

Although it cannot be claimed that the realization of these objectives can solve all the identified crime problems in Nigeria. Nevertheless, its significance lies in enhancing a better understanding of the organization and practices of the penal system. Convicts report could shed light on some hidden aspect of the operation of the system which cannot be uncovered solely by considering the official view. For instance, the class character of the Nigerian penal system is likely to be exposed when these objectives are realized.

Literature Review

As can be seen from the foregoing, this study attempts to explore the views of convicts on the operation of the criminal justice system and the society as a whole. This is with the view to critically reappraise the criminal justice operations. This problem calls for a specific theoretical orientation as a frame of reference. This orientation must be one which conceptualizes the convict's view in its proper context and dynamics.

In deciding on this, one is confronted with three varying paradigms: the functionalist, social interactionist and the Marxist paradigms. It is desirable that both paradigms be examined

before choosing the most suitable framework which best theorizes the position of convicts within the criminal justice system.

FUNCTIONALIST PERSPECTIVE

Traditional literature on crime and the criminal justice system tends to subscribe to the functionalist perspective. Generally, the functionalist theorists are concerned with the stability of society; that is how each part of the society functions in order to keep the whole going. They perceive social institutions as fulfilling imperative social needs - those which must be accomplished if society is to survive. Thus, they try to pin down the contribution of each social institution in the maintenance of order and equilibrium in the society. Functionalist view of crime was developed by scholars like Durkheim (1951) and so on. Durkheim maintain that society causes deviant behaviours like suicide, independent of the will of individuals. He posits that no society is free of crime. According to Durkheim:

Crime is, then necessary, it is bound up with the fundamental conditions of all social life, and by that very fact it is useful, because these conditions of which it is a part are themselves indispensable to the normal solution of morality and law (cited in Wolfgang, 1970, p. 12).

From the view expressed above, the criminal is then, not an unsociable being, neither is he a strange and unassailable body introduced into the society. On the contrary, he plays a definite role in social life.

Critics were however fast in pointing out that, Durkheim's study of suicide had relied heavily on official statistics. Douglas (1973) observes that official statistics are biased selection of social data that interest officials trying to

eliminate or control what they define as deviance. It is thus clear that, the convicts' view cannot be critically assessed within a broad based statistical analysis of official records.

Merton (1957), expounds the functionalist position on crime and punishment further. He asserts that, society produces 'anomic' strains in individuals. This, it does by socializing its members to want success - goals; then it limits the institutionalized means to achieve these goals; most especially for the poor. These strains lead to crime. Thus, from this point of view, crime is caused by structural inconsistencies in goals and means. He proposes two solutions to the problem of crime. The first is to redress the structural imbalance between socially prescribed goals and approved means. The second is to correct and resocialize the convicts to use only legitimate means to achieve their goals.

Cloward and Ohlin develop Merton's theory of Anomie. They maintain that, the theory of anomie only views the deviant in relation to the constrained legitimate opportunities and assume that illegitimate avenues to success are freely available. According to Cloward and Ohlin, access to illegitimate means is not freely available to all. Socially structured variations exist in the accessibility to illegitimate opportunities. This affects individuals' resolution to crime. Individuals are thus seen to be located within two opportunity structures - one legitimate, the other illegitimate. Given limited access to goals, using legitimate means, the responses of deviants will vary according to the availability of various illegitimate means.

They maintain that societal response to crime should be geared towards the correction of the offender to use only legitimate means to attain success.

It is pertinent to note at this juncture that, though functionalism sometimes advocate repression; but they emphasize more on correcting the deviant to accept societal values. But correction can not be realized given the awful condition of the prisons. The life in jail is such that inmates are not allowed to exercise their initiatives. Life in jail is regimented and programmed; leading to the depersonalization of inmates (Davies 1974). Furthermore, correctionalism is bound to fail because the perception of convicts of criminal justice effort is at variance with the official intent. Finally, it seems illogical to train a person for freedom under condition of captivity.

Griffiths et al (1980), further elaborate the role of the criminal justice system from the functionalist perspective. They posit that, the criminal justice system is part of a much broader social system which functions to maintain the continuity of the whole. The criminal justice system is seen as a formal agency of social control which exists within a socio-political context. This social control function is regulated by the state through its officials. To them, violation of social standards invokes a criminal justice process which is essentially retaliatory in nature. This retaliation is not unpredicted nor is it unregulated; for, it reflects the values of the community. The extent to which a

group relies upon a formal agency as a means of social control is a function of group integration and interdependence (Griffiths et al, 1980; p. 26).

This position raise a number of questions. In particular, the functionalist assumption of value consensus fails to grasp the numerous conflict over values in the society. Functionalism assumes that all members of the society share the same values and uphold a universal view of the penal system. But due to value contradiction, the economically powerful class imposes its values and views on the rest of the society. Thorstein Sellin (1938) observes that:

The character of these rules (criminal laws) the kind or type of conduct they prohibit, the nature of the sanction attached to their violation etc, depend upon the character and interest of these groups in the population which influence legislation ... the social values which receive the protection of the criminal law are ultimately those which are treasured by dominant interest group (cited in Alemika, 1990, p. 5).

The failure of the functionalist to recognize class divisions and the class conflict existing in capitalist societies like Nigeria limits their understanding of why the convicts view is neglected and the interest this neglect serves. Ancilliary to this, is the functionalist inability to analyse the convicts view within its ideological context.

Furthermore, although the criminal justice system protect the interest of every member of society, it does that significantly to the advantage of the groups who exercise control over the political and economic resources of society (Alemika, 1990). For this reason the convicts' view, which is antagonistic to the view and interest of the economically powerful class cannot but be neglected.

In summary, the functionalist paradigm views society as a self-contained and functioning whole. Crime is seen as a destabilizing activity because it upsets the societal equilibrium. The criminal justice system is thus expected to stabilize the society by correcting offenders. By so doing, it re-sets the disequilibrium caused by crime. In essence the criminal justice system has as its objective, the reformation and rehabilitation of convicted offenders.

Ahire (1990) observes that, much claims of reformation and rehabilitation is made without a sufficient understanding of the concepts. Reformation according to Ahire, refers to "measures calculated to impart moral improvement in a person's character so that he will be less inclined to re-offend in the future ... Rehabilitation refers to post release efforts made to make it easier for the offender to resettle ... in society" (Ahire, 1990, p. 17).

Given this conceptual clarity, the questions that comes to mind are: why has the criminal justice system continued to fail in reforming and rehabilitating convicted offenders? Why has the convicts view of the penal system been consistently ignored? These are questions that the functionalist theory does not answer.

Social Interactionist Perspective

The social interactionist perspective arose as a reaction against the inadequacies of functionalist theory. Becker argues that functionalism has much difficulty in specifying what is functional and what is dysfunctional for a

society or group. He notes further that:

The question of what the purpose or goal (function) of a group is, and, consequently, what things will help or hinder the achievement of that purpose, is very often a political question ... The functional view of deviance, by ignoring the political aspect of the phenomena, limits our understanding ... , social group creates deviance by making rules whose infraction constitute deviance, by applying those rules to particular people and labelling them as outsiders" (cited in Balkan et al; 1970, p. 30).

This suggests that the social interactionist perspective arose as a reaction to the limitations of the functional theory. Their starting point is that social life is a reality interpreted by men which is subjectively meaningful to them. Thus, from this position, the reality of the criminal justice practices must be seen from the subjective interpretation of convicts.

The social interactionists view social rules as created by specific social groups who are in a position to enforce these on others. Becker puts it better when he notes that rules are the product of moral entrepreneurs (1964). Balkan however observes that, though the social interactionists claim to see law as a creation of some specific groups, their explanation tends to suggest that in the creation of rules, "a plurality of interest, rather than those of a dominant class determine the structure and substance of the legal order" (1970, p. 33).

The social interactionist proposition on crime and deviance is that, deviant acts are not intrinsically 'bad' behaviour. They become so, as a result of labelling. To them, deviance is created by the society through the enactment of rules whose infraction constitutes deviance. Becker states the position lucidly thus:

Deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an 'offender'. The deviant is one to whom that label has successfully been applied; deviant behaviour is behaviour that people so label (Becker, 1963, p. 9).

It is thus clear that, to the social interactionists, the convict's experience of being labelled a deviant is crucial to understanding his subsequent behaviours. Edwin Lemert expounds further that deviance cannot be understood without reference to the societal reaction it invokes. Deviance, he notes, is shaped by the attitude and actions of others. He distinguishes between primary and secondary deviation. While first time deviators who adopt no means of neutralization or adjustment to social reaction are primary deviant, those who employ means of defence, ~~attack~~ or adjustment to the problems created by societal reaction are termed secondary deviants (cited in Schur, p. 2).

The interactionist position on deviance has been queried on the ground that in their attempt to define deviance, they succeed only in describing it. They only show that deviance is the behaviour labelled by others; but have not explained why these behaviours are so labelled. Consequently, they are criticised for not looking at other factors outside the interaction situation which affect the decision of the public or the criminal justice agencies when labelling an offender. It is thus clear that, the convicts view cannot be critically assessed without reference to factors outside the interaction situation.

Goffman and Becker developed the conception of deviant career from the concept of secondary deviation. A deviant career refers to "the regular sequence of changes that career entails in the persons self and in his framework of imagery for judging himself and others" (1966). The experience of being caught and labelled is crucial in building a deviant career. Even when the deviator is not discovered and labelled, he acts as the enforcer. He may view and even punish himself for deviating.

However, to the interactionists, once a person is caught, he is branded by the public and every one reacts to him and he in turn is expected to react to his new status. Thus, apprehension for a single deviation exposes one to the likelihood of being regarded as a perpetual deviant. From then, he is reacted to as deviant. This leads to stereotyping and stigma.

Stigma refers to "a belief that a person is different and inferior from the 'rest of us' and the individual is reduced in our minds from a whole and unusual person to a tainted, discounted one" (Balkan et al, 1980, p. 31). The concept of stigma is very important in understanding the reaction of convicts to their being labelled and incarcerated. Goffman maintains that, differential responses force stigmatized individuals to form or join sub-cultural groups. Thus, by virtue of their stigma, deviants come to share a common world view and life style. This ignites the process of self fulfilling prophecy: the mechanism that shapes the person into the image people have of him. It also shapes his image of

other people based on his views and experiences. Here, the deviant may develop friendly or antagonistic views to those of the powerful group. Becker argues further that, after developing a deviant career, the deviant identify with the members of a particular sub-culture. He shares a common feeling and view arising from their common problems and fate. A set of view and perception of how the world is and how to deal with it grows. This has numerous implication for understanding the formation of convicts' view.

Finally, social interactionist go further to analyze the extreme stage of stigmatization. This is the process of introducing the deviant into the criminal justice processes. Garfinkes refers to the effect of criminal justice on the individual as status degradation ceremony. This is the process where the deviant's former status is striped off him; and a new identity is thrust on him. Based on the above, it is clear that the new identify given convicts changes their reality and the way they view and approach both official and unofficial issues. This could help when assessing the reaction of convicts to their incarceration. At least it will shed light on the interaction situation between convicts and state officials.

However, the interactionist position is queried on a number of grounds. First it emphasize the deviant rather than the context or agents of social control. They portray the deviant as "some one who has to be managed". They also view the social actor as powerless and helpless, and at the mercy of rule creators

and enforcers. This assumption of passivity is a negativism of the well established fact of social dynamics (Ahire, 1980).

With reference to the position of convicts and their view, the interactionist fail to analyse and assess convicts reaction from its class position. Consequently, they fail to locate their analysis of law, crime and the criminal justice system within the socio-economic structure. In order to fully understand the convicts view within its proper socio-economic context, the marxist theory need to be considered.

Marxian Perspective

Although neither Marx, Engels nor Lenin wrote extensively on crime or the criminal justice system per se: other scholars like Chamblis, Balkan, Quinney, Sumner, Shivji and so on have applied their general social and economic theories to the study of crime and justice.

The starting point for the marxist paradigm is the mode of production. It holds that social relationships are influenced by the prevailing mode of production. It is within this perspective that Marx examines the relationship between law and society. Marx expresses his position in a most deterministic fashion:

In the social production of their existence men inevitably enter into definite relations which are independent of their will, namely relations of production appropriate to a given stage in the development of their material forces of production. The totality of these relations of production constitutes the economic structure of society, the real foundation, on which arises a legal and political super-structure and to which corresponds definite forms of social consciousness (Cited in Phillips, 1980, p. 196).

It is clear from the above that, all the social relations one enters into are directly influenced by the economic base. Thus, the relationship between the convict and the criminal justice system is similarly influenced by the economic base. Indeed, the economy influences even the mental and psychological process of man. As Lenin clearly states: just as man's knowledge reflects nature (i.e. developing matter), which exist independently of him, so man's social knowledge i.e. his various views and doctrines - philosophical, religious, political and so forth reflect the economic system of society. (Lenin, 1977: 45).

Based on the above, the starting point for a proper understanding of the views formed by convicts is the economic base. This is because the economic base influences all other social and psychological activities.

Balkan (1970) expatiates this point further by maintaining that, social phenomena including crime and the operation of the criminal justice system cannot be seen in isolation from the historical process of society. Human behaviour and other societal institutions are seen as being determined, influenced and shaped by the economic base.

Thus, the Marxists offer explanations to crime and related processes based on the structural and class differences that exist in any capitalist society. They also engage in the analysis of the process by which laws are formulated, supported, enforced or even abandoned depending on the class interest they

protect in any historically determined social formation (Quinney, 1977). Based on the above, they maintain that the class that controls the means of production also control the state and other institutions; it also formulate the laws and defines acceptable and unacceptable behaviours. Given this situation, the view of the exploited class which can be echoed by the convicted offenders is given no attention.

Furthermore, the Marxist tradition maintains that, criminal laws are seen as a product of specific forms of interaction (struggle) among certain historical forces and relations of production. This struggle takes the form of imposing bourgeois values on the proletariat, and criminalizing lower class value with the main objective of furthering the capitalist domination.

