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## **THE ORIGIN, DEVELOPMENT AND ROLE OF THE NIGERIAN PRISON SYSTEM**

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### **INTRODUCTION**

The history of the Nigerian Prison Service (NPS) is largely unwritten, and it is time to undertake this task on a comprehensive scale. The few available accounts are highly informative, but are unquestionably dated and historicist. The main weakness of these accounts is that, in their preoccupation with chronological details, they ignore the social context in which the NPS emerged and functions, as well as the panel philosophies that informed its organization and operations.

This paper does not claim to overcome all these problems. It does not also propose to present a comprehensive social history of the NPS. because the writing of such a history would require massive mobilization of material resources and intellectual energies to prosecute the needed research. What is presented here is a brief and thematic social history of the NPS which attempts to overcome some of the stylistic limitations associated with the available orthodox accounts. This approach pays close attention to the character and role of the NPS hi relation to the prevailing social structure.

### **PRE-COLONIAL NOTIONS OF JUSTICE AND IMPRISONMENT**

In order to trace the pre-colonial origins of the idea of prisons, we need to take a brief look at the prevailing notions of law and justice at that time. African societies

had their own unique conception of law and justice before the onset of colonialism. African law was not formulated in rigid rules, but consisted of a number of flexible principles or norms which directed the administration of justice. These norms derived directly from the culture of the people, and therefore, enjoyed their respect and support. In African law, there was no clear distinction between legal and other norms of conduct (Holleman, 1974).

The enforcement of the law varied from place to place, but was usually carried out communally. Adjudication usually took account of the entire social setting, with a view to removing the cause of conflict and reconciling, the litigants and the community as a whole. The object of pre-colonial adjudication was therefore, reconciliation, and the common sanctions imposed involved compensation and resutation. The use of imprisonment was rare, especially in societies with decentralized authority-structures.

However, in societies with highly developed stratification systems, the use of imprisonment was common, hi Nigeria, the awareness of prisons existed among the Yorubas in the West and the Hausa-Fulanis in the North, where there were well developed social hierarchies that differentiated between the ruling classes and the ordinary people. Awe reports that the "Ogboni House" among the Yoruba served as a sort of prison; and that for the Edo, the "Ewedo" was a place for keeping not only those to be sold, but also offenders who had to be put away for some time. The Fulanis also reserved some buildings for incarcerating offenders and those who were sentenced to death (Awe 1968).

In other parts of Nigeria, notably in the East and the decentralized societies of the Middle-Belt, the idea of prisons was rare. This suggests that the development of prisons in pre-colonial Nigeria was common to societies with well developed social hierarchies which demarcated the ruling group from the subordinate ones. In those societies with little or no clearly visible authority structure or partrimonialism, where justice was communally administered principally to achieve reconciliation, prisons were rare.

### **THEORETICAL MODELS OF PRISONS: THERAPY VERSUS CONTROL**

Two models are in sharp contention over the conceptualization of prisons and their role in society. These are the therapeutic and the social control models. Functionalist social science has led the way in portraying prisons as institutions for the therapeutic treatment and reformation of criminals and social misfits. This view is contingent

upon the conception of crime as deviation from accepted social norms, and criminals as non-conformists to social expectations on account of inadequate or improper socialization by primary socializing agencies, particularly the family. The prison is, therefore, perceived as a form of benign intervention by the State to correct behavioural problems which over-burdened or malfunctioning families are unable to curb.

The therapeutic model simplistically assumes that there is general consensus over what constitutes appropriate norms of conduct in society. By so doing, it erroneously glosses over important distinctions based on class, race, gender, region, etc., which affect the perception of what conduct is appropriate in different situations. The perception of society as 'an undifferentiated totality with uniform social values which encourages conformity and discourages deviation from these values is a common error of this position. And yet, it is on the basis of these untenable assumptions that prisons are viewed as agencies for the treatment and reformation of offenders. This model, therefore denies offenders responsibility for their actions, and portrays them as persons suffering from psychological or psychiatric illnesses who need treatment and reformation. The treatment proposed is for states or conditions which may not appear to be problematic to those being treated, and may also be for long and indeterminate periods raising questions of justice and fairness (Morris 1980; Platt, 1978). Finally, there is no conclusive scientific proof that prisons are of any significant therapeutic value, going by the high reconviction rate of those who have previously been imprisoned (Kittrie 1971).

