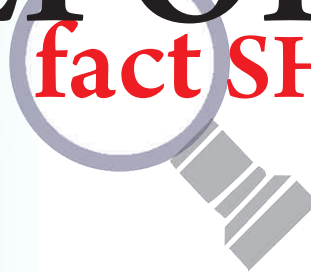


# PENAL REFORM fact SHEET

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FROM LEFT: SIR GABRIEL TOBY (CHAIRMAN PRAWA) AB DAMBAZZAU (HON. MIN. OF THE INTERIOR) HON. JUSTICE I. BELLO (CHIEF JUDGE FCT HIGH COURT) UJU AGOMOH PhD (ED PRAWA)

## Impact of Imprisonment

According to the Nigerian Prisons Survey Reports and the International Centre for Prison Studies (ICPS), new developments in penal policy are possible. Both reports conclude that the “poor suffer disproportionately from crime.

In most poor countries the criminal justice system fails to provide justice and security. Looking at the overall use of resources in a country, criminal justice systems are often wasteful”.

ICPS says “in addition, incarcerating significant numbers of people

(the majority of which are petty offenders) renders them unproductive and being obliged to take care of them in prison is a huge burden. The alternatives steer towards helping the poor by not imprisoning those who do not need to be there and by putting them into institutions that help the disadvantaged and marginalized”.

Sentencing an offender to various terms of imprisonment is seen by a section of society as a major success in ridding the environment of undesirable elements within the populace. This belief is held without due consideration for the socio-economic impact on the prisoner/prisoner's family and society.

In adopting imprisonment as a last resort, certain questions raised by ICPS need to be answered. For instance, does imprisonment improve

public safety or protection from crime? Does it aid sustainable development and poverty eradication? Does it help in developing a criminal justice system that is more constructive, socially just and effective?

The Nigerian Prisons Survey Reports (Volume 2) which was recently presented to stakeholders in Abuja, Nigeria, specifically, looks at the Socio-economic Characteristics of Prisoners and the Impact of Imprisonment in Nigeria. It concludes that imprisonment affects society with particular focus on the prisoner, prisoners' family and the prison service.

In assessing the impact of imprisonment, many of the factors to consider are often not able to be quantified due to lack of available or accurate data to arrive at such quantification. Some of these factors are considered in trying to arrive at the comprehensive cost or impact of imprisonment. The Nigerian Prison Survey Reports only identifies some factors that exemplify the impact of imprisonment on the prisoners (including remand prisoners/prisoners in pre-trial detention), on their families, and on the prison service

The findings indicate the following:

The survey findings indicate that prisoners found in prisons are more likely to have little or no education and poor employment level. Most of them were from poor backgrounds as reflected in the level of education and type/status of employment of their parents.

#### Highest Level of Formal Education among Respondents:

Highest level of education	PRISONS		
	Enugu Maximum	Kano Central	Ikoyi
No formal education	140(10.61%)	213(18.13%)	171(10.47%)
Primary school	345(26.14%)	234(19.91%)	350(21.42%)
Junior Secondary	235(17.80%)	154(13.11%)	209(12.79%)
Senior Secondary	465(35.23%)	317(26.98%)	624(38.19%)
Tertiary education	111(8.41%)	85(7.23%)	244(14.94%)
Others	24(1.82%)	172(14.64%)	36(2.20%)
Total	1320(100%)	1175(100%)	1634(100%)

Source: Prisoners' Self Report Questionnaires (SRQ) March 2017.

The data indicates that prior to their prison custody, 1.17% earn less than 1000 naira (2.9 USD) a month. 6.68% earn 5,000 naira (14.3 USD) or less per month. 16.67% earn 10,000 naira (28.57 USD) or less per month. 76.36% earn 50,000 naira (142.86 USD) or less per month. 14.4% earn between 50,001 naira and 100,000 naira (above 142.86 USD to 285.7 USD) per month, 7.57% earn between 100,001 Naira to 500,000 Naira (i.e. between above 285.7 USD to 1428.57 USD) per month. 1.07% earns above 500,000 naira and 1,000,000 naira (i.e. above 1428.57 USD to 2,857 USD) and 0.6% earns more than 2,857

per month. Thus only about 23.64% earn above 50,000 naira (142.86 USD) per month prior to their prison custody.

