



Evaluation of the Factors Leading to Increase in Awaiting Trial Cases in Borno State, Nigeria

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ABSTRACT

Criminal justice system as a legal entity comprises the police, prisons and the courts of law. It entails all the legal processes, procedures and stages of processing an accused person for committing crime from arrest to the final disposal of the case. The administration of criminal justice has been infested with lots of problems all across the globe with the third world countries being at the forefront. Nigeria can be a fitting example of countries that are confronting serious criminal justice short comings in Africa. Denials of bail have led to congestion of awaiting trails in police/prison custodies and undecided cases continue to rise day by day in the courts. It is against this backdrop that this study intent to explore the factors leading to increase in awaiting trial cases in Borno State, Nigeria.

Keywords: Awaiting trial, Crime, Prison, Court, Justice System

Introduction

The Nigerian criminal justice system is fundamentally flawed and the problem is represented and manifested at every processing point on the entire criminal justice system line - from the failure of governance institutions to design a suitable criminal justice policy that serves the current need of the country, to the inability of the legislature to appropriately transform policies into laws, from an oddly designed judicial system plagued by massive corruption, incompetence and crippling bureaucratic bottlenecks to an outdated and counterproductive style of policing and a correctional services that inhumanely warehouses those considered "innocent" by the very law of the society.

Criminal justice can be defined either as a system or as process (Moore, 1997). Defined as a system, it refers to the set of agencies and processes established by the state to manage crime and impose penalties on violators of criminal law (Newman, 1978). Criminal justice process which is subsumed under the criminal justice system involves the procedure for arrest, charging, trial and conferment of a suspect. Policies on the criminal justice system are built on five components and these are: the law enforcement component, the court system, the prosecution, corrections system and the community. (Clare & Kramer, 1977)

Governance determines how the criminal justice system as an institution of social control in a country is defined and utilized. Furthermore, how well a country manages its criminal justice system affects its overall performance on the governance index. An effective criminal justice system is one of the key pillars upon which the concept of the rule of law is built because it serves as a functional mechanism to redress grievances and bring violators of social norms to justice (Garland, 1990).

A country that gets its criminal justice system right has effectively addressed a great part of its governance concerns because of the centrality of the criminal justice system to order and stability.

In the context of third world countries and especially in Nigeria, some experts and scholars have observed that, there are certain impeding problems that hinder the criminal justice dispensation. These include false charges and forced out guilty pleas; unnecessary denials of bail, delays in trial and virtual absence of legal representation; passing of harsh and unreasonable sentences; and virtual absence of criminal appeals by dependants, Sa'ad. Among all the aforementioned problems affecting dispensation of criminal justice system in Nigeria, relatively and arguably the problem of bail and remand could be the most serious one. This is perhaps as it involves other people's lives. For instance, if a criminal is sustaining a family or having a burden for providing for parents, constant remand in custody as awaiting trial without a bail due to flimsy reasons can tremendously and negatively affects his family. According Sa'ad, our laws have made several provisions to ensure that suspects are as much as possible released on bail. Unfortunately however, unnecessary denials of bail to accused people remain a major problem. Hence, in order for the criminal justice system to be effectively dispensed in Nigeria, the whole system should be analysed critically especially as regards the awaiting trail cases so that justice can take its course duly and cases dispensed appropriately.

Methodology

The Study Area

Borno state lies in the north eastern corner of Nigeria between latitudes 11.00 and 13.45 east. It occupies an area of 69,435 sq km sharing border with three states, Adamawa to the South, Gombe to the South West and Yobe to the West as well as three countries, namely, Republic of Niger, Chad and Cameroon to the North, North-East and East respectively. (Waziri, 2009).

Sources of Data:

The survey method is employed in this study. The data from the study is derived from primary and secondary sources. This primary data was derived from the questionnaire and in-depth interview with the three institutions Prison, Police and the Court. The secondary data was obtained from the review of relevant literature such as books, newsletters, journals, articles, etc. Reports of Nigerian Constitution, Nigeria Bar Association (NBA), National Human Rights Commission (NHRC) and Amnesty etc.

Research Instrument

The research instrument used is the questionnaire and the interview schedule. The questionnaire was administered to the educated respondents, the in-depth interview on the other hand were used as the qualitative method in order to get an in-depth information from the key respondents by way of expressing their views verbally and freely.

