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Factors Underlying Utilization of Legal Aid Scheme by Awaiting Trial Inmates in Agodi Prisons Ibadan, Oyo State, Nigeria

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Abstract

This exploratory study examined the challenges encountered by a high number of Awaiting Trial Inmates (ATIs) in the context of the low utilisation of the free services of legal aid council in Agodi prison Ibadan, Oyo State. Max Weber's Life chances theory was used as the theoretical framework. Survey-Questionnaire was administered on 188 sampled ATIs and 144 prison warders. This was complemented with key informant interviews with 10 officers of the legal aid council and some structured observation sessions. The quantitative data was analysed using SPSS, while the qualitative data was analysed using manual content analysis involving narrative analysis and verbatim quotations. Over 93% of the respondents attributed the high number of awaiting trial inmates in Agodi prison to missing case files, inability of ATIs to pay their bail or provide a surety; Department of Public Prosecution (DPP) delay in advising the police on cases to prosecute and police inability to promptly prosecute and investigate cases. Inability to procure the service of a private counsel, type of offence committed and availability of legal aid counsel are some of the factors underlying utilization of legal aid council. It was found that there is a significant relationship between the type of crime committed and by and the time ATIs have spent in the prison. To improve the utilization of legal aid council by ATIs in Agodi prison there is need for massive personnel recruitment of legal aid council, adequate logistics should be provided for the legal aid council, Police in conjunction with the DPP should be prompt in investigation.

Keywords: awaiting trial inmates, legal aid council, access/utilization

Introduction/Statement of the Problem

Analysis of the social profile of most inmates in Nigerian Prisons showed a high preponderance of inmates with low socio-economic status and challenges in the payment for private legal services. According to the Amnesty International (2008), over 65% of the population of inmates in Nigerian prisoners are awaiting trial, some having been ascribed such confinement status for over five years for simple and minor offences. This situation, now as in the past, justified the establishment of the legal aid council scheme in the country. The scheme is geared towards providing indigent persons or persons with

inadequate resources with access to justice in certain matters or proceedings (Ijeoma, 2014). Though the operational details of legal aid vary from place to place, its underlying principle is the same – provision of or payment for legal services usually by the state for the financially disadvantaged members of the society (Ijeoma, 2014). Implicit in this idea of legal aid is the problem of poverty and inequality in the society. As far as access to justice is concerned, the legal aid scheme attempts to bridge the gap between the rich and the poor in order to promote the idea of equality before the law. According to an Amnesty International report (2008: 20):

Prison inmates in Nigeria experience limited legal protection... unequal access to justice perpetuates a situation in which the poor and other vulnerable groups are highly susceptible to arrest and subsequent imprisonment. In most cases, those arrested are not tried but are kept in detention for a period lasting between one and ten years or more. This situation is not fair in consideration of the provisions of international and local human rights laws that condemn the imprisonment of a person for over twenty-four hours without trial.

Specifically, the report by Amnesty international (2008) stated that six out of seven ATI's in Nigerian prisons are treated inhumanely and most of them lack the financial capability to hire a defence council, which results in a long waiting trial period.

Thus, the establishment of Nigerian Legal Aid Council (NLAC) was to enhance the rule of law through the provision of free legal assistance and advice to the needy (Bob-manual, 2012). Indeed, the Legal Aid Council (LAC) services are geared towards reducing to the barest minimum incidents of Human Rights abuses perpetrated against citizenry either by the law enforcement agents or affluent members of the society (Lar, 2010). Legal Aid Council was supposed to be a vanguard for social justice and emancipation of the oppressed, the weak and vulnerable groups by 'giving voice to the voiceless' and acting as the foremost agent for prison decongestion. But it will appear that the NLAC has not lived up to its expectation especially given the growing number of ATIs in Nigerian prisons nationwide which far outweigh the convicted inmates (Muhammed, 2010).