Thus, the central thesis of marxists on law is that, most acts declared as criminal are prohibited because they are considered by those in power to be injurious to the vested interest of their class (Omaji, 1984: 34). Afanasyev (1980) explain further that law, like politics arose with classes and the state. It is the will of the ruling class expressed in legal forms and it defends the political and economic interest of the ruling class. He argues that people's legal relations should ~~be~~ distinguished from their legal ideas and views which describe the attitude of people to the law of a given society, so also are people's conception of what is lawful and unlawful, obligatory or non-obligatory as it applies to people, states and nations. He asserts that legal ideas and views bear a class character

and express the interest of a definite class. In an antagonistic class society, the legal views and ideas of the exploiting class prevail. This is because they control both policy making and execution. In order to impose its will on the exploited class the ruling class employs state apparatus and legal ideas. By means of these apparatuses and ideas they try to justify the laws they establish, conceal its class character and present it as the law of the entire society. For instance, capitalist laws and justice systems are founded on the legal ideas and views of the bourgeoisie. The function of the idea is to prove that law for example, is fair and is an embodiment of democracy, and that the bourgeoisie courts are impartial and so on.

The state in capitalist society is the instrument mostly used to propagate bourgeoisie ideas. Lenin (1977, p. 29) explains that, according to Marx, "the state is an organ of class rule, an organ for the oppression of one class by another", it is the creation of 'order' which legalises and perpetuates this oppression by moderating the conflict between the classes. Thus, for the Marxist, the state and the criminal justice system are essentially seen as the creation and tool of the dominant class in the society. Criminal law in this respect, remains one of the principal tool serving the interest of the capitalist class. Modern capitalist societies are conceived as based on the control of one class by another. The state and the criminal justice system are, among other instruments, used to secure this arrangement. The criminal justice system is further seen as

reflecting the underlying class division in the society. For the Marxist, the state and the criminal justice system, rather than serving all the people in an impartial manner, tends to fracture the social solidarity of the society in the interest of the capitalist class (Quinney and Wildman, 1977, p. 12).

The exploited class which must remain oppressed for the triumph of the capitalist class, continues to be the object of the operation of the penal system. Engels, for instance, considers the right of bail and maintains that it is more a privilege of the rich than a right at all, since the poor cannot afford it. He says, the property qualification for jury service ensures that the rich are tried by their peers, and the poor by their enemies. Engels concludes that, the impartiality of the judge is a 'fiction' (Cited in Phillips, 1980, p. 157).

Similarly, punishment in capitalist societies is seen as a process of enforcement of bourgeoisie law aimed at class control. This is done by re-educating the convicts to respect and uphold bourgeoisie ideas and view points. Punishment is assigned the function of educating convicts to accept and preserve capitalist economic interest. It is a process of protecting and promoting the capitalist order - the order that ensures the social and economic hegemony of the capitalist class.

Given the operation of the criminal justice system in favour of the bourgeoisie, the convicts' view is bound to be neglected. This is because, most convicts are, by virtue of

their class position, bound to hold view and opinions that are uncomplementary to the status quo. Such views are likely to be directly or indirectly antagonistic to the capitalist class interest. This situation greatly contribute to the neglect of the convict's view.

It can be argued that, the neglect of convicts' view is directly interwoven with the historical process of class struggle. According to Marx and Engels (1976); conceiving, thinking, viewing and other mental processes appears to be the direct influence of the conditions of their lives. The same applies to people's mental production as expressed in the language of politics, law, morality, religion and so forth. They posits that:

men are the producers of their conception, ideas etc, that is real active men, as they are conditioned by a definite development of their productive forces and of the intercourse corresponding to these, up to its furthest form (Marx and Engels, 1976 p. 42).

Therefore, in this view, the life process of convicts, that is their life experience in the larger society, which is reinforced by their experiences within the criminal justice system, is seen as determining the convicts' view of the penal system and the society in general.

According to the Marxist, the phantoms formed in the brains of men are sublimates of their material life conditions. To them, history, morality, religion, metaphysics, law etc are the history of men developing their material production, their thinking and the

product of their thinking. Since the Marxist holds that it is not 'consciousness' that determines 'being' but the other way round, then the convicts' conscious awareness of their lives needs to be closely studied. (Afanasyev, 1979).

To the Marxist, consciousness acquires a class character in any class divided society. Greater consciousness of the people strengthens their ideological unity. Ideology, according to Synder (1982) encompasses elements of social consciousness. The reason being that, in an antagonistic social relations, the interest of classes is unidentical. As such, they form different views and opinions as regards how to attain their varying objectives. For, it is by means of a specific system of ideas and views that a class expresses and substantiates its place in the society, protects its interest, strives to achieve its objectives and accomplishes its tasks (Afanasyev, 1980).

This position has a direct implication for the study of the convicts' view of the criminal justice system. Understanding the views and ideas held by convicts will indicate whether they (i.e. convicts), have developed a shared ideological unity based on their class experiences and interest. The convicts, who are predominantly the exploited class, may develop a common view of the criminal justice system. This could serve as a basis for protecting their interest and striving to achieve a common objective.

To be precise, this paradigm offers the possibility of uncovering whether convicts do develop a class consciousness and class ideology. For example, do convicts feel they belong to the same class with each other or not? Do convicts feel they share the same life chances with other lower class law

enforcement agents? How do convicts view their social position vis-a-vis the class structure of the Nigerian society? The Marxist paradigm seems to provide the most adequate premises for answering these questions.

According to Turner (1986), Marx saw men as unique by virtue of their conscious awareness of themselves and their life situations. They are capable of self reflection and hence of assessing their true position in the society. Marx argues that, the capacity to use language, to think and to analyze situations allows men to alter their environment. People do not merely react to their material condition in some mechanical ways. They also use their capacity for thought and reflection to construct new material condition and corresponding social relations. Indeed, the course of history involve such processes of people restructuring the material condition of their existence (Turner, 1986, p. 134).

Thus, analyzing the view of convicts within the Marxist paradigm will place one in a position to critically assess convicts' self reflection and self assessment. Furthermore, one will be in a position to ascertain the extent to which convicts alter penal objectives to suit their views, perceptions and circumstances. This paradigm also clarifies how convicts use their thought, views and reflection to construct penal objectives which are antagonistic to the objectives set out by the criminal justice system.

Therefore, given the problem as conceptualized in this study, the Marxist paradigm is adopted for the following reasons: firstly, it emphasizes the class character of the criminal justice system and thus places convicts' views in proper perspectives. Secondly, the paradigm flashes new insight into the operation of the criminal justice system in capitalist societies by revealing the interplay between the society and the convicts' view of the criminal justice system. Finally, the paradigm explains both the operational and ideological implication of considering (or neglecting) the convicts' view of the criminal justice system in Nigeria.

The Position of Convicts in the Indigenous Administration of Justice

In order to trace the history and philosophy of the modern criminal justice system in Nigeria, there is the need to take a brief look at the pre-colonial system of criminal justice. This review will be done in order to show how the indigenous systems of law enforcement generally considered the view of the convict.

Before colonization, Africa laws consisted of body of rules which though unwritten, had their sources in the tradition and practice of the people, giving them public support and respect. These laws were not formalized (with the exception of Islamic law), because their application varied with circumstances and the social organization of the various ethnic groups (Morris, 1970; Owomero, 1981).

Furthermore, pre-colonial states had their policing agents. Tamuno (1970), recognizes the 'Dogari' and 'Akoda' in the northern and western Nigeria respectively. He observes that:

In general, the pre-colonial police of Nigeria performed such tasks as delivering messages to and from the traditional rulers, guarding the persons of the rulers, acting as bailiffs ... detecting and arresting criminals and assisting ... elders of the town and villages in maintaining law and order (Tamuno, 1970, p. 71).

It need to be pointed out that, despite these apparent democratic postures of the pre-colonial police, they also engage in oppressive roles. For instance, they are used in repressing organized or sporadic peasant revolt against feudal domination and exploitation.

Similarly, formalized courts were known to have existed in the centralised state of the Yorubas in the West and the Hausa/Fulani in the North. These courts had formalized means of enforcing their adjudications. In other parts of the country, for instance in the decentralized societies of the middle belt and the east, laws were administered by group of elders or clan members, ad hoc in composition. Often they enforced their laws through public opinion and communal action (Morris 1970, p. 8).

However, African indigenous system of justice administration possessed some general characteristics. Unlike the western system, little separation existed between legislation and the administration of justice. Laws were not formulated in rigid rules; they consisted of guiding principles for the administration of justice (Holleman, 1974).

Thus, unlike the western system of justice administration where there is strict adherence to procedural rules; the indigenous system of justice administration considered the whole social setting. This entailed considering the views and opinion of the victim, the convict, the witnesses and any other person within the setting. In order to appreciate the prevalence of such an approach, one must understand the dominant principle of indigenous societies.

In the African indigenous setting, individual life was wrapped in the social life of the whole community. People's entire political, economic and legal engagements were shared with kinsmen and neighbours. There was the feeling that every one including convicted offenders, was actually or potentially in need of others help. Thus everybody's views and opinion is given due consideration in legal and other matters.

It can thus be seen that, in the indigenous societies, legal disputes are not regarded as matters confined to the individual victim or offender. Indigenous system of justice dispensation aims at resolving the conflict between citizens rather than insisting on the application of abstract laws. The successful end of a legal process is a judgment which both parties formally agree to accept and observe (Holleman, 1974).

A brief review of the Mashona court procedure will highlight the extent to which indigenous system of justice administration take due cognizance of the view of convicted offenders. Among the Mashona, courts convene at suitable places, usually outdoors: under a shady tree or any convenient flat surface near the market. It is a public affair with people attending even from near by villages. The presiding officer is the chief

or headman, who is assisted by assessors, normally kinsmen or commoners versed in law and elocution. There is also an official intermediary. All parties must deposit a hearing fee at the beginning of the trial. This is their concrete token of submission to the authority of the court. (Holleman, 1974).

According to the Mashona legal process, the complainant would be called to talk first, then the defendant, would give his own version in a similar manner. Then the witnesses would be called, who in most cases, did no more than reaffirm what their parties said. When the judge finally passed his verdict, it was compulsory for him to ask the parties whether they agreed with his judgment. Sometimes a convict may not accept the sentence passed on him; a strenuous argument would ensue between the judge and the convict. Arguments of such are mostly with regards to the exact amount of compensation or fine to be paid. At this juncture, the public would join in order to help find an acceptable solution.

This is an indication of the extent to which indigenous system of justice administration considered convicts' view. It could even be seen that, the convicts' view provided part of the basis on which justice was administered. When reconciliation is finally reached, the convict must as a matter of formality, confess his guilt publicly. This must be concretized by producing a token which is given to the court. Only this could satisfy the court, the complainant and the public that the offender has fully acknowledged his guilt (Holleman, 1974). These tokens should not be regarded as mere 'formalities', inspite of their

formal character. Basically, they were meant to reduce to substance the unsubstantial and abstract view of the convict. "The public clamoured to see the defendant admitting his fault, despite his repeated oral admission" (Holleman, 1974, p. 43).

Punishment serves different functions for the western and traditional system of justice. Punishment in pre-colonial societies was aimed at reconciling litigants. (Holleman, 1974, p. 46). But in western societies, the function of punishment include retribution, deterrence and reformation. Infact, the recognition of reformation in the West has been attributed to the replacement of capital punishment with imprisonment, parole and probation (Robert and Williams, 1977, p. 233).

Thus, with regard to indigenous form of imprisonment, societies with centralized state were known to have used prisons occassionally. This was unlike the decentralized societies of the East and Middle belt, where the use of imprisonment was rare. "This suggest that the development of prison in pre-colonial Nigeria was common to societies with well developed social hierarchies which demarcated the ruling group from the subordinate group" (Ahire, 1990, p. 3).

The philosophies guiding the indigenous system of justice administration in Nigeria were funadmentally altered by the colonial administration to achieve an effective control over Nigeria. Tamuno (1970), observes that, with colonialism, most of the customary laws known to the people gave way to the British

concept of law and order. Adewoye (1973), points out that, "the criminal code of 1916 was a ready instrument of coercion and a suitable measure for establishing and enforcing whatever was conceived by the colonial regime as desirable pattern of behaviour" (Quoted from Omaji, 1986, p. 58). Thus, law was a major instrument in the imposition of British social values upon the colonized Nigerians.

Owomero (1981), opines that, most of the provisions in the criminal and penal code were aimed at furthering British economic interest. For example, acts like tax evasions, deserting from forced labour, refusing to grow cash crops and all forms of resistance to colonial policies were enforced as crimes.

Similarly, the modern police in Nigeria emerged within "the context of the growth of colonial authority and the re-organization of indigenous society by the colonial state" (Ahire, 1985). The call for the establishment of a police force came from British merchants and missionaries who saw it as a sure remedy to the problem of obstructive indigenous chiefs and recalcitrant natives. Thus, the colonial police force were used in unseating powerful kings like Jaja of Opobo and Nana of Ebrohimie (Ahire, 1985, p. 13).

The indigenous courts and their system of adjudication were also altered. While in the centralized Northern and Western states, where formalized courts existed, British procedures were simply imposed. In the decentralized societies of the east

and middle belt where formalized courts were not in existence, a formalized court was imposed on them. Ajibola (1982), observes that, in Nigeria the system of customary or native court was integrated with the system of British courts. These courts however function to enforce colonial laws.

The question of what to do with those convicted by the courts led to the establishment of modern prisons in Nigeria. It was hoped that the convicted offender would not only be deterred but also be reformed. However convicts were only assigned to works that were directly supportive of British economic interest. These included the construction of railways and roads for the transportation of export crops. They also loaded and off-loaded such goods from different means of transportation. Other work assigned to convicts include the general cleaning of colonial buildings. Charles (1988), maintain that, the "prisons served as an instrument of confinement and coercion to keep the colonized Nigerian in check, in order for the colonial masters to achieve their exploitative objectives" (Charles, 1988: 20).

The colonial masters handed over the affairs of Nigeria to the indigenes on October 1, 1960. They handed over among other things the criminal justice institutions. The criminal justice system continued to be used as instrument of coercion and a means of social control. The continued use of coercion becomes a necessary instrument for maintaining the exploitative social

order established by the British. The emerging petty bourgeoisie were interested in perpetuating the exploitation of Nigerian resources. They hoped to achieve this by perfecting their domination over the exploited class. These aspirations of the new leadership could only be realized through the use of coercion; and one of the instruments of coercion at their disposal is the criminal justice institution. Given the above situation, the views that are likely to be considered in the administration of justice are those of the petty-bourgeoisie and their allies. The views of convicts in particular and those of other exploited class in general are bound to be avoided.