Sample and Sampling Procedures

The target population of the study in each of the institutions included the Police, Prison and the Courts which comprises the criminal justice system. The researcher was able to have 1299 population of staff strength and inmates in the prisons police and courts. Out of which a population representative of 5% accounting to 62 persons will be interviewed 20% of the target population was utilized in administering the questionnaire i.e 230 respondents and key respondents were utilized for interview for the prison, police and Court, comprises of four (4) each from the three institutions. The remaining Forty eight (48) respondents was for interviewing the inmates in the prison awaiting trial.

Data Presentation and Analysis

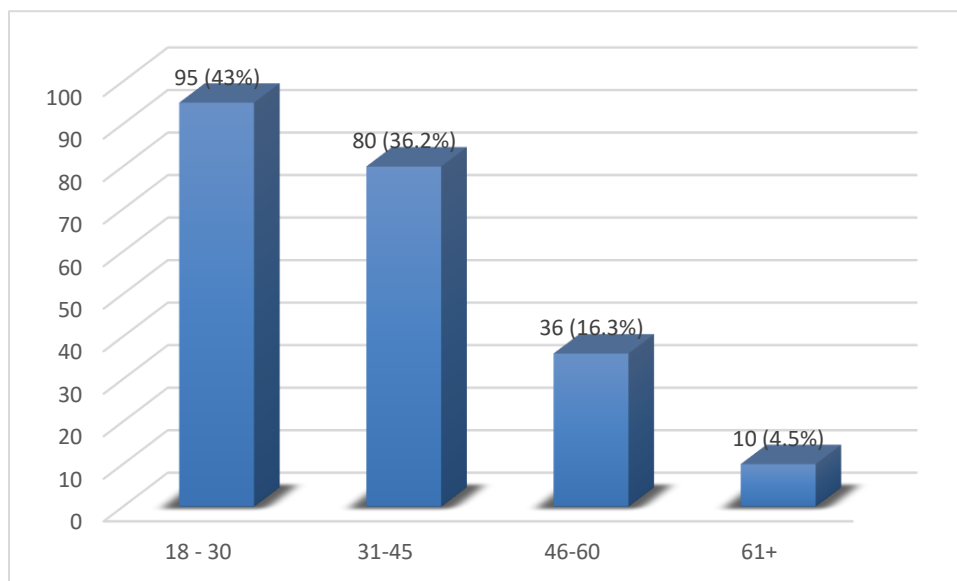
The responses was analysed using tables, percentages and chi – square. The results were used to evaluate the impact of Criminal Justice Dispensation in Borno State.

Under this section, the data gathered from the respondents are analysed and presented in graphs, percentage tables and contingency tables.

Personal Data

The information obtained on the socio –economic characteristics of the respondents are presented here.

Figure 1: Distribution of respondents by age



The information figure 1, shows that among the respondents 43% of the falls within the age range of 18 -30 years, being highest age range in the study. Those within age range 31 – 45 years constitute 36% of the respondents, another 16% of the respondents were within age range 46 – 60 years and lastly, those above 60 years were 4.5%. The age distribution reveals that the study consists of persons old enough to respond to issues reasonably and have had experiences that gives them required knowledge to respond to questions that this study will pose to them.