The LAC is essential to forestall miscarriage of justice as reference to Sections of the Nigerian Constitution indicates. For instance, sections 46(4) (b) (i) of the 1999 Constitution mandates the legislature to make provisions for the rendering of financial assistance to any indigent citizen of Nigeria who wishes to prosecute an infringement of his fundamental rights so as to enable him to engage the services of a legal practitioner. Despite this constitutional directive, the government has consistently ignored proposals to extend the scope of legal aid to cases concerning the infringement of constitutional rights (Muhammed, 2010). A closer look at the council based on its vision and mission statement in the context of the inmates' composition realities suggests ineffectiveness. Most

of the people in Nigerian prisons appear financially incapable of paying for the services of lawyers, and only one in seven of those awaiting trial have private legal representation. Although governmental legal aid exists, there are quite a few legal aid lawyers for all the cases that require representation (Amnesty international, 2008).

Furthermore, literature reveals that access to legal aid is generally not available at all stages of the criminal justice process especially for an average Nigerian (Ijeoma, 2014, Lar, 2010, and Muhammed, 2010). The consequences of this situation are several. On the 'supply' side, the absence of a mechanism to push cases through the criminal justice system contributes to delays in the process and increased case backlogs in the courts, as well as to high remand populations in prison. This situation contributes significantly to prison overcrowding in many African countries including Nigeria. A typical example in this regard is the Agodi prison Ibadan originally built for 389 inmates at inception in 1894. Unfortunately, it currently (as of the time of this study) houses over 1500 inmates averagely per month. On the 'demand' side, the absence of affordable legal aid services increases poor people's sense of social exclusion and powerlessness. Within the backdrop of the existence of the NLAC and the growing figures of ATI in Nigerian prisons, the problem is: what are the factors underlying utilization of legal aid provisions in Agodi prison Ibadan? Or, to what extent are the ATIs in Agodi prisons Ibadan aware of the Legal Aid Council? Questions such as these constituted the concern of this study. The general objective of this study therefore was to assess factors influencing utilisation of the Legal Aid Scheme by the Awaiting Trial Inmates in Agodi Prison, Ibadan. Specifically, this study aimed to examine the: (1) level of awareness of L.A.C amongst ATIs in Agodi prison Ibadan, Oyo state. (2) Attempts made by Awaiting Trial Inmates in Agodi prison, Ibadan, to access and utilize the Legal Aid Council services.

The Need for Legal Aid Council in Nigeria

In line with International best practices, the Nigerian government established the Legal Aid Council under the federal ministry of justice in 1976 to provide free legal services to Nigerian citizens who cannot afford the services of private legal practitioners. The Legal Aid Council was established pursuant to the promulgation of the legal aid decree of 1976. This decree was amended by cap 205, 1990 laws of the federation which later became the legal aid act cap L9 laws of the federation of Nigeria 2004. The Legal Aid Council headquarters is located in Abuja but has branches in all the 36 states of the country. It provides legal aid that ranges from rendering legal services through consultation, legal advice to representation in court (Legal Aid Act, 2011). In Nigeria, private legal practitioners whose names are registered on panels of practitioners maintained by the Legal Aid Council in accordance with the legal aid act provide legal services to the Legal Aid Council for a nominal fee.

Lawyers who are willing to assist persons seeking legal aid are entitled to be included on the panel unless the council has good reasons for excluding them. However, some lawyers on the panel have done legal aid work pro bono (free of charge) because it has not been worthwhile to claim the nominal fee. (Legal aid annual report 2011, 2012)

The main objective of legal aid is the provision of legal assistance by the state to persons who otherwise cannot afford the legal services needed for the enforcement of their rights. In other words, the scheme is geared towards providing indigent persons or persons with inadequate resources access to justice in certain matters or proceedings. The commencement date for the aid can however be traced back to 1st June 1945 when the then crown (now the state) or court normally assigned a legal practitioner to defend persons who could not afford counsel at their own cost in capital offences. (Bob-manual, 2013). This was predicated on Section 352 criminal procedure act 1945 which stated:

...Where a person is accused of a capital offence; the crown shall, if practicable be represented by a law officer, crown counsel or legal practitioner and if the accused is not defended by a legal practitioner, the court shall, if practicable assign a legal practitioner for his defence... (CPA Cap C38 LFN 2004)

Arising from the above, it is mandatory for the court to assign a counsel to defend the accused only in capital offenses and was very restricted as it was not available to other offences that were not punishable with death or life imprisonment. Though the statutory provision described above is laudable, it has many defects one of which is that it did not stipulate how the court shall exercise its powers to distribute counsel. Also it did not stipulate the fees either commercially or reduced and payable by whom? Or the services to be rendered on humanitarian or charitable grounds? Aside, the court has no power to compel lawyers who, out of lack of generosity, decline such state briefs. The service was therefore to be rendered on the goodwill basis of the members of the bar (Bob-manual, 2013). Similarly, by virtue of section 26 court of appeal act cap 43 1976:

The court of appeal may at any time assign counsel to an appellant in any appeal or proceedings preliminary or incidental to an appeal in which in the opinion of the court, it appears desirable in the interest of justice that the appellant should have legal assistance and has no sufficient means to enable him to obtain that assistance. (Ijeoma, 2014, *Legal Aid Act Cap L9 LFN 2004, Criminal Procedure Act Cap C38 LFN, 2004*)

From the above, it is clear that historical development of the legal aid was left to the initiative of the courts. Though there are no reported incidents of refusal or denial by Nigerian courts. It can be said that it is the plausibility of decline and the need to strengthen the aid that LAC act 1976 conferred impecunious

accused and victims of abuses of fundamental human right the right to legal aid. This is in the face of the situation where thousands of criminal suspects are languishing in Nigerian prisons without guarantee of prompt and fair trial. The new act notwithstanding, there are reported cases of awaiting trials for frightening periods for 3 to 5 years or more for offences such as armed robbery, homicide, peddling in hard drugs and even for minor offences. The vast majority of the citizenry are indigent and as such cannot afford the cost of legal services or is in fact ignorant of their rights (Ijeoma, 2014, Laspo Act 2012).

By design, the provision of legal aid services of 1976 is meant to assist the socially and economically disadvantaged. Poor members of society with negligible access to legal services and who are often disproportionately represented in the criminal justice system. The reality in many states of the federation is that, while those with education do commit crimes, they are more likely to know their rights, and to be able to successfully defend themselves or circumvent the system on the basis of their wealth. Legal aid secures the rights of all who come into contact with the law, irrespective of their social or economic status, Ibrahim (2008). It is designed to benefit persons accused by providing a mechanism to establish their innocence and equally benefit the victims by providing them with a legal system that addresses the gravity of the crime and the conviction of the right person. By extension, the services help the poor feel more secure in the relevant jurisdictions and increases their confidence in the justice system. The immediate societal benefits of providing effective legal aid include the elimination of unnecessary detention, speedy processing of cases, fair and impartial trials and the reduction of prison populations (Nzegbu, 2004).

Theoretical Framework

The Life Chances Theory was adopted to explain the issues related to LAC in Nigeria. According to Richard (2008), Life chances is a social science theory of the opportunities each individual has to improve his or her quality of life. The concept was introduced by German sociologist Max Weber. It is a probabilistic concept, describing how likely it is, given certain factors, that an individual's life will turn out a certain way. According to this theory, life chances are positively correlated with one's socioeconomic status (Richard, 2008).

Opportunities in this sense refer to the extent to which one has access to resources, both tangible ones such as food, clothing and shelter, and intangible ones such as education, health care and Legal Aid Council. Life chances comprise the individual's ability to procure goods, have a career and obtain inner satisfaction; in other words, the ability to satisfy one's needs. Weberian life chances can be seen as an expansion on some of Karl Marx's ideas. Both Weber and Marx agreed that economic factors were important in determining

one's future, but Weber's concepts of life chances are more complex; inspired by, but different from Marx's views on social stratification and social class. Where for Marx the class status was the most important factor, and he correlated life chances with material wealth, Weber introduced such additional factors as social mobility and social equality. Other factors include those related to one socioeconomic status, such as gender, race, and ethnicity (Richard, 2008; John, Sharrock and Peter, 2003).