Avoiding the views of the exploited class is necessary because most of the criminal justice activities are directed against them. For example, the police have been used to brutally suppress peasants and students revolts against harsh economic policies by the state. The use of courts as instrument of coercion takes the form of harsh sentence of imprisonment, fine or both. The prison institution is the instrument used for inflicting both mental and physical pain on convicted offenders. Thus, given the interest-ridden operation of the criminal justice system the opinion and views of the bourgeois class are mostly considered, and those of convicts greatly suppressed.

It is thus clear that, the philosophies, policies and practices of the criminal justice system were inherited by the leadership of the country at independence. This continues to shape and influence criminal justice operations to date. Many administrators and intellectuals alike have made comments on the problems of the received criminal justice system, most especially

in relation to the convicted offenders (Idada, 1969; Lowenstein, 1969).

From the above, it is clear that the present condition of the criminal justice system in most African countries in general and Nigeria in particular are in a sorry state; and this calls for an urgent and prompt attention. In this respect, there is the need for a clear understanding of what happens in our justice system. It is hoped that this insight will be gained by studying the totality of the convict's experiences from his initial contact with the police up to his conviction; and even his view about his post release life chances. It is therefore hoped that this study will give a general background knowledge of the problems of our criminal justice system vis-a-vis the dynamics of the capitalist system in Nigeria.

CHAPTER TWO

RESEARCH DESIGN

In the preceding chapter, the problem of the neglect of convicts' views in the criminal justice system was examined. This chapter is mainly concerned with the methods that were employed in this research. The aspects covered include the location of the study, the sampling of respondents, the key dependent and independent variables, the methods of data collection and the techniques of analysing and interpreting them. Finally, the field experience and problems are examined.

Choice of Location

Although the topic of this research suggests a nation wide coverage, the consideration of time and other constraints makes geographical restriction necessary. In this respect, Kaduna state is chosen as the location for data collection. Two towns are selected as the research sites; these are Kaduna¹ and Zaria, because of easy accessibility and convenience.

However, in choosing these locations, other fundamental factors were also considered: the two cities were chosen because they have prisons which are representative of the typical prison institutions in Nigeria. Their structure, size, capacity and composition provide the suitable and adequate sample necessary for this study.

Furthermore, by virtue of the location of the two prisons and their catchment areas, many convicts speak Hausa

language, and the few that do not speak Hausa, speak English language. This gives the researcher the advantage of easing his communication with the convicts. Since he can speak both Hausa and English languages.

Other ancilliary reasons for the choice are: Kaduna being a state capital is metropolitan in population, composition and outlook. It is an urban, multi-ethnic town with a long history as the political capital of Northern Nigeria. The existence of many federal and state institution like Banks, schools, ministries, industries etc. lend credence to the metropolitan nature of its population and general outlook. The historical status of Zaria as an educational centre lend credence to it as a research site. The security obsessed nature of some of these institutions attract lots of law enforcement activities, these can have a considerable influence over the views formed by the public and convicts alike. This provide a population of convicts whose view of the criminal justice system is reinforced by their familiarity with the system before their arrest; hence putting them in a better position to critically assess the justice system.

Finally, Kaduna state being the investigator's state of origin; and Zaria being his place of birth and residence provide a familiar and accessible environment for data collection.

SAMPLING

The totality of the convicted inmates in the two prisons was the target of this study. As stated in the proposal it was intended that two hundred convicted inmates would be the sample size. However, on reaching the prison and going through their various registers in which details of convicts' incarceration were recorded, it was discovered that, as at the time of research, Zaria and Kaduna prisons had a convicted population of 586 and 979 offenders respectively. Given this large population, the sample size was increased to 234 and not 200 as earlier intended. This, it is hoped will further reduce the effect of bias through sampling, and will also give more chance for generalization (Babbie, 1973; Nachmias and Nachmias, 1981).

The number of female inmates in the two prisons was small, the male convicts constitute the majority of the inmates. While in Zaria prison there were only 8 female convicts, Kaduna prison had 17 convicted female offenders. Thus the two prisons had a total of 25 female convicts during the period of the interview. The only option was interviewing all the female convicts.

As for the male convicts, their sample was drawn using the stratified random sampling technique. "Stratified sampling is a method for obtaining a greater degree of representativeness - decreasing the probable sampling error" (Babbie, 1973, p. 94). It was anticipated that the view of convicts may differ with their length of sentence; thus, this method was employed as a means of

assuming proper representation. Using length of sentence as a stratifying criteria was found necessary for obvious reason. For instance, it was discovered that convicts were accommodated based on their length of sentence. Furthermore, convicts length of sentence determine their work schedule in the prison. Infact, the length of sentence of convicts influence most of their other activities. Thus, length of sentence was chosen as a suitable criteria for stratifying convicted criminal offenders. As Nachmias and Nachmias (1981) observe; "stratified sampling is used primarily to ensure that different groups of a population are adequately represented in the sample so that the level of accuracy in estimating parameters is increased" (1981: 303).

Given that short term convicts are accommodated differently from long term convicts the sampling frame obtained from the prison authority provided the information needed to stratify the convicts, i.e. length of sentence. Thus, the respondents were stratified into three strata. The first stratum consisted of subjects considered to be short term convicts, these are convicts serving between 0-4 years of imprisonment. The second stratum contained medium term convicts who were serving between 5-9 years jail term, and the final stratum consisted of convicts who are considered to be long term convicts, these are convicts serving more than 9 years of imprisonment. By employing the simple random sampling technique, 209 male sample was drawn from all the strata.

The short term convicts constitute the overwhelming majority of the whole convicts, thus 147 subject were selected and interviewed in this category. While the long term convicts were the second largest category, the medium term stratum was found to have very few number of convicts. Thus, 44 and 18 sample was selected from the long and medium term convicts respectively. The procedure for selection of sample ^{frame for} each stratum includes: first, obtaining the sampling from each stratum from the prison record. Having obtain the sampling frame use was made of the table of random digits. This facilitated the selection of the sample size needed from each stratum.

VARIABLES

In a study of the criminal justice system as conceived in this research, understanding the purport of convict's view was based on numerous variables. Firstly the socio-demographic variables of convicts were examined. These include the following: Age, sex, marital status, number of children, ethnicity, religious affiliation, educational attainment, the occupational status of the convicts and generally the convicts social class. It is hoped that when these variables are put together, they will provide the profile of a typical Nigerian convict.

In order to gain insight into the nature and pattern of the crimes committed by individual convict, and to have a general idea about crime in Nigeria, the following variables

were also examined: offence committed, place and time of committing the offence, court of conviction, court of conviction, length of sentence and convicts' perception of his conviction.

In order to assess the convicts' view of the operation of the criminal justice system, the following variables were examined: convicts' view of the operation of the Nigeria Police Force, the courts and the prisons. Particularly, their perception of occupational and educational facilities, feeding, medical and recreational facilities, and their perception of social welfare services in the prison were all examined. Finally, convicts prediction of life outside prison was also examined. All these variables were examined in order to ascertain, describe and assess the convicts' view of the criminal justice system in Nigeria.

METHODS OF DATA COLLECTION

As a prelude to data collection a pilot study was conducted at the Zaria prison. This was in form of discussion with the Zaria prison authorities and also to observe the existing facilities. The result obtained from this exercise helped at the questionnaire drafting stage.

After the questionnaire was constructed and scrutinized, it was pretested on a few respondents in Zaria prison. This was done with the hope of ascertaining the workability of the questionnaire.

However, to be able to fully apply the questionnaire on both Kaduna and Zaria convicted inmates, the approval of the Kaduna State Prison Controller was needed. This was to legitimize the researcher's visit to the prisons. To obtain the needed approval, an introductory letter was received from the department of sociology, A.B.U. Zaria. This letter enabled the researcher to get a clearance from the prison controller. This clearance made both the convicts and facilities of both prisons accessible to the researcher. This strategy was particularly necessary in obtaining the required permission from security-obsessed institution like the prison.

However, three principal sources of data collection were employed: Direct interview, direct observation and secondary sources.

Given the unique nature of convicts', a single structured interview schedule was prepared and administered on them. The interview schedule was directed towards eliciting information on convicts' social background, the nature of crime committed, their assessment of the criminal justice system and their prediction of life after incarceration.

The interview was held between the months of August and October, 1989. In conducting the interview, the researcher was assisted by two research assistants. Before they went to the field, the assistants were briefed on the research problem in general and on their expected roles in particular.

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In both of the locations, the interview was conducted in the office of the Social Welfare Officers. Their assistance to the researcher went up to the extent of allowing him to use their offices through out the period of the interview. The time of the interview was normally between the hours of 8.30 a.m. to 1:30 p.m. The average duration of an interview with each respondent was one hour. The prison officials assigned a warder who sat outside to see to the orderliness of the interview. The interview was however conducted out of the hearing of the warder. The convicts were brought in one after the other.

The face-to-face encounter of the interview setting provided opportunity for adequate probing in order to ascertain the validity of the information collected. Generally interview occupies an important position in social science research. Silvey (1961) notes that, experience from social survey has shown that:

The man in the street (or market, office or house), is unlikely to have any considered basis for evaluating a problem with which he was largely unfamiliar (or even familiar) until faced with an interviewer ... , yet the ease with which he gives an opinion on most subjects suggests that there must be some underpinning or precursors of an opinion waiting to be tapped (cited in Omaji, 1984, p. 64).

It is based on this understanding that interview was chosen as the major source of collecting the data that can help to critically understand and reappraise the convicts' view of the criminal justice system in Nigeria.

The use of direct observation was unavoidable in the course of the field work. This is because it proved useful in crossvalidating what ever informations obtained in the interview. As Peil notes, "Much can be learned by observing what people actually do and how they do it ..., observation involves more than just looking at what is going on ... observation includes listening and asking questions, and often participating in activities of the group to get first hand experience of what daily life involves" (Peil, 1982, p. 158).

Thus, in the course of interviewing the convicts, the investigator used the opportunity to directly observe the happenings in the prisons. But most importantly, the researcher was permitted by the prison authorities to undertake observation of some of the activities of convicts. This enabled the researcher to corroborate the information gathered through the interview method. Aspects observed include; admission and discharge processes, occupational and educational facilities available in the prison, accommodation, feeding, medical and recreational arrangements, and every other such fact that the researcher deemed helpful.

In order to enhance the reliability of the data collected through interview and direct observation, more information was obtained through secondary sources. Peil (1982) observe that, there are relatively few researches in the social science that can be completed without some reference to official sources as a means of obtaining information.

Thus, in the present study, useful materials were collected from prison records of convicts, official magazines, journals, newspapers and other published and unpublished work on the criminal justice system by academics and non-academics alike. To this end, and in addition to the materials bought by the researcher, public libraries, prison libraries, research centres and other related institutions were visited to obtain the needed secondary data.

TECHNIQUES OF DATA ANALYSIS AND INTERPRETATION

Given the above means employed to collect the data for this study, two methods of data analysis and interpretation were concurrently employed.

While the enormous data collected through direct observation and secondary sources were handled manually due to their quantitative nature, the data collected through personal interviews were coded for computer analysis. The coding involved assigning numeral values to the responses of all the close ended questions. For the open-ended questions, some meaningful categories were discerned to which codes were assigned. The data was then transferred into a computer-readable coding sheets. These was ultimately fed into the computer, and by using the statistical package for social sciences (SPSS), the computer provided the measurement of associations and measurements of dispersion between the variables specified earlier.

FIELD EXPERIENCES AND PROBLEMS

A study of this nature is inevitably associated with numerous experiences and problems worthy of note.

The first problem encountered had to do with obtaining permission to enter the prisons. The bureaucratic red-tapism involved in trying to secure this permission was particularly frustrating and time wasting. However, this problem was overcome by obtaining permission from the state prison authorities.

Secondly, the choice of two locations created the problem of having to move trained hired research assistants. The remedy to this was recruiting and training hired assistants in every research location. Both alternatives had serious implication for time, money and the quality of the data. Eventually, this problem was resolved by the researcher's decision to conduct most of the interviewing by himself.

In the course of the interview, the researchers' relationship with the convicts changed. Initially, their behaviour was highly suspicious, so it took almost double the time needed to conduct a single interview. This problem was solved by briefly explaining to the convicts the objectives of the study. This involved having to explain what every section in the interview schedule was intended to measure. This again has implication for time.

The convicts suspicion gradually gave way to their perceiving the researcher as an official sent to alleviate their immediate personal problems. This is supposed to be one of the official role of the social welfare officer.² Thus, instead of answering the questions, some subjects insist on narrating their personal problems with the aim of getting solutions from the researcher. But by explaining to the convicts the true role of the researcher, this problem was solved.

Finally is the possibility of receiving a biased view of the criminal justice system, stemming from the convicts' outrage against it. Some convicts either withheld some information or exaggerated others. To neutralize this possible bias, the personal description of convicts was supplemented with findings from the limited number of research and criminal justice accounts. This showed whether the convicts' view is remarkably consistent concerning their overall view of the criminal justice system and the whole society.

It is not likely that these accounts can completely eliminate this bias, but the fact that the researcher is aware of its threat put him on the alert. To this end, all the respondents were thoroughly probed. This, it is hoped, has helped to reduce the effect of bias from convicts' response.

NOTES

1. The initial proposal for this study included Funtua Prison as one of its research location. However, the limited time and resources available during the field study, at the disposal of the researcher did not allow for the extension into Katsina State; it is however replace with Kaduna Prison.
2. The social Welfare Officer has among other functions, connecting convicted inmates with the outside world, their and being in charge of their general welfare. Thus, the researcher's being in the social welfare officer's office created the impression among the convicts that he was a social welfare officer. This is the genesis of this particular problem of misconception.

CHAPTER THREE

CONVICTS' VIEW OF POLICE AND COURT PROCESSES

This chapter considers the social and demographic characteristics of convicts which help us to appreciate their social background. It also examined their perception of the criminal justice processes prior to conviction. This involve the police and the courts processes.

