

## FACTORS INFLUENCING HIGH RATE OF JAILBREAKS IN CORRECTIONAL CENTERS IN NIGERIA

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### Abstract

Jailbreak is a menace that poses a significant threat to society's tranquility and that of the legal system as escapees might pose serious threat to communities and individuals that testified against them in court. This paper is an assessment of the factors that influence high rate of jail breaks in correctional centers in Nigeria, the effect it has on the society and the possible ways to curtail this menace. According to the dictates of the Nigerian law, jailbreak remains an illegal and unlawful act under which an inmate forces his or her way out of the correctional center in a state. The study relied on secondary sources and adopted both Marxian conflict theory and regulatory capture theory as the theoretical frameworks. Factors that influence jail breaks in correctional centers include the ineffectiveness of correctional centers administration, overcrowding of correctional centers, gaps in organizational structure. This paper strongly recommends that information and intelligence gathering by correctional officers should be given serious attention as they help in forestalling jail breaks in Nigeria. Also, covert monitoring should be routinely set up in order to carefully find a balance between inmates' rights to privacy, insight into serious criminality as well as credible intelligence among inmates. **Key words:** correctional centers, correctional officers, criminal justice system, inmates, jail break

### Introduction

There is no society on the planet that does not have a correctional center. Correctional facilities have existed in several civilizations from ancient times (Shajobi-Ibikunle2014). It includes short-term detention facilities for people awaiting trial, sentencing, execution, deportation, whipping, or other forms of corporal punishment (Reid, 2012). Correctional facilities have been regarded as the narrow funnel of the criminal justice system into which new offenders are constantly poured (Bamgbose, 2003). It is regarded as the darkest part of Nigeria's justice system apparatus (Dambazu, 2007).

The origin of Western jail service in Nigeria may be traced back to the colonial regime in 1861, when their administration was preoccupied with the problem of protecting their enterprises as well as missionaries (Orakwe, 2018). The then Acting Governor of Lagos Colony in 1861, who was also a British merchant in Lagos, put a Police Force of about 25 constables in place; followed in 1863 by the establishment of four (4) courts which included: a Police Court meant to resolve minor disputes, a Criminal Court meant to try more serious cases, a Slave Court meant to try cases arising from the efforts to abolish the trade in slaves, as well as a Commercial Court meant to resolve disputes arising among the colonial merchants and traders (Nigeria Correctional service, 2018). It is no longer a secret that correctional centers are constructed to

house those who have been arrested legitimately, find the root causes of their bad behavior, and rehabilitate them so that they may contribute more positively to society (Orakwe, 2018).

The correctional system is critical to national security because it keeps dangerous and insecure elements out of society. Not only does it keep them away, but it is also expected that the detainees in those enclosures will undergo significant transformations, which is why correctional service rather than prison was chosen. Lawbreakers who are imprisoned are expected to return to society as better people, reformed enough to live in peace within the community. Jailbreaks defy this assumption by forcibly releasing elements that are not yet ready to return to society. Some escapees return to their communities and assault individuals who testified against them in court. Jailbreaks pose a significant threat to society's and the legal system's tranquility (Okere, 2017).

However, the effectiveness and efficiency of Nigerian Correctional Services have come under fire, owing to repeated jailbreaks that have become daily occurrence as well as rising crime rates and an increased level of insecurity (Njoku, 2016; Folarin, 2017; Abiodun, Akinlade, Onyi&Daramola, 2021). For the past two decades now, the Nigerian correctional centres across the states have witnessed one form of Correctional Centre breaks or the other (Ripples Nigeria Report, 2017). Amid rising insecurity issues, the Federal Government appears to be dealing with yet another headache, since violent attacks on the nation's correctional facilities routinely result in jailbreaks and attempted jailbreaks. The situation in the country has caused detainees to become more restless, resulting in numerous jailbreak attempts, and many people wonder how much outside assistance inmates may have despite being locked up in any of the jails.