Figure 2: Distribution of respondents by gender

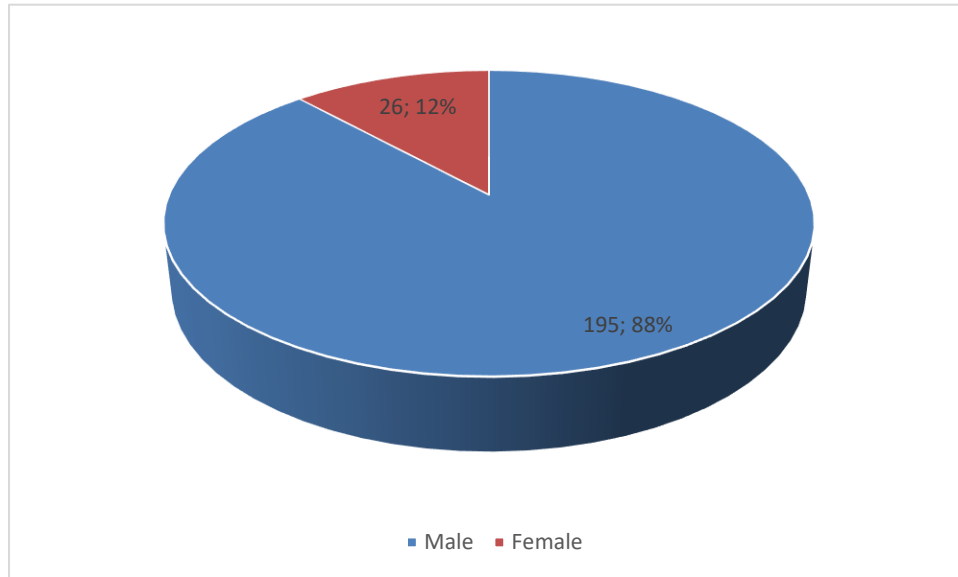


Figure 2, contains information on the gender of the respondents. The information shows that 88% of the respondents are male and 12% are female. Obviously the preponderance male over females is because this study was conducted among mostly para – military persons and inmates, were females are not found much.

Figure 3: Distribution of respondents by marital status

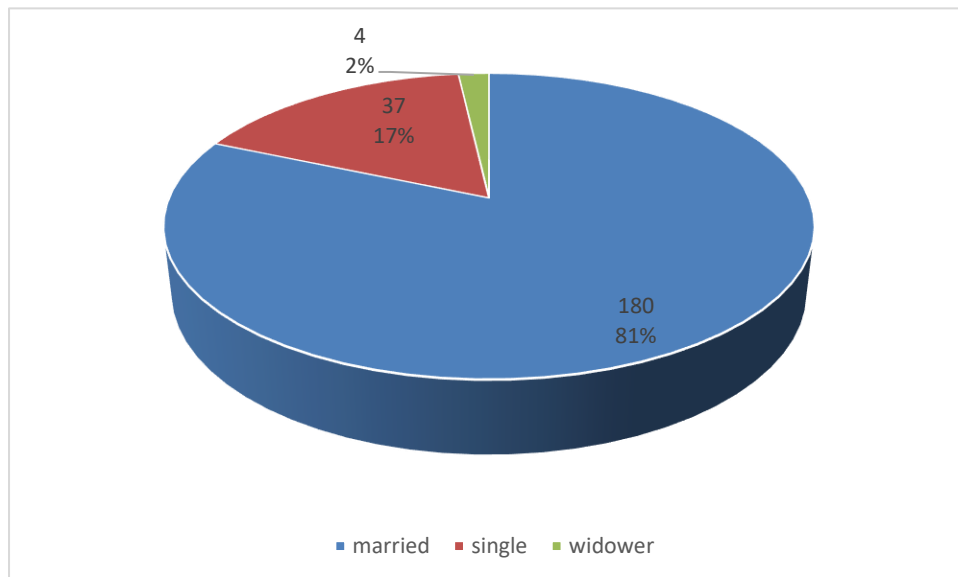


Figure 3, presents that marital status of the respondents. The data showed that most of the respondents (81%) were married; this is followed by single persons (17%) and lastly the widowers (2%).