THE CHARACTERISTICS OF CONVICTS

Examining the social characteristics of convicts is essential when studying their views and perception. This is because such understanding will show how particular socio-economic traits may influence their view of the justice system. The characteristics of convicts to be examined include age, sex, educational attainment, marital status, employment status, religious affiliation, ethnicity and offence committed.

Starting with age, the data shows that 30.8 per cent of the convicts fall within the 18-23 age bracket while 34.2 per cent fall within the 24-29 category. The remaining 35 percent falls within the category of convicts who are 30 years or above. It could be seen from the above that there is a fairly even distribution of convicts in the three age categories.

Regarding sex, majority of the convicts (89.3 per cent) interviewed were males while females constitute the remaining 10.7 per cent. This sex distribution corresponds to the findings of two earlier studies conducted by Asuni (1968) and Charles (1988). While Asuni reported that 90 per cent

of his sample were males and 10 per cent females, Charles reported that male convicts constitute 82 per cent and females 18 per cent. The finding in this study confirms Charles' conclusion that, "crime whether considered in terms of persons arrested, persons convicted or persons in prisons is a male prerogative" (Charles, 1988, p. 46).

Regarding marital status, 50.9 per cent of convicts interviewed were married prior to incarceration, 46.2 per cent were single and 2.6 per cent were either divorced or widowed. This finding corresponds to that of Omaji (1984), where he reported that, 30 per cent of the convicts he interviewed were single, 56 per cent were married and 14 per cent widowed/divorced. In addition, 51.7 per cent of the convicts who are married or divorced/widowed had between 0-3 children, 31.6 per cent had between 4-6 children and 16.6 per cent had above 6 children.

With regard to convicts ethnic background, majority (42.3 per cent) were Hausa/Fulani, 12.8 per cent were Yoruba, 10.3 per cent were Igbo and 34.6 per cent were from other ethnic groups. However, the findings herein should not be misunderstood to mean that Hausa/Fulani constitute the majority of criminals in Nigeria. The most plausible explanation for this finding is that is both of the research locations for this study, the dominant ethnic group is the Hausa/Fulani.

The employment status of convicts prior to conviction shows that 49.6 per cent were either unemployed 35 per cent were self-employed as drivers, traders, motor mechanics, carpenters and so on; and 15.4 per cent were civil servants. It is clear from this report that convicts in Nigeria are predominantly the unemployed and the self employed. It is suspected that, the predominance of the unemployed among convicts is fundamentally due to the interest-ridden character of the criminal justice operations.

In terms of the educational attainment of convicts, it was discovered that 12.8 per cent of convicts had no formal schooling at all; 38.5 per cent had either primary or koranic schooling and 39 per cent had grade II/secondary schooling. The remaining 9 per cent had up to Polytechnic/University education. The finding here indicate that, majority of the convicts had barely primary school education. The interest in educational attainment is based on the assumption that, education is likely to reward its possessor with employment, prestige and other desirable socio-economic attributes. Given the present Nigerian society, an ordinary certificate holder is not likely to enjoy the benefits accruing from formal education.

This research attempt to examine whether educational attainment affects employment opportunities. Thus, convicts educational attainment before incarceration was cross-tabulated with their employment status prior to conviction. The details of findings are presented in table 3.1.

Table 3.1

THE RELATIONSHIP BETWEEN CONVICTS EDUCATIONAL ATTAINMENT AND
THEIR EMPLOYMENT STATUS

	Employment Status								Total No
	Unemployed		Self employed		Civil Servant		Others		
	No	%	No	%	No	%	No	%	
No schooling	14	46.7	12	40	0	0.00	4	13.3	30
Primary/ Koranic	30	33.3	47	52.2	2	2.2	11	12.2	90
Grade II/ Secondary	45	48.4	21	22.6	20	21.5	7	7.5	93
Polytechnic/ University	3	14.3	2	9.5	14	66.7	2	9.5	21
Total	92		82		36		24		234

$\chi^2 = 84.90$ $df = 9$ Crammeri value = .60.

In table 3.1, convicts' educational attainment was cross-tabulated with their employment status before conviction. It was discovered that convicts with higher educational attainment were employed prior to incarceration while those with low educational qualification were either unemployed or self-employed. For instance while 46.7 per cent of convicts with no formal schooling were unemployed, 66.7 per cent of those with polytechnic/university education were civil servants. The strength of this association is given by the value of chi-square which is 84.90; which was found to be statistically significant at 0.5 level of significance. Furthermore, the 0.60 Crammer's value suggests that the association between convicts education and their employment status is fairly strong.

Thus, it is discernible from the data that, higher educational attainment rewards its possessor with employment. It also support the assertion that an ordinary level certificate holder in Nigeria does not enjoy the benefits which accrue from formal education.

Regarding the type of offence, 17.5 per cent of the sample were convicted for person offences. These include offences ranging from simple assault (verbal or physical) to fighting, causing grievous bodily harm, rape, manslaughter, attempted murder and murder etc. Inmates convicted for property offences constituted the majority (71.4 per cent) of the respondents. This category includes crimes ranging from picks pocketing, theft, burglary and other kind of pilfering, robbery, receiving or possessing stolen property, forgery, bribery (giving or receiving), to criminal breach of trust and so on. Finally, 11.1 per cent were convicted for other offences like public unrest; traffic offences, and "victimless" offences like drug offences, gambling, homosexuality etc.

The findings of this study with respect to the type of offences committed, corroborate with those of earlier studies. Dewu's (1981) study of Kaduna prison reveal that 57 per cent of convicts were incarcerated for property offences. Similarly, Charles (1988) showed that in Yola prison, 30 per cent and 68 per cent of convicts were incarcerated for person and property offences respectively.

The preponderance of property and property-related offences over person and "other" offences can best be understood within the context of the capitalist socio-economic formation and dynamics. As Ahire (1981) asserts thus:

The property-protective nature of most of our laws, the preponderance of property offences over person and "Other" offences as well as the over-representation of the underprivileged in our prisons are no accidents. These point to a situation in which the "have" struggle to retain their properties; while the "have nots" struggle to survive (Ahire, 1981, p. 70).

In addition to the type of offence; the time and place of committing the offence were also considered. It was discovered that 65.8 per cent of the convicts committed their various offences in residential areas. While 16.2 per cent committed their crimes in offices; 17.9 per cent committed theirs in other places like markets, streets, motor parks, petrol station premises and so on. With respect to the time of committing the offences, 20.1 per cent of the convicts committed their offences between the hours of 10 pm - 4 am; 45.7 per cent said it was between the hours of 5 am - 1pm and 34.2 per cent said it was between 2 pm and 9 pm.

This pattern indicates that, most of the crimes were committed in the morning and early afternoon hours. That is when most people are out to their various offices, leaving only the unemployed and the marginally employed in the residential areas. This accounts for the high incidence of crime among the unemployed in the residential areas.

With respect to length of sentence, most of the convicts (73.5 per cent) were serving sentences of between 0-4 years, and 8.1 per cent were serving between 5-9 years. Finally, 18.4 per cent were serving sentences of above nine years. The data presented suggest that, most of the convicts are short term prisoners. A convict expressed his view thus; "This period is clearly insufficient to reform any offender, infact this experience only tarnishes convicts reputation".

Finally, the respondents were asked whether they felt that their sentence was justifiable. It was found that 68.4 per cent of convicts felt that their conviction was not justified. While 24.4 per cent felt that their sentence, both in terms of length and type of disposition, was justified, the remaining 7.3 per cent could not express an opinion either way.

It is of interest here to note that, 30.3 per cent of those who said that their conviction was unjustified claimed that they did not commit the offence they were convicted for, while 53.9 per cent of this category claimed that the judge was harsh to them. These respondents were of the view that, the sentence should have been either a fine or a lesser term of imprisonment. Some convicts confided in the researcher that, they know other people arraigned for the same offence with them who were given a lesser term of imprisonment or even freed. Thus they felt that their own sentence was not justified.

Given the criminogenic nature of the Nigerian socio-economic order, and the interest-ridden character of the criminal justice operations; it is no wonder that the convicts depicted in this study have the socio-economic characteristics described above. From all the information gathered, one notes that the socio-economic distribution of convicted offenders tilts heavily towards the poor and economically marginalized class in the society.

In terms of a profile, the typical convicted offender in this study is a semi-literate male, in the prime of his youth, ~~married~~ with few living children. He is most likely convicted for committing a property or property-related crime, serving a prison term of up to 4 years. The typical convict upholds the view that his conviction is not justified. Occupationally, he is either unemployed or apprentice in the lowest occupations. From this description of a typical convict, one can see that he is precisely a member of the lower socio-economic class in the present Nigerian society.

The effort made so far in this section is geared toward enhancing a more critical understanding of the convicts social and demographic characteristics. This, it is hoped, will provide the context for analysing and assessing the convicts' view of the operational units of the criminal justice system in Nigeria.

CONVICTS' VIEW OF THE OPERATION OF THE NIGERIA POLICE FORCE

The analysis and assessment of convicts' view of the operation of the Nigeria Police Force is the focus of this section. The convicts' view will be assessed in terms of several indicators of Police role fulfilment. The first to be assessed is the role of the police as initiators of criminal processes through arrest and the conduct of preliminary investigation. Secondly is the length of time spent in police custody and the process of prosecuting the suspect. Finally the view of convicts on general police performance will be considered.

The police occupies the most conspicuous position among the operational units of the criminal justice system in Nigeria. They are the dominant and most visible agency charged with crime control. One of such roles which makes the police the most visible is their power of arrest;

The authority of the police officer to make arrest is embedded in the common law of England, which was transferred to Nigeria during colonialism. The law defines arrest as "the taking of another into custody for the actual or purported aim of bringing him before a court or official, or otherwise securing the administration of the law" (Cited in Robert and Williams, 1977, p. 172). Furthermore, the law provides that, the arrestee needs to be promptly told why he ^{or she} is being arrested.

Thus, in order to assess police role of arrest, convicts were asked their sources of referral. The data shows that 69.2

per cent of the subjects were arrested by the police. This indicate that the police in Nigeria are the primary agents of referral to the criminal justice system. Furthermore, 24.8 per cent claimed to have been arrested by private security personnel. The activities of private security agencies can also be seen as supplementing the police in enforcing the law. This also shows the growing involvement of private security agents in crime control.

Among those who reported that they were arrested by the police, 53.2 per cent said that while being arrested, they were not promptly told their offence in a "language" they understood. This finding is not unexpected given the fact that most of the convicts are the uneducated poor people, who could not insist on their rights. In the course of the interview, one of the subjects told the researcher his encounter with the police when being arrested:

"The police called at my house where I stay with my family. Before I could ask them the purpose of their visit, they started beating me, ... and before I know what was happening, I was bundled into a parked land rover. From there, I was taken straight to the police station and then here".

In every criminal case pursued by the police, they are expected to undertake a preliminary investigation. "Criminal investigation is police activity directed toward the identification and apprehension of alleged criminals and the accumulation, preservation and presentation of evidence regarding their alleged crimes" (Robert and Williams, 1977, p. 110). From the above, it is discernible that, the police are the most frequent initiators of the criminal justice process. The police officer

being the first person expected to arrive at any crime scene must care for the injured, protect the crime scene and all evidence available; apprehend the suspect if he is within the immediate vicinity and also get in touch with all the accessories before or after the fact.

It is for this reason that the law allows for an accused to be detained for a specific period (normally between 24 to 48 hours). However, the finding of this study shows that, while 58.1 per cent of the convicts claimed that they were detained for between 1-6 days; 29.9 per cent said they were detained for over 1 week. Only 15 per cent said that they were not detained at all.

These findings are not unexpected because from convicts' report, one can appreciate the dearth of facilities in the police station. Convicts reported that, the police cells are small and over-crowded and that inmates have to sleep on the bare floor. Within the cell is a bucket toilet which serves all the detainees.

Respondents also complained of the food served to them in police custody. To be precise, they said both the quantity and quality of the food served is defective in every sense of the words. Finally, complaints were received on the menace of lice and mosquitoes in the police cells. All these negative experiences have a direct implication for the convicts' view of the criminal justice system in Nigeria.

Upon the completion of police investigation, the arrestee is required either to be released or arraigned before a court for prosecution. The prosecution is done according to the 'charges' (i.e. the offence he is going to be prosecuted for) framed against the suspect as recognized by law. This is because, according to section 22 (10) of the constitution of the Federal Republic of Nigeria: "No person shall be convicted of a criminal offence unless that offence is defined and the penalty therefore is prescribed in a written law ..." (cited in Adeyemi, 1972, p. 18).

In essence, defective charges create offences not recognized by law. Adeyemi observes that, sometimes, the court is presented with charges which do not represent the complaint or all the facts available to the police. "This has led the court to discharge many persons who, though they may have committed an offence, escape justice ..." (Adeyemi, 1972 p. 19). This problem is likely to create a negative view in the minds of accused persons which will affect their subsequent contact with the rest of the criminal justice system.

However, in order to assess the convicts' view of their prosecution, respondents were asked whether the statement they made at the police station was the one presented by the prosecutor in court. In all, majority of convicts (55.1 per cent) said that the prosecutor did not present their cases in accordance to the statement they made in the police station.

In fact some convicts accused the police of deliberately refusing to bring the copy of the statement they made, to the court. Furthermore, some convicts (41.2 per cent) whose statement were brought to the court said that they gave the statement under duress. All these indicate that majority of convicts were not satisfied with the role of police as prosecutor.

In order to verify these findings, convicts' report were compared with the findings of earlier studies. Omaji (1984) reported that the police enjoy a very low public confidence in respect of their general performance. He reported that 47.8 per cent of public respondents have low confidence in police performance and 55.6 per cent said that they had no respect whatsoever for the police.

Given the generally low level of confidence and respect that the public have in the police, it is not surprising that the reaction of convicts to the police was generally negative. When convicts were asked whether they were satisfied with the manner the police handled their cases, majority of them (68.3 per cent) expressed their dissatisfaction. Omaji also reported that 68 per cent of the convicted offenders he interviewed expressed dis-satisfaction with the way the police handled their cases.

Attempt was made to find out whether the convicts' view of the police was influenced by their employment status. Table 3.2 presents the findings.