Radical and Marxist social science rejects in its entirety, the conception of prisons as therapeutic institutions and posits more convincingly that prisons should be understood as a part and parcel of the coercive apparatus of the State for the control of dominated groups and classes. From this point of view, prisons are perceived as co-extensive with other coercive State apparatus such as the police, courts and the military, which serve the explicit purpose of coercing and subjugating subordinate groups in accordance with the moral and material dictates of the ruling class. Far from being agencies for therapy, prisons are viewed as agencies for the coercive control of the criminal, radical, dangerous or uncooperative groups which threaten the established order (Spitzer and Scull, 1977; Melossi and Pavarini). The prison institution mirrors the nature and effectiveness of social control in the larger society, and its examination can shed light on the nature of the society's morality and its distribution of social power (Theophilus 1987).

The social control model examines the history of the emergence and role of the modern prison institution to demonstrate the close affinity between prisons and the moral and material interests of specific ruling classes. According to this position, the emergence in Europe of the modern prison as a State institution early in the

nineteenth century should be viewed within the context of the rise of industrial capitalism and the capitalist ruling class. Prior to this date, there were no State prisons, and jails were privately owned either by the church or feudal landlords for the custody of those awaiting trial. Such jails were also used to secure the payment of debts owed to the church or the crown, and were often leased to jailers who administered them with maximum brutality. Prisoners were used as a source of cheap labour for the feudal lords, and were made to pay a fine on admission and another on discharge.

The emergence of state prisons during the early part of the nineteenth century should be viewed within the context of the rise of the capitalist ruling class, and its attempt to stamp its authority and control over the entire fabric of the society. The Agrarian revolution of the sixteenth and seventeenth centuries had initiated changes in the feudal mode of production which influenced the organization, character and composition of European prisons. The mechanization and commercialization of agriculture, along with increased industrialization and urbanization which took place during the industrial revolution completely revolutionized social life and led to changes in the institution of prisons. The break-up of feudal relations following these changes displaced a large mass of peasants and labourers. The suppression of monasteries and the decline of guilds also bred thousands of beggars and paupers who congregated in urban slums. Melossi and Pavarini (1981) note that the breakup of bands of feudal retainers and the forcible expropriation of commoners from the land created a proletariat that could not easily be absorbed by the emerging capitalist system. As a consequence, some of them became beggars, robbers, prostitutes, paupers, vagabonds, etc.

The modern prisons emerged to meet this challenge. In their earliest forms, the prisons were called workhouses; and functioned to confine vagrants, idlers, paupers and petty criminals. The inmates wither segregated by age, sex or health status, and virtually all of them received poor feeding and medical attention. Social relations within these workhouses were characterized by assaults and immorality, while punishments were harsh and brutal. There was no question of therapy or reformation; instead, the emerging capitalist class exploited these workhouses as sources of cheap and abundant labour. At the same time, the workhouses served to confine and control those who were a potential danger to private property. In this sense little distinction was made between the criminal and the propertyless classes, as both were a danger to private property. The concept of prisons that was exported to the colonies from Europe was fashioned along these lines.

## **COLONIAL ORIGINS OF THE NIGERIAN PRISON SERVICE**

The NPS, like many other agencies in Nigeria, was established by the colonial administration and played a significant role in pursuing the primary objectives of colonialism. These were essentially to conquer and politically dominate the indigenous societies; to reorganize indigenous institutions and structures to serve the material needs of the colonizers; and to organize the colony to produce raw materials for the industries in Britain and, at the same time, serve as a market for finished products from these metropolitan industries (see Rodney 1972; Williams 1980).

