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THE CAUSES OF AWAITING TRIAL OF INMATE IN NIGERIAN CORRECTIONAL SERVICE: A CASE STUDY OF JOS CORRECTIONAL CENTER

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Abstract

This study examined the problem of Awaiting trial as a practice associated with the correctional services and pending judgement by the appropriate court. The objective of the study is to define the nature, determine the failure of investigation, identify the possible factors, examine the effects and find out possible solutions of awaiting trial of an inmates in Jos correctional service. The total of 100 respondents were selected from 5 units in Jos correctional service. This Comprise 80 awaiting trial inmates, 5 Prison Authority and 5 representatives from the High Court as well as 10 Nigeria Police Force. Frequency Distribution Table was used to process the quantitative data and the qualitative data were analysis based on descriptive statistics. Literature is reviewed from relevant journals, magazines, and newspapers. The finding indicate that, practice of detaining suspects in correctional custody negates the constitutional provision of presumption of innocence.

Keywords: awaiting trial, inmate, custody, correctional service, justice administration.

By way of recommendation, there is need to train a new breed of police investigators to catch up with modern methods of criminal investigation, there is need to computerize court proceedings including recording of cases in order to speed up trials and modern prison practices should be introduced such as private prison even though controversial. In conclusion, this research is a contemporary social issue that needs urgent investigation by other researchers to be able to know causes of awaiting trial of inmate in Nigerian correctional service which is going through for possible action.

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Introduction

Correctional service is a facility in which inmates are forcibly confined and denied a variety of freedoms commonly used within a criminal justice system under the authority of the state. People charged with crimes may be imprisoned until their trial, pleading or being found guilty of crimes at trial may be sentenced to a specified period of imprisonment.

Before 1861, there were no correctional services in Nigeria in the contemporary sense. But before the European contact with the geographical area now christened Nigeria, traditional or customary correctional services existed. The traditional or customary correctional services were form of deprivation of liberty, or a form of imprisonment or reprisal for offences committed against the community. Among the Tiv and Igbo, records of offenders who were imprisoned exist. The Fulani have records of offenders who were incarcerated and detained for unlawful behaviour.

Due to the lapses identified in sub unit 3.2.1 in the provision of effective correctional services in Nigeria, voices were raised in protest against the wretchedness and degradation of prisoners. But no serious attempts at change were addressed until May 2005 when the former Controller–General of the correctional Service of Nigeria – Mr. Abraham Akpe joined the retinue of clamour for reformation (also known as restructuring) of the correctional in Nigeria for the well-being of inmates.

The issue of Awaiting Trail and Holding Charge is a problem that has bedevilled the nation's present justice system. The consequence associated with the practice is not a pleasant one that has become a subject of great concern not only to those in dispensing justice but also to the Nigerian public.

Statement of the Problem

Awaiting trial is a practice associated with the Nigerian criminal justice administration in which suspects are kept in prison custody while looking for evidence or pending judgement by the appropriate court. A suspect is presumed innocent until proven guilty beyond reasonable doubt and that all have a right to fair hearing and speedy trial; it is unfortunate that the Criminal Justice System have been consistently violating these constitutional provisions. The restrictions that detention imposes on them as they await trial affect their physical and emotional well-being. They are forced to cope with : Poor ventilation of the prisons, Over crowdedness of the prisons, Poor sanitary conditions, Spread of diseases and epidemics amongst inmates, Poor condition of inmates due to poor feeding and clothing, Lack of adequate medical care, Prison budgets are quite inadequate, etc. (Robert and Keith, 2020).

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It is against this background that this research attempt to carry out an investigation into the criminal justice system causing long detention of suspects without trials in Plateau State correctional service.

Research Objectives

The main objective of this study is to analyze the natuere of awaiting trial of an inmates in Jos correctional service while the specific objectives are:

To define the nature of awaiting trial of an inmates in Jos correctional service.

To determine the failure in investigation within the criminal Justice system in awaiting trial of an inmates in Jos correctional service.

To identify the factors that lead to the awaiting trial of an inmates in Jos correctional service.

To examine the cause of delay in justice administration on awaiting trial of an inmates in Jos correctional service.

To find out possible solutions in awaiting trial of an inmates in Jos correctional service.

Research Questions

What is the nature of awaiting trial of an inmates in Jos correctional service ?

Is there any failure in investigation within the criminal Justice system in awaiting trial of an inmates in Jos correctional service ?

What are the factors that lead to the awaiting trial of an inmates in Jos correctional service ?

What are the effects of the delay in justice administration on awaiting trial of an inmates in Jos correctional service ?

What are the possible solutions in awaiting trial of an inmates in Jos correctional service ?

