

# REHABILITATION AND RE-INTEGRATION OF OFFENDERS: AN ANALYSIS OF THE APPLICATION OF NON-CUSTODIAL MEASURES UNDER THE CRIMINAL JUSTICE SYSTEM IN NIGERIA

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## ABSTRACT

The Nigerian criminal justice system has characterized crime as violation of shared value in the society for which imprisonment is the only punishment. The major problem of the system is the over use of imprisonment which has been shown to be counter-productive in rehabilitation and re-integration of those charge with minor crime, as well as for certain vulnerable population. The criminal justice system is empowered to use Non-Custodial Measures but very little priority is given by the system with regard to it practical application. This paper reviews extant legislations on the application of non-custodial measures using the doctrinal approach, the paper finds that non-custodial measures are desirable as alternatives to imprisonment in deserving cases but prevailing judicial attitudes, physical/institutional structures on ground makes it application difficult. The paper also finds that the over concentration on conventional penal sentencing has been found wanting in crime prevention, prison decongestion and rehabilitation of offenders thus, the need to diversify to the use of non-custodial measures which has been proven to be more effective in reformation of offenders instead of relegating them to position of an out cast. The system must be revamp to use non-custodial measures as a force for social change that address the rehabilitation and re-integration of offenders in Nigeria.

## INTRODUCTION

Administration of criminal justice refers to the performance of entire justice related activities such as arrest, bail, preventive justice, plea-bargain, sentencing, restorative justice to mention a few. Effective implementation of these actions makes a justice system effective to maintain law and order. A functional justice system is a pointer to economic growth, development and stability. However, administration of criminal justice system in Nigeria is characterized with incessant adjournment, interlocutory applications, poor case management, corruption, holding charge syndrome, little or no engagement with victim of crime, lack of inter-agency cooperation and failure of the criminal justice system to provide structural reform through the use of non-custodial measures, which are essential for offender's successful rehabilitation and integration to the society.

Prior to the promulgation of Administration of Criminal Justice Act (ACJA) 2015,<sup>i</sup> the criminal justice system entailed the use of criminal codes<sup>ii</sup> (based on English common law) having been entranced by British colonial masters, whose philosophy in justice aimed at deterring and punishing offenders to avoid interference with colonial interest. Reforming of such offender was the last of the colonial masters worries. It is pertinent to note that, despite the fact that these laws are in place, crimes have been prevalent in the society and the system focuses on conventional ways of punishing offenders through incarceration which resulted in prison congestions, high rate of recidivism and system failure in reformation and rehabilitation of offenders. The more criminal system focuses on punitive measures and incarceration, the less time is being devoted to finding the root causes of crimes and other ancillary issues such as crime victim needs, interest and expectations, reformation and re-integration of offenders. The current situation no doubts calls for closer scrutiny of other options and measures hence the need to diversify to the use of non- custodial measures.

In order to address the above challenges and make the criminal justice system more progressive with respect to the use of non -custodial measure of sentence, the Administration of Criminal Justice Act (ACJA) was passed in 2015, the Act is a paradigm shift from punitive approach to restorative and re-integrative one. Notwithstanding the provisions of the Act, it is imperative

to close the gap between theory and practice for while the ACJA, provides for use of non-custodial measures, the system does not provide the structural reform through the use of the methods which are essential to offenders' successful rehabilitation and re-entry to society and there is still an urgent-need for the full adoption of these measures as alternative to imprisonment under our state laws. Three years have now passed since the enactment of the AJCA, a review of its working during this period would be of interest.

Against the foregoing background, this paper essentially aims to explore the extent to which the application of non-custodial measures has become the modern trends in the offenders reformation agenda of the new millennium and how it can contribute to current efforts of criminal justice reform in Nigeria in the area of prison decongestion, care and rehabilitation of offenders. It further highlights the jurisprudential basis for the use of the measure and possible challenges in its application in Nigeria. In order to achieve the above aim the paper will be divided into four parts for ease of understanding: The first part is the introduction, second is the nature and scope of non-custodial measure of sentences, third shall cover an analysis of the legal framework on non-custodial measure and the fourth section proposes some recommendations.

