

The Upsurge of Recidivism and the Penitentiary Institutions in Nigeria

Dr. (Mrs.) May Omogho Esiri
Department Of Sociology/Psychology
Faculty of the Social Sciences
Delta State University
Abraka

Abstract

Penitentiaries are established in Nigeria and in fact in all parts of the world with the major aim of providing reformation, rehabilitation, and correctional facilities for those who have violated the law of the land and have been convicted and sentenced. The current attitude in penal circles is to see improvement from the perspective of reform and rehabilitation rather than from the perspective of punishment of offenders. It is assumed that those who have committed crime need help, and should be assisted to lead a good life. That is, they should be reformed. Hence, the term “correction” is applied to reflect this thinking (Ostreicher, 2003). However, studies (Bohn and Haley, 1999, Adler et al 1996) have revealed that inmates commit crime when still in prison or return to crime after release from prison. This phenomenon is known as recidivism and it is on the increase. In other words, correctional and rehabilitative institutions are increasing the risk of subsequent or habitual criminal behaviour, rather than deterring or reforming offenders. The implication of this is that these institutions are counterproductive and are failed institutions. This paper attempts to reveal the state of penitentiaries in Nigeria as well as identify major causes of recidivism in Nigeria. It is intended to urgently direct government’s attention to the problem of recidivism and its increase as well as to contribute to improvements and reform of Nigeria’s prison and rehabilitation centers.

Introduction

When inmates finish serving their terms and are released from penitentiary institutions, it is the expectation of society that they will not go back to crime. However, over the years, studies have revealed that inmates return to crime and that recidivism has risen (Cowden, 1966, Roots, 2004, Abrifor, Atare and Muoghotu, 2010). Recidivism has been defined differently by various scholars. Bohn and Haley, 1999, defined it as the return to illegal activity after release. Scot and Marshall (2005) on their part state that recidivism is re-offending, that is, conviction of a crime more than one time, and the Nigerian National Advisory Commission on Criminal Justice Standards, 1973, observes that recidivism refers to the criminal acts which were committed by individuals when they were still in correctional institutions; or when they had been released from such within the past three years. It also noted that recidivism can include “the technical violations of probation and parole in which sentencing or paroling authority took action that resulted in an adverse change in the offender’s legal status” (National Advisory Commission on Criminal Justice Standards, 1973).

The hope of society that inmates released from correctional institutions or penitentiaries will not return to crime is based majorly on deterrence and rehabilitation. But there are challenges and problems. For example, scientific methodological and structural problems and corruption which are inherent in deterrence, rehabilitation, and reformation institutions, programmes and processes. These bottlenecks undermine the desired and expected results of removing criminals or ‘socially dangerous (Gross, 1979) individuals from the society and keeping them in penitentiaries for treatment and cleansing before they are returned or released back into society. Deterrence implies that it is of utmost importance that punishment should prevent crime. Therefore, punishment is expected not only to be severe but also to be served swiftly. Incapacitation, on the other hand, underlines the fact that if an offender’s liberty or freedom of movement is curtailed temporarily or permanently and he/she is permanently supervised and kept under constant watch, such an offender will no longer is in a position to commit crime (Bohn and Haley, 1999, Obioha 2002, Danbazwu, 2011).

In its support of the ideology of incapacitation, the rehabilitative theory places importance on the treatment of inmates as separate entities with different backgrounds and circumstances which must be considered for meaningful and effective deterrence (Dambazau, 2011). He however observed that the rehabilitative philosophy “tends to screen the actual conditions and activities in correctional institutions. Nevertheless, it is obvious that rehabilitation has a futuristic goal which is to change the personality of the offender for an advantage in the future. Thus, conclusion can be reached that it is when rehabilitative and reformatory processes and programmes are adequately and meaningfully pursued and implemented for inmates under conducive structural and environmental as well legal factors, that there may be decrease or significant reduction in recidivism.