Table 3.2

THE RELATIONSHIP BETWEEN OCCUPATION OF CONVICTS AND THEIR
VIEW OF POLICE GENERAL PERFORMANCE

	RESPONSE				Total No
	Satisfied		Not Satisfied		
	No	%	No	%	
Unemployed	38	41.3	54	58.7	92
Self-employed	21	25.6	61	74.4	82
Civil servant	13	36.1	23	63.9	36
Others	5	20.8	19	79.2	24
Total	77		157		234

$\chi^2 = 30.97$ (df = 6) Cramer's value .36

In Table 3.2 where the occupational status of convicts prior to incarceration was cross tabulated with their view of police performance; the data suggest that majority of the convicts in all the occupational categories express dissatisfaction with general police performance. This suggest that the relationship between occupation of convicts and their view of general police performance is weak. This is shown by the value of the Chi-square (30.97) which is not significant at .05 level. The Cramer's value (.36) also indicate the relationship between the variables. However, this finding is in line with earlier studies (Omaji, 1984; Akintara, 1990). Their account shows that the general public express dissatisfaction with police general performance. Furthermore, the relationship between length of sentence and convicts' view of general police performance was sought. Table 3.3 presents details of the findings.

Table 3.3

RELATIONSHIP BETWEEN LENGTH OF SENTENCE AND CONVICTS' VIEW OF
GENERAL POLICE PERFORMANCE

Length of Sentence	RESPONSE				Total N
	Satisfied		Not Satisfied		
	No	%	No	%	
0-4 years	63	(36.6)	109	(63.3)	172
5-9 years	9	(47.7)	10	(52.6)	19
9 years	2	(4.7)	41	(95.3)	43
Total N	74		160		234

Chi-square = 22.1, (df) = 2; Cramer's V = .21

Table 3.3 present the relationship between length of sentence and convicts' view of general police performance. The data shows that majority of convicts serving different prison sentence were dissatisfied with police general performance. It can however be observed that 95.3 per cent of convicts with over 9 years of prison sentence were dissatisfied with police general performance. The strength of the association between these two variables is shown by 0.21 Cramer's V. furthermore, the value of the chi-square (22.1) is found to be statistically significant at .05 level.

The likely explanation for this finding is that, convicts with over 9 years jail term must have been cruelly dealt with because of the gravity of their offences. Perhaps the negative experiences of long term convicts with the police have reinforced their negative view.

In sum, the findings here suggest that convicts' dissatisfaction with general police performance can be explained from two related perspectives. First, due to police colonial origin, their training and orientation was basically paramilitary aimed at suppressing colonial resistance either from chiefs or natives. At independence, the police continued to be used as means of social control. Due to their daily violent engagements, it is no wonder that convicts perceive the police as brutal and cruel. Secondly, convicts' perception of the police as corrupt can find explanation in the philosophy guiding the socio-economic structure of Nigeria. This system, which was a colonial imposition gives every citizen the right to accumulate material wealth. Thus, in their strife to acquire wealth; the police becomes susceptible to corruption. Given their conspicuous role in the criminal justice process, convicts perceive them as corrupt. For these reasons, convicts were found to be dissatisfied with general police performance.

CONVICTS' VIEW OF THE COURTS OF LAW

The judiciary is among the tripartite arms of governmental power within the society. The main function of the courts is the determination of innocence or guilt, and the allocation of reward or punishment according to the rules. The issues addressed in this assessment include the following: whether convicts were released on bail, convicts use of legal counsel

and whether convicts were allowed to call witnesses to testify in their defence. Other issues include, convicts' view of the commensurability of their sentence to their offence, convicts' view of how the court treated their cases and their feelings on the day they were convicted.

Before trying a suspect, the court usually conduct a preliminary examination. This is firstly, to enable it decide whether the accused can be released on bail, and secondly, to enable it consider the issue of legal counsel and witnesses.

Regarding the issue of defence counsel, the findings of this study show that, while only 15.4 per cent of the respondents employed a defence lawyer; the overwhelming majority (82.5 per cent) claimed that they did not employ the services of a lawyer. When asked why they did not employ the service of a lawyer, varying responses were obtained. Most respondents reported that they did ^{not} employ a legal counsel because they could not afford the financial cost. This is not unexpected given the fact that a typical convict is a member of the under-privileged class who can afford only the bare necessities of life.

However, convicts were asked why they did not seek legal aid. While some convicts claim ignorance of the existence of alleged legal aid; others stated that they were outrightly denied the opportunity to employ either a private legal counsel or to seek legal aid. Finally, some convicts claimed not to have been allowed bail. The remaining 1.3 per cent had no response either way.

In order to find out whether the granting of bail is related to some social characteristics of convicts; this variable was cross tabulated with type of offence (Table 3.4) and educational attainment of convicts prior to incarceration (Table 3.5).

Table 3.4

THE RELATIONSHIP BETWEEN CONVICTS OFFENCE TYPE AND COURTS GRANTING OF BAIL

	Bail Granted				Total N
	No	Yes %	No	No %	
Property	31	18.6	136	81.4	167
Person	6	14.6	35	85.4	41
Others	13	50.0	13	50.0	26
Total	50		184		234

$\chi^2 = 23.41$ (df = 2) Crammer's value = .32

Table 3.4 present the relationship between convicts court's offence type and granting of bail. The findings show that, the overwhelming majority of convicts in both property and person offence category were denied bail. This finding suggests a relatively weak relationship between type of offence and granting of bail. This is also shown by the value of the Chi-square (23.41), which is not significant at .05 level.

This study also attempted to find out whether courts granting of bail is associated with the educational attainment of convicts. Table 3.5 present details of the findings.

Table 3.5

RELATIONSHIP BETWEEN COURTS GRANTING OF BAIL AND EDUCATIONAL ATTAINMENT OF CONVICTS

Educational Attainment	BAIL GRANTED				Total N
	Yes		No		
	No	%	No	%	
Non formal	6	20	24	80	30
Primary/ Koranic	17	18.9	73	81.1	90
Grade II/ Secondary	29	31.2	64	68.8	93
Polytechnic/ University	5	23.8	16	76.2	21
Total	57		177		234

$\chi^2 = 17.95$, (df = 3), Cramer's value = .28

The findings in Table 3.5 show that majority of convicts in all the educational categories were denied bail. This suggest the type of relationship between granting of bail by court and convicts' educational attainment. This is further shown by the value of the chi-square (17.95) which is not significant at .05 level. Further, a crammer's V of .28 also suggest a weak relationship.

This study went further to assess the length of time taken in the trial process. The data shows that, 37.6 per cent were tried for between 1-6 days, 23.9 per cent for between 1-4 weeks and finally, 38.5 per cent said their trial lasted over four weeks.

When asked, what in their view was the reason for the lengthy trials, some convicts said that the delay is caused by the work load of courts, while a few others feel that the delay was caused by the low educational standard of judges especially at the area and magistrate courts. Many others feel that the delay is related to the inability of the accused or his relations/friends to hasten the judgement; as one convict said - "by taking the proper steps - that is bribing the law enforcement officials."

A convict divulged his experience with the court, after three months of remand, as follows: After the judge adjourned the case again, the convict threatened thus: "I am not going anywhere, if I leave this court, I must know my sentence". This instance shows how negative encounters with the courts generated negative views among convicts.

The opinion of convicts was probed further by asking them whether they felt that the sentence passed on them was commensurate with their offences. While 21.4 per cent of convicts feel that their sentence is commensurate with their offence; the overwhelming majority (68.8 per cent) of convicts claim that their sentence is not commensurate with their offence. When asked why, 60.2

per cent of those with negative responses said that the judge was harsh to them as evidenced in the deliberate refusal of bail, delay in trial and sentencing; and unduely long prison sentence without an option of fine.

The study futher tested the existence of any relationship between convicts' occupation prior to incarceration and their view of the commensurability of sentence to their offence. The findings are presented in Table 3.6.

Table 3.6

RELATIONSHIP BETWEEN OCCUPATION OF CONVICTS AND THEIR VIEW OF THE COMMENSURABILITY OF SENTENCE TO OFFENCE

	RESPONSE				Total N
	Commensurate No	%	Not commensurate No	%	
Unemployed	29	31.5	63	68.5	92
Self-employed	25	30.5	57	69.5	82
Civil servant	8	22.2	28	77.8	36
Others	11	45.8	13	54.2	24
Total	73		161		234

$X^2 = 19.72$, $df = 3$, Crammer's value = .29

The findings in Table 3.6 show that all categories of convicted offenders felt that their sentence was not commensurate with their offence. For instance, 68.5 per cent of the unemployed, 69.5 per cent of the self-employed and 77.8 per cent of the civil servant categories all felt that their sentence is not commensurate to their offences. This shows the relationship between occupation of convicts and their view of commensurability of sentence to offence. This is further shown by the value of the chi-square (19.72) which is not

significant at .05 level.

Convicts' general feelings on the day of their conviction provides another avenue of assessing their view of court operation. This was measured by asking the convicts to describe their general feelings on the day of their conviction. While majority of convicts (67.1 per cent) said that they felt cheated; 19.2 per cent said they blamed themselves.

It was no surprise, therefore that, when convicts were asked their general view of how court handled their cases, 69.2 per cent said they were dissatisfied. This finding corresponds to Omaji's (1984) observation that 70 per cent of convicts expressed dissatisfaction with the manner in which courts handled their cases. These findings suggest that, convicts generally hold a negative view of the courts processes.

Summary

The information contained in this chapter touches on two basic aspects; first, a typical profile of a convicted offender in Nigeria prison is provided. Secondly, the convicts' view of the police and judicial processes were reviewed.

The data suggest that, the typical Nigerian convict is a semi-literate male, in the prime of his youth and nominally married. He is most likely convicted for committing a property or property related crime, serving a prison term of up to 4 years. He is either unemployed, or "daily-paid" in the lowest occupations. From the above, it can be seen that, a typical convict is a member of the lower socio-economic class, who generally uphold the view that his conviction is not justified.

Furthermore, this study reveal that convicts generally hold negative view of the criminal justice process. Most convicts view police method of arrest as crude, brutal and dehumanizing. Convicts reported that they were detained by the police for lengthy period before being prosecuted, and described police cells as inadequate for detaining suspects and the food provided as awful and inedible.

With regard to prosecution, convicts accuse the police-prosecutors of obtaining confessional statement under duress or the threat of force; framing up of false charges and generally falsifying evidence. The majority of convicts reported that the prosecutor did not present their cases in accordance with the statement they made in the station. This indicates that convicts had generally negative experiences with both the police and the prosecutors.

Regarding their trial, most convicts reported that they neither employed the service of a legal counsel, nor did they call a witness in their own defence. Their reasons varied from ignorance, lack of money, to convicts' awareness that they stand in a disadvantaged socio-economic position in relation to the law courts. Most of them said they were willing to call witnesses but were bluntly denied the opportunity by the prosecutors and judges. Furthermore, most convicts reported that they were not released on bail during trial. When they were asked the commensurability of their crime to the sentence, majority said it was not commensurate. This could account for the negative feelings held by convicts on the day of their conviction.

The length of time taken in the trial process was also considered. It was discovered that most trials lasted for over 4 weeks. Given all these negative experiences of convicts within the judiciary, it was no surprise that most of them expressed dissatisfaction with the manner in which the courts handled their cases. The negative view held by convicts regarding the police and courts is bound to influence their view of the prison and even of life after discharge.

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CHAPTER FOUR

CONVICTS' VIEW OF THE PRISON INSTITUTION

The critical understanding of the criminal justice system in Nigeria is the ultimate end of this study. Prior to this stage, effort has been made to assess the role of the police and courts from the convicts' view point. This, it was hoped will provide the background and the context for examining their view of the prison institution in particular and the criminal justice system in general.

Consequently, the concern here is with the convicts' view of the prison institution in Nigeria. This will involve a critique of convicts' assessment of facilities in the prison. This will be followed by the assessment of convicts' view of the prison social setting and general practice. The aim is to reappraise the current state of the prison. The convicts' view of prison officials attitude towards them and its implication for institutional goals and objectives will then be touched. Finally, convicts' prediction of post-release life chances will also be considered.

CONVICTS' ASSESSMENT OF PRISON FACILITIES

The aim of this section is to appraise the convicts' view of facilities in the Nigeria prisons. Two aspect are considered relevant for this purpose. The first is the availability of facilities in the prison; and the second is the accessibility of these facilities to the convicts. The facilities to be assessed will include feeding, accommodation,

medical, welfare, recreational and training facilities.

The Nigeria Prison Service which operates under the prison Act number 9 of 1972 has the following objectives:

- 1) to keep safe custody of persons who are legally interned;
- 2) to identify the causes of their anti-social behaviour, treat and reform them to become disciplined and law-abiding citizens of a free society;
- 3) to train them toward their eventual rehabilitation on discharge; and
- 4) to generate funds for the government through prison farms and industries, (cited in Chikezie, 1987, p. 5).

In order to realize these objectives, the prison service has elaborate programmes for convicted offenders. Both Zaria and Kaduna prisons, being typical prison institution in Nigeria, accommodate convicts in dormitories. It can be said, without fear or exaggeration that, the worst problem facing Nigeria prison is overcrowding. Official sources reveal that, about 58,000 prisoners in the country are being housed in prisons meant for 28,000 inmates. This represents 30,000 or 51.7 per cent more than capacity¹.

The Kaduna prison was built for 500 inmates, but as at the time of the field study, it was housing 979 inmates. The Zaria prison with a capacity of 200 inmates, housed 586 inmates at the time of study. It was discovered in Kaduna prison that one room of 20 x 30 feet contained 126 convicts.

The overcrowding does not affect all convicts equally. Most political prisoners, visibly affluent convicts and female convicts are not housed with other convicts. Their cells are more spacious and better furnished (i.e. with six-spring bed and a mattress). Such convicts enjoy some measure of privacy and hygiene. The plausible reason why female convicts fall into this category is due to their population in the prison. Females form a very insignificant percentage (10.7 percent) of the prison population. Thus, they are bound to enjoy the accommodation facilities reserved for females.

But for the ordinary convict, the congestion has reached a stage where convicts sleep in "shifts"; some even squat all night. One convict recounted that "The sleeping arrangement is terrible. There is just no space to stretch your legs except you are ready to exchange blows with other convicts. This makes the whole place stuffy". The unhygienic condition coupled with the indoor bucket toilet system account for the unbearable stench in the cells.