## **NATURE AND SCOPE OF NON-CUSTODIAL MEASURE**

Non-custodial measure refers to disposition measure given to offender that does not involve imprisonment. The sentence is served outside the physical facility designed as prison administered by the state or by any other agency on behalf of the state. The concept means any decision made by competent authority to submit a person suspected of, accused of or sentenced for an offence to certain conditions and obligations that do not include incarceration, such decision can be made at any stage of the administration of criminal justice. However, Nigerian judges with due respect continue to adopt a punitive and retribution approach despite the existing legal provisions that encourage the use of non-custodial measures<sup>iii</sup>. The question is – Has the imprisonment today really achieved its objectives over the years? There is absence of an objective methodology for exercising sentences discretion in Nigeria. Imprisonment has

been shown to be counter-productive in rehabilitation and integration of those charged with minor offences, as well as for certain vulnerable population. The non-use of non-custodial measures in Nigerian criminal justice system has contributed to prison congestion and lack of provision for rehabilitative structure which has leads to increased recidivisms.

Prison congestion is a challenge faced by many countries. Nigerian prisons are also not isolated from this problem, as they have a capacity of housing 50,153 inmates<sup>iv</sup>. However, as at July, 2018 they accommodate 73,631 inmates<sup>v</sup>, the figure would not have been as high as this if effect is been given to the use of non-custodial measures, because offender presently sent to prison should have qualified for such sentences.<sup>vi</sup> The major challenge of these prisons is that more than two third 2/3 of the prison inmates are pre-trial detainees (PTDs)<sup>vii</sup> and ultimately stay in prison custody for longer period without their status being determine. It has been found that lack of access to legal representation and affordable monetary bail are major factors contributing to high rate of PTDs, for about 56 % of PTDs in Nigeria did not have access to legal representation primarily due to lack of funds to engage a lawyer<sup>viii</sup>. Evidence has shown that minor, petty offences continue to attract prison sentences yet the country have not made efforts to reduce their prison population but resorted to unsustainable 'quick fixes' such as amnesties or building new prisons.<sup>ix</sup> Nigeria Decongestion of Prison Initiatives began 2017, led by an established National Committee on Prison Reform<sup>x</sup>. While amnesties and pardon provide short terms reliefs, they are not sustainable solution and can erode public confidence in the criminal justice system.<sup>xi</sup>

The management of the Nigerian prison service is predicted on the Nigerian prison Act 1972. However, a close look at the Act indicates that there are some flaws. No section of the Act addresses the vital issue of rehabilitation, reformation and re-orientation. Thus, the existing prison Act is not comprehensive enough to serve the purposes of imprisonment. The system emphasizes the importance of custody over rehabilitation and most importantly, sees imprisonment as solely implementing retributive sanction rather than complementing sentences with rehabilitation. This lack of legal backing is a grave omission. It abandons the key issues of rehabilitation and welfare of the subjective vagaries of corporate competence or incompetence of willing prison house.

In the word of Adewele, A.A<sup>xii</sup> No explicit statement on rehabilitation. The aim of imprisonment has not been clearly laid down in form of statute. Statistics reveal that only a miniscule percentage of our prison population is involved in programs of rehabilitation and, it is not statutory but a policy, which is subject to change.

Various suggestions on solving the problem of prison congestion has been advocated. Simon Peter on his part, suggest the establishment of privately owned and managed prisons, although he is of the view that ‘caution’ should be exercised by the government because they are profit oriented<sup>xiii</sup>. Olokooba and Adebojo, are of the view that the adoption of Plea-Bargain, where an accused person will plead guilty to the commission of offence, in exchange for lighter sentences will accelerate the administration of justice, hence reduce the pressure in the prison<sup>xiv</sup>. It was also observed that the introduction of non-custodial sentencing for convicts to ordering them to engage in service work instead of imprisonment would decrease the number of inmates in prison. In response to the action of a magistrate in Lagos state, who sentenced about 162 offenders to jail over simple offences, the Chief Judge of Lagos state urged magistrates in the state to explore community sentences as alternatives to imprisonment.<sup>xv</sup> The long terms solution to prison congestion lies in the reform of the penal policies and the use of alternatives to incarceration as required by United Nation Tokyo Rules.<sup>xvi</sup>