The pursuit of these objectives necessitated the conquest and colonization of Nigeria during the second half of the nineteenth century. This began with the establishment in 1849 of the Consulate for the Bights of Benin and Biafra on the Island of Fernando Po with John Beecroft as Consul.<sup>2</sup> In 1852, Consul Beecroft intervened in the local politics of Lagos, dethroned its king, and took the opportunity not only to install a puppet, but also to establish a Vice-Consulate there.<sup>3</sup> On 6 August, 1861, the gunboats of the British preventive Naval Squadron again closed in on Lagos and forced its King (Dosumu) to sign an already-drafted Treaty of Cession.<sup>4</sup> From then onwards, Lagos was declared a British Colony.

The initial preoccupation of the Lagos Colony was to protect "legitimate trade" and guarantee the profits of British merchants. It also sought to guarantee the activities of British missionaries and other colonial auxiliaries. Thus, when McCoskry (a prominent British merchant in Lagos) was appointed Acting Governor in 1861, one of his first actions was to establish a police force consisting initially of 25 constables. This police force performed essentially beat duties at the trading depots" of British merchants.<sup>5</sup>

In 1862, Freeman who succeeded McCoskry as Governor, established four courts - a police court, a commercial court, a criminal court and a slave court.<sup>6</sup> The police court, manned exclusively by the police, settled all petty cases; while the criminal court, charred by the stipendiary magistrate and assisted by two British merchant assessors, handled the more serious cases. The slave court (staffed exactly like the criminal court) heard cases relating to slaves; while the commercial court, manned exclusively by British merchants handled cases of debts and breaches of contract. The Prison emerged alongside these courts as a necessary complement to theological machinery for law enforcement. By 1872, the Broad Street prison designed to accommodate 300 prisoners was established. As the colony extended its influence into the hinterland towns, it established prisons as it went along. The Native Courts Proclamation (passed in the

North in 1900, in the West in 1901, and in the East in 1906) also made provision for the establishment of native courts to dispense justice in accordance with native law and custom and also for building native prisons. By 1899, Ibadan had a prison manned solely by a jailer and the police who also performed escort duties. By 1900, other prisons were established in Old Calabar, Onitsha, Benin City, Sapele and Degema (Awe 1968) In the North, Lugard reports that soon after the proclamation of the protectorate of Northern Nigeria on 1st January 1900, one of his first moves was to establish a "Civil Police Force to maintain order in military cantonments".<sup>7</sup> In addition to the Civil Police, Lugard also established three categories of courts, the supreme court, provincial courts and native courts. Two prisons were also established, one in Lokoja, and the other in Jebba.<sup>8</sup>

A number of observations stand out about these early prisons. Firstly, they were alien institutions introduced by a foreign and illegitimate ruling class as a means of conquering, dominating and exploiting the indigenous people. There was little or no classification of offenders, and the prisons themselves did not even pretend to be reforming or rehabilitating anyone. Their function was unmistakably the custody and control of those who resisted colonial domination and exploitation. Secondly, early colonial prisons had no trained and developed staff of their own; instead colonial police also performed prison duties, in fact, the control of prisons by the police lasted until the latter days of colonialism. Thirdly, the colonial administration paid little attention to the orderly evolution and development of prisons. This attitude laid the foundation for the perpetual neglect of the welfare of both staff and inmates of the prisons. Fourthly, the British colonizers established two parallel systems of prisons in Nigeria — the government prisons run directly by the colonial administration and the Native Authority (NA) prisons established by indigenous chiefs, but closely supervised and controlled by the colonial administration. This quality enabled the colonial administration to operate prisons with maximum economy.