Futhermore, convicts reported that their cells are infested with bed bugs, lice, mosquitoes and other infectious insects. In addition to the verbal complain received from convicts, smashed lice, bed bugs and other insects can be sighted all over the walls of the cells. These unhealthy living conditions account for the prevalence of numerous skin diseases like scabbies, eczema, rashes, sores and so on among the convicts. Many convicts can be seen scratching bleeding sores on their skin during the interview.

At the centre of the health problem is the shortage of medical facilities and medical personnel. At the time of this study, Zaria and Kaduna prisons had a shortage of qualified medical staff. While Zaria prison had only a nurse, Kaduna prison had a nurse and a visiting doctor. These are expected to cater for the medical needs of 586 and 979 convicts respectively. From observations and discussions with convicts, it is discovered that the prison clinics were affected by acute shortage of drugs and other basic medical facilities. To worsen the situation, sick convicts who need to be taken to outside hospitals have to either trek or pay their transport fare and that of the accompanying warder. Given the non-functional state of the prison earning scheme, most convicts cannot afford the financial cost of going to hospital outside the prison. It is therefore no surprise that prison mortality continues to rise in virtually all Nigerian prisons. According to a recent official pronouncement, an estimated 1,500 convicts and detainees died of various ailments between 1985 and 1987².

From general observation and discussion with the convicts, it is discovered that clothings are not adequately provided to convicts. When asked whether they were given any clothing, the overwhelming majority (81.2 per cent) of convicts reported that they were never provided with any kind of clothing by the prison authority. While the majority used their personal clothing, the few convicts with uniforms (most of whom were

long term convicts) claimed to have bought it from discharged convicts. The response of the subjects were later corroborated by the investigator's direct observation. The investigator, on going round, observed that most of the convicts he did not interview were barely naked. This is predominant among the short term convicts.

The feeding of convicts is another issue that requires close attention and assessment. The accounts of both ex-detainees and discharged convicts provide useful clues to the type of food served in prison. Tunde Thompson, a one time detained journalist says that, the quality of food served is so bad that to talk about quality would be to do extreme violence to language. Nderibe, also an ex-detainee assert that, "you wouldn't give that food to your dog ... what they did was mix a little paste of what passed for gari and give you some bitter liquid which is supposed to be soup".³

It is therefore not surprising that 76 per cent of convicts interviewed rate the quantity of food served to them as unsatisfactory and 61.5 per cent rate the quality as unsatisfactory. These findings correspond to the dissatisfaction rate reported by Charles (1988).

When convicts were asked what in essence is wrong with the food provided, majority note that the food is ill-prepared, the menu monotonous, the quantity insufficient, and the entire food tasteless. Some convicts allege that, the prison authority conspires with the food contractors to supply sub-standard food stuffs to them. Furthermore, it is observed that, the two prisons had no dining hall, as such food is served to convicts in their cells. Convicts also complained of lack of

eating utensils like spoons and forks. The cooking is done by male convicts for both sexes. While the general kitchen environment of Kaduna prison looked visibly clean, that of Zaria was untidy and infested with flies.

Prison work is one of the aspects assessed by this section. According to convicts, the work assigned to them vary according to certain criteria. For instance, long term convicts who served up to half of their sentence are assigned gang work outside the prison. Such work include the cleaning of official residential houses, office building, working on farm lands and so on. It can be observed here that this work pattern is inherited from colonial prison system. The short-term prisoners are assigned general duties inside the prison. These include sweeping, emptying faeces, weeding, cooking and so on. Convicts with some form of technical or vocational know how are assigned work in the workshop relevant to their area of specialization.

However, when the convicts were further probed on their work schedule, 44.4 per cent claim that no work has ever been assigned to them since their incarceration. While 34.6 per cent said they were assigned manual work in and outside the prison; 21 per cent are assign other kinds of work like teaching, running errands within the prison, general cleaning and hand craft in the workshops. Although when convicts were asked the accessibility of the workshops to them, 72.6 per cent claimed that the prison workshops are not accessible to them at all. This finding is not unexpected given the general

dearth of facilities in the workshops; only a few convicts are exposed to a few and often non-functioning facilities in the workshops. All these put together are bound to have a negative impact on the convicts' view of prison work.

In terms of educational facilities, both prisons are found to be greatly handicapped. In Zaria prison for instance, only religious teaching takes place. Religious teachers visit the prison to teach and preach to their followers. But in the case of Kaduna prison, in addition to the religious teachings, educational classes are organized for interested convicteds to attend. Only 38 per cent of the convicts claimed to be attending these classes. It was also discovered that the teaching is done by convicts who are not professional teachers prior to their incarceration. The paucity of teaching facilities and qualified teachers in prison schools suggest that prisons are not in any position to effect offender training, correction and reformation.

Recreational activities and facilities in prisons are also limited and poor in quality. The recreational activities that convicts engage in depend on whether they are indoors or outside their cells. When in their cells, convicts engage in games like draft, ludo, cards and 'dara' (a game played like checkers). However, due to the shortage of these facilities, convicts have to take turns.

When convicts are let out of their cells for games normally at 4pm, they engage in games like football and athletics. However, while the convicts of Kaduna prison complained that

there is only one football for the whole of the convicted offenders; the convicts of Zaria prison complained that their only football had gone out of use for the past 2 months. It is very likely that, this situation will influence convicts' view of the criminal justice system.

The Zaria and Kaduna prisons had at the time of this study, one and three social welfare officers respectively. The duties of the welfare officer include among other things; arranging prison visits and handling convicts' mails. The welfare officer is also expected to advice convicts on how to make use of the available facilities in the prison for their social, educational and vocational training.

In order to assess the extent to which convicts benefit from the social welfare services, they were asked whether they ever received a visitor. Most convicts (56.4 per cent) said that they never received any visitor since their incarceration, only 15.8 per cent said they do get occasional visits.

In respect of letter writing, convicts ~~and~~ accused the welfare officers of dodging their responsibilities by always complaining of lack of writing materials. Most of those interviewed said that they had never written nor received any letter since their incarceration. This indicate that most convicts lose touch with their family and other social ties. By implication, the role of social welfare officers as aides to convicts in writing and processing of appeals is handicapped. All these suggest that social welfare facilities are also inadequate in the locations of this study.

It is clear from the above presentation of convicts' view, that the facilities provided to them are inadequate for achieving the correctional and reformative objectives of the criminal justice system.

CONVICTS' VIEWS OF THE PRISON

The prison institution is expected to contain, correct and reform convicted offenders. In pursuit of these objectives, convicts are exposed to legitimate trades and the habit of steady work. Thus, in assessing the convicts' views of the prison, the following issues will be considered: convicts' view of what the penal objectives are; convicts' view of prison life in general and finally, convicts' prediction of their post-release life chances will also be considered.

Convicts were first asked what, in their view, are the main objectives of the penal system in Nigeria? It was discovered that, up to 40.6 per cent of the convicts were of the view that the prison is an instrument of oppression. One of the convicts express his opinion thus: "I feel the main objectives of the prison in Nigeria is to punish the poor people. As you can see, majority of the people inside here are poor". It is however found that, only 22.6 per cent of the convicts hold the view that reformation and correction are the objectives of the prison.

These findings indicate that, there is a divergence of opinion between the prison officials and the convicts as to the objectives of the prison. While the prison officials claim to

be pursuing the corrective and reformative objectives, the convicts see things differently. A statement from one convict express their view of the class character of the prison: "Once a person is incarcerated, nothing is made that will help him in any way; the aim of the prison to me is just to oppress the poor people". He concludes that, "as long as one remains in prison, he will continue developing a negative view toward the prison and the whole society".

Furthermore, convicts were asked to assess the prison dearth officials in relation to the lack of facilities in the prison. In all, 43.2 per cent allege that the prison officials are corrupt. While 27.4 per cent maintain that the officials are bias along tribal and religious lines; 17.4 per cent are of the view that, whatever anomaly is observed among officials is a reflection of the whole society, and prison officials must not be blamed for a problem created by the society as a whole.

These findings are interesting for two reasons. First, they suggest that convicts are aware of the corrupt practices going on in the prison. One of the convicts interviewed alleged that, for convicts who can afford bribe, the warders can buy any item for them from the outside world. Such items range from food, drugs, cigarette, beer, and even indian hemp. This finding corroborate Alemika's observation that: "Some of the officials ... constitute themselves into prison traders

helping the prisoners to obtain contra-band such as cigarettes and marijuana, etc. In some cases the officials serve as the link between the prison and the outside world for the few powerful individuals in the prison for a price" (Alemika, 1983, p. 140). Secondly this finding show that, up to 17.4 per cent of the convicts are aware that the problems of the prison institution surpass the individual staff. This shows that they locate the problem within the broader societal context.

It is discovered from observations and discussions that the relationship between staff and convicts is characterized more by hostility than friendship. Convicts reported that, for the majority of the underprivileged inmates, minor infringement of prison rules attracts undue punishment from the officials, and that, the hostility meted to them ranges from physical torture to chaining in solitary cells. This assertion was confirmed by the researcher, who occasionally observed how convicts were being maltreated by the prison staff in order to obtain their conformity. On one such occasion, the researcher witnessed how a malnourished convict was being physically tortured. When the researcher inquired to know the offence committed by the convict, he was told that the convict refused to do his share of the day's work (sweeping) on time.

These forms of hostile relationship between convicts and staff do pitch convicts against the officials with negative implication for the achievement of penal objectives.

These findings lend support to the inmate social code hypothesis. According to Gresham and Sheldon, the inmate social code provides that:

Prisoners must present a unified front against their guards no matter how much this may cost in terms of personal sacrifice... Further, inmates should not allow themselves to become committed to the values of hard work and submission to duly constituted authority" (cited in Wolfgang et al, 1973, p. 403).

It is therefore no coincidence that when convicts were asked to generally assess the life in prison, most of them express animosity toward the system. They maintain that, life in prison is first, a life without privacy; secondly, a life of idleness. They generally feel that, it is not possible for any convict to be ^{corrected} or reformed by the prison institution. According to them, since the basic needs for food, shelter and clothing are not satisfied, there is no way of achieving prison reformative and corrective ideals.

These findings agree with those of Alemika who describes what life in prison entails: "loss of liberty, meaningful social relationships and responsibility, loss of contact with the outside world; forced dependency, feeling and sense of emptiness, boredom, regimentation, loss of discretion and enforced idleness" (Alemika, 1983, p. 138). Furthermore, Gresham and Sheldon report that; "In the prison, ... the inmate finds himself reduced to a level of living near bare subsistence, and whatever physical discomforts this deprivation may entail, it

apparently has deeper psychological significance as a basic attack on the prisoners conception of his own personal adequacy" (cited in Wolfgang et al, 1973 p. 405).

These findings indicate that the quality of life in prison is generally low. Some convicts opine that their incarceration is nothing but a sign of oppression of the poor by the rich. This view is reinforced by convicts' experience of idleness, deprivation, boredom, loss of discreation etc, in the prison. All these negative experiences are seen by convicts as negating efforts of achieving prison objectives. Consequently, convicts' view the prison institution as incapable of reforming or correcting them.

CONVICTS' PREDICTION OF POST-RELEASE LIFE

The Nigerian Prison service Annual Report of 1979 states that, "The prison in its present structure and function does not in any significant way equip the offender to meet the post-release problems, which are primarily employment and shelter" (Quoted in Alemika 1983, p. 142 emphasis added). Thus, this section is going to address convicts' prediction of these primary post-release problems of employment and shelter. The aim here is to assess convicts' view of his post-release life chances. The specific issues in this assessment will include convicts' view of justice and fairness in the larger society, and his prediction of his chances of securing a job and housing.

The first issue considered is convicts' view of justice and fairness in the larger society. When asked, 78.2 per cent

of the convicts claimed that justice and fairness do not prevail in Nigerian society. Only 11.1 per cent held the view that justice and fairness prevail. In order to test the relationship of this position with convicts' socio-demographic variable; convicts' sex and occupation were cross tabulated with their view of justice and fairness in Nigerian society. Table 4.1 present the relationship between convicts' view and their sex.

Table 4.1

RELATIONSHIP BETWEEN SEX OF CONVICTS AND THEIR VIEW OF JUSTICE AND FAIRNESS IN NIGERIA

Sex	RESPONSE				Total N
	Justice/Fairness prevailing		Justice/Fairness not prevailing		
	No	%	No	%	
Male	37	17.7	172	82.3	109*
Female	14	56.0	11	44.0	25
Total	51		183		234

$\chi^2 = 12.87$ (df = 1), Cramm's value = .23

Table 4.1 explain the relationship between sex of convicts and their view of justice and fairness in Nigerian society. The findings show that while the overwhelming majority of the male convicts (82.3 per cent) feel that justice and fairness does not prevail in the larger society, only 44 per cent of the female convicts feel the same.

These findings can be explained by the fact that, due to the small number of female convicts, their living condition in prison is relatively better than that of their male counterparts. Beside this, their visibly clean clothes and healthy appearance implies that they live in a relatively better condition than the males. It is little wonder therefore, that only a few female convicts held the view that justice and fairness does not prevail in the society. Thus, it can be said that the sex of convicts and their view of justice and fairness are related. The strength of the association is given by the 27.88 chi-square, which is found to be statistically significant at .05 level. A crammer's V of 0.34 also suggest that a strong relationship exists between the variables. Furthermore, the relationship between occupation of convicts and their view of justice and fairness in the society is presented in table 4.2.

Table 4.2

RELATIONSHIP BETWEEN OCCUPATION OF CONVICTS AND THEIR VIEW OF JUSTICE AND FAIRNESS IN NIGERIA

Occupation	RESPONSE				Total N
	Justice/fairness prevailing.		Justice/fairness not prevailing.		
	No	%	No	%	
Unemployed	20	21.7	72	78.3	92
Self-employment	13	15.9	69	84.1	82
Civil servant	8	22.2	78	77.8	36
Others	10	41.7	14	58.3	24
Total	51		183		234

$\chi^2 = 27.18$ (df = 3), Crammer's value = .34

In Table 4.2, where the pre-arrest occupational status of convicts was cross-tabulated with their views of the state of justice and fairness in Nigerian society, it is found that, the majority of convicts in all occupation categories feel that justice does not prevail in Nigeria. That means the occupation of convicts does not influence their view of justice and fairness.