Causes of Awaiting Trial in the Administration of Justice

Abuse of the police Administrative machinery and failure of investigation: This means that a greater majority of innocent souls are bounded into prison, principally due to the issuance of blank detention warrants by some upper area court-judges, magistrates and even court Registrars which have created opportunity for the policemen to fill in the name of whoever helpless victim he has chosen to arrest, hence no production warrant can ever be issued for the prisoner to appear in court as there is no record of him before the court. The victim is therefore held indefinitely and incommunicado in prison custody without any hope of being brought to trail, in time. The system is made to forget about him. Another pathetic and funny aspect is that the police connive with relatives of mentally sick persons, turned, the prisons into mental institution as a place where they can hide them away from people's embarrassment since these set of people have not committed any

crime, and they are left in the prison without proper psychiatric treatment. Some magistrate connive with the police to remand accuse in prison on matters they have no jurisdiction. Police and court ignore constitutional provision that provide necessary framework for regularity of conduct and safeguard the citizenry against any form of illegal inconveniences.

Ignorant of their fundamental rights of people in our society are and for the few one's that are aware of it are being deprived of asserting some right by the police. Poverty necessitates people overstay in jail because they could not afford exorbitant cost of securing justice through their lawyers as most time abysmally the lawyers dodge court days due to failure of the defendants to provide appearance fee.

Delay in the judicial process where it sometimes takes a decade or more before a case is concluded in the High Court; and where any of the parties appeals to the court of Appeal and then to the supreme court, the period of delay is further stretched.

Corruption and lack of dedication in the discharge of their judge's duties. Here, they start sitting very late in the morning, and rise, sometimes before noon, without doing much work. The lawyers also compound the problem as they sometimes go to the court unprepared and therefore frequently apply for adjournment with very flimsy excuses.

In a study conducted by 'justice for all' in collaboration with its partner, Prisoners Rehabilitation and Welfare Action (PRAWA, 2009), it was uncovered that the high number of ATI's can be traced to the various challenges facing criminal justice administration. These challenges were listed to include: lack of capacity on the part of the law enforcement agencies to carry out effective and efficient investigations and prosecution, non-attendance of court by witnesses to testify in criminal trials; absence of accused persons in court due to challenges with transportation on the part of the prisons; long and undue adjournment of cases as well as the absence of quality legal representation for inmates.

Again, Agomoh (2001) listed the following: high remand/awaiting trial population, congestion and lack of speedy trial, overuse of imprisonment by the court; abuse of arrest powers by the police and bail conditions by the police, inadequate legal aid facilities, logistics problem relating to transportation of defenders to court; inadequacy in prison structures; inadequate utilization of non-custodial measure and corruption.

The problem of awaiting trial is not only confined to Nigeria. The prison population of the U.S.A for example, accounts for 20% of prison population world-wide In 2013, the U.S had the largest population of awaiting trial detainees which was about 487,000, followed by Brazil with 190,000, Mexico, 38,000, Columbian 31,000 and Argentina 34,000 .The studies also show that as a result of this high pre-trial detection rates, 10-40% of the entire incarcerated population is behind bars without a conviction (The Independent Newspaper, July, 2015 ,cited in Aremu, 2013).

Amnesty International elaborates that the problems of Criminal Justice System in Nigeria critically deal with access to court and legal representation. It argues that inefficient Criminal Justice System leads to overcrowding in prisons. Amnesty argued that 65% of prisoners in Nigeria have no legal representation; more so, only 1 in 7 of awaiting trail persons have access to private lawyers, and that the Legal Aid Council has only 91 Legal Aid Officers (Amnesty International, 2008).

Accordingly, the policy document of the Civil Liberties Organization have observed that most violation of human rights in Nigeria occur as a result of omissions to monitor the efficiency of its agencies, units or laws. Reformation of the criminal Justice System has therefore been advocated by scholars to ensure the enforcement of the rights of the ATI's (Ndukwe and Nwuzor, 2014).

Theoretical framework

Karl Marx, the Neo-Marxist believes in the labeling theory proposed by interactionist and argued that the ruling class label certain members of the working class in order to gain benefits themselves, which is called a "fully social theory of deviance" (Stuart Hall 1970, cited in Taylor, Walton and Young (1973).

Neo-Marxists say that this is just one of many examples of how social background (e.g. ethnicity or class) can result in you being deviant, but it is only because of the labeling from the ruling class that you become a deviant.

So, neo-Marxists believed that the ruling-class used labeling of certain people to sustain their control over the working-class; in this case it was used to solve a 'crisis of capitalism'.