The fact then still remains that factors influencing the rate of recidivism can be said to be the result of ‘complex phenomenon’ (Gottfredson and Hirschi, 1990 Benda, 2005, Abrifor, Atere and Muoghathu, 2010). Some of these factors responsible for recidivism that studies have revealed include poor conditions and poor funneling of penitentiaries, (Enoku-Evawoma, 1998, Obioha, 2011) poor or lack of economic/financial empowerment after release (Beck, 1981, Hoffman and Beck, 1985, Bellair and Kowalski, 2011) poor and insufficient reformatory and educational programmes (Jengoleski, 1981, Bailey, 2009), lack of substance abuse treatment programmes or lack of participation by inmates in such treatment programmes (Mcmillan, 2008, Makaraces, Steiner and Travis, 2010). The high prevalence of recidivism in recent times as earlier observed, has become worrisome, and calls for concern. It is no gain saying that an upsurge of recidivism can counteract or slow down development in any society. This is because crime is disruptive and destructive especially, violent ones and if left to flourish or uncontrolled, can lead to a state of formlessness’ and probably, (eventually or suddenly) result in the disappearance of a society or groups. For example, the case of the Boko Haram war in Nigeria today that has made few villages in Borno State to be deserted. Hence the need for another look into the correctional institutions and inmate reformation.

Custody and Control in Penitentiary Institutions

The correctional or penitentiary institutions were put in place in the 1940s and since then have gone through various stages. Initially, crime was seen as an illness or disease which must be treated and as a result, prison inmates at the point of entry were diagnosed and assessed scientifically for symptoms of this “illness”, crime. Result(s) of diagnosis determined classification of an inmate(s), while results of treatment determined other things such as parole or even further treatment during parole (Okunola, 1986, Adler et al, 1996). This system according to Lipton, Mertinson and Wilks, (1974), later in the following years from the 1970s gave way to an increase in incarceration rate; an indication that the treatment control approach was not quite reliable or sufficiently effective. This increase was particularly evidenced in the U.S. (American friends Committee, 1971).

In Nigeria, it was in 1872 that the first prison was established on Broad street in Lagos, with an initial inmate capacity of 300 and by 1996 many more prisons had been established in Calabar, Onitsha, Benin, Ibadan, Jebba, Lokoja, Degama, and other places giving a total of 20781 convicted inmates population (Dambazau, 2011). The criminal justice system consists of three “legs,” the police, the court and the penitentiary institutions, in particular the prisons. They include the work houses, jail houses, and reformatory/rehabilitation centres. These are responsible for the custody of the final products (i.e. offenders) in the criminal justice system. It is the responsibility of these institutions to maintain custody of the offenders. This involves carrying out measures to prevent escape of inmates as well as riots especially, in the case of prison institutions. Such measures include the erection of high walls or chain-link fences, placement of armed guards within and around, “constant checks of cells, providing a system of passes for movements within the prison, constant surveillance and such stringent measures which may be applied from time to time” (Dambazau, 2011).

The ideology behind imprisonment or custody of an offender is not just to isolate the individual from the rest of the society but also, from those things which motivate or facilitate his/her criminal behaviours. Thus, a penitentiary institution is an apparatus for transforming the individual criminal into a normal law-abiding citizen. Goffman (1961) described the prison as a total institution and added that to be locked up in a physical, psychological, and social sense, a situation in which there is no escape and the prisoner has no control, is to deny the individual the rudimentary choices of everyday life. Inmates control and discipline include the particular period and time he/she must be in his/her cell, must wake up and must be engaged in labour.

In addition, visitors are only allowed on particular days and time, all mails (both incoming and outgoing) must be censored and the offender, must observe stipulated behavioural norms in respect to other inmates (Obioha, 1995, Bohn and Halley 1999). In addition, placement of offenders in cells in the prison is determined by type of penalty as well as backgrounds of offenders. Another aspect of control and discipline is work or forced labour. It is intended to help the convict get rid of idleness and its accompanying ills and to inculcate in him/her the 'habits of order and deligence' (Obioha, 1995, Dambazau, 2011).