### ***Role of Non –Custodial Measure in Complementing the Justice System***

Many offenders are locked in a vicious cycle of poverty and crime. To break this, criminal justice actors needs to work more closely together to address the vulnerabilities and the disadvantages of the most at –risks groups. Reviewing the policy objectives of crime prevention and treatment of offenders through rehabilitation and re-integrative lens can open up a space for stronger alignment of objectives of the criminal justice system. Non- custodial measures are an essential characteristics of criminal justice system that prevent recidivism and support rehabilitation of offenders in to the community<sup>xvii</sup>, the measures include: probation, parole, suspended sentence and community service to mention a few. These measures are of considerable potential value for offenders, as well as for the community, and can be an appropriate sanction for a whole range of offences and many types of offenders and in

particular for those who are not likely to recidivate. For example, those convicted of minor crimes and those needing medical, psychological or social help. In these cases, imprisonment cannot be considered as an appropriate sanction, since it serves community ties and hinders reintegration into the society and thereby reduces offender's sense of responsibility and their ability to make their own decision.

The system de-emphasizes punishment and stigmatization of offenders, instead, they are given opportunity to continue to see themselves as useful members of the society who can make positive contribution towards the common goal. Using alternatives such as community service and vocational training offers offender real and genuine opportunity of rebuilding themselves materially, emotionally and psychologically. A good number of citizens languishing in detention today with no real prospect of reform can be engaged in some form of productive activities without compromising the integrity of the criminal justice system and the security of the state.

Recidivism is one of the yardsticks for judging the effectiveness of the imprisonment system and its reformatory capability is the number of inmates who remain outside the prison well after completing their term of imprisonment. Statistic from 19 prisons across Nigeria shows that over 60% of the inmates are recidivists, that is inmates who have been convicted more than once. This is an indication that the prison and the best interest in Nigeria are not satisfactorily served by the imprisonment system. It can therefore be deduced that, the rehabilitative aspect of the Nigerian system is just a policy without legal backing. This has resulted to lack of well-equipped rehabilitative centers in all the Nigerian prisons<sup>xviii</sup>.

Ex-prisoners due to non-rehabilitation while in prison are not able to reintegrate into the society, thereby resorting back to life of crime. The end results for offenders and the society is a vicious circle of character imbalance and unending social problems respectively. It is a known fact that offenders incarcerated does not to a large extent, serve as a detriment to convicted or prospective criminals, experience has shown that criminal offenders more often than not come out hardened from the interaction with professional jailbirds and condemned criminals as if prison is an institution of higher criminal learning. Armaya'u & Adole<sup>xix</sup> stated that Nigerian

criminal justice does not separate or classify violent offenders from non-violence when determining punishment, hence they are exposed and subjected to inhuman treatment, physical and sexual abuse in prison which increases recidivism. Research has shown that a typical convict in Nigerian prison is a semi-illiterate male in his prime youth of (18-29 years). It also showed that most convicts are unemployed/self-employed and are convicted of property related crime. This result confirm that non-custodial measures would have been better employed to rehabilitate these offenders than incarceration as certain extenuating factors are responsible for their conducts.

Further, discharged prisoner finds it extremely difficult to reintegration into the society because of social and cultural factors<sup>xx</sup>. The social stigma 'Ex-convict' attached to a release prisoner seems to have contributed to the problem of resetting in the society. The over concentration on conventional criminal system and penal sentences has been found wanting in crime prevention, reduction, prison decongestion and rehabilitation of offenders<sup>xxi</sup>. Those, the need arises to diversify to use of non-custodial majors which has been proving to be far more effective in reformation of offenders instead of relegating them to position of an outcast<sup>xxii</sup>

The use of non-custodial measures also diminishes social costs, given that the administration of criminal justice imposes a very heavy financial burden on states. The irony is that the use of the system will cost less than what is presently being spent on bogus programs of prison decongestion.

In considering the application of the measure, the court shall base its discretion in best practices, including the following criteria:

1. The nature of the offence
2. The personality and background of the offender
3. The right of the victim
4. The purpose of the sentence

The above considerations provide clear guidelines for the selection of non-custodial measures in which the interest of the offender, the society as well as the victim would have been taken into consideration. The discretion of the court can be exercised at pre-trial stage, trial stage and

sentencing stage, however, there must be in place the needed structure for supervision of the measures imposed. Below is an examination of the different types of non-custodial measures as provided under the Nigerian statutes

## **ANALYSIS OF THE LEGAL FRAMEWORK ON THE APPLICATION OF NON-CUSTODIAL SANCTIONS**

### ***a) Probation***

Probation in a strict legal sense is an act of suspending the sentence of a person convicted of a criminal offence and granting that person provisional freedom on the promise of good behavior or a discharge for a person from commitment as an insane person on condition of continued sanity and of being recommitted upon the re-appearance of insanity<sup>xxiii</sup>. Holten and Lamer, defines it as an alternative to incarceration in a jail or other institutions<sup>xxiv</sup>. Black's Law Dictionary defines probation as 'the sentence whereby a convicted criminal offender is released into the community under the supervision of a probation officer in lieu of incarceration<sup>xxv</sup>.