Curiously, more than 70% of Correctional Centre escapees from such jailbreaks achieved their illegal freedom in the past year. 44% of the escapees' size (excluding consequent recaptures) took place in 2021 in just three episodes and consequently dwarfs the 12% in the five of such events in 2014 (Ripples Nigeria Report, 2022). On August 9, 2016, 15 inmates at the Nsukka Correctional Centre in Enugu State broke out of their cells and escaped. However, the Owerri Correctional Centre break on April 12, 2021 still tops the chart with approximately 28% of the total escapees during Correctional Centre breaks statistically (Afuzie, 2022). The Correctional service Armed Squad usually notifies the Office of the Comptroller General of such break-in attempts more than a week before the incidents, but the main issue is that intelligence reports are frequently ignored because corruption pervades most Nigerian institutions (Ripples Nigeria Report, 2017).

Furthermore, Nigeria's rising insecurity reached new heights on Tuesday night 5th July 2022 as terrorists bombed Kuje prison, the nation's most fortified Correctional Centre. The country's most notorious terrorist suspects are being detained there. No fewer than 600 inmates were freed in the process; although authorities' said that about 300 escapees have now been captured. Nigeria's Defence Minister Bashir Magashi said that all 64 inmates that have links to the Boko Haram Islamist rebel group are still on the loose. The incident happened barely hours after terrorists launched a daring attack on the advance security team of President Muhammadu Buhari, which had gone to Katsina State to make security arrangements ahead of the President's arrival for the Sallah celebration in his hometown of Daura. Two policemen were killed in the attack (The Africa Report, 2022).

Following suit, on 19 October 2020, a group of people under the disguise of ENDSARS protesters allegedly attacked the prisons in Benin City and Oko in Edo State freeing about 1,993 inmates in custody and looted the facility carting away weapons. The attackers came in large numbers with dangerous weapons and attacked the officers on guard duty and quickly forced the cells open and destroyed properties in the facility (Tolu, 2020). It is therefore against this background that, this study investigate the factors affecting high rate of jailbreaks in correctional services in Nigeria.

### **Concept of Jail Break in Nigeria**

Smith (2010) noted that jailbreak is an unlawful act under the law whereby, a prisoner forces his way out of a prison. It can also be described as attacks on the Correctional Centers by terrorists and armed robbers in which many inmates are released. Often, when this occurs, efforts are made by the Correctional Centre Services in conjunction with security agency to re-arrest the escapees and return them to the Correctional Centers and this may result in the extension of their jail term. Prison break in Nigeria may be attributed to corruption, poor funding of the prison services, poor prison facilities, inadequate security features such as CCTV, motion sensors, high wall made up of barbed wire and sometimes electric fencing of the wall (Onah, 2019).

Under the Nigerian law, prison break is an unlawful act of an inmate forcing his or her way out of the prison (Onah, 2019). The waves of jailbreak in Nigeria could be seen aggravating community security; one of the measurable constructs of human security. The palpable fear jailbreaks, have injected into the minds of the citizenry could be seen in both reactive and proactive measures employed across communities (Onah, 2019).

Kupoluyi, (2015) indicated that terror suspects are always kept in well-fortified and isolated places such as the Guantanamo Bay Detention Camp where the United States government keeps high-risk suspects in a military facility that is located away from the people so as to lessen fear and panic. According to Afuzie (2022), uninformed relocation of detained Boko Haram suspects from the northern part of the country to Ekwulobia Correctional Centre in Anambra State, not only sparked controversy, panic and protests in the commercial city of Onitsha, as many businesses and markets were closed down, but also showed the gross infrastructural deficits of Government Correctional facilities even in warehousing hardened criminals and terrorists, as evidence abounds that high risk criminals could be taken anywhere without recourse to Correctional facilities' security vulnerability, high possibility of radicalization, and proven fear and panic transmittable among the people. Most jailbreaks in Nigeria are facilitated from outside the Correctional facilities by armed insurgents, unknown gunmen through the deployment of deadly weapons and explosives, to set free members and recruit more into their fold. Terror cells in Nigeria have employed violent jail breaks to rescue their members and recruit new members (Manu, 2022).

