

AN ASSESSMENT OF THE USE OF NON-CUSTODIAL MEASURES AS INCARCERATION ALTERNATIVES BY THE NIGERIAN CRIMINAL JUSTICE SYSTEM

Samuel Maiwada¹, Theophilus Maimako², Chioma Okwuchi³

¹ Academic, Department of Sociology, University of Jos, Plateau state, Nigeria

² Center for Conflict Management and Peace Studies, University of Jos, Plateau state, Nigeria.

³ Academic, Department of Sociology, University of Jos, Plateau state, Nigeria

ABSTRACT

Among the many challenges facing the Nigerian criminal justice system is the problem of overcrowded prisons populated mostly by mild offenders and inmates awaiting trial. The study intended to examine the use of incarceration alternatives to the traditional custodial measures widely practiced within the Nigerian Criminal Justice System. We explore the application and effectiveness of non-custodial measures in Nigeria as alternatives to traditional incarceration. Secondary data were obtained from official and scholarly sources. The study revealed that, prison overcrowding, stigma, recidivism, and poor implementation of legislative reforms and policies as some of the key challenges bedevilling the Nigerian Criminal Justice System. The system, instead of taking advantage of it as provided by law and in the recent legislative reforms, has jettisoned the use of non-custodial measures of correction which has led to congestion in penitentiaries and other rehabilitation and reformation facilities among other findings. The paper also revealed some benefits of the use of non-custodial measures of incarceration such as probation, parole, community service, restorative justice programs, and some emerging options like the electronic monitoring system. Even though Nigerian laws provided for it, the use of non-custodial measures has been under-utilized by the courts as an option to the traditional incarceration. We suggest, among others, the use of non-custodial measures of sentencing criminals as an alternative to the orthodox jail and other punitive forms of retribution and incarceration, speedy trial and sentencing, implementation of legislative reforms and policies, rehabilitation and reintegration programs, collaboration with stakeholders, data management and research, and international cooperation and support.

KEYWORDS: Assessment, Incarceration, Non-custodial, Criminal Justice System.

INTRODUCTION

Virtually all modern societies have criminal justice systems that exercise formal social control over their members. However, the criminal laws and codes differ from one society to another. They also change from one time period to the other, reflecting the socio-economic and political disposition of the power elites. The paper focuses on the loopholes of the Nigerian criminal justice system as they affect the prison, prisoners and the society at large. The paper tries to examine the use of non-custodial measures by the Nigerian criminal justice system and recommend their use in the place of, or in addition to the conventional, largely retributory incarceration method. The key concepts used in the paper are defined, case will be made for the need for increased use of the non-custodial measures by the Nigerian criminal justice system and conclusions drawn.

The traditional approach to criminal justice, centered around incarceration, has long been the dominant method for addressing criminal behavior. However, in recent years, there has been a growing recognition that imprisonment may not always be the most effective or appropriate solution for all offenders. As a result, a range of non-custodial measures, also known as incarceration alternatives, have emerged as viable alternatives to traditional imprisonment. (Ajah & Nweke, 2017).

This paper aims to critically assess the use of non-custodial measures as incarceration alternatives and explore their benefits, limitations, and implications for the criminal justice system. By examining various alternatives, such as probation, parole, community service, electronic monitoring, restorative justice, diversion programs, specialty courts, and rehabilitation and treatment programs, we seek to understand their impact on offenders, victims, and society as a whole.

The primary focus of this assessment is to evaluate the effectiveness of non-custodial measures in achieving their intended goals, including reducing recidivism rates, promoting rehabilitation, and ensuring public safety. We will examine empirical evidence, case studies, official and scholarly research to provide a comprehensive analysis of the strengths and weaknesses of these alternatives.

Additionally, this assessment will consider the ethical dimensions of non-custodial measures, including their compatibility with principles of fairness, proportionality, and justice. We will also explore potential challenges and obstacles associated with implementing and monitoring these alternatives, as well as the financial implications they may have on the criminal justice system.

By critically evaluating the use of non-custodial measures as incarceration alternatives, this assessment aims to contribute to the ongoing discourse surrounding criminal justice reform. It seeks to inform policymakers, practitioners, and stakeholders about the potential benefits and limitations of these alternatives, encouraging evidence-based decision-making and the development of more holistic and humane approaches to addressing criminal behavior.

