LACK OF LEGAL REPRESENTATION, PRISON OVERCROWDING AND RECIDIVISM DEBACLE IN NIGERIA

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Abstract
This study examined the impact of inadequate legal representation and prison overcrowding on the issue of repeat offenses in Nigeria, which has been aggravated by flaws in the criminal justice system. The research aimed to achieve two objectives and test corresponding hypotheses

to establish a connection between the lack of legal representation, overcrowding, and recidivism in Nigeria. Relevant literature was reviewed in relation to the identified variables. A descriptive survey research design was utilized, and the study population was drawn from the state ministry of justice and the correctional service. The Taro Yamane statistical technique was employed to derive a sample size of 221. Statistical tools such as simple percentage and Pearson product-moment correlation were applied. The findings revealed a significant relationship between the lack of legal representation, overcrowding, evidence tampering, police corruption, and re-offending. Several recommendations were proposed, including: strengthening and adequately funding the Legal Aid Council to enhance and motivate lawyers to provide pro bono services; urgent renovation and equipping of correctional facilities to effectively carry out the tasks of reformation and rehabilitation of inmates; employing due diligence in investigations to establish sufficient evidence before prosecution to prevent wrongful incarceration; implementing appropriate punitive measures against any personnel in the police or judiciary found guilty of tampering with evidence to maliciously harm individuals who are unjustly labeled as criminals; improving the welfare of judiciary, police, and correctional staff to discourage bribery attempts and misconduct.
Keywords: Legal, representation, criminal justice, recidivism, correctional service, court, judge.

Introduction

The absence of legal representation for clients in court and related legal matters in Nigeria is a significant weakness in the administration of criminal justice. This issue, as highlighted by Chukwunka (2014), is a process that begins with the occurrence of a crime and involves the intervention of law enforcement agencies such as the police, courts and correctional services in Nigeria. It can also be seen as a method of crime control that encompasses the various government institutions responsible for enforcing standards of conduct to ensure the safety, freedom and order of individual citizens (Opara, 2014). The administration of criminal justice in Nigeria is a complex issue that encompasses several societal aspects, including justice, law, suspicion, punishment, forgiveness, organization, government and human behavior. In essence, criminal justice involves the process of arrest, determination of guilt or innocence, and, in the case of guilt, the imposition of appropriate sanctions. The key individuals involved in the web of criminal justice administration are the defendants, prosecutor, defense counsel, judge, arresting officer, court clerk and to some extent, witnesses, parole officers, social workers, and the defendant's family and friends.

Specifically, the criminal justice system is described as both a system and a process. As a system, it aims to coordinate the functions and activities of the police, courts and correctional institutions. According to Iwarimie-Jaja (2014), once a crime is reported to the police, the criminal suspect goes through various stages within the criminal justice process. This includes investigations, interrogation or interviews with witnesses, and if there is enough evidence, the

arrest of a suspect who may be detained, placed in police custody, or released on bail, if there is no perceived threat. Police discretion can be exercised at this stage, either to charge or discharge the suspect.

Once the claims based on evidence or facts are sufficiently established, the case is brought before a magistrate in court. The magistrate informs the suspect of the charges against them and their legal rights, particularly the right to access legal counsel. If the defendant pleads guilty, the trial process stops, and the judge pronounces a guilty verdict and imposes a sentence. Otherwise, the normal trial procedure begins in court, where proceedings are recorded, evidence and exhibits are presented, and the defendant and witnesses are cross-examined. If the defendant is found guilty, the court convicts and sentences them to a correctional facility, where their life is organized until they serve their time. This stage in the administration of criminal justice is crucial as it significantly influences the reformation and rehabilitation of a prisoner's mindset and behavior. It determines whether, upon release from jail after serving their sentence, they will become law-abiding citizens. However, an issue that arises is the lack of legal representation, which this study considers troubling and believes contributes to the cycle of repeated offending in Nigeria's criminal justice system.