However, inmates also have rights. In the early years of imprisonment, the major means of reforming prisoners has been court intervention. But the situation began to change as progress was made in the area of civil rights in the wider society. As a result in the United States of America, inmates were first granted rights of access to the courts which in turn led to access to other right such as some form of freedom of speech, religious freedom and medical care (Adler et al, 1996, Eisenberg, 1985). In Nigeria, the prison Act 1972 CAP 366, Laws of the Federation of Nigeria 1990 provides some rights and privileges in the areas of feeding, clothing, bedding, visits, and communications. On its part, the United Nations provides basic principles for the treatment of inmates which includes:

- i. Treatment of inmates with respect due to their inherent dignity and value as human beings,
- ii. There shall be no discrimination on the basis of color, sex, language, race, religion, politics, national or social origin, birth, or other status, that prisoners may possess.
- iii. Access to the health services available without discrimination on the grounds of their legal status
- iv. Right to take part in cultural activities and educational programmes directed at the full development of the human personality

Educational and Administrative Process in Correctional Institutions

Nigeria had a dual prison system for over 50 years until the consolidation of federal and local prisons in 1968. Then the Nigerian Prisons Services was a department under the Ministry of Internal Affairs with headquarters in Lagos. It was headed by a director responsible for the administration of nearly 400 facilities including regular prisons, special penal institution, and lack-ups. Prison facilities however, came under Federal control in 1975 with each state having it's headquartering under the supervision of Assistant Directors of the prisons (Nwezeh, 2014). The prisons, relative to size are headed by Chief Superintendent, Superintendent, or Assistant Superintendent. The Nigeria Prison Services derives its operational powers from Cap 366 laws of the Federation of Nigeria 1990. That is (among others) the power to take into "lawful custody all persons certified to be kept by courts of competent jurisdiction to be reformed: produce offenders in court as and when due (Obioha, 2002).

Prisons began all over the world not as ultimate institutions for punishment and correction but initially, as institutions for the custody of persons caught up in the criminal justice system, awaiting trial or the execution of their punishment such as whipping, punishment and death (Rothmans, 1987). However, in the mid-nineteenth century, the function of the prisons as short-term custodial facilities changed in Europe and North America to institutions for ensuring punishment penitence and correction of the offender. It was after prison institutions had assumed this role that the first prison in Nigeria was built in 1872 (Dambazau, 2011). The establishment and growth of the prison in Nigeria is backed by various statutes from the colonial period to recent times. Included in these statutes are the prison ordinance of 1916, laws of Nigeria (1948 and 1958) and the prison decree No. 9 of 1972. As a result of the change of focus to include correction, prison inmates began to have access to adult and remedial education programmes. These programmes were not only intended to help identify the causes of inmates criminal or anti-social behaviour but also to set them on the path to reform through "induced self-rediscovery" which will eventually lead to positive behavioural changes (Health and Social welfare Directorate of Nigerian Prisons, 2011, Sutton, 1993). Identified three main objectives of prison education (that is at the basic level) and which reflects differing views of the purpose of a criminal justice system as follows:

- i. To keep inmates meaningfully busy
- ii. To change the attitudes and behaviour of inmates
- iii. To enable employment, vocational skills and/or advance to further education and training. Again noted, is the emphasis of one of the principles of the general assembly of the United Nations basic principles for the treatment of prisoners (1990) that education should be provided for inmates and such education should be of the appropriate type.

In view of offenders' right to education, the Inmates Training and Productivity (ITP) Directorate of Nigerian Prisons is charged with the responsibility of training inmates specifically in prisons farms and industries for the purpose of imparting self-sustaining skills in them and inculcating in them the positive orientation of finding dignity in labour (ITP, 2011). Also, there are certain industries which train inmates in mid-range industrial production such as furniture making, soap-making, toilet roll production, aluminium, pots manufacturing, metal work fabrication among others (ITP, 2011). It is expected that the acquired skills will help the offenders, when they are discharged to sustain themselves and families (that is if they have any). Again, the prison farms and industries are intended to generate funds for the government (Odekunle, 2007). All of these were reform policies in the Nigerian criminal Justice system, that were in line with the global trend to shift prison service from a punitive and retributive penal system to a reformatory and rehabilitative system whereby the welfare of offenders is given a 'pride of place'.