Following the 1914 amalgamation of the Colony and Protectorate of Southern Nigeria with the Protectorate of Northern Nigeria to form the Colony and Protectorate of Nigeria, Lugard began the task of integrating the administration of the whole country and unifying the various government departments. Thus, in 1916, the Prisons Ordinance was passed to formalize the establishment of prisons, and regulate their operations. This Ordinance empowered the Governor to establish and regulate the operations of prisons; to declare any building in any place to be a prison; and to appoint the Director of Prisons and other officials to manage and superintend the entire prison system. The Director of Prisons was also empowered by this Ordinance to make standing orders for the organization, discipline, clothing, etc, of the staff and inmates of prisons.

In the same year, the Native Authority Ordinance<sup>9</sup> formalized the powers of native chiefs to employ native police, native courts and native prisons. This Ordinance conferred on all "recognized" chiefs, the responsibility of maintaining law and order in their areas, and empowered them to employ the necessary machinery to do so. So long as NAs derived their authority from this statute, they were exercising, not traditional power, but that conferred by the colonial state. Similarly; the prisons and the so-called "native" institutions established by the Native Authorities NAs were native only in name and not in function and operation. The "native" prisons and the other native institutions were closely supervised by the District Officers in the locality where they existed, and their functions were directed towards the attainment of colonial objectives.

In 1917, Prison Regulations were drawn up in the spirit of the Prisons Ordinance of the preceding year. These prescribed the diet, uniforms, beddings and the system of classification for the prisons. These two documents outlined a two-tier system of prisons in the country. At the national level, there were government prisons for the custody of those convicted of offences from the Supreme and Provincial Courts. These were classified into three categories: Convict Prisons handled those sentenced to more than two years imprisonment, Provincial Prisons handled those serving sentences below two years, while Divisional Prisons handled those serving short terms of up to six months. These categories of prisons were under the general supervision of the Director of prisons. The NA prisons operated at the local level and were controlled by NAs, but as noted earlier, they were closely supervised by colonial officials.

In these early days, there was a close liaison between the prisons departments and the police especially in the North. As Awe rightly notes:

The prisons in the North were under the general direction of the Northern Inspector General of Police who was ex-officio director of Northern Prisons. Indeed, so close was the liaison between the police and the prison in the North that police officers were often the senior officials in charge of many provincial and divisional prisons, and, in some cases, the junior members of the force carried out warder duties in some prisons (1968:11).

Generally, colonial prisons were highly militarized. Many of the colonial Directors of prisons ex-army officers, and it can be safely assumed that they brought to the job, the military disposition towards regimentation and authoritarianism. This obviously delayed the emergence of a prison tradition geared towards resocialization

and reformation. The modeling of colonial prisons (and also police force) on a militaristic and authoritarian model was not an accident; it was the imperative adopted by a foreign and oppressive ruling class in order to subdue and subordinate the indigenous people.

Early colonial prisons were associated with numerous other problems. These prisons operated on the basis of the crude penal philosophy of custody and containment. Not surprisingly, they had no properly trained staff, and the food and sanitary conditions were deplorable, giving rise to very high mortality rates. The infrastructural facilities were poor and inadequate for any meaningful classification of offenders. The conditions of service of prison staff were so poor and unattractive that the prisons became the dumping ground for failures. Awe reports that "Directors of Prisons in the Southern Provinces were often administrative officers who had failed their language test, or were ex-service men with little idea of prison methods" (1968:12).

Given these inadequacies, colonial prisons could not lay any claim to offender correction or reformation. The prison buildings were crude and succeeded merely to contain and deprive. Vocational training commenced in the South as early as 1917, and by 1926, tailoring, shoe making, smithery and printing were taught at the Lokoja and Kaduna prisons. The facilities available for these trades were, however, poor and limited. The NA prisons were also associated with the problem of endemic corruption and the perversion of justice at all levels. Many of the Warrant Chiefs appointed by the colonial administration had no genuine claim to royalty or nobility, and were sometimes strangers, ex-slaves or even outright "scoundrels". These used the native police and prisons in their charge to exact tribute, intimidate opponents, pervert the course of justice and generally impose a reign of terror on the people (See Afigbon 1966; Beer 1976; Williams 1976; Tamuno 1970). The exploitative activities of the colonial state and its intermediaries provoked intense popular resentment and protests in the 1920s and 1930s. These protests were brutally suppressed by the army and the police, and many protesters were arrested and imprisoned (See Ahire 1991). This suggests that the prisons served the colonial state essentially as the detention centre for indigenous protesters against obnoxious colonial policies. Naturally, the people saw the prison as a symbol of colonial oppression and launched physical attacks on it to release detainees (See Beer 1976).