Statement of the problem

The role of legal representation within the Nigerian criminal justice system, including the courts, police and correctional services, has been identified by correctional experts as a contributing factor to the increasing and unabated rate of reoffending in the country. Scholars like Ajibola (2019) and Otu (2015) have argued that this situation poses challenges to the feasibility and effectiveness of rehabilitation programs in Nigeria's overcrowded prisons .According to Section 36(6c) of the 1999 Constitution of Nigeria, as amended; individuals facing criminal trials are entitled to either represent themselves or be represented by a legal practitioner. However, a significant constraint arises from the fact that the majority of criminal suspects in Nigeria are impoverished individuals who are poorly educated or have minimal schooling. They lack the necessary knowledge to read and comprehend legal terminologies if they were to represent themselves. Additionally, they do not have the financial means to hire an attorney. As part of the fundamental human rights enjoyed by citizens, the state should provide an attorney for the accused (TheCable, accessed 21-6-2023).

It has been argued that government-provided lawyers who represent these clients face intimidation from authorities who attempt to influence the outcome of cases. Consequently, these lawyers may not take their roles seriously or may even fail to appear in court. As a result, cases experience endless adjournments and defendants are denied justice, often being imprisoned indefinitely under the pretext of awaiting trial. Globally, citizens entrust their governments with the responsibility to protect their rights, interests and uphold justice, which is the foundation of peace. When this guarantee is absent, it leads to a lack of respect, fairness, equity and equality, causing disenchantment among the victims (Ameh, 2022).

In addition to the meager remuneration provided to lawyers who act as counsels for indigent suspects, there are also reports of evidence tampering, planting of criminal evidence, and the use of excessive force to coerce suspects into pleading guilty for subsequent convictions. This mindset creates a sense of injustice among those who feel wrongly or unjustifiably imprisoned, leading them to engage in anti-social behavior that the law prohibits. Furthermore, innocent suspects who are manipulated by the system to appear guilty are housed with hardened criminals. As a result, they become acculturated and socialized into criminality, exacerbating their situation compared to before their incarceration. This study aims to examine the malfeasance within the criminal justice system, particularly its contribution to prison overcrowding and recidivism in Nigeria. Specifically, the study sought to:

i. Determine the extent to which lack of legal representation influence prison overcrowding that lead to recidivism.
ii. Investigate how problem relating to evidence tampering and police corruption has impacted on overcrowding that lead to recidivism.

Literature Review

Legal representation, prison overcrowding and recidivism

The phrase "if you cannot afford a lawyer, the government will provide one for you" originated in the United States and is enshrined in the 5th and 6th amendments of the US Constitution. Its application was first judicially recognized in 1963 in the case of Clarence E. Gideon v. Louie L. Wainwright, 372 US (1963), which has fortunately found its place in the legal framework of Nigeria. In this case, Clarence Earl Gideon was arrested and charged with robbing a bar in Florida but could not afford to hire a lawyer. He requested free legal representation from the state, but his request was denied. However, he obtained a favorable ruling at the Supreme Court. The principle of legal representation is based on the idea that individuals accused of a crime should have access to legal expertise to advocate for them in court, especially when they lack the financial means to hire a lawyer.

Legal representation refers to the provision of legal assistance by the government to individuals in court proceedings and other legal matters. It becomes necessary when the client cannot afford the fees charged by legal professionals or lacks the necessary legal knowledge. In such cases, an attorney is required. While some non-legal individuals may choose to represent themselves (pro se), the court generally discourages this practice as legal proceedings require trained personnel with adequate legal insight. Untrained pro se parties are often at a disadvantage in court (Watson, 2002).

The lack of procedural justice and fairness experienced by individuals who, through no fault of their own, find themselves in prison is deeply concerning and contributes to the exponential increase of unconvicted suspects in prisons. In the administration of justice and case resolution,

the court should adhere strictly to judicial ethics, professionalism, and standard rules in order to ensure proper representation and reflect the principles of integrity and neutrality. However, Iwarimie-Jaja argues that these principles are lacking, leading to the incarceration of suspects and resulting in overcrowding in small, squalid, dilapidated, and dark prison cells, which makes reformation and rehabilitation difficult. In criminal trials, the court must fairly hear the cases of litigants so that the fairness of the process is perceived as neutral by the litigants and the general public. Only when the process is fair will parties accept judgment outcomes without resentment. Judges and lawyers should also avoid any impropriety or appearance of impropriety in their activities, perform their duties impartially and diligently, and minimize the risk of conflicts with judicial activities (Iwarimie-Jaja, 2014). If this is done, the pending cases and awaiting trial debacle leading to congestion of prison would be mitigated. Appreciating this stance, Justice Rose Ukaje, the chief judge of the Federal High Court of Nigeria opined thus:

> *Justice is very precious and every progressive society covets and its realization is the duty of those entrusted with adjudication. No duty is heavier than that of a judge in this regards. Therefore, for a judge to discharge this onerous duty, apart from having a strong knowledge of the law and ethics of the society, he must also be patient, calm, understanding and above all the fray; he should be a good listener and a less talkative (Anaba, 2005).*

Police Issue in Criminal Justice Administration

The police force plays a crucial role in Nigeria's criminal justice system, and many experts in correctional services have stated that it is directly or indirectly responsible for 70% of prison overcrowding and consequently, reoffending(Ajibola,2019). Supporting this view, Obinna (2022) highlights the dissatisfaction expressed by Justice Simeon Amadi, the Chief Judge of River State, Nigeria, regarding reports that the state correctional center has the highest number of inmates in the West Africa sub-region-Justice Amadi attributed this situation to the police. In response, he ordered the release of 22 inmates who had served nine years or more without their case files being properly recorded by the Directorate of Public Prosecutions (DPP) or without their cases being charged to court. It is noteworthy that the Port Harcourt correctional facility, designed to accommodate 1,500 inmates, currently holds 3,385 inmates. The chief judge blamed the police personnel for failing to conduct thorough investigations before initiating legal proceedings. Corroborating these claims, Okutu (2019) declares that the Nigeria Police's inability to exercise discretion in determining which cases should be brought to court and the limited provision of pro bono lawyers by the government are contributing factors to prison overcrowding.

Iwarimie-Jaja (2014), highlighted some conditions under the law, the police can abuse to occasion congestion as follows:

i. ***Tampering with evidence****:* this is an act in which evidence, facts and exhibits are destroyed, falsified or altered with the overriding desire to mislead investigations by

law enforcement or any regulatory authority. According to Sanchirico (2004), tampering evidence is a criminal offense and akin to the legal spoliation of evidence and obstruction of justice or perverting justice which can be charged together as crime. It could also imply a phenomenon that any person who knows that any book, document or any other thing of any kind is, or maybe required in evidence in a judicial proceedings, wilfully removes, conceals or destroys it or renders it illegal or indecipherable of incapable of identification, with intent of preventing it from being used in evidence, is guilty of a felony and is liable to imprisonment for three years. In Nigeria, the police force is notorious in tampering evidence to tilt judgement outcome against unsuspecting accused, who ultimately suffers wrong, injustice and finally jail for offense not committed – which swells the ranks of inmates unnecessarily in correctional facilities across the nation. Apart from planting criminal evidence, the police officers are routinely involved in cases of bribery or extortion and extra-judicial murder. Generally, this untowardness by police can lead to innocent people being sent to jail.

ii. ***Planting of criminal evidence****:* is another unscrupulous act exhibited by the police to corruptly incriminate a suspect to be indicted for an offense he or she did not commit. In other words, placing an item in a scene to suggest that it is related to the suspect which could be used against him or her for prosecution and conviction. Though, it is not admissible in many courts if it can be proven, otherwise, the accused in this situation suffers wrong and injustice. Nigeria police have equally not fared better on this, because evidence are abound where police officers who lack due diligence resorts to planting criminal evidence on the accused to score cheap investigative point. No wonder therefore, Terry (2016) lamented that, Nigerians are increasingly losing hope and confidence in the nation's police force because of the unethical conduct of some of its operatives – which have brought embarrassment to the nation.

iii. ***Application of extra-legal force****:* It is legal for any person who engages in the lawful execution of any sentence, process or warrant or making arrest, and for any person lawfully assisting him, to use such force as may be reasonably needful to overcome any force in resisting and execution of arrest. The degree of force is justifiable only that which is reasonably necessary for the purpose stated, and if force in excess of that is used, the person using it will be criminally responsible for any excesses according to the nature and quality of the act which constitutes the excess. And Nigeria police have been found to be applying excessive force like beating a suspect with a machete, iron rod, shrapnel and the likes to compel them to plead guilty for offenses they never committed.