As societies continue to grapple with issues of crime, punishment, and rehabilitation, understanding the effectiveness and implications of non-custodial measures as incarceration alternatives is crucial. By examining various approaches and their outcomes, this assessment strives to shed light on innovative strategies that can enhance the Nigerian criminal justice system, foster rehabilitation, and promote a more just and equitable society.

CONCEPTUAL EXPLANATION AND LITERATURE REVIEW

Non-custodial measures refer to a range of interventions employed by the criminal justice system that do not involve placing offenders in prison or other custodial settings. Instead of imprisonment, these measures aim to address criminal behavior, promote rehabilitation, and ensure community safety through various alternatives. (Yekini and Mashkur, 2013).

Criminal justice system, consisting of the police, court and the prison authorities are generally established to dispense justice that is deserved by the convicted offender. A criminal justice system consists of subsystems of different bodies and agencies. The laws and codes of the criminal justice system differ across countries and change over periods of time reflecting socio-economic and political development. The criminal justice system is supposed to keep the society safe from the hazards of criminals and other law breakers. (Villettaz, Killias, & Zoder, 2006) The Nigerian criminal justice system refers to the structure, processes, and institutions responsible for maintaining law and order, investigating and prosecuting crimes, and ensuring justice in Nigeria. It comprises various stakeholders, such as law enforcement agencies, the judiciary, correctional services, and relevant government ministries. (Ikoh, 2011).

Alemika, (2006, p. 3) nominally defined criminal justice system as “...an amalgam of loosely coupled subsystems sequentially involved in law-making, law enforcement and policing, prosecution, judgment and sentencing, administration of penal sanctions and correctional programmes” He went further to show the sequential arrangement of the Nigerian criminal justice system’s decision-making points and how they are connected.

<i>Nature of Decision</i>	<i>Actors</i>
Criminal prohibition of conducts	Law-makers
Decision to accept a complaint of crime for investigation Decision to arrest suspect Decision to charge or arraign suspect for trial Decision to charge suspect for specific offences Decision by the police to admit suspect on bail or prior to trial	Police To a limited extent. The office of the Director of Public Prosecution
Decision by court to grant accused person bail	Judges
Decision of judges regarding admissible evidence	Judges Prosecutors and defence attorneys
Judgement: decision to convict or discharge and acquit	Judges
Choice of type and severity of sentence: death penalty, fine, imprisonment, etc	Judges
Administration of sentence	Prison officials, bailiffs and court registrars, social workers, and executioners.

Source: University of Jos 30th Inaugural lecture delivered by Prof. E.E.O Alemika on Thursday, 27th July, 2006, pp 5.

One of the methods of correction used by the penal system is parole. According to Spodek (2012, p. 2), parole refers to “a portion of a correctional sentence served in the community after a term of incarceration in a prison” In this case a convicted offender is made to serve an “indeterminate sentence” by the parole board, which decides from time-to-time inmates who are qualified for parole based on the recommendation of the prison officials. The inmate serves a part of the sentence and is released on continuous supervision till the complete term of sentence is completed. Such post release supervision is to assist the offender to reintegrate into the society, and ensure that he or she does not reoffend within the period.

Elsewhere in the United State, for instance, there is a board under the Department of Correctional Services (DCS) carved out specifically to handle parole issues. It is called the Board of Parole. The parole board will make the decision if the offender is ready to be released back to society and finish out the sentence on parole. The Parole Board will consider the nature and seriousness of the crime, the views of the victim, the progress the offender made in prison, how crowded the prison is, and whether the offender has some place to go in the community. If parole is granted, the offender will have to abide by the terms and conditions (similar to those for probation) for a specified period of time. If he or she completes the parole period, the criminal sentence is discharged. Also, the offender on parole is expected to respond positively to counselling, moral support and some concrete help such as employment from a parole agent (Ikoh, 2011).

Probation is a way of dealing with offenders without imprisoning them. This suggests that the court releases a defendant found guilty of a crime without imprisonment subject to conditions imposed by the court. The United States Department of Correctional Services defined probation as: “...the procedure under which a defendant, against whom a judgment of conviction of a public offence has been or may be entered, is released by the court subject to supervision by a resident of this state or by the judicial district department of correctional services.”

Probation is essentially a relatively recent development with its foundation in the United States of America with a volunteer, John Augustus, who is widely regarded as the first probation officer. According to Wallace (1974), Augustus, became the first probation officer, when in 1841, he offered to assist offenders if the court would release them to his care. Due to its success in the United States, the practice of probation has grown since then and most countries have adopted it. Nigeria also seemed to have embraced probation in principle as it was included it in its Criminal Procedure Act, provisions for probation in Sections 435-440.

