



Alternative Sentencing, Prison Reform, And Rehabilitation Programmes: A Panacea for Decongesting Nigerian Correctional Facilities.

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Abstract:

Correctional facilities in Nigeria, and the welfare of inmates, have become notorious issues of serious concern in our criminal justice system because of their deplorable state. Research has shown how overcrowded the Nigerian correctional facilities are, with their consequences extending beyond physical constraints to negatively impacting the rehabilitation and reintegration of inmates into society. This work explores the potential of alternative sentencing, correctional facilities reform, and rehabilitation programmes to address this pressing issue. It highlights the factors contributing to overcrowding, including the over-reliance on custodial sentencing for minor offences and delays in the judicial process. It proposes alternative sentencing strategies such as community service, probation, house arrest, educational or vocational training, suspended sentences, and restorative justice as more effective and efficient methods of handling non-violent offenders. Rehabilitation programmes aimed at skill development, education, and mental health support are presented as tools for reducing recidivism and promoting successful reintegration into society. By analyzing international best practices and their applicability within the Nigerian context, this paper argues that a comprehensive approach incorporating these reforms will serve as a panacea for decongesting the Nigerian correctional centers, ultimately fostering a more humane and effective criminal justice system. It finally recommends, among other things, that the Nigerian National Assembly enact laws incorporating more alternative sentencing in the Nigerian Criminal Justice System and expand the scope of judicial powers to allow for discretionary sentencing in non-violent and simple offences.

Keywords: Alternative Sentencing, Correctional Facilities, Decongestion, Rehabilitation, Inmates, Criminal Justice System, Nigeria.

I. Introduction:

Congestion in the correctional centers is a global phenomenon; it is not peculiar to any region or country because of the surge in criminality worldwide. However, the overcrowded nature of the Nigerian correctional facilities appears to be more notorious and uncontrollable. When you pay a visit to any correctional facility in Nigeria, you will be greeted with an unimaginable number of inmates housed in the various cells, with their very poor welfare. The overcrowded nature of the correctional centers is a result of the various Nigerian criminal laws, which criminalize several acts or conduct and provide punishments thereof. The Nigerian criminal justice system has continued to place heavy reliance on one form of punishment, that is, by incarcerating those suspected to have committed an offence, or found guilty of one offence or the other by a court of competent jurisdiction. Retributivists have argued that deviants should be punished so as to pay them back for their action and to deter them and others from committing such a crime in the future (Obioha, 2011). Incarceration is most appropriately conceived as a formal perspective of inflicting pain on an individual who has committed a crime, and has been an aspect of the conventional criminal justice system in various societies in Nigeria (Obioha, 2011).

Traditionally, it is considered humane to incarcerate deviants and dangerous individuals, to put them out of circulation, and to serve as a deterrent to them and other potential offenders. A culture of chronic overcrowding, excessive use of prison, and an increase in the number of awaiting trial detainees are the causes of prison overcrowding, which resulted from a slow, constant, and long-term growth in the prison population (Abrecht, 2010). While I agree with Albrecht on the above position, it needs to be mentioned that the overreliance on the traditional method of punishing offenders by incarceration, delay in security agencies' investigation, unnecessary court adjournments, and corruption in the criminal justice system including state interests in low and high profile cases are also major contributory factors



to correctional centers overcrowding. Other factors that contribute to overcrowding of the correctional centers include poor rehabilitation programmes. Offenders who have high tendencies of recidivism are most likely to commit crimes again when they have not been properly rehabilitated before returning to society. Poverty, particularly among young people, is another notable factor. Currently, there is a surge in cybercrime, mainly involving the youth looking for means to make ends meet. Most of them turn to cybercrime, defrauding unsuspecting individuals and organizations, ultimately landing them in correctional centers.

The causes of crime were perceived to be disregard for religious and moral principles, ignorance of duty, idleness, and drinking habits. The growth of the jail population was the first historical trend toward alternative sentencing (Andrew, Allison, and Rodney, 2003). The modern correctional institution was established and structured to protect members of society by incarcerating convicted criminals or offenders to avoid those who pose a threat to the lives and properties of the members of society. The correctional centers depict a structure that would provide retribution, deterrence to crime, rehabilitation, reformation, and reintegration for convicted offenders (Otuola, 2017). Despite all the Criminal Justice Acts and procedures, findings from empirical research prove that correctional objectives of rehabilitation, reformation, and reintegration of offenders back to the community as good citizens have been a mirage due to the congestion (Ohazulike, 2020). The congestion has defeated prisoners' categorization as well, leading to unrepentant criminals and first-time offenders sharing the same prison cells, thereby making rehabilitation of first-time offenders a herculean task, almost impossible to achieve. This problem has become a major threat in the Nigerian criminal justice system, causing these prisoners to live in very terrible and dehumanizing conditions. This treatment contradicts the international Human Rights, which its minimum standard rule stipulates that prisoners' rights be respected at all times (Ayade, 2010). The correctional centers remain in the obsolete state where the colonial masters left them. The size and the number of population growth, the cells are too small for the number of prisoners they hold. This condition infringes on the fundamental human rights both for the national and international prisons (Abrecht, 2012). The inmates face countless challenges, especially in the health aspect because of congestion. Diseases spread like wildfire among the inmates because the cells are overcrowded, and this leads to the death of many inmates, including awaiting trial

detainees. Despite the federal government budget allocation, Nigerian correctional centers remain in squalor (Akpede, 2019). In 2023, the federal government of Nigeria appropriated N22.44 billion to the Nigerian correctional service, but the condition of the correctional centers and the inmates has continued to deteriorate in 2024, even worse than it used to be, because of the rapid increase in the number of inmates.