Prison congestion and recidivism

Building upon Martin Luther King Jr.'s statement that "injustice anywhere is a threat to justice everywhere," it becomes evident that the absence of justice in society undermines order,

stability, and development (Chukwunka, 2020). According to the Black Law Dictionary 5th Edition, justice entails the consistent and continuous resolution of legal matters to ensure that everyone receives their rightful due. When justice is delayed or denied, individuals can become victims of corrupt court processes, serving prison sentences without actually violating the law. Frustration with such unjust treatment can lead to a continuous cycle of law-breaking (re-offending).

Moreover, the issue of prison overcrowding exacerbates the problem in Nigerian correctional facilities. Chika (2019), reports that there are 74,000 inmates in 240 prisons across Nigeria. For example, the Kirikiri prison in Lagos, originally designed to accommodate 804 inmates, now houses 4,000 inmates. Compounding this issue is Nigeria's penal philosophy, which leans towards punishment and deterrence rather than reformation and rehabilitation. Unlike the United States, where prisons fall under state authority, Nigerian prisons operate under federal jurisdiction. They are intended to not only serve as places of custody but also as institutions for reforming and rehabilitating prisoners. Imprisonment in Nigeria aims to protect society, prevent crime, seek retribution against criminals, and ultimately reintegrate inmates into the community after serving their sentences (Conklin, 2001). Consequently, it is essential to avoid locking up hardened and dangerous criminals with minor offenders or first-time offenders whose offenses may not warrant long sentences but rather shorter periods of imprisonment, fines or both.

However, the reality of Nigerian prisons sharply contradicts the philosophy of holistic reformation and rehabilitation. Ayuk, Okorie, Omang, and Emeka (2020) described the Nigerian correctional system as notoriously appalling, lacking the semblance of a facility designed to correct and prepare individuals for reintegration into society. The prisons lack suitable and effective facilities for appropriate reformation and rehabilitation. Additionally, the handling of suspects before they become inmates demonstrates a lack of skill and commitment to achieving the objectives of imprisonment. There is currently no standardized approach to prison and prisoner management, with each appointee using their discretion. Consequently, the outcomes often reflect a crass of knowledge in prison administration, a concerning issue that has persisted for decades. As a result, ex-convicts or offenders may struggle to comprehend the purpose of their reformatory sentencing. Instead of learning and developing compassion, they become hardened and more likely to engage in further criminal behavior.

Furthermore, the problem of overcrowding in Nigerian correctional facilities is alarming. For instance, Kirikiri prison in Lagos, Nigeria, currently holds an additional 3,600 inmates beyond its designed capacity of 804. The custodial centers across the Nigerian correctional service exceed their combined carrying capacity of 58,278 by over 16,000, leading to increased aggression among inmates and straining the system (Omeiza, 2022). The feeding regime in prisons is also a concern, with poor-quality, irregularly provided meals that do not meet basic standards. Inmates can go weeks without proper nourishment and are denied recreation and the

freedom to move outside their cells, leading to deteriorating conditions. Additionally, the lack of adequate skill acquisition programs in correctional centers hinders inmate reform. Programs that could teach practical skills, such as car repair, tailoring, or plumbing, are nonexistent or outdated, unable to fulfill their intended purpose. As rightly noted by Osaze (2003), society and its institutions often create the pressures that drive individuals into a cycle of crime, as prisoners serve their time only to return to the same conditions that initially led them to criminal behavior.