Again, just like parole, probation is not a right, but a privilege. It provides an alternative form of punishment to incarceration in jail or other institutions and is seen as a “lenient sentence... and not simply a dismissal of the case.” (Newman, 1978:281).

The use of non-custodial measures as alternatives to incarceration has gained significant attention in the field of criminal justice. This literature review aims to explore existing scholarly works and research studies that assess the

application and effectiveness of non-custodial measures by the Nigerian criminal justice system. It provides an overview of key findings, gaps in knowledge, and recommendations for further research.

Research indicates that Nigeria has recognized the importance of non-custodial measures as alternatives to traditional imprisonment. However, the implementation of these measures faces numerous challenges, including limited resources, lack of infrastructure, inadequate training of personnel, and cultural attitudes towards punishment (Ezejiofor & Ekwe, 2019). A study by Aliyu (2018) highlighted the need for improved legal frameworks and policy guidelines to support the use of non-custodial measures effectively.

Several studies have examined the effectiveness of non-custodial measures in achieving their intended goals. Okonkwo (2017) found that probation, community service, and parole programs have the potential to reduce recidivism rates and promote offender rehabilitation. Similarly, Adeniran and Adegbuyi (2020) reported positive outcomes in terms of reduced overcrowding in correctional facilities and improved community integration through the use of non-custodial measures.

Despite the potential benefits, researchers have identified several challenges and limitations in the use of non-custodial measures in Nigeria. Okereke and Omodunbi (2020) highlighted inadequate funding and lack of inter-agency cooperation as significant obstacles. They emphasized the need for comprehensive planning, increased collaboration among criminal justice agencies, and sufficient financial support to enhance the effectiveness of non-custodial measures. Additionally, a study by Owolabi and Faloye (2019) identified cultural stigmatization and societal biases as barriers to the successful implementation of non-custodial measures.

Scholars have also explored the perspectives of various stakeholders involved in the use of non-custodial measures. A study by Oladipo (2020) examined the views of probation officers, revealing challenges related to workload, inadequate training, and limited public awareness about non-custodial options. The research emphasized the importance of addressing these issues to improve the quality and effectiveness of non-custodial interventions.

Some studies have conducted comparative analyses of non-custodial measures in Nigeria and other countries. Ogunmola (2020) compared the use of community-based corrections in Nigeria and the United States, highlighting the differences in policy frameworks, resource allocation, and public perception. The study emphasized the need for contextualized approaches that consider the unique challenges and cultural dynamics in Nigeria.

The literature reviewed suggests that the use of non-custodial measures as incarceration alternatives in the Nigerian criminal justice system is a topic of growing importance. While acknowledging the potential benefits, studies highlight challenges such as limited resources, inadequate training, and cultural attitudes towards punishment. Future research should focus on addressing these challenges, developing evidence-based practices, and evaluating the long-term impact of non-custodial measures on recidivism rates, community reintegration, and the overall functioning of the criminal justice system in Nigeria.

THE BENEFITS OF NON-CUSTODIAL MEASURES AS ALTERNATIVES

Non-custodial measures of correction, also known as community-based or alternative sanctions, are interventions and programs that are used as alternatives to traditional imprisonment or detention. These measures aim to hold offenders accountable for their actions, promote rehabilitation, and facilitate their successful reintegration into society. Instead of removing offenders' physical freedom, non-custodial measures focus on addressing the underlying causes of criminal behavior and providing support and supervision within the community. (Ezejiofor, 2019). The following are some common examples of non-custodial measures as practiced in most jurisdictions:

- **Probation:** Probation involves placing an offender under the supervision of a probation officer who monitors their compliance with specific conditions. These conditions may include regular check-ins, attendance at counseling or treatment programs, maintaining employment, and refraining from criminal activity. Probation allows offenders to live in the community while being subject to supervision and accountability.
- **Parole:** Parole is similar to probation but applies to individuals who have been released from prison before serving their full sentence. It involves conditional release under the supervision of a parole officer. Parolees are required to adhere to specific conditions and may receive additional support services to aid their reintegration, such as counseling, employment assistance, or substance abuse treatment.