These findings simply indicate that, the feeling of injustice among convicts prevail irrespective of their occupational status. This may be accountable by their common experiences within the criminal justice process. Since all the convicts went through the same process it is not unexpected that most of them develop and share similar views on issues like justice and fairness.

The next issue considered is convicts' view of the labour market in the society outside the prison. The convicts were asked whether they felt they can secure a job on release. In all, 58.5 per cent feel they may not be able to secure a job on release, while only 21.4 percent feel they could get jobs. The remaining 20.1 per cent said they do not know.

From these findings, it can be seen that convicts' hope of securing a job is bleak. In most labour markets today, ex-convicts stand a slim chance of being employed. This is due to the process of stigmatization which renders them liable to

suspicion and distrust by prospective employers. It is clear from the data presented that convicts are aware of this situation.

Concerning their post-release residence, convicts were asked where they hoped to reside. It was found that while 28.2 per cent said they hope to go back to their residence before conviction; 17.9 per cent said they hope to reside in a new town where nobody knows them. This is a strategy they hoped to adapt to help them neutralize public ridicule and social stigma generally. The majority of convicts (47.9 per cent) hope to go back and reside in the village they originally migrated from.

The possible explanation for most convicts feeling that their post-release residence will be the village may be due to reasons of employment. Most convicts are aware that their chances of securing employment in urban centres are low, but in the village, they can do with farming. This problem is further solved by the availability of a more permanent and reliable residence. Furthermore, ex-convicts will no longer be liable to harassment by law enforcement agencies whenever a crime is committed around the place they reside.

Having established convicts' post-release expectations most especially in relation to securing a job and place of residence; one may want to know how these expectation are related to their occupational status. Details of findings are presented in table 4.3.

Table 4.3

RELATIONSHIP BETWEEN OCCUPATION OF CONVICTS AND THEIR POST-RELEASE EXPECTATIONS

	POST-RELEASE EXPECTATIONS						Total N
	Be with family		Secure a job		Others		
	No	%	No	%	No	%	
Unemployed	35	38.0	34	37.0	23	25.0	92
Self-employed	36	36.6	30	36.6	22	26.8	82
Civil servant	2	5.6	16	44.4	18	50.0	36
Others	10	41.6	7	29.2	7	29.2	24
Total	77		87		70		234

$\chi^2 = 50.25$ $df = 6$ Crammer's value = .46

In Table 4.3 where the occupation of convicts is cross tabulated with their expectations of life after imprisonment, it is found that, while 38.0 percent of convicts in the unemployed category said their post-release expectation is to be with their family. Only a few (5.6 per cent) of convicted civil servants expect to be with their family. It was however discovered that, up to 44.4 per cent of the convicted civil servants said their expectations on release is to secure a job.

These findings show that, convicted civil servant are more interested and have more hopes of securing employment on release than the unemployed convicts. This may be due to the fact that the former must have had some educational

qualification. For the latter, the family and other informal social units are the only likely sources of support on release, so most of them said they prefer to be with their families. This suggest that unemployed convicts are aware that their stay in the prison has not prepared them in any way to meet the challenges of life on discharge.

The view of convicts regarding life in the larger Nigerian society is also examined. Majority of convicts (59.4 per cent) express their awareness that the society is characterized by segregation and discrimination based on individuals economic, ethnic or religious backgrounds. From discussions with convicts, it is discovered that they are aware of how the societal structures operate in favour of the rich and other powerful interest groups to the disadvantage of the poor. One of the convicts clearly states that: "The Nigerian society operates base on two standards; one yardstick for the rich and the other for the poor".

Thus, convicts posit that, individuals social life is determined by their economic backgrounds. They maintain that, for the rich; life in Nigeria entails little or no hardship at all. This they say, is because the rich can afford the best food, shelter, education, health services and other necessities and even luxuries of life. On the contrary, they say, life for the poor in Nigeria is a struggle for bare subsistence. The poor cannot afford three daily meals for his family. His children roam about

barely naked, and if at all; attend schools that are virtually non functional. They maintain that, the life of a poor person is fundamentally influenced by the survival instinct. "Life in the larger society is a battle field where each person fights for himself", says one of the convicts.

SUMMARY

In this chapter, attempt was made to assess convicts' view of the prison institution and convicts' post-release expectations. Convicts' view of prison facilities was first assessed. This was followed by the assessment of convicts' view of the prison setting and prison life generally. Then convicts' prediction of post-release life was finally assessed.

The expose of institutional facilities revealed a discrepancy between institutional objectives and the strategies employed to achieve this objectives. The dearth of basic feeding, accommodation, training and other facilities in the prisons render them incapable of meeting prison reformative and corrective objectives.

Furthermore, from discussions with the convicts, evidence was deduced to show convicts' resentment to prison life. They view prison life as oppressive, deprivating, degrading and punitive. This view is likely to generate antagonism and hostility towards prison programmes and objectives. The convicts' evaluation of prison officials is similarly negative.

Convicts' view the staff as unqualified and incapable of effecting any offender correction.

Considering convicts prediction of post-release life, it was clear from the findings that convicts are aware of their bleak chances of securing a job on release. This can be explained by the fact that, majority of convicts being uneducated did not learn anything new to help them meet the requirement of employers. Given convicts' awareness of the interest-ridden, individualistic and competitive life in the larger society; the fact of their incarceration places them in a disadvantageous position on release.

From the above, it is clear that whether one consider the inadequacies of institutional facilities and programmes; or one considers the reaction of convicts to their incarceration; the conclusion is one; the prison institution is not fit to effect offender reformation.

NOTES

1. See Newswatch, June 19, 1989, p. 12
2. This report is contained in the African Guardian of July 24, 1986, p. 11.
3. See Newswatch, June 19, 1989, p. 12.

CODESRIA-LIBRARY

CHAPTER FIVE

SUMMARY, DISCUSSION AND CONCLUSION

Earlier studies of the criminal justice system (Owomero 1981, Igbo 1990, Akintara 1990), have considered the views of different social categories in the society. However, most of these studies have consistently neglected the view of convicts. Thus, this study examine's the convicts' view of the criminal justice system in order to assess their reaction to their experiences within the criminal justice system and their view of the Nigerian society in general.

In order to critically tackle the issues involved in this problem focus, the Marxist paradigm was adopted because it best locates the view of convicts within its proper class context. Considering the view of convicts from the Marxist perspective indicated whether they did develop a shared collective ideological unity based on their class interest. It also helps to uncover the extent to which convicts develop a class consciousness and class identity. Finally, the marxist perspective was adopted because it emphasize the class character of the criminal justice system, thus placing the convicts' view within its proper context.

From the data collected and analyzed in this study, the profile of a typical Nigerian convict was first discerned. The data suggest that, the typical Nigerian convict is a semi-literate male. He is most likely convicted for committing a property or property related crime. He is either unemployed, or in apprenticeship. It can be seen that

a typical convict is a member of the lowest socio-economic class, who generally hold the view that his conviction is not justified.

Furthermore, this study revealed that convicts generally uphold a negative view of the operation of the Nigerian Police Force. Most convicts viewed police method of arrest as crude, brutal and dehumanizing. Convicts reported that they were detained by the police for lengthy period before being prosecuted. They described police cells as inadequate for detaining suspects and the food provided to detainees as awful and inedible.

The convicts also reported that police-prosecutors do obtain confessional statement under duress or its threat, frame false charges and generally falsify evidence. The majority of convicts reported that the prosecutor did not present their statement to the court. These indicate that convicts had generally a negative experiences with both the police and the prosecutors. These initial experiences have the effect of influencing their views of the criminal justice system as a whole.

Regarding their trial, it was discovered that most convicts did not employ the service of a lawyer, neither did they seek legal aid nor invite a witness to testify in their defence. Their reasons for this varied from ignorance to lack of finance. Some convicts also reported their lack of awareness of their disadvantaged socio-economic position in relation to the courts. Most of them said they were willing to call witnesses but were bluntly denied the opportunity by

the court. These findings are not unexpected because, convicts' general low educational attainment explains their inability to insist on their right for witness, legal aid and bail. The fact that the average convict holds a low occupational status explains their inability to employ a defence lawyer and possibly to obtain bail. These findings account for the negative feelings held by majority of convicts on the day of their conviction.

Given all these negative experiences encountered by convicts in the judiciary, it is not surprising that most of them expressed dissatisfaction with the manner the courts handled their cases. These negative views held by convicts regarding the police and courts influenced their view of the prison and even of life after release.

Regarding the prison, convicts view of existing facilities was first considered. The findings revealed a discrepancy between institutional goals and the strategies employed to achieve these goals. In examining the availability, accessibility and quality of vocational facilities, it was discovered that most of the workshops contain non-functional and antiquated machines and tools. Even then, only very few "privileged" convicts have access to these workshops. With regards to other types of work assigned to convicts, it was discovered that very few convicts are assigned to physical work like farming, sweeping and running errands. These works can be described as largely exploitative because they have little or no

reformative value to the convicts.

Considering facilities for formal education, it was discovered that facilities and programme for formal education ~~are~~ virtually absent. In Kaduna prison where programme for formal education is available, it was discovered that all the teachers are convicts who had no training as teachers. They were also found to be short of text books, exercise books, biros, chalks, furnitures and other essential facilities for educational training.

This study also discovered that facilities provided for accommodation are inadequate for all the convicts. Thus, some convicts were found to be sleeping in shifts. The cells were unhygienic due to the extreme over-crowding and the presence of numerous infectious insects and diseases. In the centre of these unhealthy living condition lie the dearth of basic medical facilities and personnel. To worsen the situation, hospitals outside the prison were found to be inaccessible to convicts. This was due to the financial requirement involved in visiting such hospitals, which most convicts said they could not afford.

When the data on convicts' view of welfare facilities were considered, it was discovered that the social welfare officers were too few to adequately cater for the welfare needs of the convicts. Most of the convicts said they never had visitors nor did they ever write any letter since their incarceration. Very few convicts ever received any letters. This shows that the welfare officers are not as helpful to convicts as they should be. With regard to recreation, both indoor and outdoor

facilities were reported to be in short supply. Due to the shortage of these facilities, interested convicts had to take turns.

The convicts' view of facilities for feeding was found to be negative. It was discovered that food was served to convicts in their cells without spoons, forks, cups and so on. Convicts expressed dissatisfaction with the poor quantity and quality of food served to them.

When the convicts view of life in the prison generally, was probed, it was discovered that most of them held the opinion that prison life is too idle, boring and dehumanizing. This they said provided the opportunity to transfer criminal values from hardened criminals to first offenders. It can be deduced from this that, class values could also be cultivated and transmitted among convicts. It is little wonder therefore that, when convicts were asked what in their view was the main objective of the prison, most of them said, it is in most cases used by the powerful class to punish and control the powerless ones.

Finally, convicts' prediction of life on release was considered. Employment and shelter were identified to be the most pressing post-release problems to be encountered. Majority of them felt that they may not be able to secure a job on discharge, due to the stigma which imprisonment attached to them. In terms of accommodation, most of them felt they may not get one, especially in their pre-incarceration residence, and may therefore need to go back to their village of origin when released.

The aforementioned findings raise certain issues regarding the current state of the criminal justice system in Nigeria. The class protective character of the criminal justice components is one of such issues. Although the component parts of the justice system operate to protect the whole society, it does so mostly in favour of the powerful class. Some of these components are not only seen to be class protective, but still maintain vestiges of colonialism in their structures and operations. For example, prison work has not changed since the colonial days and continues to involve physical work such as farming, weeding, cleaning of official buildings and so on. Thus, it can be noted that the colonial orientation of the criminal justice system has rendered it incapable of effecting offender-correction and reformation.

Another issue raised by the findings is with regard to convicts reaction to their incarceration. Having discovered that convicts hold a general negative view of their incarceration, it needs to be stated that, this view is closely linked to the magnitude of deprivation experienced by convicts. The worst deprivation experienced by convicts is that of food, clothing, medical service, sexual deprivation, shelter and so on. These deprivations lead to a variety of reactions from convicts towards their fellow convicts, the prison staff and the prison programmes generally.

The relationship between convicts and their fellow inmates is characterised by hostility. This hostile relationship can be attributed to convicts struggle for scarce goods and services in the prison. Charles (1988) also observed that

quarrels among inmates arise over the struggle to obtain scarce facilities available in the prison. This situation inhibits the development of class identity among convicts, as convicts become self centred in most of the things they do. The deprivation suffered by convicts makes them to be indifferent and unconcerned with what ever is happening to others around them. If not for the occasional friendly relationship resulting from mutual experiences and cooperation, most convicts believe it is better to keep to themselves. This situation can be seen to retard convicts development of class solidarity.

The relationship between the convicts and custodial staff is mostly characterized by conflicts. Conflicts between inmates and staff arise when prison staff report or punish rule infractions. Although the staff occasionally seek convicts' co-operation to achieve control, coercion is the major means of attaining it. Evidence of coercion was seen in the form of caning, and at times physical injuries on the body of convicts such as their back, knees and so on. The hostility meted to convicts by officials has the effect of creating a negative reaction from the convicts. These reactions range from open verbal or physical confrontation to blaming the officials for their misfortune.

These patterns of relationship between convicts and staff have implication for the convicts' awareness of the true class position of the staff. Convicts' end up perceiving the staff as their oppressors. They react to the staff as though the

staff are responsible for their predicaments. These reactions of convicts towards the staff can be described as a misplaced aggression. The effect of the deprivation suffered by convicts and the hostility meted against them, can be seen in convicts failure to understand that the staff are virtually in the same class with them; and suffers the same social inequalities as they do. This situation renders convicts view of the staff's class position to be out of tune with reality. It also shows that a typical convict does not identify with members of his own class. Thus, it can be observed that the total effect of convicts incarceration is the heightening of intra-class conflict. For instance, given that conflict is seen to permeate most social relationship within convicts and, between convicts and officials, it is clear that they will not see themselves as being faced with a common problem. While the 'ordinary' convict view the 'affluent' convict as opportuned; convicts in general tend to see the officials as their oppressors. This has the effect of inhibiting the development of class awareness among convicts in particular, and the exploited class in general.