However, some scholars (Ishaka, 1986, Kanagwa, 1986, Aiyedogbon, 1988, Obioha, 1995, and Dambazau, 2011), have identified and described the Nigerian prisons as homes for idle minds and where previous trade ideas and occupations vanish. Obioha (1995) pointed out that where there are existing trades and skill acquisition centres within the prison yards, they are either not functioning or unsuitable for some of the inmates who may prefer other trades and educational learning processes that are non-existent in the prisons rehabilitation curriculum. (Ishaka and Akpovwa, 1986, Obioha, 1995, Adetula and Fatusion, 2011) observed that Nigerian prisons lack workshop facilities as well as good skills which the prisoners would like to learn. Lack of adequate rehabilitative programmes and facilities has been listed as one of the major factors that can account for the high recidivism rates in Nigeria. Another of such factors is the corrupt practices of prison officials / prison administrators. Such corrupt practices include trading illegal substances with inmates granting rich and influential inmate's privileges (like access to sexual relationships and access to activities outside the prison) and stealing from inmate's food supply as well as materials intended for the maintenance and upkeep of the prisons.

An Overview of Correctional Institutions and Recidivism

Apart from cultural factors, residential and environmental factors also influence socialization processes. Reformation may be described as a process of re-socialization. Nigerian prisons have been said to be undergoing "systemic decay" (Salaudeen, 2004). Nigeria has 227 prisons, some of which were built before 1950 during the colonial period, are old and environments in poor sanitary conditions (i.e. unclean). According to him, prisons and training workshops are inadequately furnished, dirty, smelling and have poor maintenance culture and all of these could not only lead to epidemics but also to inmates negative response to correctional efforts. He mentioned other factors that contribute to render prisons efforts towards reformation inefficacy and ineffective to include prison officers fraudulent acts such as pilfering / stealing, lack of proper educational and vocational training, lack of necessary resource materials, lack of sufficient equipments/equipments in good working conditions, restriction of worship that should keep inmates' souls alive and should remind them of moral teachings of religious 'dos' and 'don'ts' by prison officials and minimal or lack of recreational activities. Salaudeen (2004), concludes that such forms of maltreatment, intimidation and frustration account for why most inmates when released, go back to commit crimes and explain why there is a high rate of recidivism.

Also, Odjukwu and Briggs (2005) observed that prison system in Nigeria remains one of the most underdeveloped institutions in the criminal justice sector while the prison population has continued to grow since the constitution of the first prison. They noted that most of the prisoner in prison custody, who are primarily the cause of overcrowding, is not convicts but persons awaiting trial and that despite useful suggestions for new and modern prisons to be built as a way of checking overcrowding and reformation of offenders, the problem still remains. This is because, according to Odjukwu and Briggs (2005), without a review of the Nigeria justice delivery system, the new prisoners will sooner or later be filled to capacity and begins to 'beg' for decongestion. They further added that community service as a form of punishment for offenders should be introduced. They suggested that offenders would serve a better purpose cleaning streets, filling potholes on our roads and clearing vast expanses of land for irrigation than being sent to prisons and detention centres where they come out worse than before they were taken in and save tax payers' millions of naira annually.

Over-crowding is majorly responsible for recidivism within prison walls Freeman, (2003) observed that in recent history, the rate of incarceration in the U.S. has increased dramatically, resulting in prisons being filled to capacity with bad conditions and environments for inmates. Therefore, in many prisons crime continues inside the prison walls; gangs exist and flourish. The Nigerian prisons are not exceptions in this regard.