- **Community Service:** Offenders may be ordered to perform a specified number of hours of community service as a means of making reparations to the community affected by their actions. Community service can involve tasks such as cleaning public areas, assisting in charitable organizations, or engaging in community development projects.
- **Restorative Justice Programs:** Restorative justice programs focus on repairing the harm caused by the offense through dialogue and involvement of all affected parties, including victims, offenders, and the community. These programs aim to address the needs of victims, hold offenders accountable, and promote understanding, empathy, and reconciliation.
- **Electronic Monitoring:** Offenders may be required to wear electronic monitoring devices, such as ankle bracelets, which track their whereabouts and ensure compliance with specific conditions. This measure provides an additional level of supervision and accountability while allowing offenders to remain in the community.
- **Treatment Programs:** Non-custodial measures may involve participation in treatment programs, such as substance abuse treatment, mental health counseling, anger management, or educational and vocational training. These programs aim to address the underlying issues contributing to criminal behavior and promote personal growth and rehabilitation.
- **Fines and Monetary Penalties:** Offenders may be required to pay fines or restitution to compensate for the harm caused by their actions. These financial penalties serve as both a form of punishment and a means of providing compensation to victims.

Non-custodial measures recognize that punishment alone may not effectively address the root causes of criminal behavior. By providing interventions, support, and supervision within the community, these measures aim to rehabilitate offenders, reduce recidivism, and promote a more holistic and restorative approach to correctional justice.

CONTEMPORARY (CORRECTIONAL) PENOLOGY SYSTEM IN NIGERIA AND ITS CHALLENGES

The contemporary correctional penology system in Nigeria refers to the current framework and practices employed by the Nigerian government to manage and rehabilitate individuals who have been convicted of crimes. The penology system encompasses various institutions and policies aimed at ensuring public safety, punishment, and the reformation of offenders.

To understand the contemporary penology system in Nigeria, it is important to consider the historical context. Nigeria's correctional system was originally established under British colonial rule, primarily for the purpose of punishment and confinement rather than rehabilitation. After gaining independence in 1960, Nigeria continued to adopt a punitive approach to criminal justice. (Ikoh, 2011).

The present Nigerian criminal justice system was inherited from the British colonial government (Alemika & Chukwuma, 2001; Daudu, 2009). It must, however, be admitted that it served the colonial purpose very well. But with independence, albeit with a succession of military dictatorships, the present hybrid of civilian and democratic rule is completely incompatible with the inherited criminal justice system. This incompatibility has rendered the system dysfunctional and inefficient due to infrastructural deficiency. The correctional institutions are largely undermanned (both in terms of quality and quantity), underfunded and vulnerable to abuse (Alemika, 2006; Edopkayi, 2005).

Adefi (2005) identified some of the problems associated with the administration of justice to include, chronic delay in the trial of cases, lack of effective coordination amongst agencies of the criminal justice reform; the police, prison, prosecutors and the courts, absence of clear and consistent sentencing guidelines, growing number of awaiting trial inmates, limited alternatives to imprisonment and dichotomy between Federal and State offences.

Overcrowded prisons populated mostly by inmates on awaiting trials constitute numerous challenges to prison management in Nigeria. Recently, the Nigerian senate released statistics indicating that about 33,692 out of the 48,124 inmates of Nigerian Prisons are awaiting trial men and women (Senate Presentation of Reports, 2011). That constitutes 70% of the total prison population. Already grossly understaffed, underfunded and battling with

dilapidating infrastructures, the Nigeria prisons needs the appropriate decision makers to seek for alternatives to the status quo ante.

Also, the negative effects of contact with hardened criminals by mild offenders (most times prolonged) in jails cannot be over-emphasised. Most times, the latter group leave the prison worse off than when they arrived and subsequently constitute more ills to the society after release. Such ugly developments defeat the aim of imprisonment which is primarily that of correcting criminals and transforming their behaviour, rather than merely penalising them for their wrongdoing. The spread of lethal communicable diseases such as tuberculosis, are some of the problems caused by prison overcrowding.

The Nigerian criminal justice system codes provide for non-custodial measures. They are part of the many options available to the judges to use at their discretion. However, in exercising their wide discretionary powers, Nigerian Judges tend to adopt punitive and retributive approach despite existing legal provisions that encourage the use of probation and other non-custodial measures. As quoted by Ahire (1990, p.327), even the policy makers in Nigeria have acknowledged this fact when a government representative stated thus:

“Nigeria has the statutory provisions for probationary sentences, but the administrators of justice hardly ever employ such provisions. Yet evidence shows that on the basis of the statutorily stipulated criteria for probationary sentences, about 40% offenders presently sent to prison should have qualified for such sentences. This situation ... may be explained by the colonial heritage and training of our justice administrators, their belief in deference, and their tendency to take the path of least resistance i.e. imprisonment and/or fine”.