Probation is a non-custodian major with the objective of rehabilitating an offender, rather than punishing by making him undergo some compulsory treatment and supervision processes in order to reform him<sup>xxvi</sup>. Probation gives the offender a second chance, and ensures that he undergoes a supervision process that will make him a turn-around life subsequently<sup>xxvii</sup>.

Probation started from activities of individual philanthropist in US and later, England, its importance is now given recognition by the international community as evidenced in the United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rule) UNICR, I<sup>xxviii</sup>. Probation as non-custodial measure, has been identified as an integral part of criminal justice system in the common law countries and an emerging concept in Africa. Probation was first introduced into the statute book in Nigeria in 1945 when the two codes dealing<sup>xxix</sup> with criminal procedure were passed down to the country by the British Colonial Administration. Section 435 (1) of the Act provides thus:



When any person charged before a court with an offence punishable by that court, and the court is of the opinion that the charge is proved but having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial ruling of the offence or to the extenuating circumstance, under which the offence was committed, it is expedient to inflict any punishment in that it is expedient to release the offender on probation, the court may without proceeding to conviction make any order either:

- a – dismissing the charge, or
- b – discharging the offender conditionally on his entering into a recognizance, with or without suavely, to be of good behaviour and to appear at any time during such period not exceeding three years as may be specified in the court order<sup>xxx</sup>.

A part from the Criminal Procedure Act, which is applicable all over the federation, every state has its counterpart Criminal Procedure Law, which contains similar provision with those in the Criminal Procedure Act. However, in the practice, the service was only available to juvenile offender and the service is administered by Ministry of Youth and Social Development of various states in Nigeria. The Ministry employ the service of social workers appointed and dispatched to various institutions (remand homes, approved schools) across the country<sup>xxxi</sup>. Courts generally view probation with respect to adult offenders with suspension, in exercising their wide discretionary powers, Nigerian judges tend to adopt punitive and retributive approach despite existing legal provision that encourage the use of probation and other non-custodial measures.

Probation was affected severely by the pessimism of the ‘nothing works era in Nigeria’, but a new optimism has surrounded recent emphasis in what works in non-custodial sentences, and an implementing programs aimed at reducing the likelihood of an offender re-offending (recidivism), signalling a return to rehabilitation methods on the grounds that they can best have an impact on recidivism. The judiciary is a key in the implementation of any reform; therefore, the support of the judicial service could be indispensable in any policy on non-custodial measures. This informed the enactment of the Administration of Criminal Justice Act,

2015, which has been domesticated by very few states and a lot is still lacking in terms of its implementation. Section 454 of the Act provides:

1. Where the defendant is charged before a court with an offence punishable by law and the court thinks that the charge is provided but is of opinion that having regards to:
  - a. The character, antecedent, age, health, or mental condition of the defendant changed
  - b. The trivial nature of the offence, or
  - c. The extenuate circumstances under which the offence was committed, it is inexpedient to inflict a punishment or any order than a normal punishment or that it is expedient to release the defendant on probation, the court may, without proceeding to conviction, make an order specified in Subsection (2) of this section
2. The court may make an order under Subsection (1) of this section;
  - a. Dismissing the charge, or
  - b. Dismissing the defendant conditionally on his entry into a recognizance, with or without sureties to be of good behavior and to appear at any time during such period not exceeding three (3) years as may be specified in the order.

The Act is a paradigm shift from the punitive approach to a restorative one taking into cognizance, the needs of the society, victims, and vulnerable persons. However, sad to note that implementation of some of the innovations that were introduced by the Act remain painfully slow. The Act being a Federal Law, very few states have adopted the ACJA<sup>xxxii</sup>. The non-custodial sentencing has already been successfully implemented in Lagos State that adopted the AJCA into their State law, with two thousand, seven hundred (2700) convicts of traffic and non -violent crimes by having them carry out community service<sup>xxxiii</sup>. Magistrates who have the AJCA already passed in their states are urged to find innovative ways to take advantage of these provisions to ensure that unnecessary incarceration is not always the first line of action in sentencing. Time has come to shift from custodial sentences and adopt model that gives more value to the society, victim and offender.

