CSS 316: JUVENILE INSTITUTIONS AND CORRECTIONS-Dr. J.J. OLORUNMOLA, SOCIOLOGY DEPARTMENT

Let us begin this course by asking ourselves this question. That is: why do people go into crime or do people turn criminal? Perhaps, the answer can be found in the following theories:

SOCIAL PROCESS THEORIES

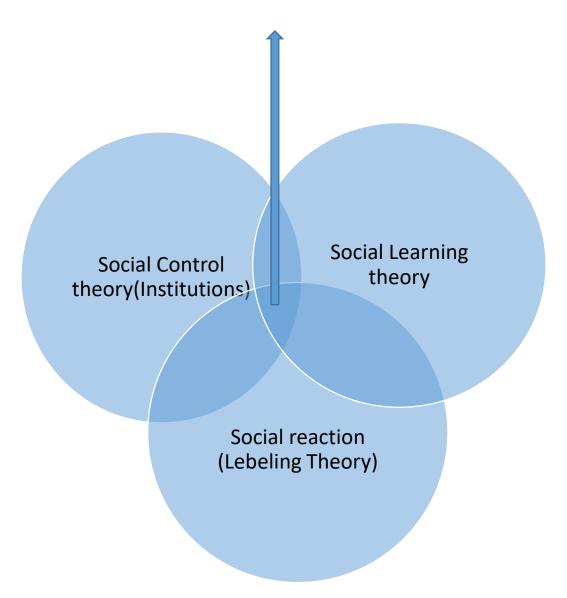
During the 1930s and 1940s, another group of sociologists added a social-psychological link to criminological behavior. They concluded that the individual's relationship to important social processes such as education, family life and peer relations is the key to understanding human behavior. Some concluded that poverty and social disorganization alone are not sufficient to cause criminal activity. After all, many people living in the most deteriorated areas never commit criminal offenses. Something else is needed. Their research indicated that children who grow up in homes wracked by conflict, attend inadequate schools, and/or associate with deviant peers become exposed to pro-crime forces. Edwin Sutherland,

the preeminent American criminologist, suggested that people learn criminal attitudes from older, more experienced law violators. Crime is a learned behavior similar to any other such as driving and playing sports. Another view, developed by Walter Reckless, is that crime occurs when children develop an inadequate self image which renders them incapable of controlling their own misbehavior. Criminologists seized upon this concept of control and suggested that it is a key element in a criminal career: People become crime prone when social forces prove to control their inadequate behavior. Both of these views learning and control link criminality to the failure of socialization, the interactions people have with the various individuals, organizations, institutions, and processes of society that help them mature and develop.

By mid century, most criminologists had embraced either the ecological view or the socialization view of crime. However, these were not the only views of how social institutions influence human behavior. In Europe, the writings of another social thinker Karl Marx (1818-1883), had pushed the understanding of social interaction in another direction and sowed seeds for a new approach in criminology.

THEORY OF CRIME

Social Process Approach



Source: Larry J. Siegel (9th edition) 2007, Criminology, Theories, Patterns and Typologies. Thomson Wads wood U.K.

SOCIAL LEARNING: regarding social learning theory or approach, here, an individual is assumed to be of good behaviour but upon interaction with family members, maybe father, mother and the siblings or even peer groups, who are criminal behaviour, the individual that is good before may turn criminal. For instance, this theory believes that, a father or mother or any of the family member who is an armed robber, the son or daughter may learn armed robbery from the father or mother or family member as the case may be.

In summary this theory, posits that, criminal behaviour is a learning process

SOCIAL CONTROL (INSTITUTIONS): Under this approach, it is assumed that, an individual is bad ab-initio. However, upon interaction with social institutions, such as norms, values, folk tales, folkways, folk laws cultures, family, education, law enforcement agencies, the courts, army, religion institutions among others, the individual behaviour may be corrected that is, the individual who is criminal minded or who use to exhibit behaviour in conflict with the law, will have his behaviour moderated or control by the above named social institutions.

In summary, agents of social control or social institutions can help to correct offenders (people whose behaviour are in conflict with the law).

SOCIAL REACTION (LABELLING THEORY): here, the argument is of two folds: in the first instance, an individual who is innocent of crime but is being labelled as criminal may turn out to be criminal in reaction to his being labelled as criminal. This theory posits that people who are not criminals but often being labelled as criminals may more often than not begin to exhibit criminal behaviour.