Ifionu (1987) and Obioha, (1995) pointed out that most prison yards in Nigeria are overcrowded beyond the designed population. In other words, most prisons keep larger population of inmates than they were originally planned to accommodate: a factor that in turn stretches available infrastructure beyond their limits of function. They observed that this is a re-occurring administrative problem that had been identified in notable Nigerian prisons prior to colonial rule. Table 1: The table below depicts the state of prison over-crowding in Nigeria as revealed by Aloysius (2010):

Prison Fact Sheet

S/N	State	Capacity	Convicted	Unconvicted	Grand Total	Congestion
1	Abia	1080	149	374	523	48%
2	Adamawa	2580	840	851	1691	66%
3	Akwa-Ibom	1568	282	649	931	59%
4	Anambra	564	66	1154	1220	216%
5	Bauchi	1468	344	747	1091	74%
6	Bayelsa		0	0	0	
7	Benue	1408	196	547	743	53%
8	Borno	2828	592	584	1176	42%
9	Cross River	1228	197	574	771	63%
10	Delta	1098	327	1174	1501	137%
11	Ebonyi	588	104	934	1038	177%
12	Edo	2092	362	1385	1747	84%
13	Ekiti	200	49	223	272	136%
14	Enugu	1394	220	521	741	53%
15	FCT	570	234	716	950	167%
16	Gombe	638	375	314	689	108%
17	Imo	1188	191	1560	1751	147%
18	Jigawa	1464	349	224	573	39%
19	Plateau	776	179	65	244	31%
20	Kaduna	2702	1215	953	2168	80%
21	Kano	1840	504	1659	2163	118%
22	Katsina	1278	357	721	1078	84%
23	Kebbi	1526	511	485	996	65%
24	Kogi	530	150	190	340	64%
25	Kwara	156	245	126	371	238%
26	Lagos	2796	617	3769	4386	157%
27	Nassarawa	602	162	406	4657	774%
28	Niger	1450	391	488	879	61%
29	Ogun	735	362	1300	1662	226%
30	Ondo	500	93	539	632	126%
31	Osun	906	93	410	503	56%
32	Oyo	346	102	200	802	232%
33	Rivers	1354	409	2599	3008	222%
34	Sokoto	934	555	496	1051	113%
35	Taraba	1650	514	514	1028	62%
36	Yobe	1180	311	163	474	40%
37	Zamfara	1178	113	563	649	55%
		8,016	4,444	11,976	16,420	205%

	Under Utilised
	Almost Full Capacity
	Congested

Extract from Aloysius (2010) “Congested Prisons” This-Day Newspaper, August 10

Prison congestion in Nigeria has been identified to be the major cause also of some killer diseases and skin infections such as scabies (Ifionu, 1987). Yet, there are no standard hospitals, drugs, and qualified medical personnel to take care of sick inmates (Ishaka, and Akpovwa, 1987; Igbeare, 1987). In addition, even when there is need to take a sick inmate out of the prison yard for treatment in a hospital, there are no motor vehicles to do that. So there are no standard health facilities in the prison yards and urgent medical facilities are neither available or readily accessible.

Another factor responsible for recidivism is prison staff brutality and ill-treatment of inmates. Some studies have shown that in many Nigerian prisons, inmates sleep two to a bed or on the floor in filthy cells (Ifionu, 1987, King, 2001, Ayuk, 2003). Again, with the widespread of disease among prison inmates, they have to give bribes to prison officers in order to have access to medical treatment in the small prison clinics or sick bays. Furthermore, offenders are deprived of receiving visitors, contacting their families and in some cases not allowed outside their cells at all, except they offer bribes to the officers (Ifionu, 1987, King, 2001, Obioha, 2007, Asokhia and Osumah, 2013). Closely associated with the problems of human conditions and overcrowding is that of poor funding of prisons and rehabilitation or reformation centres. Enuke (2001) in a survey of Nigerian prisons, observed that inadequate fund has made the up-keep of offenders and provision of necessary facilities for the rehabilitation of prisoners (which is a major reason for incapacitation) to be virtually, lacking or grossly inadequate. While Kayode, (1987) described the prisons as ‘human cages’, Enuke (2001) described them as ‘human zoos’.