#### Average Monthly Income of Respondents

Average Monthly Income (Naira)	Frequency	Percent
<1000	33	1.17
1,000-5,000	155	5.51
5,001-10,000	281	9.99
10,001-50,000	1679	59.69
50,001-100,000	405	14.40
100,001-500,000	213	7.57
500,001-1,000,000	30	1.07
>1,000,000	17	0.60
Total	2813	100.00

Source: Prisoners' Self Report Questionnaires (SRQ) March 2017.

#### The socio-economic impact of excessive use of prison custody affects the prisoners, their families and the prison service

A considerable number of them are breadwinners prior to their incarceration. A very high number of the prisoners are single especially in Enugu prison (70%). For Ikoyi and Kano Central prison slightly above 50% were single while slightly above 40% were married. This has implications on their spouses for those married and for the singles on the prospects of future marriage and child birth especially on the female prisoners. Majority of them were either self-employed or salary workers thus more vulnerable to the impact of loss of earnings due to their incarceration and disruption of education for those who were students. The majority of respondents in Enugu Maximum and Kano Central prisons were self-employed before incarceration constituting about 64 percent and 65 percent respectively. While 43 percent of the respondents in Ikoyi prisons were self-employed at the time of data collection as high as 48 percent were salaried workers. About 12 percent of the respondents in Enugu, 7 percent in Kano and 3 percent in Ikoyi were students. Less than 1 percent of the sampled inmates in the three prisons were retired.

#### Respondents by whether Breadwinner Prior to Incarceration

WHETHER INMATE WAS THE BREADWINNER	PRISONS					
	Enugu Maximum		Kano Central		Ikoyi	
	Number	Percent	Number	Percent	Number	Percent
YES	565	46.69	594	60.80	1058	76.06
NO	645	53.31	383	39.20	333	23.94
Total	1210	100.00	977	100.00	1391	100.00

Source: Prisoners' Self Report Questionnaires (SRQ) March 2017.

#### Employment Status of Respondents

Employment Status	PRISONS		
	Enugu Maximum	Kano Central	Ikoyi
Wage/salaried worker	190(15.27%)	145(13.39%)	628(48.31%)
Self-employed	793(63.75%)	705(65.10%)	553(42.54%)
Student	146(11.74%)	76(7.02%)	41(3.15%)
Out of work	12(0.96%)	3(0.28%)	39(3.00%)
Retired	2(0.16%)	2(0.18%)	3(0.23%)
Unable to work	13(1.05%)	13(1.20%)	11(0.85%)
Others	88(7.07%)	139(12.83%)	25(1.92%)
Total	1244(100%)	1083(100%)	1300(100%)

## Respondents' Marital Status Prior to Incarceration

### PRISONS

Marital Status	Enugu Maximum		Kano Central		Ikoyi	
	Number	Percent	Number	Percent	Number	Percent
Single	941	71.61	652	53.97	874	53.36
Married	335	25.50	523	43.29	667	40.72
Widowed	13	0.99	12	0.99	28	1.71
Divorced	4	0.30	16	1.32	11	0.67
Separated	21	1.60	5	0.41	58	3.54
Total	1314	100.00	1208	100.00	1638	100.00

Source: Prisoners' Self Report Questionnaires (SRQ) March 2017.

Prisoners' families are also affected by the imprisonment of their family members. For example in 2016, the total number of prison officially documented visits for two prisons in 2016 is 73,085 (43,075 for Enugu Prison and 30,010 for Ikoyi Prison). For 2017, the figure is 19,567 visits for Ikoyi Prison and for Enugu prison the total is 28,253 visits as at August 2017. Thus for both prisons the total as at August 2017 is 47,820 visits.

### Number of Visit Recorded from January 2016 to August 2017

Month	Enugu Maximum		Ikoyi	
	2016	2017	2016	2017
January	5,815	3,632	2397	2302
February	3,465	3,441	2434	2297
March	3,387	3,470	2308	2272
April	3,354	3,523	2311	2289
May	3,438	3,459	2402	1988
June	3,375	3,541	2298	2034
July	3,427	3,536	2345	2101
August	3,237	3,651	2377	2267
September	3,753	-	2354	2172
October	3,985	-	1997	
November	3,671	-	2389	
December	4,168	-	2382	
Total	43,075	28,253	30010	21739

Source: Prisons Records September 2017

The number of visits the prisoners' families undertake to prison has economic, social, psychological and physical cost to them. These include the risk and cost of travelling to and fro the prison as well as cost of the money and other items that they have to bring to the prison on each of these visits, and the costs of activities foregone to enable them visit the prison. There are also costs of having their breadwinner incarcerated and the impact of this on their standard of living. This excludes other costs not assessed in the survey such as the cost of hiring a lawyer.