In assessing the reaction of convicts to institutional programmes, the absence of any coherent programme in Nigerian prisons need be noted. Given the shortage of working materials, the obsolete and antiquated machines and tools; convicts opine that the prison workshops have no corrective value whatsoever. After all, very few of them have access to these workshops. Other programmes are fundamentally exploitative. For instance, of what reformative value is the weeding and cleaning of official

building if not the provision of free labour to the elites. Even the, most convicts are never engaged in any programme. The few that engage in most programmes do so with the aim of overcoming idleness and not to be reformed. It is little wonder therefore, that convicts react negatively to prison programmes. They emphasize that, the programmes are generally boring, retributive and humiliating; as such nothing is learnt from them.

Finally, convicts stand a disadvantaged chance of being rehabilitated on release. This can be explained by two related factors. First, most convicts were unemployed prior to their incarceration. Secondly, majority of these convicts have not learnt anything in the prison that can help them cope with the challenges of life in the large society. Thus, convicts stand little chance of being rehabilitated. One indication of convicts loss of hope with post-release life especially in the urban centres is their choice of the rural areas on discharge. The plausible explanation for this choice is the availability of land for farming and also the guarantee of social security.

How ever, some convicts express their awareness of loss of social ties due to the long break in communication. Consequently, they feel their relatives and friends will reject them when they are discharged. As such they express anxiety on how to reconcile with them. One of the major explanation for convicts holding such view is due to the fear of stigma. Owing to the degradation of their status, the convicts now feel

completely stripped of their former social status which is replaced with another. This assigned status renders them liable to suspicion, ridicule and even ostracism by their kins, pals and the society in general. All these have direct negative implication for their post-release rehabilitation. The logical conclusion however is that, convicts not only hold a negative view of the Nigerian society as a whole; but they come back to the society worse off than when arrested.

Given the profile of convicts which shows that most of them belong to the socio-economic disadvantaged class, their view is likely to reflect their class position. But the fact remains that, though their view might be influenced by their class, it however expose the opinion of the clientele of the criminal justice system.

It is now clear why the criminal justice system cannot adequately control and prevent crime in Nigeria. Having been imposed by the colonial state, the emergent petty bourgeois class adopted it at independence as part of the instrument for political and economic domination. Thus, the ideology of the criminal justice system is based on the received and nurtured petty bourgeois ideology. That is the protection of capital against any form of attack by the exploited class.

The class character of the Nigerian justice system is evident from the consideration of the convicts view. It is clear that, the capitalist class maintains its control over capital and other internal challenges by developing and institutionalizing the criminal justice institutions. And the ideology of crime control, while couched in reformist terminology, is actually for the control of the behaviours that threatens the society, most especially the ruling class interest.

It is also clear that the failure of the criminal justice system in the fight against crime is due to the disparity between the stated objectives of the system and the adopted means for achieving these objectives. Taking the criminal justice system in general and the prison system in particular, one can say, with no fear of exaggeration, that most of the facilities and programmes that convicts are exposed to are unsuitable and irrelevant to the declared objective of reformation. For example the feeding and sleeping arrangements lead many convicts to be infected with different diseases; the idleness that predominates the stay in prison may lead to the learning of new criminal skill. Most of the vocational training to the convicts are fundamentally exploitative, as such they have little or no corrective value to the convicts.

Thus, in the current confusion or even despair that pervades official thinking and reaction to crime and the criminal justice; convicts also lose faith in the ability

of the criminal justice system to correct and reform them. As such, an alternative perspective and approach to crime and crime control is needed.

From the foregoing analysis and discussion of the convicts' view of the criminal justice system, some practical short and long term recommendations becomes unavoidable. The short-term recommendation relates to the practical operation of the component units of the justice system.

Starting with the Nigeria Police Forces, the need to de-emphasize the physical and paramilitary training in favour of socio-legal training cannot be over-emphasized. This it is hoped that this will constrain the police to operate within the limits of the law; especially in terms of arrest and detention.

With regards to prosecution, this study suggest that, a different body consisting of criminologist and legal scholars be assigned the responsibility of framing charges and prosecuting accused persons instead of the current practice of prosecution by the police. This, it is hoped, would reduce police work load and allow them to concentrate on the protection of life and property. It would also help to reduce the problem of wrong framing of charges and all its consequences. As observed by Adeyemi (1970), wrong framing of charges by police has led to situations where criminals are set free despite the glaring evidence of their crime.

With regard to the courts, the current operational state of the nation's legal aid scheme needs to be made available to common offenders who form the bulk of offenders tried and incarcerated. One of the strategies of achieving this is through campaigns to enlighten the public of the existence of the scheme and how to benefit from it. This will enhance fairer and speedy trial of cases. It will also reduce the number of suspects convicted out of ignorance of legal process.

Since the desire for speedy trial is high, more courts should be established to dispose of criminal cases. This will reduce the workload of the courts and the attendant delayed justice. This recommendation has implication for training of courts personnel. Thus, more law training institution need be established. To this end, the establishment of another law School for the training of more judges in Nigeria is necessary.

Considering courts ruling, the Judge should note that, incarceration cannot always serve as an effective corrective measure. For instance, criminals who seem to be acting out of deprivation need not be incarcerated. The persistent use of custodial dispositions by the courts should be minimized. Other alternative dispositions such as probation and fine should be used. The institutional disposition of cases should be reserved for criminals who are seen to pose serious threat to the society.

In situations where imprisonment become necessary, it should be under less deprivating and dehumanizing condition as is obtained now. One means of reducing the deprivation suffered by convicts is the remuneration of works done by them. This would help them to provide for themselves basic needs while in custody and also to support their families during incarceration. In this respect, the need to introduce kiosks inside the prison is recommended. This is to make basic goods available to the convicts. This, it is believed, will reduce the hostility accompanying the tussle for scarce goods among convicts. This will in turn increase convicts' awareness of their true common problem and enhance their class identity and unity.

Other means by which convicts' deprivation can be reduced includes the resuscitation of the prison earning scheme. By providing functioning workshop equipment and staff, convicts can be trained to produce articles that could be sold to the outside society. This has numerous advantages: first, it ensures the training of convicts in particular skill; secondly, it improves the financial standing of the convict and thirdly it provides income to the government.

Educational facilities should also be provided to enable willing convicts to undertake courses in formal education. Such educational programme should be integrated into the the National Policy on Education. This will aid convicts in their rehabilitation on release. At the least, it will increase their chances of securing employment. This study also suggests

that social welfare facilities and personnel in prisons be improved. In this respect, emphasis should be on maintaining contact between convicts and their relations and friends through visits and letter writing. To this end, postal services should be introduced in the prison, and it should be affiliated to the welfare office.

To be realistic, the implementation of these recommendations imply virtually a total reorganization of the criminal justice system. This of course requires massive information which is hardly available now. Information is needed on the 'true' nature, volume and character of crime; the characteristics and correctional needs of the different categories of convicts; the available resources and the appropriate content of programmes. Only planning and implementation based on empirical data can attain any degree of success.

Therefore, an agency to generate the desired data for planning is needed. The need therefore to have a National institute of Criminology, as earlier recommended by other studies (Ahire 1981, Omaji 1984) becomes intense. The institution is to be manned by scholars and practitioners with specialization in criminology, criminal justice and law related fields. It should undertake research in areas of crime and the treatment of convicts; and also advise in the formulation and implementation of crime prevention and control policies.

Furthermore, given the nature of the operation of the justice system and the role perception of its personnel, it is important to point out that institutional priority should also consider the re-orientation of the role perception of the criminal justice personnel. They should be made to view themselves as responsible for the protection of life and property of the whole society without undue emphasis to the powerful socio-economic group. This will likely influence the clientele of the system. That is regarding their view of the objectives and operation of the system; and their reaction to its operations.

Having made all these recommendations on how to re-organize the present criminal justice system, the need to draw attention to the criminogenic factors inherent in Nigerian socio-economic formation is necessary. It should be known that fundamental steps need to be taken in order to contain the socio-structural basis of criminality. These include the control of problem generated by the social structure such as; unemployment, malnutrition, poverty, rural-urban drift, illiteracy and glaring inequalities. Alemika (1990) puts it more lucidly thus:

What is urgently required to combat Nigeria's crime problem and penal crisis is a drastic reduction of gross inequalities of wealth and power, and related social injustice which give rise to pressure to criminalize, to commit crime and to resort to mass incarceration or the quarantine of a very large sub-population of society-mainly the youth, male, the poor and powerless (Alemika, 1990: 30).

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APPENDIX A

CONVICTS' INTERVIEW SCHEDULE

Section A: Socio-Demographic Information (From Records, supplemented by Interview).

- 1) Age _____ (2) Sex _____ (3) Marital Status _____
4) No. of children (if married) _____
5) Ethnicity _____ (6) State of origin _____
7. Religion _____ (8) Educational attainment _____

Section B : Nature of the Offence:

- 9) Offence committed _____
10) Place where offence was committed _____
11) Time of committing the offence _____
12) Date of apprehension _____
13) Court of conviction _____
14) Date of admission to prison _____
15) Length of imprisonment _____
16) Do you think your conviction is justified? _____
(i) Yes (ii) No (iii) other specify (4) DN/NA
17) Give reason(s) _____

Section C: Questions on Convicts' view of the operation of the Nigeria Police Force.

- 18) Were you arrested by the police? _____
i) Yes ii) No iii) DK/NA iv) Other(s) specify
19) (If Yes to question 18), when arrested, were you told your offence in the 'language' you understood? _____
i) Yes ii) No iii) DK/NA iv) Other(s) specify.
20. For how long did you stay in police custody before you were taken to the court? _____

21) Did the Police present your case in court in accordance with the statement you made in their station?
i) Yes ii) No iii) DK/NA iv) Other(s) specify _____

22) (If No to question 21) give reason _____

23. Generally, are you satisfied with the manner the Police handled your case?
i) Satisfied ii) Not satisfied 3) Other specify _____

24) From your experience, what are the major problems confronting the Police force? _____

25) Briefly suggest some possible solution to these problems

Section D: Questions on Convicts view of the Nigerian Judiciary.

26) While in court, briefly explain what happened _____

27) How long did your trial last? _____

28) Did you employ the service of a lawyer?
i) Yes ii) No iii) DK/NA iv) Other(s) specify _____

29) (If No to Question 29) why not? _____

30) Were you allowed to call a defence witness?
i) Yes ii) No iii) DK/NA iv) Other(s) specify _____

31) (If No to question 30) why not? _____

32) Were you granted bail? _____
i) Yes ii) No iii) DK/NA iv) Other(s) specify _____

33) (If No to question 32) why not? _____

34) Do you think the sentence is commensurate with your offence?
i) Yes ii) No (iii) DK/NA iv) Other(s) specify.

35) Give reason _____

36) Generally, what comment can you make on the way the court treated your case? _____

Section B: Questions on Convicts View of the Nigerian Prison Institution.

37) Briefly explain your feeling on the day you were convicted

38) What did the prison officials told you the day you were taken to prison as a convict? _____

39) What kind of food does the prison authority provide you with during:

- a) Breakfast? _____
- b) Lunch)? _____
- c) Dinner? _____

40) How would you rate the quality of the food provided?
i) Satisfactory (ii) Not satisfactory (iii) others specify

41) Specify complain _____

42) How would you rate the quantity of food provided?
i) Satisfactory (ii) Not satisfactory (iii) Others specify

43) Specify complain _____

44) Does the prison authority provide you with adequate clothing?
i) Yes ii) No (iii) DK/NA iv) Other(s) specify)

45) Specify the number of these items provided to you:

- 1) Shirts _____
- 2) Nickers _____
- 3) Caps _____

46) Are you provided with the following?

- a) bed (1) Yes (2) No
- b) mattress (1) Yes (2) No
- c) pillow (1) yes (2) No
- d) cover (1) yes (2) No

47) Specify any complain with accommodation _____

48) What is the nature of work assigned to you in the prison?

49) Are prison workshops accessible to all convicts?
i) Yes ii) No iii) DK/NA iv) Other(s) specify

50) Do you attend classes in the prison?
i) Yes ii) No iii) DK/NA iv) Other(s) specify

51) (If yes to question 50) which type of classes do you attend?

52) To your knowledge, how many doctors/nurses are there in prison clinic?

53) Have you ever receive treatment when sick?
i) Yes ii) No iii) DK/NA iv) Other(s) specify

54) How are convicts conveyed to hospitals outside, when sick?

55) Are you allowed any visitor here in the prison?
i) Yes ii) No (iii) DK/NA iv) Other(s) specify

56) (If yes to question 55) How often do you receive visitors?
i) Regularly ii) occasionally iii) on request iv) Never.

57) (If never to Question 56) what effect do you think this will have on you? _____

58) Are you allowed to write letters
i) Yes ii) No iii) DK/NA (iv) Other(s) specify

59) Are you allowed to receive letters?
i) Yes ii) No (ii) DK/NA iv) Other(s) specify

60) What kind of problems do you encounter in writing letters?

61) Do you engage in any form of leisure or recreational activity?

i) Yes ii) No iii) DK/NA iv) Other(s) specify

62) (If yes to Question 61) what form of recreational activity do you usually engage in? _____

63) Briefly describe your feelings about life in this prison

Section F: Convicts View of the Criminal Justice System, the Society and his Post-Release Expectations.

64) From your experience, what can you say are the central objectives of the criminal justice system? _____

65) To what extent would you say these objectives are achieved?

i) achieved ii) not achieved iii) DK/NA iv) others specify _____

66) Give reason _____

67) What in your view are the problems confronting the Nigerian criminal justice system?

68) What is your view about justice and fairness in the Nigerian society generally?

69) Do you feel that you can get a job after your release?

i) Yes ii) No iii) DK/NA iv) Other(s) specify

70) Where among these places do you hope to reside after release?

- a) Your residence at arrest _____
- b) A new city/town entirely _____
- c) Back to the village _____
- d) Others specify _____

71) Give reasons _____

72) Generally, what problems are you likely to encounter after your release?

73) Is there anything you will like to add about your life expectations after the jail sentence? (explain fully)