While some of those factors, like age, race or gender, are random, Weber stressed the link between life chances and the non-random elements of the three-component theory of stratification – how social class, social status and political affiliation impact each individual's life. In other words, individuals in certain groups have in common a specific causal component of their life chances: they are in similar situation, which tends to imply a similar outcome to their actions. Weber notes the importance of economic factors: how the power of those with property, compared to those without property, gives the former great advantages over the latter (John, H., Sharrock W. and Peter, J. 2003).

Weber also noted that life chances are to a certain extent subjective: what an individual thinks of one's life chances will affect their actions, therefore if one feels that one can become or is a respected and valued member of society, then it is likely to become a reality and results in one being more successful and respected than somebody without this conviction. In terms of agency and structure, life chances represent the structure, the factors that one has no control over; whereas one's life conduct - values and beliefs, attitude to risk taking, social skills, or more generally, free willed choices about one's behaviour - represent the factors one has control over. According to Weber's theories, together with life conduct, life chances are responsible for one's lifestyle (Richard, 2008; John *et al.*, 2003).

According to Ultee (2007), the higher the education is a major aspect of overcoming life chances. Without an education, it is harder to obtain a job that provides a substantial income to provide for a family of four. "Higher education is the way to stay ahead." The higher the education, the higher income and occupational prestige one will have, which results in more resources for an individual and his family. It is quite unfortunate that most of the Awaiting Trial Inmates in Nigeria are illiterates and lacks access to quality education. As opined above by Ultee (2007), "the higher the education, the higher the income and occupational prestige", inversely the lower the education, the lower the income and occupational prestige. The situation of most of the Awaiting Trial Inmates is appalling; it is because of their low and poor socioeconomic status that most of them have remained in detention awaiting trial for a very long period of time. Furthermore, due to their high level of illiteracy and low level of education, most of them are unaware of their rights as enshrined in the constitution of the federal republic of Nigeria. Ignorance and unawareness becomes inhibitive factors in the pursuit of fundamental human rights.)

Methodology

The research design for the study was exploratory and cross-sectional. The study was conducted in Agodi prison in Ibadan Oyo state and legal aid council Oyo state (between August to October, 2014). Agodi Prisons, Ibadan, Oyo State, is under Oyo command. Agodi, old Oyo and the new Oyo prisons. Agodi prison was established in 1894, has maximum facility and was purposively selected based on its high level of awaiting trial inmates. The study adopted both probability and non-probability sampling techniques in choosing the study participants. The ATI's were stratified based on the time they have spent in detention. The ATI's were stratified into four groups on the basis of length of stay: (i) inmates who have spent less than 6months in detention, (ii) inmates who has spent between 6months and 1year in detention, (iii) inmates who has spent between 1year and 2years in detention and (iv) inmates who have spent two years and above in detention. Fifty respondents were randomly selected from each category based on their ability to read, write and willingness to participate in the study, making it a total of 200 respondents for the ATI's. However, only 188 copies of the returned questionnaires were suitable for analysis. The prison warders were stratified into junior and senior staff categories and 75 respondents were selected from each group based on their willingness to be part of the survey. Thus a total of 150 respondents were sampled for the prison warders but only 144 of the returned documents were used for analysis. The legal aid counsel staffs were also categorized into two groups of counsels. One group included those who have spent less than 2years in the legal profession and in the second group are counsels who have spent over two years. 5 respondents were selected from each category, making it a total of 10 respondents from the legal aid counsels. In addition, ten in-depth interviews were conducted with purposively selected four ATIs, six prison warders and 2 legal aid officials. The quantitative data were analysed using statistical package for the social sciences and the qualitative data were analysed using manual content analysis involving narrative analysis and verbatim quotations. The data collection sessions were guided by the relevant ethical principles especially that of voluntariness and the choice for withdrawal from the process at any point.