In this view, criminal law frequently promotes the interests of some groups over the interests of other groups. Though the law provides for a suspect to be charged to court within 48 hours of detention, the police arbitrary hold people for longer periods than the law permits. It's those without the economic power to obtain bail or hire a lawyer that are left to rot in detention for an offence they may be innocent of, or over minor offences. From this perspective, the criminal justice administration often denies people of their rights and freedoms because they are of the lower-class. The real, criminals, the corrupt politicians occupying positions of power are not among those languishing in detention as ATI's. This is the Marxist's concept of oppression. It is the struggle between the oppressors and the oppressed. From this standpoint, the 'real' crime would be violations of human right due to political and economic domination. As Tony, P. (1972) explains, a radical perspective defines crime as a violation of politically defined human right: the truly egalitarian rights to decent food and shelter; to human dignity and self-determination, rather than the so-called right to compete for an unequal share of wealth and power. These Theorists view crime and criminal justice administration as an instrument being used by the dominant group to suppress and control subordinate ones. All behavior,

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including criminal behavior therefore, occurs because people act in ways consistent with social position. Whether white-collar crime or ordinary street offenses, crime is a response to a person's social situation; thus, the amount of crime in a society is a function of the extent of conflict generated by power differentials or the ability of some groups to dominate other groups in that society (Kenneth and Bohm, 2008).

Methodology

The study employed survey design method. Five units were selected to serve as clusters and in each of the cluster 20 respondents were selected using simple random sampling (SRS). The total of 100 respondents were selected from 5 units in Jos correctional service. This Comprise 80 awaiting trial inmates, 5 Prison Authority and 5 representatives from the High Court and Ministry of Justice as well as 10 Nigeria Police Force. Frequency Distribution Table was used to process the quantitative data and the qualitative data were analysis based on descriptive statistics by way of percentage and frequency in a tabular form.

Data Analysis

This section presents and discusses the findings of the phenomenon under investigation.

Table 1: Demographic characteristics of respondents

Gender	Male	Female	
	95	5	
Marital status	Married	Single	Divorced
	66	30	4
Age	18-25years	26-40years	above 40years
	62	38	26 (23.6%
Religion	Islam	Christianity	Others

Table 2: The nature of awaiting trial of an inmates

Robbery	Murder	Rape	Stealing	Drugs	Kidnapping	Others
16 (14.5%)	16 (14.5%)	4 (3.6%)	22 (20%)	28 (25.4%)	2 (1.8%)	7 (6.3%)
Debt	Fraud	Assault	Cultism	Breach of Trust	Impersonation	Others
2 (1.8%)	4 (3.6%)	2 (1.8%)	3 (2.7%)	3 (2.7%)	1 (0.01%)	(0.01%)

Table 4: The failure in investigation within the criminal Justice system

Number of ATI's with legal representation	Number of ATI's without legal representation
35 (31%)	75 (69%)

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Table 5: The factors that lead to the awaiting trial of an inmates

Speedy prosecution	Delayed prosecution
15 (14%)	95 (86%)

Table 6: The causes of the delay in justice administration

Police	Court/ministry of justice	Prison
36 (33%)	67 (61%)	7 (6%)

Table 9: The possible solutions in awaiting trial of an inmates

modern methods of criminal investigation	improve court efficiency	modern prison practices

Discussion of findings

i. The study revealed that the poor are disproportionately affected as most of the awaiting trial inmates cannot afford legal services which would aid in speeding up their trials.
ii. The study also discovered that the Jos correctional service has 12,000 detainees/convicts yet, inmates awaiting trial constitute about 700 with few presently going to court.
iii. The practice of detaining suspects in prison custody negates the constitutional provision of presumption of innocence.
iv. The study also revealed that Separate Holding Facility for awaiting trial persons should be introduced. In this way, there will be a reduction in human rights violations of suspects' rights and liberties.

Recommendations

Followings are regarded as possible solutions to the issue investigated:

- Moral restrain was emphasized as suspect involved in such a predicament are in one responsible for their offences (minor or capital). In other words, 'he who claims equity must come with clean hands'.
- The police: there is need to train a new breed of police investigators to catch up with modern methods of criminal investigation. The knowledge of Information Technology (ICT) is very crucial to police investigators as well as forensic investigation. Indeed, Police personnel who handle prosecution cases should be highly professional and trained to give expert evidence.
- The court: to improve court efficiency, there is need to computerize court proceedings including recording of cases in order to speed up trials. There should be improved criteria for bails by the court. There should be mandatory provision of Legal

Aid for accused persons in detention. Lawyers should help in providing services to bring speedy trials of suspects in custody.

- The Prison: modern prison practices should be introduced such as private prison even though controversial. However, in the U.S, there is official website where an inmate has the right to apply directly to the office of the Executive president for special consideration.
- Alternative pre-trial detention: the Judiciary should adopt other alternatives to detention of suspects. These include the use of probation, parole, plea-bargaining, suspended sentence and community service.

The Criminal Justice Act: adoption of the Criminal Justice Act will improve criminal justice administration in Nigeria.

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