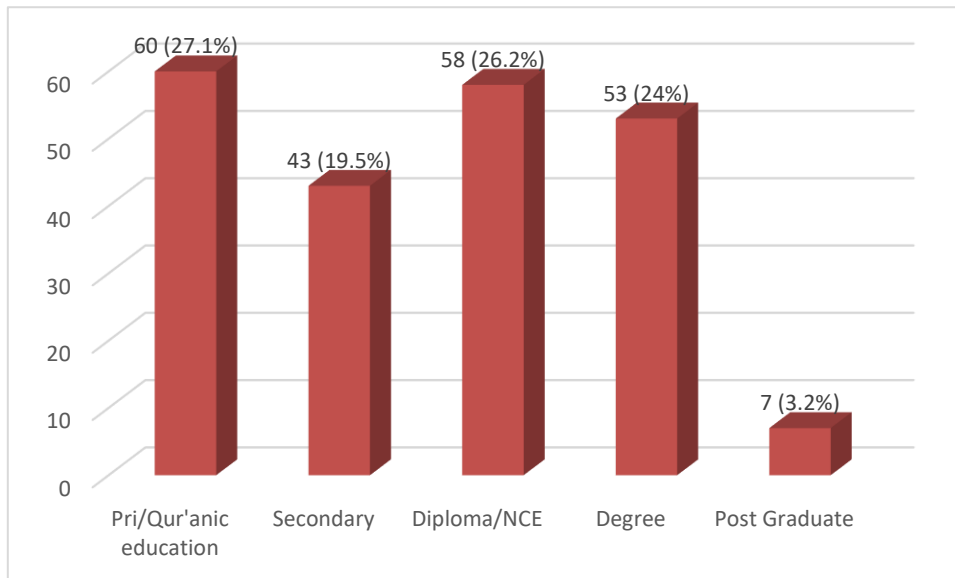
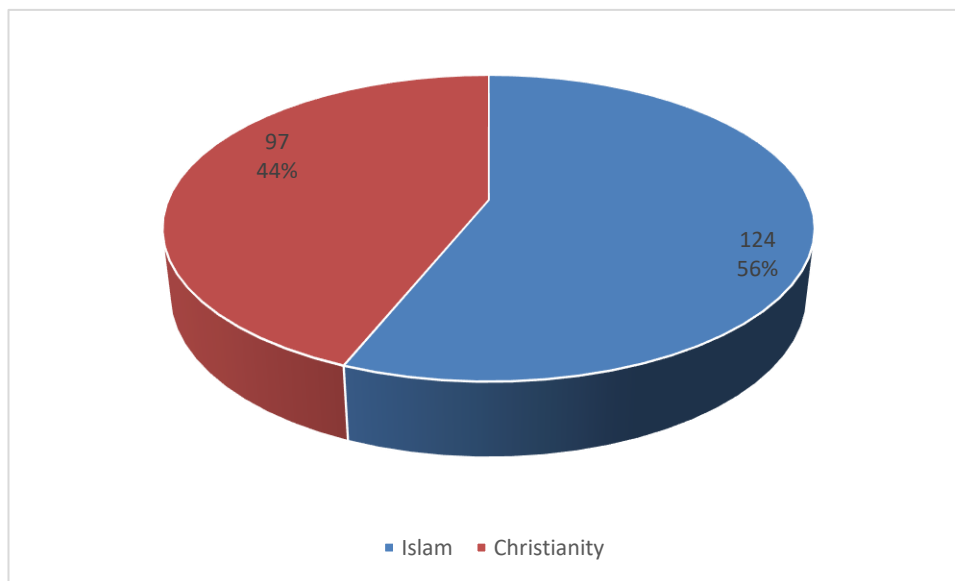
Figure 4: Respondents' educational qualification

Figure 4, presents educational qualifications of the respondents. The information shows that most of the respondents (27%) had Qur'anic/primary education. This is followed by 26% having Diploma/NCE, then 24% having Degree, followed by 19.5% having secondary school certificates and lastly 3.2% with post graduate qualification. There is high level of educated persons among the respondents because the study used professional bodies, except for the inmates.

Figure 5: Respondents' religious affiliation

The information in figure 5, looks at the religious affiliations of the respondents. It was discovered that most of the respondents were Muslims (56%) and the others were Christians (44%).

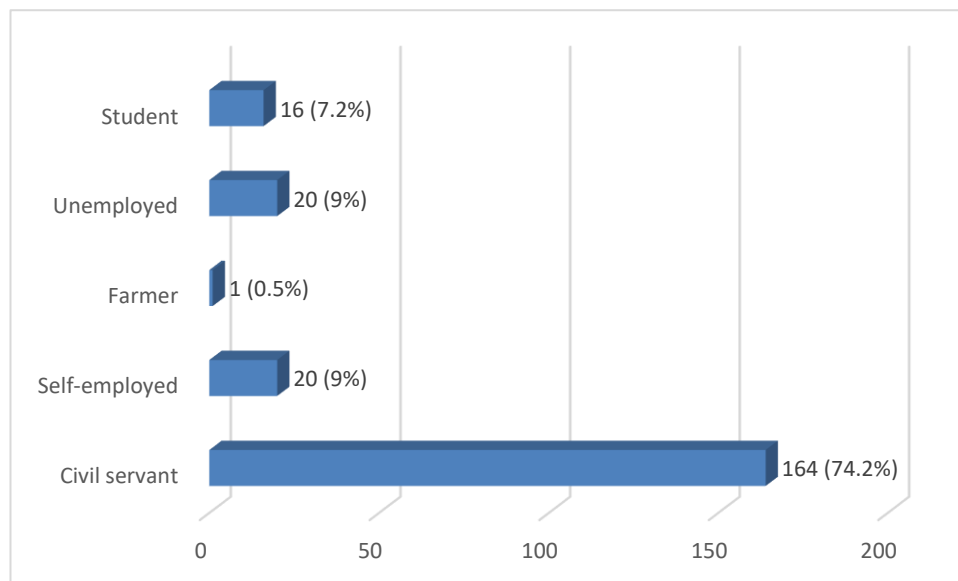
Figure 6: Distribution of respondents by their occupation

Figure 6, presents information on the occupation of the respondents. Most of the respondents are civil servants (74.2%), this is followed by those who said they were self-employed (9%), then those were unemployed (9%), this is followed by those who were students (7.2%) and lastly those who were farmers (0.5%). There are more civil servants because among the four groups from which data was collected, of the groups (police, prisons and court) are civil servant groups.