In 1931, Sir Donald Cameron replaced Lord Lugard as Governor, and set about reorganizing the whole administration in view of the crises of the 1920s. In 1932, the Native Children Ordinance authorized the separation of juvenile offenders from adult criminals. A Borstal was therefore established at Enugu to handle juvenile offenders. A new Native Authority Ordinance was enacted in 1933 which sought to



give NAs greater responsibilities in the maintenance of order in their areas. Many more NA prisons were established after this Ordinance. Governor Cameron also appointed Lieutenant Colonel Mabb as the Director of Prisons in the South. Mabb worked hard to unite the prison department in the North and South into a single department with headquarters at Enugu. It was also during the tenure of office of Mabb that the Prison Warders Welfare Board was formed to pursue the welfare of warders.

The reforms began by Mabb were continued and even intensified by his successor, Mr. R.H. Dolan (1946-1955). As a seasoned prison officer who had served in many other British colonies, Dolan brought immense wealth of experience to the job. He sought to replace the penal philosophy of custody and retribution with that of reformation and rehabilitation. This, of course, involved the restructuring and reform of the entire prison system. Awe (1968) notes that Dolan introduced the following reforms in the prison system:

- i. he moved the headquarters of the prisons from Enugu to Lagos to ease Liaison with other government departments.
- ii. he made the classification of prisoners a declared prison policy by 1947.
- iii. by 1949, he introduced programmes of vocational and moral education in prisons, which were handled by qualified teachers and evangelists of the Christian and Muslim faiths.
- iv. by 1947, provision was made for conjugal visits, and an earning scheme was also introduced for long-term first offenders. Recreational facilities like football games, cinema shows and lectures on selected topics were introduced for the relaxation of prisoners.
- v. an organization to assist discharged prisoners was formed, and three aftercare officers were appointed to attend to discharged prisoners.
- vi. by 1948, four reformatory schools were opened in Lagos, and part of the Port-Harcourt prison converted into a Borstal to aid the training of juvenile delinquents.
- vii. the training school for warders was established in Enugu in 1947. Educated wardresses were also appointed to take charge of female convicts on the same terms as their male counterparts. The conditions of service of all warders were generally improved.
- viii. In 1953, an open prison was opened at Kakuri in Kaduna to house long-term first offenders and give them vocational training mainly in agricultural pursuits.

- ix. attempt was made to build bigger prisons to avoid congestion, and to close down some NA prisons which could not operate efficiently.

These reforms came during the transitional period between colonial rule and self-government, when the colonial state was deliberately trying to demilitarize its control over the populace and to introduce more "civil" and legalistic forms of control. The appointment! of a civilian Director of Prisons at this time is doubly instructive. The efforts of Dolan to reform the entire prison system and replace the penal philosophy of custody and retribution with that of reformation and rehabilitation, also reflects wider changes in the colonial society.

The colonial state could not continue to brutally oppress the colonized and yet sustain the notion of a "civilized mission". It needed to change its *modus operandi*, to adopt more subtle and less violent modes of intervention and control in all spheres. The civil/legalistic forms of intervention have the unique merit of being a more efficient means of control, of generating consent to the established order, and of acting autonomously without any back-up violence. The attempt to change from the penal philosophy of custody and retribution to that of reformation and rehabilitation can, therefore, be seen as the effort of the colonial state to diversify its power base, and make its forms of control more subtle and self-sustaining. These reforms should not be viewed as the goodwill of a gentlemanly Prisons Director.