Results and Discussion

Below are the results and discussions guided by the main objectives of the study-factors underlying the utilization of legal aid scheme by inmates in Agodi prison.

Table 1: Background characteristics of all respondents

Variable	Frequency	Percentage
Respondents		
ATIs	188	55
Prison Warders	144	42.1
L.A.C Officers	10	2.9
Total	342	100
Age	Frequency	Percentage
18-28years	44	12.8
29-39years	160	46.8
40-50years	109	32.0
51-61years	15	4.4
62years and above	14	4.0
Total	342	100
Gender	Frequency	Percentage
Male	288	84.2
Female	54	15.8
Total	342	100
Religion	Frequency	Percentage
Christianity	217	63.4
Muslim	107	31.3
Traditional religion	18	5.3
Total	342	100
Marital Status	Frequency	Percentage
Married	259	75.7
Single	62	18.1
Widow/Widower	12	3.5
Divorced/Separated	9	2.6
Total	342	100
Educational qualification	Frequency	Percentage
No formal education	24	7.0
F.S.L.C	9	2.6
WAEC/NECO	54	15.8
O.N.D/N.C.E	79	23.1
H.N.D/B.Sc/B.A/B.Eng/B.Ed	147	42.9
M.Sc	29	8.5
Total	342	100
Monthly income	Frequency	Percentage
Below #10,000	30	8.8
#10,000-#59,000	82	23.9
#60,000-#100,000	133	38.8
#101,000-#150,000	74	21.6
#151,000 and above	23	6.8
Total	342	100

Source: Fieldwork, 2014

Table 1 showed the socio-demographic characteristics of the respondents. Majority of respondents (55%) were ATIs. In terms of age, 46.8% of the respondents were within the age bracket of 29-39years. This is an indication that youth population are generally 'problematic' in relation to crime challenges in the society. The distribution of respondents according to gender showed that majority (84.2%) of the respondents was male. This is a likely indication of the male domination of the criminality world and a carry-over of the soft line towards the female in the criminal justice system in society. On religion, 63.4% of the respondents are Christians, 31.3% are Muslim while the remaining 5.3% practice African Traditional religion. Marital status showed majority (75.5%) of the respondents are married. Furthermore, the educational qualification of the respondents shows that higher percentage of the respondents (42.9%) had H.N.D, B.Sc. The monthly income of the respondents indicated that higher percentage (38.8) of the respondents earn between #60,000 - #100,000 per month. The above finding on income, however (at face value) appear to question the Amnesty international (2008) report on Nigeria, which stated that 'most of the ATIs in Nigeria are too poor to pay a personal lawyer'. A critical look within the backdrop of prevailing private legal services tariff in Nigeria will show that Amnesty services position is apt here. The theoretical framework is also in tandem with some of the socio-demographic variables for instance with respect to educational qualifications only 42.9% of the respondents have first degree as their highest education qualification. According to Max Weber(1978) in his life chances theory, he asserted that 'a persons' class of origin determines one's neighbourhood they live in, which in turn will affect educational attainment, the people they socialize with, and ultimately their class identification' in Nigeria it is obvious that educational attainment to a large extent influences ones socio-economic status which in turn affect their utilization of either a private counsel or the services of the few legal aid council officials in times of disputes as either a plaintiff or defendant/accused. The awaiting trial inmates were also asked of their awareness about Legal Aid Council; the result shows that 81.9% said yes that they were aware of Legal Aid Council while 18.1% said no that they were not aware of the scheme. This is an indication that majority of the Awaiting Trial Inmates in Agodi prison were aware of the activities of Legal Aid Council. This is in tandem with the data gotten from the in-depth interview. In the words of one of the inmates:

Yes. I know about the free lawyers. The prison warden told me the firstday they bring me come Agodi prison. Even the lawyers don come one day come ask me some questions. Yes them they come sometimes see some of us. That first day, they asked me wetin I do way make I come here. I tell them say I no do anything. But they no believe me. They still come ask me say

whether me get lawyer, I tell them yes say I get lawyer, they come leave me. (*Male ATI, Agodi prison, IDI; Sept 2014*)