Correctional Centre escapees tend to arouse public fear, community residents around correctional facilities resented the potential threat that escapees imposed on the community, and palpable fear of the unknown escapees profile rapists, serial killers, kidnappers, terrorists, ritual killers, knowing well, that there exists high tendency of recidivism (MaiBasira, 2022). According to Afuzie (2022), residents could be seen been wary of schools security, home

and economic security not to mention the endless reactive policing of stop and search by security agencies after long hours of unchallenged activities of jail breaking.

The national security architecture which entails administration, decision-making, oversight structures and institutions, as well as national policies, strategies and plans (Bearne, 2005), is a security template which transmits the resilience, co-ordination and response rate of a nation to insecurity management. The Nigeria national security architecture apart from been concentric and of unitary nuances has been faulted of been archaic to manage a federation size, model and complexity like Nigeria. While the United States have had cause to restructure its security in response to informed analysis of an anticipated threat to national security or established attacks, by evolving the Department of Homeland Security which incorporates 22 federal security agencies into a single cabinet department. Nigeria's security architecture, apart from the 1985 decimation of the National Security Organization (NSO) has only witnessed few administrative upgrades that are seen as handouts, unreflective in the face of the herculean security challenges terribly troubling the corporate sustenance of the Nigerian State and wholesomely failing in achieving the needed inter agency cooperation of security agencies therein (Afuzie, 2022).

### **Concept of Correctional Centers**

A correctional centre is any residential facility with construction fixtures or staffing models designed to restrict the movements and activities of those placed in the facility. It is used for the placement of any juvenile adjudicated of having committed an offense, or, when applicable, of any other individual convicted of a criminal offense (Lipsey, Mark W., & Cullen, 2007).

Correctional Center is a term that may be used to refer to a jail, prison, or other place of incarceration by government officials. They serve to confine and rehabilitate and reform prisoners and may be classified as minimum, medium, or high security facilities, or contain separate divisions for such categories of prisoners. The prisoners may participate in educational and vocational programs as well. In legal terms "correctional center" is a place designated by law for the keeping or confinement of persons held in custody or arrested for, convicted or charged for criminal offense under process of law (Awuse & Daminabo, 2018)

Cambridge dictionary defined prison (correctional center) as "a building where criminals are forced to dwell as an infliction or punishment". In essence, a Criminal Justice facility (Correctional center) is a facility operated by a governing unit designed primarily, for housing persons for the purposes of infliction or punishment, rehabilitation and correction following conviction of a criminal offense and staffed (Awuse. *et al*, 2018).

The Online Oxford English dictionary defines correctional center as a building in which people are legally committed as a punishment for a crime or while awaiting their trial. Before the 1700's, governments of the time very rarely imprison criminals as a punishment, instead, people were imprisoned only while awaiting their trial or punishment, so just for custody (Awuse. *et al*, 2018). Punishments that were prevalent in those times were whipping, branding, monetary compensation or fines and capital punishment in case of serious offences. The authorities punished these offenders in front of public with the aim to discourage people from breaking the law. However, with passing time English and French rulers started keeping their political enemies in Correctional Centers, for which they used places such as the Tower of

London and the Bastille in Paris. In addition to this they had made different Correctional Centers for different crimes, for instance, people who owed money and defaulted on payments were held in debtor's Correctional Centers. In majority of the cases, the families of the inmates could stay with them and come and go as they wished, the debtors however had to stay in the correctional center until their debts were fully settled (Lipsey, Mark W., & Cullen, 2007).

Correctional Centers are very essential part of any criminal justice system and are symbol of civilization; however they are ignored by the government. The essence here is that a person does not lose all his rights just because he is in a correctional center therefore correctional center reform is very essential. The idea behind the establishment of this system was retribution and reformation. However, if Correctional Centers are not even safe or nurturing, we do not really fulfill the initial idea here. Economic factors need to be taken into account when suggesting and considering the need for correctional center reforms. Money is an important factor along with choice (Awuse & Daminabo, 2018).