World Prison Brief Data

COUNTRY	**NIGERIA**
Ministry responsible	Ministry of Internal Affairs
Prison administration	Nigerian Correctional Service
Contact address	National Headquarters, Bill Clinton Drive, Airport Road, Abuja, Nigeria
Telephone	+234 9 234 1709
Fax	+234 9 234 4634
Website	http://www.corrections.gov.ng/(link is external)
Head of prison administration (and title)	Haliru Nababa Na di Controller General of Correctional Servive.
Prison population total (including pre-trial detainees / remand prisoners)	75 341 *at 28.11.2022 (national prison administration)*
Prison population rate (per 100,000 of national population)	34 *based on an estimated national population of 219.01 million at end of November 2022 (from United Nations figures)*
Pre-trial detainees / remand prisoners (percentage of prison population)	69.4% *(28.11.2022)* Further Information
Female prisoners (percentage of prison population)	2.1% *(28.11.2022)* Further Information
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	1.7% *(30.6.2014 - juveniles)*
Foreign prisoners (percentage of prison population)	0.3% *(30.6.2014)*
Number of establishments / institutions	240 *(2021)*
Official capacity of prison system	50 153

	(26.7.2021)		
Occupancy level (based on official capacity)	136.7% *(26.7.2021)*		
Prison population trend (year, prison population total, prison population rate)	2000	44,450	36
	2002	40,048	31
	2004	38,999	29
	2006	40,953	29
	2008	41,143	27
	2010	46,586	29
	2012	51,560	31
	2014	56,785	32
	2016	63,142	34
	2018	73,631	38
	2020	62,388	30

Source: *http://www.corrections.gov.ng/.Accessed 20-5-23*

Method

The study employed the descriptive survey research design, oriented towards determining the status of a phenomenon rather than towards the isolation of causative factor. The survey essentially describes and interprets what exist at present. The justification for the adoption of this design is its ability to lead investigation and scientific interrogation of the phenomenon as it occurs without attempting to control or manipulate it. The population of this study consist of 370 staff of state Ministry of Justice, 20 staff of correctional Service department and 9 inmates purposively selected; totaling 498.

Sampling and sample technique

Taro Yamane formula was used in deriving the sample size for the study. The formula is expressed thus:

$$n = \frac{N}{1 + N\,(e)^2}$$

Where: n = Sample size

N = population size

E = degree of error i.e. 0.05

Substituting for the formula:

$$n = \frac{498}{1 + 498\,(0.05)^2}$$

$$n = \frac{498}{1 + 498\,(0.0025)^2}$$

n = 498 + (0.0025) = 1.24 _ 1.2245

$n = \frac{498}{2.245}$ = 221.82 = 222 approximately.
Based on the Taro Yamane formula, 222 would be the workable representative sample.

Instrumentation
To obtain quantitative data, the research used the questionnaire as the main instrument for data collection. The questionnaire was structured in a likert scale format and divided into two sections of A & B. Section A is intended to elicit information about respondents' socio-demographic data, such as phenomenal data, anchored information on the hypotheses stated. In addition to the questionnaire, secondary data sources like textbooks, journals, newspapers etc. were employed

Data analysis
The study utilized descriptive analysis, that is simple percentage in presenting the socio-demographic information of the respondents while hypotheses were tested using Pearson Product Moment Correlation (PPMC).

Data Presentation, Analysis and Discussion of Findings
Table 2: Percentage distribution of respondents by sex

Sex	Responses	Percentage (%)
Male	121	54.8
Female	100	45.2
Total	221	100

Source: Researcher's survey, 2023

Table 2 shows the percentage distribution of respondents by sex. The table indicates that there are more males than females in the study with former being 121 (54.8%) and female 100 (45.2%). This variation was not deliberate but informed by the readiness by men to participate in the exercise.

Table 3: Percentage distribution of respondents by age

Age	Responses	Percentage (%)
18-27	52	23.5
28-37	101	45.7
38-47	54	24.4
48-57	12	5.4
58 and above	2	0.9
Total	221	100

Source: Researcher's survey, 2023.

Table 3 indicates that respondents between the ages of 18-27 are 52 (23-57%) of the sample. Respondents between ages 28-37 are 101 (45.7%) of the sample. Also respondents between the ages of 38-47 are 2.4% and 48-57 are 5.4 %t and 58- and above are 0.4% of the sample respectively.