More recently, the upper house of the National Assembly seem to have recognised the need for the adoption of non-custodial measures as alternatives to the usual retributive sentences that have contributed in worsening the prison situation in the country and sending back into the society ex-offenders worse off. In the report cited earlier in this paper, the Senate, resolved to:

- i. Urge the Federal Ministry of Justice to put more efforts into the on-going prison decongestion programme of the ministry;
- ii. Urge the Judiciary Arm of Government through the various State Chief Judges to ensure unhindered progressive Court appearances and more frequent Jail delivery exercise for deserving detainees;
- iii. Urge the Federal Ministry of Justice to overhaul the criminal Justice system to accommodate alternative sentence mechanism such as parole and community service and or fines instead of throwing people into prison as the only deterrent mechanism;
- iv. Call on the Legal Aid Council and Non-governmental organizations to intensify their free legal service to persons charged with committing crimes in our society;
- v. Direct the Senate Committee on Judiciary, Human Rights and Legal Matters to review and evaluate the various measures taking so far by the Federal Ministry of Justice and the Nigeria prison Authorities towards decongesting our prison and recommend a co-ordinated approach to it.

These resolutions, as good as they look, will require extraordinary efforts from the authorities to implement, as we have seen from several other brilliant resolutions that never saw the light of the day.

Other suggestions include the following:

- Recruitment of probation and parole officers with relevant qualification into the Nigerian Prison service.
- Training and retraining of probation and parole officers to keep them abreast of new development in the area.
- The legislative thrust of criminal justice should shift focus from custodial punishment and more towards the rebuilding of the broken-down character, values and morals of offenders.
- The federal government of Nigeria should commission a study of the dynamics and mechanics of probation as practiced in the more advanced countries of the world. A scientific study of the way the system operates in these

countries will help guide the government on the kind of result-oriented facilities and programmes to design to suit our environment.

However, in recent years, there has been a growing recognition of the need for reform within the correctional system. This has led to changes in legislation and policies, with an emphasis on rehabilitation and reintegration. The legal foundation for the contemporary correctional penology system in Nigeria is primarily governed by the Nigerian Correctional Services Act (2019), which replaced the outdated Prison Act of 1972. The act seeks to promote the reformation, rehabilitation, and reintegration of offenders into society.

The contemporary penology system in Nigeria is guided by several key principles and objectives such as:

- **Rehabilitation and Reformation:** The primary goal is to reform and rehabilitate offenders by providing them with education, vocational training, counseling, and other forms of rehabilitation programs to facilitate their successful reintegration into society.
- **Human Rights:** The system is designed to respect and protect the human rights of inmates, including their dignity, access to healthcare, fair treatment, and freedom from torture or inhumane treatment.
- **Decongestion:** Efforts are being made to address the issue of overcrowding in correctional facilities by implementing alternative sentencing options, such as probation, parole, community service, and non-custodial measures for minor offenses.
- **Community Engagement:** The penology system emphasizes community involvement in the reintegration process, encouraging families, religious organizations, and other community stakeholders to support and supervise offenders upon their release.

The Nigerian correctional system comprises various types of institutions, including custodial centers and non-custodial facilities. Custodial centers are the traditional prisons where individuals are confined after conviction, while non-custodial facilities include probation offices, community service centers, and halfway houses.

The contemporary penology system in Nigeria recognizes the importance of rehabilitation programs in addressing the underlying causes of criminal behavior. These programs include:

- **Education and Skills Training:** Inmates have access to formal education, vocational training, and skill acquisition programs to enhance their employability prospects upon release.
- **Counseling and Therapy:** Psychological counseling and therapy services are provided to help inmates address emotional and behavioral issues.
- **Drug Rehabilitation:** Specialized programs are available to address drug addiction and facilitate recovery among inmates struggling with substance abuse.
- **Social Reintegration:** Inmates are prepared for reintegration through social reorientation programs, which focus on teaching life skills, values, and civic responsibilities.