### **Theoretical Framework**

This study adopted two theories as its theoretical framework. They are Marxian Conflict theory and the Regulatory Capture theory. The Marxian Conflict theory was adopted as the macro theory; it gives a socio-structural explanation to the topic under study. The second theory that was adopted is the regulatory capture theory by George Stigler and it focuses on the ineffectiveness of Correctional Centre's administration and incessant jailbreaks in Nigeria.

### **Marxian Conflict Theory**

Karl Marx is the father of the Conflict theory. In 1848, Marx made his most outstanding contribution to the conflict theory. The theory holds that social order is maintained by domination and power rather than consensus and conformity. According to the Conflict theory, those with wealth and power try to hold on to it by any means possible, chiefly by suppressing the poor and the powerless. The theory also holds that the state of economy, which is capitalist oriented and the means of controlling power in the society through democracy are attempts to control the masses rather than a desire for social order. For Marx, punishment is one of the instruments of class struggle. It is used by the bourgeoisie (State) to consolidate its rule. The law, the violation of which is seen as crime is elitist.

Relating the theory to the work under study, it becomes clear and more understandable that we have Correctional Centers scattered all over the country to keep those that go against established economic and political laws of those in power under check. However, these inmates grow the consciousness of class for themselves therefore orchestrating a successful jail break in order to revolt from the existing system. This theory makes it clear that Correctional Centers in Nigeria are more of punitive than corrective, therefore asserting the reason why inmates have to plot jail break. Genuine correctional center reform is capital intensive. Selectivity in judicial sentencing is also reflected on how inmates are classified and treated. The theory has however, been criticized as the basic reason for class inequality in the society.

### **Regulatory Capture Theory**

Regulatory capture theory by George Stigler (1975) is a set of interrelated assumptions employed to explain and understand how regulatory agencies are captured by the regulated concerns or interests, thereby distorting the original intention of government for creating the

agencies. When a special interest seizes regulatory agencies to further their own interest against the public interests for which they are established, the regulatory agencies are said to have been captured (Onuoha, 2008). Thus, a government agency suffering regulatory capture is called regulatory capture agency (Kenton, 2019). While all these are internal causes of jailbreak it would be pertinent to note that insurgency, proliferation of firearms, criminal activities, economic, political and social crisis have led to many jailbreaks in recent times and these are external to the correctional service.

However, the regulatory capture occurs because groups or individuals with a high-stake interest in the outcome of policy or regulatory decisions can be expected to focus their resources and energies in attempting to gain policy outcomes they prefer (Lee, 2006), and this can happen by successfully infiltrating the recruitment process of NCoS, thereby aiding the inmates escape from the various custodies in Nigeria.

In relation to the study, jailbreaks occur in the Nigerian correctional facilities as a result of a failing counter insurgency operations and intelligence failures which further reflect the individuality status of Nigerian security agencies. It has therefore been criticized that even though the regulatory capture theory presents somewhat more pragmatic analysis of regulatory behavior, critics still argue that it is one dimensional, revealing very much the problem of agency capture. However, the case is such that most regulatory agencies are designed to represent a variety of constituents that includes both the public and the regulated. For instance, Peltzman (1976) argues that the fact that agencies are “public” means that through a variety of procedures (such as hearings and investigations), public opinion will be considered or incorporated in the regulatory decision-making process. He concludes that capture theory as a whole fails to consider the diversity of interests represented in the regulatory process.

### **Factors Influencing Jailbreaks in Nigeria**

The following are identified as factors influencing jailbreak in Nigeria

**Blockages in the Criminal Justice System:** These give rise to prolonged pre-trial detention without an expectation of a future court appearance. Other criminal justice factors include arbitrary detention, disproportionate sentencing, and inability of inmates to pay fines and compensation. Unclear delineation between criminal and civil matters is also an issue Zanna (2021).