Table 4: Percentage distribution of respondents by educational qualification

Educational qualification	Responses	Percentage (%)
FSLC	3	1.8
SSCE	13	5.9
NCE/OND	30	13.0
HND/B.Sc	140	63.3
M.Sc	28	12.7
Ph.D	6	2.7
Total	221	100

Source: Researcher's survey, 2023.

From the table above, it is evidence that, respondents with first school leaving certificate (FSLC) were 3(1.8%), respondents with senior secondary school certificate (FSLC) were 4 (1.8%), respondents with senior secondary school certificate (SSCE) were 13 (5.9%) of the sample. While respondents with NCE/OND qualification were 30 (13.0%). while respondents who had HND/B.Sc. constituted the largest with 63.3% of the sample. Finally respondents with M.Sc. were 28 (12.7%) and those with Ph.D. were 6 (2.7%) of the sample.

Test of hypothesis one: There is no significant relationship between lack of legal representation and prisons overcrowding that lead to recidivism.

Table 4:Pearson product moment correlation analysis of the relationship between lack of legal representation and prison overcrowding that leads to recidivism

Variables	Legal of representation, overcrowding and recidivism	decision
Pearson correlation	1	0.55
Legal representation and overcrowding		.415
Sig. (2 tailed)		
N	221	
Pearson correlation	.055	1
Recidivism	415	
Sig. (2-tailed)		
N	221	221

Pearson is significant at 0.05 level (2-tailed)

The table above shows the correlation between lack of legal representation, overcrowding and recidivism. The result of the analysis revealed that the calculated r-value of 0.415 is greater than the critical value of 0.55 at 0.05level of significant with158 degree of freedom. Thus, we conclude that there exists a relationship between lack of legal representation and overcrowding that leads to recidivism.

Test of hypothesis two: There is no significant relationship between evidence tampering , police corruption and recidivism.

Table 5: Pearson product moment correlation analysis of the relationship between evidence tampering, police corruption and recidivism

Variables	**Evidence tampering and police corruption**	**Recidivism**
Pearson correlation	1	.073
Tampering evidence & police corruption		.282
Sig. (2 tailed)		
N	221	221
Pearson correlation	.073	1
Recidivism Sig. (2-tailed)	282	
N	221	221

Correlation is significant at the 0.05 level (2-tailed)

The table above shows the relationship between evidence tampering, police corruption and recidivism. The result from the analysis reveals that the calculated r-value of 0.282 is greater than the critical of 0.73 at 0.05 level of significant with 158 degree of freedom. Thus concluding that; there is a relationship between evidence tampering, police corruption and recidivism.

Discussion of Findings

Discussion would be based on hypothesis-by-hypothesis.

i) From analysis, it was revealed that a clear link existed between lack of legal representation and overcrowded prisons, which in turn contributes to recidivism. This finding aligns with previous studies conducted by scholars that also support this conclusion. Several studies, including Osaze (2003) and Watson (2020), have emphasized the negative impact of inadequate legal representation on prison congestion and its role in driving individuals with prior convictions back into criminal behaviour. Osaze (2003) argued that societal factors, such as poverty, unemployment, and inflation, create the conditions that push offenders towards re-offending, as neither imprisonment nor other punitive measures effectively addresses the underlying systemic sources of crime in Nigeria. Likewise, Watson (2002) conducted a study highlighting that the inability of suspects to afford legal counsel and the consequences

of lacking representation often result in innocent individuals being incarcerated, leading to resentment and a higher likelihood of engaging in further criminal activities when discharged from prison.

ii) From the analysis of hypothesis two, it shows that a significant correlation exist between evidence tampering, police corruption, and recidivism, contradicting the notion that they are unrelated to prison congestion. This finding agrees with the observations made by Obinna (2022), who highlighted the concerns raised by Chief Judge Simeon Amadi of River State, Nigeria regarding the high inmate population in correctional canters within the West Africa sub-region. The judge attributed this issue to police misconduct. Similarly, the findings support the argument put forth by Okutu (2019), who suggested that the Nigeria police's failure to exercise discretion in charging cases to court and the limited availability of government-sponsored pro bono lawyers contribute to prison overcrowding. As a result, individuals who may not have committed the alleged crimes are imprisoned. Coupled with inadequate management of these inmates, the prospect for rehabilitation diminishes significantly, leading to frustration and a higher likelihood of repeat offending.