This implies that the ATIs in Agodi prisons were aware of the existence and services of the Legal Aid council, as another respondent's response further validated the above assertion thus:

I know about the legal aid council; they have interacted with me before. They come (sic) around like once every month to see the awaiting trial inmates here in Agodi prison but the problem is that they don't come with enough lawyers and they don't use to come every day. We are many, I mean we the Awaiting trial inmates. It was the Prison warder that told me about the Legal aid council. (*Male ATI in Agodi Prison, IDI; Sept. 2014*)

The above assertion shows that some of the ATIs are aware of the legal aid scheme but most of them have not utilised the service due to lack of regular access to LAC officials. This may not be unconnected to the few number of LAC official available.

Table 2: Respondents response on the factors that influence the utilization of legal aid scheme by awaiting trial inmates

Response	Frequency	Percentage
Type of offence committed by A.T.I	44	12.8
Prompt Police investigation	109	32.0
Prompt advice by DPP to the police	160	46.8
Awareness of A.T.I about L.A.C	15	4.4
Total	342	100

Table 2 presented respondents view on factors that influence utilization of legal aid scheme. About 13% of the respondents were of the opinion that the nature of offence an A.T.I committed will influence whether or not he/she will use legal aid, 32% of the respondents said that prompt police investigation will influence the utilization of legal aid council by awaiting trial inmates, 46.8% of the respondents opined that prompt advice by DPP to the police on the cases to prosecute or not, while 4.4% of the respondents stated that awareness of awaiting trial inmates about legal aid scheme will influence the utilization of legal aid council by ATIs. This is an indication that higher percentage of the respondents were of the opinion that prompt advice by the DPP to the police will influence the utilization of the legal aid scheme by awaiting trial inmates. This could result from delays in investigation process of ATIs by the police as well as delays by DPP in advising the police.

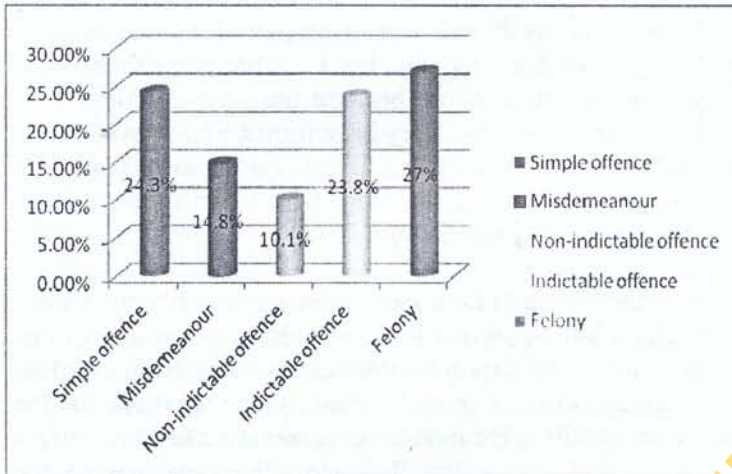


Figure 1: Reasons for detention

Figure 1 above presents the reasons why the A.T.I detained and the result shows that 24.3% were detained for simple offence, 14.8% were detained for misdemeanour, 10.1% were detained for Non-indictable offence, and 23.8% were detained for indictable offence while 27% were detained for felony. This indicates that higher percentages of the A.T.I were detained for felony. The above differed from Lar (2010) and Anaba (2011) that most of the ATIs were often held for long periods for minor offences and that legal aid not only helps in decongesting the prisons but also tremendously helps in protecting the fundamental human rights of many indigent suspects. The difference in findings could be accounted for, in part, by the differences in the study areas. However, such differences could result from the ‘lie’ factor on the part of inmates as one of officials argued:

When people are out there they will be talking non-sense that ATT’s are innocent citizens, most of them are Arm robbers, Cultists, Assassins and hardened criminals but when you ask any of them they will lie to you that it was fighting that brought them to Agodi prison and most of them committed serious offence before their incarceration here. *Male/Superintendent in Agodi prison, KII; Sept. 2014)*