The terms probation and suspended sentence are closely linked, but differs slightly. Probation is for more ambitions and adoptable idea than suspended sentence. Under probation, the court prescribes no sentence but instead, requires the offender to be under supervision of a probation officer and maintain contact with him for a prescribed period of not more than three years as provided under Section 454 (2) (b) AJCA, and if the probationer violates a condition, the court may revoke the probation and proceed to convict and sentence the defendant. One advantage of probation is that it saves the offender the societal stigmatization of being labelled as convict and helps in reintegrating of the defendant in the society<sup>xxxiv</sup>. While suspended sentence means a sentencing option whereby the court pronounces judgement and impose a sentence and then suspend execution of the sentence subject to defendant's compliance with conditions set by the court.

In fact, the Supreme Court of Nigeria has had course to set aside a decision of a known court that sought to suspend a sentence, passed on an offender in view of the fact that the judge in the lower court had no such power. **In State vs. Hassan Audu<sup>xxxv</sup>**. In that case, a state high court found man guilty of rape of a girl. The trial court sentenced the man to a term of imprisonment but suspend same, because the man gave an undertaking to marry the girl. An appeal to the Supreme Court Elias CJN held as follows:

*Accordingly, we think that the High Court of Sokoto acted in excess of its jurisdiction by importing ideas of suspended sentence for which there is no provision in the applicable law. We must, therefore, allow the appeal. The appeal is hereby allowed and the order suspending the sentence is set aside. The sentence of three years imprisonment imposed on the respondent by M. Muhammad J. at Sokoto High court on June 29, 1971 is hereby confirmed without the qualification of suspension.*

According to Fadibo<sup>xxxvi</sup>, this is a sad commentary from our criminal justice system in that judge and magistrates in Nigeria have a weak discretion in the area of sentencing. The paper observed that in as much as probation is desirable as an alternative to incarceration prevailing judicial attitude makes it application difficult.

**b) Parole** – It is yet another form of non-custodial measure provided under the AJCA, the phrase denotes to release prisoner of war on a promise to return back. It is the last stage of correctional scheme of which probation may be the first. Parole is essentially an individual method of treatment of offenders and envisages a final stage of adjustment of the incarcerated prisoner to the community. The conditional release of prisoner from prison under parole may begin any time after the inmate has completed at least one-third of the total term of his sentence but before his final discharge. The purpose is to adjudge the adjustability of responsive inmates to normal society. Section 468(1) (3) of the AJCA, provides that where the Comptroller General of Prison make a report to the court recommending that a prisoner, sentenced and serving his sentence in prison is of good behavior and has served one third of his prison term, the court can order that the remaining term of his imprisonment be suspended, with or without conditions, as the court considers fit and the prisoner shall be released from prison on the order. Prisoner released by the order is expected to undergo a rehabilitation programs in a government facility or any other appropriate facility to enable him to be properly reintegrated in the society. Parole differs from probation under the AJCA in the sense that probation is the first stage of correctional scheme, where no sentence is imposed and if imposed, it is not executed. Whereas parole is granted to a prisoner when he has already lived in prison for certain period and has shown propensity for good behaviour and it is a quasi-judicial in nature.

**c) Community Sentence** – McGash,<sup>xxxvii</sup> defines community service as a sentence available to the court that requires a convictional offender to perform unpaid work for the benefit of community as a direct alternative to custody. It is another form of non-custodial measure where the offender, usually in cases of minor offences and/or a first timer, is given a social responsibility in lieu of jail term. In community service sentence, people convicted of crimes are required to perform certain services that would be beneficial to the community. A fine may be reduce in exchange for a prescribed number of hours of community service. Sometimes the sentencing is specially targeted to the convicts of crime, for example, a litterer may have to clean a park or roadside, drunk driver might appear before school groups to explain why drunk driving is a crime.

The relationship between the offence and the sentencing would encourage proper rehabilitation, as offenders would understand what behaviours are ethically and morally acceptable. The AJCA makes provision for community service sentence as a form of punishment for minor offences in Section 460 (2) thus:

*The court may with or without condition, sentence the convict to perform specified service in his community or such community or places as the court may direct.*

While Section 460 (4) provides for factors to be taken into account in making community. The Act under Section 461 (4) even provide for the nature of community services to include: environmental sanitation, washing public places, grass cutting and any other service that is beneficial and reformative on the character of the offender. There is a win-win situation at play when adopting community service sentence, as the service would be beneficial to society rather than punishment for its own sake.