In the second instance, an individual who are criminals, who people continuously labelled as criminals, and as a result begin to stigmatise them, in reaction to that, these individuals who are criminals may tun recidivists.

In summary, innocent person or convicted criminals may turn to be hardened criminals in reaction to labelling .

DEFINITION: Juvenile Institutions and Corrections refers to the correction of persons under the approved maturity age of 18 years and the institutions specifically created for the correction and rehabilitation of persons in the mentioned category. Juvenile Institutions and Correction are an important part of criminology which deals with the breaking of the law by young persons and the treatment of such young offenders. Where laws are broken by persons under the maturity age (18 years), certain processes in juvenile justice are to be employed.

TYPES OF JUVENILE CORRECTIONAL CENTRES

BORSTAL INSTITUTIONS, APPROVED SCHOOLS AND REMAND CENTERS

There are different types of correctional institution for different categories of offenders which has been categorized to adult and juvenile offences.

1) **REMAND HOME**

This is an institution meant for correction and rehabilitation of young offenders who are less than 18yrs. They are usually between the ages of 10yrs to 17yrs. The period here is usually temporary and short compared to borstal home and approved school. The objective of these Services is to prepare them for correction and rehabilitations. Remand homes serve as detention/custody homes for juvenile awaiting trial or disposal after a guilty verdict. Children in need of care and protection as well as children beyond parental control are also kept in remand homes. The period here is usually temporary and short compared to borstal home and approved school. Objective of these Service is to prepare them for correction and rehabilitations.

General examples of Remand Homes in Nigeria are:

- 1. Benue State Remand Home, Markudi.
- 2. Imo State Remand Home, Owerri
- 3. Kastina State Remand Home, Kastina
- 4. Kastina State Reformatory Residential Centre, Kastina
- 5. Osun State Children's Correctional Center, Oshogbo
- 6. Yobe State Remand Home, Damaturu
- 7. Lagos State Special Correctional Center for Girls Idi-Arabia Lagos.
- 8. Lagos State Special Correctional Center for Boys Oregun Lagos.

2) APPROVED SHOOLS

Approved schools are residential institutions to which young people are sent by court

usually for committing offences or because they are deemed to be beyond parental control. We have the approved school for boys and also for girls. Approved schools are meant to instill quality character in children and lay good career foundation through teaching and learning so that they can be competent and self-reliant citizens after they might have been reintegrated back into the society. These schools emerged as a result of lack of good academic performance by the children during and after being reintegrated back to the society

Apart from the government rehabilitation Service, there are several private ones that are managed by individuals, whose parent pay for. For instance there is a private rehabilitation centre located in Kano in Kano state.

There are a lot of challenges that confront most of the government owned facility. There is no adequate care according to Imani (1977) instead of this institutions acting their correctional or remedial roles they served as mostly as what may be termed as accommodation arena, where boys and girl are accommodated pending when their term will be over or when their parent will come and pick them.

In Lagos State, there three approved schools ..

- 1) The senior boys approved School Isheri
- 2) The junior approved school, Birell, Avenue Yaba
- 3. The girls approved school, Idi-Araba

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their term will be over or when their parent will come and pick them. Prof. Isabaela Okagbie opined that almost every aspect of the juvenile justice system dealing with children in conflict with the law, from arrest until final disposition ,have a common feature such that; the welfare and best interest of young offenders are not adequately preserved and protected in Nigeria

BORSTAL

Borstal is a term used to describe a system of juvenile Detention Centres that existed in United Kingdom for most of 20thCentury. They serve as reformatory institutions focused on re-educating delinquent youths. Borstal started as an institution to cater for young offenders who the law considers incapable of forming the necessary criminal intent. The idea originated in 1895 in England with the Gladstone Committee as an attempt to reform young offenders. The system was introduced in 1902 but was given its basic form by Prison Commissioner in 1922. Each institution consists of houses containing, ideally, not more than 50 young offenders, with housemaster or house mistress and house staff.

the Borstal System was to separate young boys from adult criminals in the hope of protecting the young boys from brutal prison treatment and reforming them into law abiding citizens. The formation of this institution was predicated upon the high rate of juvenile delinquency in the United Kingdom at the time. In order to address this situation, an English reformatory system designed for youths between 16 and 21 years, was initiated. The experiment started at Bedford Prison in 1900 when eight young prisoners were transferred to be given separate training. They were moved to

a convict prison situated near the village of Borstal outside Rochester, Kent, in 1901. It was from this village the name Borstal was taken. Main elements in the Borstal programs included education, regular work, vocational training, and group counseling. Some Borstal, such as Lowdham Grange, were opened having no walls or gates.