The psychological consequences of all processes inmates go through in the prison has also been identified by silberman (1980). He argued that the idea of stripping him naked represents dominance over him and he becomes emotionally and physically vulnerable. He identified shaving of the inmate’s head as symbolizing ‘emasculatation’, replacing his real name with a number as a blow to his ego, and depriving him of his material possession as a stripping of “an integral part of self”. On his part, Ogundipe, (2006) noted that the human treatment as well as environmental degradation of offenders has resulted in increased mortality rate among offenders. He adds that in terms of human treatment, the condition of prison staff were not really different from those of the offenders. According to him their salary structure was one of the worst in Africa and many outside the system regarded them as prisoners (Ogundipe, 2006). He further observed that most of the prisons or incapacitation sections in Nigeria did not have a single official moving vehicle and the few that had, found it difficult to maintain them due to poor revenue allocations. Dambazau (2011) also pointed to the fact that the availability and use of illicit drugs within prison walls and jail houses as well as rehabilitations centres have given rise to violence and other social vices. The study of Gandarous (1999) in Canada found a positive correlation between length of stay in incarceration and the offender’s rate of recidivism, especially as it concerns high risk groups. This implies that the longer an offender stays in the prisons, the more the possibility of recidivism and vice-versa, though, the fundamental cause of the post-incarceration maladjustment and recidivism can be traced to the lock-up pattern and content of the prisons.

In most prisons in Nigeria, the remand and convict population, the minor and serious offenders, and the younger and older inmates are not systematically sorted into different cells according to the Standard Minimum Rules (SMR) for imprisonment, which prescribes that prisoners should be locked up according to their categories. This, along with the problems of delayed justice/awaiting trial large population, the corruption in the criminal justice system and injustice whereby the innocent are also incarcerated have turned the penitentiaries into breeding places for criminals. They have become places where offenders and awaiting trial population learn and acquire the techniques of committing crime and some minor offenders become hardened criminals. Thus, Adetula and Fatusin, (2010), observed that the penal institutions and subsystems (that is the justice department, the police and prisons) and their operations and manner of administering justice is believed to bring about breeding and enhancing criminal behaviour and recidivism rather than serving deterrence, repentance, reformatory and reconciliatory attitudes between ex-convicts and people in free society to enhance confidence in physical and conceptual society (Adetula and Fatusin, 2010). Again, it must be noteworthy that as a sentencing rational rehabilitation is based on the notion that through adequate correctional intervention an offender may be changed.

At this point, it is also important to note that various government administrations have put forward reformatory policies and have actually attempted to carry out reformation of criminal justice processes and penitentiaries Sani, (2015), reveals that in recent times, the Senate of the Federal Republic of Nigeria, gave its' Committee on Interior a deadline of two weeks to submit a report on a bill seeking to improve the appalling condition of the nation's prisons. The bill was titled, "A bill for an Act to repeal the Prison Act" and was intended to provide a legal framework for the comprehensive reform of the Nigerian Prisons System. Sani, (2015) notes that "regrettably, this like similar efforts in the past, so far, has been inconclusive." In addition, Ayuk (2003) had earlier observed that "shockingly, successive governments have made recommendations and suggestions to better the operation of prisons, but little or nothing has been done in terms of implementation.

Theory

The rise in criminal activities of convicted offenders in penitentiary institutions and released convicts in Nigeria is as a result of a complex phenomenon. Hence, the paper adopts the total institution theory and the potential economy theoretical framework. Goffman (1961) defines the concept of "total institution" as the key feature of totalitarian social systems. That is, should a person reside in such a system, it encompasses his or her whole being – it undercuts the resident's individuality as well as disregards his or her dignity, and subjects the individual to a regimented pattern of life that has little or nothing to do with the person's own desires or inclinations. Fourcault (1975) observed that in the prison (or jail house) an offender is introduced to a type of discipline which completely separates him from his experience outside the prison. Thus, an offender is 'forced' to align with or learn and adopt whatever behaviours – anti – social or approved behaviour – in the prison.