Did these reforms succeed in ridding the prisons of the image of "detention centres" concerned with the punishment and deprivation of inmates? No, they did not. The flattering articulation of the reformation philosophy hardly went beyond official pronouncements. For a start, the state could not finance the massive reconstruction of new prisons suited to the implementation of the reformative ideal. The Garrat Report of 1960 observed that Nigerian Prisons were still grossly overcrowded, dirty and understaffed—a situation which gave rise to frequent rioting and a breakdown of law and order (see Awe 1968). More fundamentally, these prison reforms could not succeed because of fundamental contradictions in the social structure which rendered the philosophy of reformation inoperative. The persistence of popular protests by peasant farmers and nationalist groups against colonial taxation, education levies, low prices of farm produce and other oppressive colonial policies forced the state to abandon the niceties associated with reformation for the highhanded policy of custody and containment. This is a clear evidence that penal philosophies are influenced by material realities (see Ahire 1985).

### **CONTEMPORARY DEVELOPMENTS IN THE NIGERIAN PRISONS SERVICE**

The fundamental question to explore here is whether the NFS of the colonial period is different from its counterpart in the neo-colonial period. Put in other words, we propose to find out whether the character, organization and functions of the contemporary NPS are any different from those of its colonial predecessor.

The NPS has undergone significant changes in organization, character and role since the attainment of political independence in 1960. Immediately after the attainment of political independence, the department was reorganized, indigenized and placed under the Ministry of Internal Affairs. Since 1961, the position of Director of Prisons has been occupied by Nigerians as shown in Table 1 below:

***Table 1***  
**Names, Nationality and Tenure of Directors of Prisons in Nigeria**

Name	Nationality	Tenure
C. W. Duncan	British	1920 - 1921
E.L. Sallier	British	1921 - 1925
F.W. Garvey	British	1925 - 1932
V.L.Mabb	British	1932 - 1945
R.H. Dolan	British	1946 - 1954
M.K. Carew	British	1954-1961
W.G. Francis	British	1961
F.S. Giwa-Osagie	Nigerian	1961 - 1972
J.I. Adapoyi	Nigerian	1972 - 1975
A.A. Ahmadu	Nigerian	1975 - 1986
M.A. Egu	Nigerian	1986 - 1991
L. Ojo	Nigerian	1991 - 1994

Following the Gobir Report of 1966 on the unification of prisons, Government took over all the NA prisons and fully integrated them into the Federal system of prisons with effect from 1st April, 1968. In 1971, the government released the White Paper on the Reorganization of the Prisons Department and the integration of Native

Authority Prisons which charged the department with the responsibility of identifying "the reasons for the anti-social behaviour of offenders", and to "teach and train them to become useful citizens in a free society". This White Paper was followed by Prison Decree No. 9 of 1972 which emphasized "secure custody" and even made provision for the application of "hard labour" to certain categories of prisoners. Clerly, the objective of training useful citizens which is emphasized by the White Paper is inconsistent with the emphasis placed by the 1972 Decree on "custody" and "hard labour". This Decree also vests the power to make standing orders for the "good order, discipline and welfare of prisons" in the Head of Federal Military Government.<sup>11</sup>

In 1986, the Government again passed Decree 14 which created the Customs, Immigration and Prisons Board (CIPB). That Decree transferred the power to make Standing Orders for the good order, discipline and welfare of the prisons to this Board. This Board also handles the recruitment and promotion of members of the three departments.