Conclusion and Recommendations

The purpose of this study was to examine the role of inadequate legal representation in contributing to prison overcrowding and recidivism in Nigeria. The findings indicate that recidivism is a consequence of systemic failures within the criminal justice system, including the police, the court and the correctional service. Their ineffective performance has led to persistent frailties within Nigeria's criminal justice system. Additionally, the study identified poverty and unemployment as significant contributing factors to recidivism in Nigeria. Based on these findings, the following recommendations are proposed:

- *Probono* service through the legal Aid council should be strengthened and finance properly to encourage and motivate lawyers to render professional service in this regards.
- Government should as a matter of urgency renovate and equip correctional centres to effectively take up the task of reformation and rehabilitation of inmates.
- Due diligence should be employed in investigation to establish *premiafacie* before prosecution to avoid committing innocent persons to prison
- Appropriate punitive measures should be taken against any personnel from the police or the judiciary in tampering evidence to deliberately cause damage on someone who without fault of his condemned as a criminal
- Judiciary, police and correctional officers welfare should be improved to foreclose attempt to collect bribe and perpetuate evil.

References

Ajibola, O. (2019). Nigerian Prison Service: Experts knocks FG Over Change of Name. *News*, August 20, 2019.Accessed 23-5-23.

Ameh, O. A. (2022). Legal Aid Council and Challenges of fulfilling its mandate. *The Guardian*, 1 February, 2022.

Anaba, I. (2005). A Corrupt Judge, Disappointment to Judiciary – Uwaais'. *Vanguard.* Saturday, April 23, 2005, 12.

Ayuk, A.,Okorie,C.,Omang,T and Emeka,E (2020). Continuous Ex-offenders' Reformation and Avoidance of Recidivistic Acts in Nigeria. *International Journal of Criminology and Sociology,* 9.

Conklin, J. (2001). *Criminology*. Allyn and Bacon Publishers.

Chika, O. (2019). Nigeria's prisons set to undergo long awaited reforms. www.vognews.com Accessed 6-6-23

Chukwunka, C. A. (2014). *Examination of Nigeria Police Force and Criminal Justice Violations in South West Nigeria*. Unpublished Research project for Faculty of Social Science, U.I

Iwarimie-Jaja, D. (2014). *Criminology; the study of crime. 4th Edition*. Owerri: Springfield Publishers.

Obinna, W. (2022). Rivers Chiefs judge blames police for prison congestion. *The Guardian,* 24 November, 2022

Okutu, P. (2019). Prison congestion caused by police, FG's inability to fund *probono* lawyers – NGO. *Vanguard*, April 28, 2019

Omeiza, A. (2022). Congestion: Nigerian Prisons overshoot capacity by 16,722 inmates. *Vanguard*, July 22, 2022

Opara, L. C. (2014). *The law and policy in criminal justice system and sentencing in Nigeria*. Department of International Law and Jurisprudence, Faculty of Law, Nigeria Police Academy, Wudil Kano State.

Osaze, L. E. (2003). Why do prison-processed offenders return to prison again and again? *Prison Watch: A publication of the Penal Reform Project of the Civil Liberties Organization.* January-March, 2003.

Sanchirico, C. W. (2004). Evidence tampering. *Duke Law Journal,* 54(4), 1215, accessed 3-6-23

Stanley, A. (2022). You are entitled to a lawyer free of charge. *The Cable-news and views unlimited*. Accessed 2-12-22

Terry, A. O. (2016). Law enforcement in Nigeria by the police force and the travails of rule of law. *Journal of civil and legal sciences*. Civillegalsc.5:204 doi:10.4172/2169-0170.1000004

The Cable: You are entitled to a lawyer free of charge. www.thecable.ng accessed 2-12-2022

Watson, S. D. (2020). *Representing the poor and homeless: Innovations in Advocacy*. Washington and America Bar Association, Commission on homelessness and poverty. The.Freedictionary.com