While, the political economy theory, explains the effect of political and economic policies and decisions on the existence and lives of individuals and groups. Though there are different models of analysis of the theory, they have the same common grounds such as: (i) there are intricate linkages between political and economic structures (ii) that the political and economic structure of a society determine it's general values, culture and norms as well as the direction and practice of governance and the performance of the agencies and (iii) that a more robust analysis of society is promoted by an understanding of the linkages between the economy and polity and their dialectical interaction with other structures and social interaction (Reiner, 2000). The Marxist model represents the most popular strand of political economy theory. Marx emphasized that the economic structure of society is what determines the character of the superstructure. Such superstructure includes the political, legal, cultural, and religious relations and institutions of society and which influences the socio-economic and political substructure (Tamuno, 1970, Rotimi, 1993).

The application of the political economy model to the upsurge of recidivism among inmates and ex-convicts implies that its root cause can be explained by the reflections or products of the approach a society adopts to organize its' economy. In particular, the dominant interest that drives it and also the related political factors involved in organizing its' social institutions and other entities. Leaders and influential persons who wield political and economic powers determine to a large extent what resources (material, human or monetary) are provided for the penitentiary institutions, how they should be used, and also control the affairs of these institutions to favour their class or personal interests and goals instead of those of the offenders or society. These powerful elites who form the dominant economic group organize the Nigerian economy. The political economy theory suggests that recidivism and its rise in recent times is as a result of the neglect and poor organization of penitentiary institutions which in turn is as a result of political and economic pressure mounted by overbearing and powerful leaders on the criminal justice formations and penal entities.

Summary

The paper, "The Upsurge of Recidivism and the Penitentiary Institutions in Nigeria" has identified the goals of such institutions and attempted an assessment of their efficacy and efficiency in achieving these goals with particular emphasis on the phenomenon, recidivism. It defines recidivism as a characteristic of both offenders that are still under incarceration and ex-convicts. In every society, penitentiaries are established with the ultimate goal of re-orientation, rehabilitation, and reformation of inmates. On the contrary, when released from the institutions, ex-convicts do not usually exhibit traits of being reformed. Instead, they go back to crime and sometimes with more "technical know-how," zeal determination and vigor. Some become two times offenders (or more) in the same crime or new ones.

Among the factors mentioned as responsible for the increase in recidivism are the appalling state of the penitentiaries, inhuman treatment of inmates (and prison officials), poor funding, inadequate/insufficient facilities and equipments and poor/lack of rehabilitation programmes (educational and vocational/skill acquisition and psychotherapeutic programmes). The total institution theory and Marx's model of the political economy theory are combined to provide explanation for the emergence of these problems and their interrelatedness to the development of and increasing criminal behaviour within the walls of penitentiary institutions and after the release of offenders.

Recommendations

The paper majorly recommends that a general reform of penitentiary institutions should be carried out with particular emphasis on care of offenders and increasing as well as up – grading rehabilitation services. Such services should go beyond skill acquisition to include proper counseling services, awareness programmes Information Communication Technology and moral education. Skill acquisition workshops within the institutions should be increased and well equipped with the necessary tools and equipments. Also qualified personnel should be engaged to work in them. Recommendations on welfare of penitentiary institutions should be meaningful and should place them on a good standard of living. When these reforms are put in place they should be sustained.

Conclusion

Penitentiary institutions were designed to hold arrested and convicted offenders for punishment as well as for re-socialisation and re-orientation and after punishment, to return to society as changed individuals. Given the fact that the offenders often times are not re-oriented and they return to the same crime or other criminal behaviours (despite the attempts in the past, by various administrations) it appears that Nigeria still has a long way to go before it's penitentiaries become places where inmates are cared for, trained/properly equipped and re-oriented to return and fit into free society.

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