The Borstal institution is an arm of the Nigeria Correctional Service which was established to care of the needs of young offenders. The idea of this institution was patterned after the Borstal Homes in Britain whose establishment was predicated upon the high rate of juvenile delinquency.

The legal mandate establishing Borstal Training Institutions in Nigeria is known as "Borstal Institutions and Remand Centres Act 1960". The Act empowers the High Courts and Chief Magistrate Courts to commute juvenile delinquents in conflict with the law and or beyond parental control to 3 years Borstal Training. It also makes provision for 1 year probation after discharge. The age bracket for admission into the Institution according to the Act, is 16 to 21 years and mainly for Presently there are three Borstal Institutions in Nigeria .The one in males. Kaduna, Kaduna State which is the oldest, has an average population of four hundredand twenty (420) boys. The other ones are in Abeokuta in Ogun State, and in Ilorin, Kwara State with average populations of one hundred and eighty (180) and one hundred and fifty five (155) boys respectively. (NCoS records, 2022). Bostal training institutions and remand centers are part of custodial center centers CAP P29 law of Nigeria 1st April 1962 established borstal institutions and remand centers in several parts of Nigeria. Also Child Rights Acts 2003 gives legal backing to treatment of juvenile in conflict with the law. The treatment of children in conflict with the law in Nigeria. First schedule, sec 9 (5) of Nigeria correctional act 2019 specifically mentioned and recognized Bostal institutions and remand

centers "for detention and treatment of juvenile offenders". Bostal training institutions and remand centers all over the federal republic of Nigeria admits, treats and train young offenders (juveniles) aged 16-22 also called "Beyond parental control" (BPC) for adult literacy class (in place of primary education) and also for them(offenders) and then treat and train them from Junior Secondary 1 to Senior Secondary 3 and presentation for WAEC and NECO O'level examinations and for JAMB (Joint admission and matriculation board) for those who are interested. In addition to the above, young offenders who are incarcerated in the above training institutions are encouraged and made to undergo vocational training such as barbing, welding, carpentry, hairdressing, tailoring, dyeing and bleaching, catering such that they become skilled in those vocational trainings and later be presented for trade test and obtain certificates in such vocational trainings so that upon release from custody such ex-offenders would have been reformed and on their way for rehabilitation and reintegration into the society. This is because it is expected that such offenders who have undergone vocational trainings and obtained trade test certificate should have been purged of their anti - social behavior that brought them to the correctional centers in the first instance. Therefore, they are seen to have been reformed and assisted by government, nongovernmental organizations(NGOs)philanthropist another public spirited and humanitarian individuals to settle down and practice their traits thereby becoming useful and law abiding citizens of their communities. In addition, some of the reformatory activities that takes place in adult custodial centers discussed above also takes place in Bostal training institutions and Remand homes As afore-stated, currently, there are three bostal institutions in Nigeria located at Abeokuta in Ogun State, Ilorin Kwara state and Kaduna Kaduna state.

However, in line with Correctional Service reformation it is expected that more of such

institutions will be established across the 36 states of the federation. Inmates in borstal institutions should not be mixed with mature adults in convict and medium security Correctional Service so as to enhance their reformation. THEORIES OF CORRECTIONS:

Deterrent Theory; According to Daniel I. Nkwocha, Kenneth Omoyibo, Abdul R. Yesufu, Adeniyi T. Adegoke N/D, one of the primitive methods of punishment believes in the fact that if severe punishment were inflicted on the offender it would deter him from repeating that crime. Those who commit crime, it is assumed, derive a mental satisfaction or a feeling of enjoyment in the act. To neutralize this inclination of the mind, punishment inflicts equal quantum of suffering on the offender so that it is no longer attractive for him to carry out such committal of crimes. Pleasure and pain are two physical feelings or sensations that nature has provided to mankind, to enable him to do certain things or to desist from certain things, or to undo wrong things previously done by him. It is like providing both a powerful engine and an equally powerful brake in the automobile impelled by taste and good appetite, which are feelings of pleasure a man gets from over-eating. Gluttony and Surfeit make him obese and he starts suffering disease. This causes pain. He consults a doctor and thereafter starts dieting. Thus the person before eating in the same way would think twice and may not at all take that food.