But such ‘lies’ could be difficult to place as in the case below:

I was involved in armed robbery, but it was my friend who told me to escort him to see another friend, i didn’t know that we were going for robbery that very day. I used to ride okada, so I carried two of my friends on my bike, I didn’t know that they were with two guns, and after the robbery the police caught us. I told them that I am not an armed robber but they did not believe

me. If I had known that my friends were with guns I would not have carried them on my bike that day, but I used to carry them before to wherever they want to go because they are my very good friends but I didn't know that they have turned into thieves. I only know that they smoke India hemp and I used to smoke with them before I join a church and since then I don't smoke again. (*Male/ATI Agodi prison, IDI; Sept. 2014*)

The above is a pointer to the 'denial' attitude of inmates in the bid 'to get out of trouble' and a manifestation of defensive mechanism of most suspects. Such denials and the need for investigation in order to ascertain the facts, often lead to stagnations and delays in the criminal justice system. Perhaps for the police and DPP delaying or derailing the inmates case might make him confess and the above mentioned agents rationalize their slow investigations on the above premise.

Besides the 'denial' and the verification process factors, what other issues can account for this seeming gap between the ATIs and the LAC?

Table 3: Factors hindering attempts made by ATIs in accessing LAC

Response	Frequency	Percentage (%)
Missing case files	64	18.7
Inaccessibility of L.A.C official	84	24.6
Unavailability of L.A.C official	51	14.9
Unavailability of investigating police officers	65	19.1
Denial of the rights of the accused by prison warden	54	15.7
Abuse of rule of law/corrupt Criminal justice system	24	7.0
Total	342	100

The above table shows that inaccessibility of the LAC official is the major challenge facing the ATIs from accessing the LAC this could be as a result of several reason and challenges facing the LAC and the qualitative data supports the table above as one the respondents opined:

We are trying our best, but we are lacking personnel, you can imagine that we have only 7 legal practitioners working with legal aid council with 13 Para-legal officials, but it is only 7 legal practitioners who can go to the court to defend the awaiting trial inmates and other suspects you don't expect us to multiply ourselves in other to attend to all suspects that need our service. I pray that God will touch the government to come to our aid. (*Female, Senior legal aid officer, Ibadan, KII; Sept. 2014*)

In addition, an ATI submitted:

The free lawyers are few; government should employ more free lawyers to attend to the awaiting trial inmates. We are more than 1000 awaiting trial inmates in this prison and they are no way that 3 or 4 free lawyers will be enough for more than 1000 of us.

Another respondent further asserted that:

I think the legal aid council are seriously lacking officials; government should come to their aid. It is only few of them that use to come here. Government should also get them a new car for easy mobility between court to prison and their office because their old car is small. Government should further motivate them by increasing their salary. (*Female ASP, Agodi prison, Ibadan, KII; Sept. 2014*)

A statement such as this highlights the centrality of personnel in the productivity of any organisation. Thus as far as ATIs in Agodi prisons are concerned, one of their major challenge in their quest to access legal aid is the shortage of personnel at the LAC which had only 7 legal practitioners as at the time of this study. This is in corroboration with the proposition of life chances theory which asserted that due to lack of interest in the legal aid scheme the government and policy makers are only paying lip services to legal aid funding. This is because the elites have nothing to gain by funding the legal aid council. Using the life chances perspective of Weber; it is obvious the elites and the affluent in Nigeria can easily pay their private counsel to prosecute their case. They have the economic advantage to even hire a SAN (senior advocate of Nigeria) as their defence counsel when they are taking up any legal matter. However, the legal aid council was established for the poor citizenry in Nigeria who cannot afford the high cost of arbitration in Nigeria.