Factors Leading to the Increase in Awaiting Trial Cases

This subsection presents data gathered on the factors leading to increase in awaiting trial cases, most of the questions were responded to by inmates alone and some other questions by police, prison and court officials. Where inmates responded alone there will be 60 responses and where officials responded alone there will be 161 responses. When put together gives you 221 respondents who responded to questions in the study.

Table 1: Crime committed by respondent

Crime committed	Frequency	Percent (%)
Robbery	20	33
Rape	2	3
Examination malpractice	4	7
Drug Abuse	6	10
Murder	28	47
Total	60	100

The information contained in table 1, indicates that among offences committed by inmates, murder recorded 47%, robbery 33% and drug abuse recorded 10%. Crimes committed by most inmates and who have remained on trial beyond stipulated time are very serious offences.

Discussions

This study aimed at understanding the impact of awaiting trial on criminal justice dispensation. Data was collected from inmates, police officers, prison warders and court officials. Information obtained were presented in percentage tables, graphs and contingency tables. In this section the results of the findings as presented in this chapter will be discussed in relation to the research questions. The findings will therefore, be used answer the research questions.

The first research question tried to find out the factors leading to increasing cases of awaiting trials. The finding revealed that one of the main factors leading to awaiting trial cases is the graveness of the offence. The finding showed that most of those who are awaiting trial committed grave offences like murder and robbery. Therefore, if someone commits a grave offence his trial is much likely to fall into the category of delayed or awaiting trial. Further, the finding revealed that inmates who have no personal lawyer to help in fighting their case in the court are also more likely to fall into the category of awaiting trial. It was also discovered that most of those who have no lawyers are people who are either unemployed or their employment is low. This implies that such people have no money to afford the lawyer. Therefore, a person who lacks the financial capacity to pay a lawyer is likely to suffer from awaiting trial phenomenon. The finding revealed that most of the inmates have been awaiting completion of their trial for three years and over. Finding out about what causes this delay in the court, the finding revealed that there are too many cases in the court and without a personal lawyer

it is difficult to move one's case fast. The study also revealed that officials of the criminal justice system agreed that there are cases of delayed trial and that this results from their being understaffed and corruption in the criminal justice system.

Conclusion

Despite the necessities for having a competent criminal justice system in a country like Nigeria, and its role in fostering peace, unity and development, justice dispensation is impeding by certain factors. Hence, the criminal justice system is responsible for the dispensation of justice i.e. allocation of entitlement and deprivation of disabilities. That is to say, the system is enmeshed of loosely coupled subsystems sequentially involved in law making, law enforcement and policing, prosecution, judgments and sentencing, administration of panel sanction correctional programmes. It is against this backdrop this study identifies that one of the major challenges of the criminal justice system is poor coordination of its numerous institutions, processes and action. As a result, various agencies often operate at cross purposes and producing contradictory results thereby affecting the overall criminal system dispensation as such those at the receiving end are those on awaiting trial.

Recommendations

1. Adjournments and re-adjournment on both parties in legal tussle delays justice and as such the inmate or the accused is always at the receiving end which has adverse negative effects. Government as a matter of urgency should restructure the judicial system to foster for speedy trials.
2. The police as a prosecuting unit should stop unnecessary detention and should arraigned suspect within the constitutional time frame and must honour bail as at when due within the stipulated periods of time.
3. Government on its part should deem it right to provide suspects with legal counsel free of charge for the less privilege for fairness and justice.
4. The Nigerian prison needs to be decongested by way of creating a special court for speedy trials.
5. Those on awaiting trial without much prove on them but rather due to police flues should be release unconditionally.
6. Inmates on awaiting trial that may have committed minor crimes and have stayed for a very period of time should be pardon by the State and release unconditionally.
7. The prison condition in terms of hygiene, feedings and accommodation s needs to be improved to global best practice as prison is a rehabilitation centre not just a punishment ground.
8. Skill acquisition for example vocational trainings and special educational facilities needs to be introduces to improve on the inmates livelihoods.

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