In social life punishment introduces the element of 'pain' to correct the excess action of a person carried out by the impulse (pleasure) of his mind. We all like very much to seize opportunities, but abhor when we face threats. But in reality pain, threat or challenges actually strengthen and purify a man and so an organization.

The basic idea of deterrence is to deter both offenders and others from committing a similar offence. But also inherent in Bentham's theory was the idea that punishment would also provide an opportunity for reform.

While a person goes on seeking pleasure, he also takes steps to avoid pain. This is a new system of political philosophy and ethics developed by Jerome Bentham and John Stuart in the 19th century called **utilitarianism**. It postulates that human efforts are geared toward "maximization of pleasure and maximum minimization of pain as the goal... "The main ethical imperative of utilitarianism is, the greatest good for the largest number of people; or the greatest number of goods for the greatest number of people". The fear of consequent punishment at the hands of law should act as a check from committing crimes by people. The law violator not merely gets punishment, but he has to undergo an obnoxious process like arrest, production before a magistrate, trial in a criminal court, etc. This brings about a social stigma to him as the accused. All these infuse a sense of fear and pain and one thinks twice before venturing to commit a crime, unless he is a hardcore criminal, or one who has developed a habit for committing crimes.

Deterrent theory believes in giving exemplary punishment through adequate penalty.

Imitation Theory

Tarde's social process theory of criminal behaviour is reflected in his belief that all of the important acts of social life are carried out under the domination of example. Upon this belief, he formulated his theory of imitation, through which he explained the process of acquiring criminal behaviour. He advocated that his theory applies not only to criminal behaviour but also to other types of behaviour, such as suicides, stealing, and assassination. All such acts done as people imitate others.

Gabriel Tarde's Laws of Imitation

- 1. The first law of imitation is that men imitate one another in proportion as they are in close contact;
- 2. The second law of imitation is that the inferior imitates the superior. Peasants imitate royalty, small town and rural residents imitate the acts of city residents.
- 3. The third law of imitation is the law of insertion; "when two mutually exclusive fashions come together, one can be substituted for the other. When this happens, there is decline in the older method and an increase in the newer method. He explains this, using the gun rather than the knife for murder (Reid 1976:210) in Daniel I. Nkwocha, Kenneth Omoyibo, Abdul R. Yesufu , Adeniyi T. Adegoke N/D,

Gabriel Tarde's theory of imitation is applied here to explain how the offenders imitate and why they should imitate the prison officials. Tarde says that all important acts of social life are carried out under the domination of example. This informed why it is possible to reform prison inmates. There is a high level of close contact between the prison inmates and the prison officials and that is why the prison inmates imitate the prison officials in consonance with Gabriel Tarde's second law of imitation, which states that, the inferior imitates the superior.

BORSTAL INSTITUTON BOOKS AND FORMS

Borstal Institution,s books and forms meant for treatment(reformation, rehabilitation and reitegration) of inmates are not different from the one used in convetional adult correctional cenres. Therefore the following books and forms reproduced below for use in this course:

CORRECTIONAL SERVICE FORMS AND BOOKS: These are operational documents kept and used by the Correctional service on various subject matters that relate to the day-to-day running of the CORRECTIONAL/ BORSTAL INSTITUTION. These documents are strictly restricted to the Correctional service. Correctional service forms and books are kept by different offices in the CORRECTIONAL/CUSTODIAL CENTRES. These include:

The superintendent's office, the records office, the chief warders office, the gate lodge, the welfare office and the medical unit. The superintendent in-charge oversees the maintenance and safekeeping of all the books and forms in the CORRECTIONAL/ BORSTAL INSTITUTION. CORRECTIONAL SERVICE form is often abbreviated C.F.(now C.F) The Job of Correctional officers is quite challenging because they work with very sensitive documents. These books and forms must be properly secured. When not in use, they should be kept under lock to avoid unnecessary abuse.