There are also costs to the prison service both in terms of administration, logistics, security and staff time. For example the impact of prison staff time - this affects those directly processing for the arms squad, gate, records, welfare officer, chief warden, etc. When one considers the impact of other factors such as number of prisoners reporting sick and number of prisoners to be transported to court Monday to Friday every week, it thus gives a glimpse to the magnitude of the volume of work and the pressure on the human and material resources of the prison service.

This makes a case for greater involvement and support by the State government and Local government to prisoners and ex-prisoners.

The argument that Prison is in the Exclusive Legislative List in the

1999 Constitution of the Federal Republic of Nigeria (As Amended) does not suffice.

There was also the presence of foreign nationals in Kano Central and Ikoyi prisons. 84 prisoners (19 in Kano Central Prison) and (65 in Ikoyi Prison) that responded to the self-report questionnaire reported that they were non-Nigerians.

### Recommendations:

#### (i). Development of the framework and indicators for measuring the full cost and impact of imprisonment:

There is an urgent need to develop framework and clear indicators for assessing and understanding the (true) cost of imprisonment (including the cost of excessive use of pre-trial detention) both terms of the direct and in-direct costs as well as it impacts on the prisoners, ex-prisoners, their families, the primary and secondary victims, the prison officers, other criminal justice, agencies, the community, the State and the country as a whole. This needs to be comprehensive enough to capture both the legal, psychological, social and economic costs and impact of imprisonment. It should also capture both quantitative and qualitative indicators. This hopefully should provide key policy makers and practitioners a clear understanding of the dangerous mix of poverty and overuse of prison custody especially for pre-trial detainees, minor offenders, juveniles, drug users and mentally ill persons in conflict with the law. It is also hoped that such an understanding will promote an effective intervention that is based on utilization of prison custody as a last resort and that aims at preventing offending and re-offending behavior through prison and community based approaches. Thus, this will further enhance security, stability and development in the country.

#### (ii). Poverty and Imprisonment Nexus should be addressed:

The evidence show that many of the prisoners are poor and from poor family backgrounds. This nexus need to be addressed through progressive programmes that tackle the root causes of imprisonment – addressing the social and economic inequities focusing on education, creating jobs and positive social values. These should form the target of macro and micro economic and social policies.



**(iii). Imprisonment should be used as a last Resort:**

Less of imprisonment should be used especially in pre-trial detention, for minor offences, first offenders, juveniles, drug users and mentally ill persons. For these, attempts should be made to apply non-custodial measures. The Administration of Criminal Justice Act and the Administration of Criminal Justice Laws of many of the States that have enacted this makes provision for the implementation of non-custodial measures. This needs to be fully implemented, promoted and supported.

**(iv). Implementation of Effective Prison and Community Based Rehabilitation Programmes:**

Every prisoner whether on pre-trial detention or sentence will someday be back in the society (except if he/she dies in prison). To this effect more emphasis should be given on promoting prison and community based rehabilitation programmes. This is more so needed given that evidence show that most of the prisoners are poor with little education and poor employment status as well as poor economic status of their parents. Special programmes should also be put in place for prisoners' and ex-prisoners' families.

**(v). Mental and Public Health Issues of prisoners need to be addressed:**

This is necessary given the number of those that report sick on a daily/weekly basis and the number of those that indicated history of use of substance prior to their incarceration and during their incarceration .



A CROSS SECTION OF PARTICIPANTS AT THE PRESENTATION



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CHIEF JUDGE OF FCT, HON. JUSTICE I. BELLO GIVING AN ADDRESS

**PRESENTATION OF THE NIGERIAN PRISONS SURVEY REPORTS TO STAKEHOLDERS IN PICTURES**



L-R: KATRINA M. AITKEN LAIRD, SECURITY & JUSTICE ADVISER, FCO OF THE UK EMBASSY & H. E. DEP BRITISH HIGH COMMISSIONER HARRIET THOMSON



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