Furthermore, discussants during the FGD sessions agreed amongst other factors that the high number of ATIs can be attributed to 'indiscriminate' arrests made by the police, lack of evidence to prosecute cases, lack of surety by inmates, inability to pay for bails, not sending or forwarding the case files of inmates who committed capital offence or felony to the court. Such submissions are in agreement with Chioma (2012) and Amnesty International report (2008). From this present study, the ATIs constituted 81.9% (as at the time of study). Even where such inmates were aware of the existence of LAC, they generally did not have access to its services.

In the face of this general lack of access, 62.8% of the ATIs have had to engage personal lawyers contrary to Amnesty international (2008) submission that most of the Awaiting Trial Inmates in Nigeria are too poor to pay a personal lawyers, and that only one out of seven of them have a private legal representation. The high rate of private lawyer engagement in the study could

be due, in part, to the high shortage of LAC lawyers in the area of study in the context of the offences for which the inmates were charged for (mostly capital offences); or as submitted a greater percentage of the inmates that their bills were paid by the extended family members and friends. This submission is apt when viewed from the backdrop of inmates' (47.3%) view that the non-availability of LAC officials was a major hindrance. While 77.0% of the inmates have made attempts to utilise LAC, and attributed this (41.3%) to the influence of prison officers' enlightenment; above 50% wished that the LAC itself should step-up enlightenment campaign its services. In spite of the general low rating of ATIs for LAC, they were full of praises for various assistances received from civil organisations especially religious institutions. The About 50% of the respondents stated the need for police training to handle minor cases and stop indiscriminate arrest.

There is no significant relationship found between level of educational attainment of ATIs and their awareness and utilization of Legal Aid Council. Also, there is no significant relationship between the average monthly income of ATIs and the category of defence counsel. A significant relationship was however found between the type of crime committed and the duration of stay as an awaiting trial inmate in Agodi prison.

Discussion

Within the backdrop of our objectives and in the context of the life chances theory- the guide for this work – it can be submitted that the social conditions which existed in the larger society for most of the ATI suspects, still persist in the 'new sub-society they are currently interfacing within the walls of the prison of Agodi. Individual suspect's life chances, in this community are still largely affected by his/her socio-economic status. Here, a free social service is not being easily accessed for reasons that the individual suspect has no power over or for which he/she is powerless. The social conditions of their existence in the prison community become an extension of that in the larger society where the suspects are coming from. The chances in the prison now becomes a component social class, social status and some affiliation as evident in those who, failing to access the free legal aid, are being supported from outside networks (at least in the hiring of private legal service and representation). For those, not that lucky (in the opportunity window of the legal aid) they have to continue to wait for 'godot' as the legal aid officials and the DPP office continue to 'hold talks' in the corridor of investigations. Thus, the culture of alienation in the larger society becomes re-created and compounds the misery of the suspect in the waiting game of the criminal justice system. Life chances of the suspects can therefore not be automatically improved upon by the mere existence of the legal aid policy on paper, a concrete praxis need to be brought on board to truly transform the social conditions of the suspects.

Conclusion

The study examined the level of awareness of L.A.C amongst Awaiting Trial Inmates in Agodi prison Ibadan, Oyo state; attempts made by Awaiting Trial Inmates in Agodi prison, Ibadan, to access/utilize the Legal Aid Council; measures put in place by government and other stakeholders to curb the challenges faced by Awaiting trial inmates in accessing legal aid council. In the course of this work, it was discovered that the type of offence committed, had impact on investigation and outcomes on the life chances of suspects especially during the trial phase on the deviant corridor. The delay that often result in the waiting period of ATIs is not much of education nor to the lack of awareness of LAC services but much of the nature of offence suspects are being tried for but more of the shortages of personnel in LAC It is recommended that awareness campaign be stepped-up about legal aid council and there should be promptness on the part of D.P.P in their investigation process especially with respects to advice to the police on which case(s) to take up and which one to discharge. Furthermore, legal aid council officials should visit the prison more frequently with a view to reviewing cases and offer legal advice and services to the large numbers of ATIs. This should be capped by greater funding of the LAC as this will be a long way at enhancing justice to trial inmates in Agodi prisons and other prisons in Nigeria.

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