The NPS has again been recently reorganized. Since 1988, the operations of the department have been split into six directorates, each under a Deputy Director of Prisons. These are Inspectorate, Technical, Finance and Administration, Medical, Welfare and Commerce. In addition to this, the prisons in each state of the Federation form a State Command under a Comptroller of Prisons. The 30 States<sup>12</sup> of the Federation and Abuja are grouped into six zones, each under an Assistant Director of Prisons. The zones are Zone A - Lagos; Zone B - Kaduna; Zone C - Bauchi; Zone D - Minna; Zone E - Owerri and Zone F - Ibadan.<sup>13</sup>

The number of prisons has also increased significantly, but the growth in the convict population has persistently outstripped the growth in the number of prisons. In 1976, there were 121 prisons and 229 lock-ups which contained an average monthly population of 25,899. In 1979, while the number of prisons and lock-ups remained the same, the average monthly prison population had shot up to 34,770. In 1981, there were still only 121 prisons and 228 lock-ups, but surprisingly, the average monthly prison population had leapt to 38,477. In 1984, there were 127 prisons and 233 lock-ups which housed an average monthly prisons population of 5 3,571, whik total prison capacity stood at 28,151. Finally, in 1986, there were 130 prisons and 233 lock-ups which contained an average monthly population of 56,721 prisoners. The picture of prison overcrowding that emerges from these figures is frightening, and has grave consequences for any elaborate programme of offender classification and reformation. Another disturbing dimension of prison overcrowding in Nigeria is the fact that well over half (i.e 67 per cent) of the prison inmates consist of persons awaiting trial.

Besides actual prisons and lock-ups, the NPS also consists of three staff training schools located at Kirikiri, Enugu and Kaduna; two Borstal institutions located at Abeokuta and Kaduna; eight prisons farms located in different parts of the country; and a modern staff college at Kaduna. The sheer variety of the institutions controlled by the department reflects the increasing complexities in its organization and functions. There is a strong drive within the department to educate and develop its personnel, improve its operations and image, and generally to modernize. In this respect, the contemporary NPS has gone far ahead of its colonial predecessor in the quest for high standards of professional competence.

In its determined pursuit of modernization, the NPS faces numerous material, logistical and operational problems. The problem of prison overcrowding mentioned earlier can be viewed from the point of view of the shortage of prisons or the over-abundance of unnecessary prisoners. I shall leave this issue for the moment. Other problems which plague the NPS include the shortage of residential and office accommodation; inadequate supply of materials and tools for prison industries and farms; insufficient stores for prison staff and inmates; lack of medical facilities for prisoners and even staff; shortage of vehicles for conveying prisoners to courts and hospitals; archaic prison buildings with inadequate or non-functioning facilities; demoralized staff; lack of communication equipment, etc. In contemporary Nigeria, these problems are not unique to the NPS, but afflict many other government departments and parastatals. They can, therefore, be deemed to be common problems associated with "developing" economies. There is another problem faced by the NPS which is more fundamental and deep-seated. This is the problem of the philosophical basis for its existence and operations: Has the NPS abandoned the patently custodial and retributive posture of its colonial counterparts for an alternative penal philosophy which is more suited to contemporary times? What is this alternative penal philosophy? What are the chances of success? Limitations of space and time will not allow us to answer these questions exhaustively but brief answers will be attempted here.

Official NPS sources would like us to believe that its primary role is "ensuring the safe custody of offenders, their reformation and rehabilitation", and that these "functions are carried out through carefully designed and articulated administrative and rehabilitative programmes aimed at inculcating discipline, respect of law and order and the dignity of honest labour".<sup>14</sup> Everywhere, the NPS parades treatment, resocialization and restoration of inmates into society as the primary goals of the system. The NPS, therefore, assumes the posture that imprisonment for mere custody and deprivation, as was common under colonialism, is archaic and out-dated, and that it has already embraced the noble philosophy of reformation and rehabilitation.

Much of this claim is made without sufficient understanding of the twin concepts of reformation and rehabilitation. Reformation 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. To be deemed effective, reformatory treatment should produce some stable (not just transient) alterations in the offender's character, so that when represented with tempting opportunities to repeat his offence, he will decline even without external threats or pressures (Walker 1980). Rehabilitation is often mistaken for reformation, but the two mean different things. Rehabilitation refers to post-release efforts made to make it easier for the offender to resettle (or be resettled) in the society (See Ahire 1989).