Challenges and Future Directions

While efforts have been made to improve the contemporary penology system in Nigeria, several challenges persist. These include:

- **Overcrowding:** Prisons in Nigeria are often overcrowded, leading to poor living conditions and increased risks of disease transmission.
- **Inadequate Funding:** Insufficient financial resources hamper the implementation of effective rehabilitation programs and the provision of necessary infrastructure and staff.
- **Stigma and Reintegration:** Former inmates face significant stigma and challenges when reintegrating into society, including limited employment opportunities and social acceptance.
- **Staff Training and Welfare:** Adequate training and welfare programs for correctional staff are essential to ensure the effective operation of the penology system.
- **Poor implementation of legislative reforms and policies:** Poor implementation of reforms and policies are common challenges facing the Nigerian Criminal Justice System.

ROADMAP TO CORRECTING “CORRECTIONS” IN NIGERIA

The roadmap to correcting “corrections” in Nigeria refers to a comprehensive plan and strategy aimed at addressing the issue of overcrowding in Nigerian prisons. As revealed in this study, overcrowding in prisons is a significant

problem that affects the living conditions, health, and overall well-being of inmates. The roadmap seeks to alleviate this issue through various measures and interventions.

- **Implementation of Legislative Reforms and Policies:** One of the key aspects of the roadmap involves the implementation of legislative reforms to address the factors contributing to prison congestion. The courts and correctional service must implement the recent legislative reforms to ensure that minor offenses are decriminalized or reclassified as non-custodial offenses, and promoting the use of alternative sentencing options for low-risk offenders.
- **Implementation of Non-Custodial Measures:** To reduce the number of individuals in custody, the roadmap emphasizes the implementation of non-custodial measures as alternatives to imprisonment. This includes the use of probation, parole, community service, restorative justice programs, and other community-based sanctions for certain categories of offenders. Non-custodial measures allow offenders to serve their sentences within the community while maintaining their ties with family and employment.
- **Speedy Trial and Case Review Mechanisms:** Delays in the criminal justice system contribute to prison congestion. The roadmap includes establishing mechanisms to expedite the trial process, such as the establishment of special courts, the recruitment of more judges and magistrates, and the provision of necessary resources to ensure timely justice delivery. Additionally, periodic case reviews can be conducted to identify cases where inmates have been awaiting trial for an extended period and take appropriate action to expedite their cases.
- **Improvement of Infrastructure:** The roadmap recognizes the need for adequate infrastructure to accommodate inmates and improve living conditions in prisons. This includes the construction of new custodial centers, expansion of existing facilities, and renovation to ensure hygienic and humane living conditions for inmates.
- **Collaboration with Stakeholders:** Prison decongestion efforts require collaboration among various stakeholders, including the judiciary, law enforcement agencies, legal practitioners, civil society organizations, and the community. The roadmap encourages partnerships and cooperation among these entities to collectively address the issue. Stakeholders can work together to promote alternative dispute resolution mechanisms, provide legal aid services, and establish community support systems for released inmates.
- **Rehabilitation and Reintegration Programs:** To prevent recidivism and facilitate the successful reintegration of offenders into society, the roadmap emphasizes the provision of comprehensive rehabilitation and reintegration programs. These programs should include educational opportunities, vocational training, counseling, and support services to equip inmates with skills and knowledge necessary for their reintegration into society.
- **Data Management and Research:** Accurate and up-to-date data on prison populations, offense types, and sentencing patterns are crucial for effective prison decongestion planning. The roadmap highlights the importance of establishing robust data management systems and conducting research to inform evidence-based policies and interventions.
- **International Cooperation and Funding:** The Nigerian government can seek international cooperation and partnerships to access technical expertise, knowledge sharing, and financial support to implement the roadmap effectively. Collaboration with international organizations and donor agencies can assist in capacity building, training of personnel, and implementing best practices in correctional management.

By implementing the roadmap to correcting "corrections", Nigeria aims to alleviate the problem of overcrowding, improve the living conditions and treatment of inmates, enhance public safety, and promote the effective rehabilitation and reintegration of offenders into society.

SUMMARY AND CONCLUSION

The Nigerian criminal justice system focuses more on retribution and clearly under utilise the use of other alternatives even though the former has continued to create problems rather than proffer solutions to the system. Non-custodial measures are viewed as viable alternatives to traditional correctional practices. First, they are significantly less expensive to operate in that, to supervise inmates in the community requires far less resource than to house them in secure institutional facilities. Second, Non-custodial measures are designed so that first-time or mild offenders can avoid the stigma and pain of imprisonment and be rehabilitated in the community. The

suggestions proffered above are definitely inexhaustible but if implemented to the latter, will surely go a long way in solving the bulk of the challenges bedevilling the Nigerian criminal justice system.