## **CONCLUSION**

The paper has shown that imprisonment and penal policies and strategies in Nigeria have failed to reduce crime and recidivism. Deterrence seems to be the sentencing policy emphasized in practice where as they are socially, morally, psychologically, economically not viable. The incorporation of new criminal behaviour in prison and high rate of recidivism for offenders after being release from prison indicate that the system needs to consider the use of non-custodial measure of sentencing. The paper finds out that the use of non-custodial measures for non-violent offenders reduces recidivism and leads to rehabilitation opportunities and mitigates the risk of criminal socialization. It also finds that the ACJA, have provided the needed legal framework for mainstreaming non-custodial measures into current criminal justice system but observed a significant negative relation -ship between the law and its implementation. The implementation of some of the initiatives that were introduce by the Act, remain painfully slow as only few states have incorporated the Act as part of their local laws. Further it was observed that non –custodial measures are desirable as alternative to incarceration but prevailing judicial

attitudes physical/institutional structures and personnel currently on ground makes its application difficult.

## RECOMMENDATIONS

In the light of the above findings, the followings are recommendations as way forward in the application of non-custodial measures.

- Implementation of the law: The promulgation of the AJCA, has enhanced the position of the non -custodial measures by incorporating most of the laudable provisions of non-custodial measures, what remains now is to achieve optimum effect by faithfully enforcing or implementing the provision of the law. States should take positive steps to domesticate the provision of the Act in to their state laws.
- Government should adopt a correctional and not only a penal approach on the issues of prisoners, prisoners should not be punished alone but reformed and rehabilitated with skills acquisition and job training and such rehabilitation should include both convicted and PTDs. Provides important education opportunities for people in prison and support better reintegration.
- States should develop and implement individualized rehabilitative and re-integrative programs that addresses the root causes of offending and key barriers. Any skill and vacation training should take account of the employment market to boost chances of employment post-release.
- A form of compulsory saving scheme for convicts involved in prison work and a matching grant or percentage of the amount saved be given to prisoner when due for release. This will assist them to start a new life.
- To reduce the rate at which ex-prisoners recidivate, prisoners should be categorized and separated based on the gravity of the offence they have been charged.
- Training and capacity building: Training and workshop/conferences should be organized to sensitize magistrates, judges and other judicial officers on the need to employ non-custodial measures for minor and deserving cases. Advocacy for

progressive, correctional, rehabilitative programs for the care and rehabilitation of offenders in Nigeria.

- Media: It is recommended that partnership must be developed with the media to promote advocacy messages regarding restorative justice and importance of non-custodial measures, this is because the importance of the media information dissemination cannot be over emphasized.

## ENDNOTES

<sup>i</sup> Hereinafter refers to as the Act.

<sup>ii</sup> Criminal Procedure Act- the Act came in to being as Ordinance No.42 of 1945 now in Cap .C41 LFN 2004, and the Criminal Procedure Code of the Northern region enacted in 1960.

<sup>iii</sup> Nwankwo ,K.S ‘Community Service as Alternative to Imprisonment in Lagos State Nigeria’. Master’s Dissertation, Institute of Social Studies. Netherland.

<sup>iv</sup> World Prison Brief Data’ [www.prisonstudies.org/country/nigeria](http://www.prisonstudies.org/country/nigeria) accessed 28 August, 2018

<sup>v</sup> Summary of Inmate population by convict and waiting trial persons as at 16<sup>th</sup> July 2018’ [www.prisons.gov.ng/statistics](http://www.prisons.gov.ng/statistics) accessed 28 August, 2018.

<sup>vi</sup> Edokpayi ,M.I ,’Suspended Sentence:Its Disirability in Nigeria’ .Retrieved 6/7/16 from [www.ducplgh.net](http://www.ducplgh.net)

<sup>vii</sup> Garner, A. B. et al (eds) Blacks Law Dictionary (9<sup>th</sup> Edition, 2009) West Publishing Company. 514

<sup>viii</sup> Poor legal representation and Prison Decongestion. The Guardian ,13 Feb,2018. [guardian .ng/features /poor – legal representation.](http://guardian.ng/features/poor-legal-representation)

<sup>ix</sup> Nigerian Government to Construct Six Ultra-Modern Prisons Nationwide. PM. News Nigeria 16 February 2018 [www.prison newsnig .com /2018/2.nig](http://www.prison newsnig .com /2018/2.nig).