**Overcrowding/ Correctional Centre Bulge:** It is a contributing factor that provokes tensions in Correctional Centers and can be the catalyst for an incident. Overcrowding can also compromise efforts to effectively classify inmates into categories, and to separate women and juveniles from men. The effect of overcrowding, coupled with the lack of the basic essentials of life, can create a situation where inmates feel helpless and may revert to extreme means to obtain food and water (Kupers, 1999; Turner, 1975). It also affects human dignity and the ability of inmates to conduct the activities of daily living (sleeping, hygiene, etc.) with a modicum of privacy.

**Gaps in Organizational Structure:** An organizational structure in the Correctional Centre service that does not have in place a set of security procedures, or specific reporting and

monitoring requirements with a focus on security, will have less capacity to prevent, anticipate or respond effectively to incidents Zanna (2021).

**Absence of Effective Correctional Centre Security Procedures and Correctional Centre Intelligence:** Basic security procedures include proper search techniques, a search plan for the entire Correctional Centre, ongoing monitoring and analysis of inmates' behaviour, and an ability to establish adequate controls for inmates' movement and activities. The importance of an active security focus within a Correctional Centre cannot be overstated (Kupers, 1999; Turner, 1975). It is a key element in the prevention of major Correctional Centre incidents and mass escapes. The passive and reactive relationship that can exist between Correctional Centre officers and inmates results in inmates having considerable control and influence as to what happens within the Correctional Centre. Some inmates have basic security procedures in place; however, they frequently lack consistent application and active vigilance by security staff. Officers are not always at key security posts, and are not actively monitoring or assessing inmates' movements or behaviour. There is little capacity to identify security threats, dangerous situations or plans to escape. This is complicated at certain correctional centers because of the existing Correctional Centre configuration and overcrowded conditions (Zanna, 2021).

**Correctional Centre Authorities are Ill Prepared to Respond to Major Incidents:** Correctional Centre authorities may be ill prepared to respond to major destabilizing and/or life-threatening incidents for a number of reasons. These could include a lack of training, inappropriate staff or staffing levels, lack of specific equipment and poorly coordinated or incomplete response capacities. Roles and responsibilities need to be clearly understood for interventions to be effective (Lombardo, 1989).

**Poor Working Conditions for Correctional Officers:** A situation where Correctional Officers are not remunerated on a regular basis, and do not have proper uniforms or equipment to carry out their basic security duties gives rise to corruption, which can lead to contraband (drugs, weapons, mobile phones, etc.) being smuggled into Correctional Centres with the knowledge of staff. Correctional Officers are often exposed to exactly the same living conditions as the Inmates, which has an impact on the quality of their performance and their interactions with inmates. Such conditions cannot help but adversely affect the morale and overall motivation of staff (Lombardo, 1989).

**Inadequate Logistics for Correctional Centre Management:** Correctional Centers need to have the necessary logistical support, technology and equipment to allow them to respond to daily concerns and issues, as well as to respond effectively to major destabilizing incidents in a Correctional Centre. Mostly, this essential equipment, such as generators and vehicles, are often in need of repair or non-existent (Shajobi-Ibikunle, 2014).

**Unsanitary Conditions and the Prevalence of Diseases:** Depending on the Correctional Centre's population levels, as well as on the nature and extent of national and international funding, the poor health conditions of inmates can create an environment that allows for the transmission of diseases. Correctional centers are often susceptible to the outbreak of contagious diseases at any time and generally have difficulty maintaining a clean, hygienic

environment. Toilet facilities are of special concern, as is the removal of septic waste. Personal hygiene products are generally not provided or easily available for inmates to use thereby causing agitation (Shajobi-Ibikunle, 2014).

**Inadequate Food Supplies for Inmates:** A basic issue affecting correctional centres is the ability to provide enough food for inmates on a daily basis. Families and Community-Based Organizations (CBOS) are often relied upon to fully provide or supplement food for Inmates. Although inappropriate, this type of community contact and commitment is invaluable and does keep the connection between inmates and the community alive. It is understandable that inmates who are starving may escape so they can eat (Alemika, 1983).