Types of recording keeping required in correctional settings and its requirement

a. Types of record keeping in correctional setting may include:

- i. Safety checks; iron bars, burglars proofs etc
- ii. Restraints device checks, hand cuffs, gang chains, D, Locks, leg iron etc
- iii. Suicide watch
- iv. Arms/ammunition
- v. Tear gas
- vi. All other security gadget
- vii. Inmates, properties records
- viii. Inmates beds and beddings, mattress, beds, blankets
 - ix. Kitchen items (cutlery), pots, plates, , gas cylinders etc.
 - x. All staff accoutrements
 - xi. All other institutional building structures & infrastructures
 - A. Information in each of the major type of record keeping required in a correctional setting include:
 - 1. Individuals name
 - 2. Date of birth
 - 3. Booking number
 - 4. Date
 - 5. Location of placement
 - 6. Reason for placement
 - 7. Time logged for each safety check
 - 8. Individual's activity at time of safety check
 - 9. Name of officer that conducted the safety (iron rod/check testing)
 - 10. Searching at various time
 - 11. Search parties (Names)
 - 12. Report of searching

To be on the safe side as people working in a peculiar environment, it is important for us to know and be able to identify these forms and books and their

uses. We must not neglect the fact that some of these documents could be forged. CORRECTIONAL/BORSTAL INSTITUTION form 28 (warrant of release) is an example of documents that could be forged to release a person from the CORRECTIONAL/BORSTAL INSTITUTION. Other CORRECTIONAL SERVICE documents that could easily be altered include book 53 convicted prisoners register, book 90 handing over notes; and book 16 the gate book. Inmates should on no account be allowed to have access to these books and forms.

Some of the forms and books are described below:

NUMBER TITLE AND USE

- C.F. 1 Monthly State: Used for rendering monthly returns of inmates
- C.F. 1A **Additional Information to Monthly State:** Used for the rendering of additional information on monthly returns of inmates.
- C.F.5 **Warrant for transfer:** This form is used by transmitting officer to the receiving CORRECTIONAL/BORSTAL CENTRES during transfer of prisoners. The form specifically commands the transmitting officer to deliver the bodies of the said inmates into custody of a competent officer in his CORRECTIONAL/BORSTAL CENTRE who will in turn convey them safely to the specified destination and deliver them to the proper authorities appointed to receive the transferred prisoners.

Form '5' in part specifies that "for so doing", (i.e for transferring the inmate in question from his CORRECTIONAL/BORSTAL CENTRES), this form (5) shall be sufficient as warrant. This form is usually signed or endorsed by the State controller or the zonal co-cordinator in charge of zone or the controller general of corrections

5A **Warrant for Transfer:** This form is to be obtained by the receiving officer to receive and accommodate the transferred inmate without question..

This form (5A) shall be sufficient authority for receiving the said persons (i.e prisoners) in the CORRECTIONAL/BORSTAL INSTITUTION therein named and for the terms of INMATE or herein specified. This form is also signed or endorsed by the State controllers or the Zonal Co-cordinator.

- C.F.6 **Warders Service Sheet:-**Contains relevant information about an officer on enlistment.
- C.F. 10 **CORRECTIONAL/BORSTAL INSTITUTION Journal:** This is the book where inmates daily activities in the yard are recorded.
- C.F.11 **Daily State Journal:** This book contains a daily summary/classifications of all classes of inmates
- C.F **Unconvicted inmates Register:** This book contains particulars and relevant information about awaiting inmates
- C.F. 14 **Hospital Register:** Contains relevant information about inmates referred from the CORRECTIONAL/ **BORSTAL INSTITUTION** to outside hospital and those treated for various ailments in CORRECTIONAL/ **BORSTAL INSTITUTION** clinic.
- C.F. 15 **Locking up Register:** Contains records of lock-up figures of inmates from day to day in the CORRECTIONAL/ **BORSTAL INSTITUTION**
- C.F. 16 **Gate Books:** Contains details about movements of staff, prisoners, visitors and goods in and out of the CORRECTIONAL/ **BORSTAL INSTITUTION**. It is maintained by the gatekeeper.
- C.F. 18 **Application for Remission of Sentence:** The form for this application contains specific information about each of the inmates applying for remission of sentence. The particulars include. Place of trial, nature of court sentence, date of commencement of sentence, expiry date, amount served, conduct in CORRECTIONAL/ **BORSTAL INSTITUTION**, name of judge, offence, age on conviction,

name of inmate, state of health and the place where he/she is undergoing sentence. Remission of sentence is normally based on good conduct, hard work and discipline. It is awarded to a prisoner serving a sentence, which exceeds one month.

A prisoner serving a life sentence or detention "During Pleasure" cannot earn remission in the normal way but will be subject to special instructions on the result of a periodical review of his or her sentence. Form 18 is specifically meant for this category of inmates.