<sup>x</sup> President direct release of petty offenders; Daily Nation, 15 February 2017 [www.nation.co/news/president](http://www.nation.co/news/president)

<sup>xi</sup> Burundi’s Free Prisoners, News 24, 23 January 2017 [www.news24.com/neri/new/Burandi](http://www.news24.com/neri/new/Burandi) - In Burundi, a pardon to release around a 3<sup>rd</sup> of the prison population in early 2017 was criticized.

<sup>xii</sup> Jombo Anyekachi – ‘Problems and Prospects of Administration of Nigerian Prison: Need for Proper Rehabilitation of the Inmates in Nigeria prison’. (2016)– Journal of Tourism and Hospitality. Hospit 2016. 5. 4.

<sup>xiii</sup> Simmon-Peter A. ‘Service Work as an Antidote to Prison Problems in Nigeria’ (2016), International Journal of Judicial Science - 34

<sup>xiv</sup> Olokooba and M. K. Adebayo ‘Plea Bargain: A Panacea towards Prison Congestion in Nigeria (2014) 4 International Journal of Judicial Sciences – 146.

<sup>xv</sup> Punch July 8, 2015.

<sup>xvi</sup> UN General Assembly. United Nation Standard Human Right Rules for Non –Custodial Measures (The Tokyo Rules), 2 April 1991

<sup>xvii</sup> Still, W. S. ‘ A Practitioner’s Perspective on Realignment’ : A Giant in San Francisco – The ANNALS of the American Academy of Political and Social Science. 664 (i), 221-235-vol.101177/00027

<sup>xviii</sup> Chukwu Merije, A .O –‘ Decongestion prison in Nigeria: The EBSU Law Clinic Model. (2014) International Journal of Clinical Legal Education.

<sup>xix</sup> Armaya’u &Adole ‘Relationship between Socio Demographic Characteristics,Psychiatric Burden &Violent Offender in a Maximum Security Prison in North –Central Nigeria. Journal of Forensic Science and Criminology 3(2) 202-209-doi.10-15744/2348-98-04-502.

<sup>xx</sup> Osayi, K.K , ‘Socio Cultural Factors Affecting Reintegration of Discharge Prisoners in Anambra State, South Eastern Nigeria (2013) 4 (10) Mediterranean Journal of Social Science. page 775

<sup>xxi</sup> Yakini, A.O and M. Salisu, ‘Probation as Non-Custodian Measures in Nigeria Making a case for Adult Probation Service’ (2013) Vol 7 (1)2 African Journal of Criminology and Justice Studies Pp 101-104

- <sup>xxii</sup> Akinseye, G. 'Nigerian Prison: Justice Sector Reform and Human Right in Nigeria. Center for Socio Legal Studies (CSLS) Abuja (2009) Pp 308
- <sup>xxiii</sup> See the web-dictionary-definition at <http://education.yahoo.com/reference/dictionary/entries/12/p057hoobtm> accessed 14/06/04
- <sup>xxiv</sup> Holten, N. G. and Larmer, I. I. 'The Criminal Courts Structures, Personnel and Processes. (New York: McGraw-Hills Inc). 33
- <sup>xxv</sup> Black's Law Dictionary 6<sup>th</sup> Edition (st. Paul, Minni, West) Publishing Company 1W01 P .1202
- <sup>xxvi</sup> Shajobi – Ibikunle "Probation as a Non-Custodian Measure in the Treatment of Adult Offenders in Nigerian Penal System" (2015) 6<sup>th</sup> Ekiti State University, Ado-Ekiti Law Journal. Pp 74-96
- <sup>xxvii</sup> Hussain, B. 'Social Reintegration of Offenders. The Role of Probation Service in Northwest Province, Pakistan. Phd Thesis, University of Hall.
- <sup>xxviii</sup> See UN Document ST/CSDHA/22, Commentary on the United Nations Standard Minimum Rule for Non-Custodial Measures (Tokyo Rules) P.2
- <sup>xxix</sup> Ibid Note 2.
- <sup>xxx</sup> *ibid*
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