**Inadequate Health Care:** Without adequate health care, ongoing management and identification of disease is ineffective. Many correctional centers face a continuing challenge in maintaining a disease-free environment hence the struggle or criminal conspiracy with families and friends or other gang members outside to free themselves so as to cater for their health needs.

Furthermore, living conditions are generally poor. Concern has been expressed by visiting Chief Judges and other functionaries to the Correctional Centers about the poor state of available facilities and the resultant inadequacies (Onadeko, 1998). The conditions of inmates in Nigeria's Correctional Centers are pitiable. The living conditions are appalling and damaging to the physical and mental wellbeing of the inmates. Inmates live with poor sanitation, lack of food, lack of medication, over-crowding, poor clothing and sleep two or three on the bed/bare cold floor (Shajobi-Ibikunle, 2014). The Correctional Centers have also been described as "human cages" with no facilities for correction, reformation, and vocational training (Alemika, 1983). The windows are small and there is no ventilation (Adelaja, 2009). Cases of death arising from communicable diseases due to difficulty in adequate feeding and health care arises also (Correctional Center Annual Report, 1989).

Quality of Corrections Staff is a germane issue also and is important to ensure effective correctional center management and humane treatment of inmates. Samaha (2021) opined that they were previously known as correctional center guards due to a mistaken notion that they were to protect the public by ensuring non-escape of convicts and controlling the correctional center inmates by keeping order. Rehabilitation is an essential part of corrections today but guarding and watching inmates is their main task and it is dangerous work. This is evidenced by increasing number of staff brutalized in correctional center breaks in the nation. Insider connivance is also a worrisome factor. The Senate President alluded to this in his visit to Kuje Custodial Center after the July 2022 attack (This Day, 2022). Violence in Correctional Centers is an aspect that receives considerable attention when riots occur, but little attention is given to the internal violence of inmates against each other or against themselves (Reid, 2012). Working conditions of custodial staff are important. The 2012 Correctional center Audit had recommended a complete overhaul of officers' residential accommodation whilst their emoluments should be periodically reviewed upwards, office accommodation was to be well-furnished and improved upon. The Mandela Rules state that so far as possible, Correctional Center staff shall include a sufficient number of specialists such as psychiatrists, psychologists,



social workers, teachers, and trade instructors. The services of the latter three category are to be on permanent basis as much as possible (Reid, 2012).

### **Conclusion**

In conclusion, being aware of the prevalence of jail breaks in Nigeria, this study shares an exposition on the factors that influence high rate of jail breaks in correctional centers in Nigeria. This study concludes that recurrent waves of jailbreak are quickening awareness beyond personal security into community security as a survival instinct. This translates to the need to factor community security into the heartbeat of the Nigeria security architecture knowing well that human is now the best referent for security definition. The study also submits that systemic factors, management factors, resource factors have been further exposed by the recurrent waves of jailbreak. Also, the study raises concern on the consequences of jailbreaks as escapees might be serious threat to communities and individuals that testified against them in court.

### **Recommendations**

The following recommendation are made for possible implementation

1. Due to the delicate nature of jail information and intelligence, the individuals chosen or employed to serve in this role must have superior qualifications in terms of ethics, and their backgrounds must be carefully examined.
2. All staff members should be involved in information gathering, intelligence gathering, and dynamic security rather than just the intelligence section. Dynamic security should be instilled in the correctional center culture in order to support inmate reform and rehabilitation.
3. The present Correctional Service Arms Squad should be more effective if a multi-agency approach is used. Correctional facility security must collaborate with all other national security agencies to aid in the capture of fugitive inmates.
4. The Nigerian Correctional Service should also adopt the use of timely and useful correctional center information that would have a substantial impact on the investigation, reduction, and prevention of serious and organized crime, particularly when it is of a transnational nature.
5. Covert monitoring must be routinely set up in order to carefully find a balance between inmates' right to privacy and the need to look into serious criminality. The regulations on covert surveillance should take the rights of the inmates into careful consideration, and there should be a number of strict safeguards against abuse.

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