- **C.F. 26 Visitors Book:** This book contains details about visits of important dignitaries or visitors to the CORRECTIONAL/ **BORSTAL INSTITUTION**. This book is usually signed by any important visitor that visits the CORRECTIONAL/ **BORSTAL INSTITUTION** officially for any purpose. The visitor will write his name, address, purpose of visit and make comments.
- C.F. 30 Annual returns of flogging (order of court). This document contains records of flogging instructed by the court of law for a particular year (Jan- Dec).
- C.F. 31 Annual returns of flogging: When a prisoner is flogged for contravening CORRECTIONAL/ **BORSTAL INSTITUTION** regulations, it is recorded in this document and report of such compilation is rendered on annual returns book (Jan- Dec)
- C.F. 32 A monthly return of flogging (order of court) the contents of this form is similar to pf. 30, except that pf. 32 is rendered on monthly basis.
- C.F 33 Monthly returns of flogging (prisoners) this is similar to pf. 31. it is rendered on monthly basis.
- Gen 60- Refers to records of service of Correctional service staff. As soon as a staff is recruited or employed into the service, he is made to fill form 60 for records purposes.

- C.F. 91 This is the inspection notes. When nay senior officer comes to the yard on routine inspection, he records his observations and comments in this book. The book is always kept at the gate lodge.
- C.F. 80 Staff service book. It contains service records and experience of the staff.
- C.F. 34 **Gate Keepers Permit Book:** This book contains details of staff that are permitted to go out of the yard during working hours. It reflects the time of going out and the time returned.
- C.F. 50 **Report of Escaped prisoners:** This form is used to report prisoners escape. The form contains name and number of prisoners, date of escape, height, town/village, occupation prior to conviction, race/tribe, marks or scars and any physical peculiarity. This form is used to notify the following people when escape occurs in Custodial Centre.
- 1. The police (2) Registrar of crimes
- 2. Controller of Correctional service in charge of State command
- 3. Controller General of Correctional Service.
 - C.F 64 **Periodical Review of Long Term PRISONERS:** This form is specifically used for prisoners serving 10 years upwards. The form contains name of court, years already served, mental and bodily condition (with particular reference to the effect of Corrections upon his health). Attitude towards his offence, conduct, and industry, and other relevant remarks.
 - C.F. 69 **Chief Warders Daily Reports:** Here, the Chief Warder gives a concise account of his activities in the yard on daily basis. He makes relevant observations about security and renders useful advice where necessary.

C.F. 96 **Charge Sheet:** Issued to warders when an offence is committed. This form is normally issued before adjudication

C.F. 123 **Route Form:** This is used during escort duty assignment, when unpleasant situations arise.

C.F. 124 Body pass issued to the police when they deliver inmates to the CORRECTIONAL/ **BORSTAL INSTITUTION**. It is also issued to the warder in-charge escort when prisoners are transferred from one CORRECTIONAL/ **BORSTAL INSTITUTION** to another CORRECTIONAL/ **BORSTAL INSTITUTION**.

Cap. 366 Contains the regulations and operational guidelines for the CORRECTIONAL SERVICE.

Note:

It is very sad to note that some of these forms and books are not available for use in some of our CORRECTIONAL/ **BORSTAL INSTITUTION** these days.

Officers in-charge CORRECTIONAL/ **BORSTAL INSTITUTION** lacking some of these documents often resort to improvising.

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CHALLENGES OF MANAGING JUVENILE CORRECTIONAL INSTITUTIONS

1.Stigmatisaion of the entire system;Institution, personnel and Inmates by the society

2. No provision for restorative Justice

- 3. Congestion in the facilities, leading to death, diseases.
- 4. Youthful exuberances associated with their age bracket is a mjor problem; they are hardly susceptible to programs of reformation and rehabilitation
- 5. Poor facilities and dilapidated structures
- 6. Poor Inmate Ration (food) both in Quantity and Quality
- 7. Violation of Human Rights
- 8. Shortage of personnel
- 9. Poor training of personnel
- 10. Poor condition of service for personnel
- 11. Lack of enough Logistics
- 12. Inadequate Arms and Ammunitions
- 13. Lack of sufficient Accourrement
- 14. Stigmatization of the ex convict
- 15. Stigmatization of the Correctional personnel and ex-convicts by members of the public
- 16. Lack of sufficient workshop and training facilities
- 17. Lack of enough Black Maria to convey Correctionals to and from courts
- 18. Lack of enough Ambulances to convey Inmates to hospitals
- 19. Riots, Jail breaks and Escapes are rampant worrisome

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