Does the NFS possess any consistent and plausible strategy for imparting enduring moral improvements in convicted offenders? Available evidence suggests otherwise. Modern penological thinking suggests that conventional imprisonment of the kind that is in existence in Nigeria is associated with problems of "Prisonization", stigmatization and deprivations, which collectively impair reformation (See Goffinan 1961; Milner 1972; Taylor 1960). Besides, Nigerian prisons lack the necessary physical and human resources to undertake so complex a task as the diagnosis of criminal behaviour, and the prescription and implementation of appropriate remedies.

Alemika (1983) has dwelt extensively on the problem of the lack of "fit" between the declared policy of reformation and the practical realities within the NFS. He argues that considering the punitive, humiliating and depriving character of imprisonment in Nigeria, coupled with the absence of the "minimal conditions for a claim to treatment", the declared policy of reformation "is no more than a public disguise for modernizing" while in practice, "nothing has changed from the Inherited penal system that was geared towards punishment, incapacitation and deprivation of incarcerated offenders". Kayode (1970) supports this view by pointing out that the nation's prisons are "human cages" with no facilities for correction, reformation and vocational training.<sup>14</sup>

The argument here is not that the NFS should abandon all other objectives and concentrate exclusively on reformation. To be sure, every prison is concerned with the safe custody of its inmates. The problem, however, is the extent to which a system that is designed and equipped with custody in mind can realistically embrace and operate reformatory programmes within a strict custodial setting. It is inconsistent and even contradictory for one and the same system to lay equal emphasis on secure custody and reformation, especially as the physical and human resources required for each differ.

## CONCLUSION

The current attempt to modernize the NFS will have to squarely confront the problem of philosophical direction. It must, at this stage, be decided how much emphasis should go to each of reformation and punitive custody. Once this is done, the entire structure, organization and facilities of the NPS should be made consistent with the preferred penological policy and direction. Finally, prison reform cannot take place in isolation from the reform of the entire criminal justice system, in so far as the problems that affect it originate from these other organs. The NPS is only a mirror through which we can view the cumulative failures of the criminal justice system. The whole must be tackled before its parts can function effectively.

## ENDNOTES

1. Mrs Bolanle Awe's paper "The Prison System in Nigeria" is the most comprehensive historical account available to date. Despite its shortcoming, it remains the pioneering historical account that has influenced many subsequent accounts including mine.
2. FO 84/775, Palmerston to Beecroft, 30 June 1849.
3. FO 84/886, Beecroft to Palmerston, 3 January 1852.
4. FO 84/1141, McCoskry to Russel, 7 August 1862.
5. CO 147/1, Freeman to Newcastle, 8 March 1862.
6. CO 147/1, Freeman to Newcastle, 8 March 1862.
7. SNP 1/2 Quarterly Report on the Protectorate of Northern Nigeria, January 1 - March 31 1901, p.1
8. Annual Report on the Protectorate of Northern Nigeria 1901, by Lugard, p.4
9. Native Authority Ordinance (No.14 of 1916) in Kingdom 1923: 800-806.
10. Prison Decree (No.9 of 1972) Section 3 and 4.
11. Prison Decree (No. 9 of 1972) Section 16.
12. The number of states in the Federation has increased to 36 since the, 1988 reorganization.
13. I acknowledges the help received from Messrs Aina and Ibeziako of the Prison Staff College Kaduna. They supplied this information.
14. See *Annual Report of the Prisons Department*, 1984, p.5
15. The Nigerian Print Media has recently focused its attention on the situation in the country's prisons. See for example *News watch Magazine* of June 19,1989.

## ABBREVIATIONS

- FO - Foreign Office  
CO - Colonial Office  
SNP - Secretariat of Northern Protectorate.

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