REFERENCES

- Adeniran, A. A., & Adegbuyi, O. A. (2020). Non-custodial sentencing in Nigeria: A critical analysis of community service as an alternative. *Covenant Journal of Politics and International Affairs*, 8(2), 116-135.
- Alemika, E.E.O (2006). "Disorders and Transformation of the Nigerian Criminal Justice System". University of Jos 30th Inaugural Lecture. Jos: University of Jos Printing Press Ltd.
- Alemika, E.E.O. & Chukwuma. I.C. (2001). *Juvenile Justice Administration in Nigeria: Philosophy and Practice*. Lagos; Center for Law Enforcement Education (CLEEN).
- Aliyu, A. A. (2018). Non-custodial sentencing in Nigeria: A critical appraisal. *Journal of Law, Policy and Globalization*, 70, 39-45.
- Daudu, J.B. (2009). "Legislative Attention to Criminal Justice in Nigeria (1999-2009): How Adequate?". Being a presentation at the NBA Conference in Lagos on the 18th of August 2009.
- Ezejiakor, C. (2019). Non-custodial sentencing in Nigeria: An examination of the current situation. *International Journal of Criminology and Sociology*, 8, 19-28.
- Ikoh, M. (2011). "The Nigerian Prison System and the Failure of Rehabilitation: An Examination of Incarceration Alternatives". *The Nigeria Academic Forum*. 20 (1): 58-65. April, 2011.
- Nigeria National Paper to the sixth United Nations Congress titled: Crime and the quality of life in Nigeria" pp. 1-9 cited Philip T. Ahire. "Penological Policies of the Nigerian Criminal Justice System": in Adetoba S. (Ed) *Compensation and Remedies for Victims of Crime*, (Lagos, Federal Ministry Justice, 1990) p. 327.
- Newman, D.J. (1978). *Introduction to Criminal Justice*, (2nd ed.). Philadelphia: Lippincott.
- Ogunmola, O. (2020). Community-based corrections in Nigeria and the United States: A comparative analysis. *Nigerian Journal of Criminal Law and Procedure*, 10(1), 120-139.
- Okereke, C., & Omodunbi, O. (2020). Non-custodial sentencing in Nigeria: Challenges and prospects. *Journal of Law, Policy and Globalization*, 100, 32-40.
- Okonkwo, C. (2017). Non-custodial sentencing in Nigeria: An appraisal of probation, parole, and community service. *African Journal of Criminology and Justice Studies*, 10(1), 1-19.
- Oladipo, A. (2020). Non-custodial sentencing in Nigeria: Probation officers' perspectives. *Nigerian Journal of Social Sciences*, 20(2), 93-105.
- Owolabi, S. O., & Faloye, J. O. (2019). Non-custodial sentencing in Nigeria: Challenges and prospects. *European Journal of Social Sciences Studies*, 4(4), 83-91.
- Spodek, T. (2012) The Difference Between Parole and Probation. Retrieved from www.globalpolitician.com/26306-courts-law-probation-parole on 12th February, 2012
- Stohr, K. M. & Walsh, A. (2012). *Corrections: The Essentials*. Thousand Oaks: SAGE Publications, Available at: http://works.bepress.com/anthony_walsh/63
- The Senate Federal Republic of Nigeria Order Paper (Tuesday 25th October, 2011): Printed by National Assembly Press, Abuja
- Kramer, J. H. & Ulmer J. T. (2009). *Sentencing Guidelines: Lessons from Pennsylvania*. Boulder, CO: Lynne Rienner Publishers.

Villettaz, P., Killias, M., & Zoder, I. (2006). The Effects of Custodial vs. Non-Custodial Sentences on Re-Offending: A Systematic Review of the State of Knowledge. *Campbell Systematic Reviews*, 2(1), 1-69.
<https://doi.org/10.4073/csr.2006.13>

Yekini, O., & Mashkur S., (2013). Probation as A Non-Custodial Measure in Nigeria: Making a Case for Adult Probation Service." *African Journal of Criminology and Justice Studies*, vol. 7- 2, no. 1, Nov. 101+. *Gale Academic OneFile*, link.gale.com/apps/doc/A513643347/AONE?u=anon~94fcbeb8&sid=googleScholar&xid=125414af. Accessed 6 March, 2023.