Because of the failure of penal sentencing to address the issue of congestion in the correctional centers, the need has therefore arisen to explore other various forms of punishment to address the issue of overcrowding in the correctional centers. There is a need to diversify by reducing overreliance on imprisonment and embracing alternative sentencing. There is also the need to embark on a holistic reform of the correctional centers, administratively and infrastructural. We need to embrace and adopt rehabilitation programmes as an alternative to imprisonment, especially as it relates to misdemeanor and simple offences. Alternative sentencing has proven to be more effective in the reformation of offenders than condemning them and relegating them to the position of outcast (Akingeye, 2014). Alternative sentencing in the criminal justice system may include, but not limited to: probation, community service, monetary compensation, restitution, compensation, conditional discharge, canning, plea-bargaining, house arrest, etc.

The need for a holistic reform of the custodial centers, especially infrastructural reform, cannot be overemphasized. There has been a continued astronomical surge in the number of persons remanded at the custodial centers on a daily basis, to be housed in the custodial centers, which has not undergone any reform since its establishment. This is another challenging factor leading to overcrowding of the correctional centers.

There is also a need to emphasize rehabilitation programmes for the inmates to reduce recidivism among offenders. Studies have revealed that there are many problems associated with the Nigerian correctional centers, which lead to the destruction of the inmates that are meant to be corrected, rehabilitated, and reintegrated into society. Life in the correctional centers is so regimented that virtually everything that the inmates do is strictly controlled. This lifestyle that they are subjected to often leaves the inmates in a mentally brutalized manner, with broken body and spirit, and it ends up destroying them. In this regard, it is apparent that the prison system in Nigeria is faced with the problem of destroying the individual members of the community, which negates the essence of



imprisonment, amounting to human development wastage in the national calculus (Obioha, 2011). According to (Adetula et al. 2010), the penal institutions subsystems; the justice, the police, prison yard and the operative ways of administering justice is believed to bring about breeding and enhancing criminal behavior and recidivists than serving; deterrence, repentance, reformatory and reconciliatory attitudes between ex-convicts and people in free society to enhance confidence in physical and conceptual security. This is why you often hear ex-convicts commonly say that a jail sentence is not a death sentence - we will go and come back. This statement, common among ex-convicts, is a testament that the traditional punitive measure has failed, because it rather breeds hardened criminals than serves the purpose of deterrence, and aids the convicts to repent and imbibe reformatory and reconciliatory attitudes. This remains one of the major reasons why the Nigerian correctional centers are overcrowded because of the increased recidivism.

II. LITERATURE REVIEW

2.1 The Concept of Alternative Sentencing

Alternative sentencing simply means a form of punishment imposed on a person who has been found guilty of a crime by a court of competent jurisdiction other than imprisonment. In other words, any other form of punishment imposed by a court of law on a convict other than sentencing the convict to a term of imprisonment is alternative sentencing. (Ohazulike, 2015) Defined alternative sentencing as a sanction or punishment imposed on a convicted criminal by a judge or magistrate in a court other than imprisonment. According to (Stephen 2018, cited in Ohazulike 2020), Alternative sentencing comprises all the various forms of punishment a court can impose on a defendant after he or she has been convicted of an offense, other than a jail term or death penalty. It is also called community sentencing or a non-custodial measure.

Traditionally, where the status of a person standing trial in court of law for an alleged criminal offence changes from being a defendant to being found guilty as alleged, the court hands down the sentence of a term of imprisonment as the law stipulates with some discretionary power to the court to either hand down the maximum sentence as stipulated by the law or reduce the term of imprisonment as prescribed by the law, depending on the surrounding circumstances that led to the commission of the offence. Alternative sentencing provides an option or options of punishing the offender in another form, for instance, sentencing the convict to a term of community service, probation,

suspended sentence, educational or vocational training, house arrest, and restorative justice, et cetera. Alternative sentencing is highly recommended because it helps to decongest the custodial centers and reduce government spending on inmates.

2.2 The Concept of Prison Reform

Prison reform refers to efforts targeted at improving the welfare, conditions, and management of custodial centers, ensuring humane treatment of inmates, and addressing systemic issues, which include overcrowding, rehabilitation programmes, and the protection of the rights of inmates. The purpose of prison reforms is to make the correctional centers more effective in reducing crime and recidivism, and to promote justice and fairness within the correctional system. Prison reform may also include changes in sentencing laws, embracing alternative sentencing, and addressing some societal factors that contribute to imprisonment. It may as well involve the physical or structural reform of the correctional centers to accommodate more inmates and reduce overcrowding of the correctional centers.

Within the discourse on human rights, justice system efficiency, and national development, prison reform in Nigeria is a crucial subject. The concept encompasses efforts to improve the conditions of incarceration, the rehabilitation of inmates, and the overall management of the prison system to ensure it aligns with modern standards of justice and humanity. According to Agomoh and Okeke (2020), a large percentage of inmates are awaiting trial, and this contributes significantly to the congestion problem. This is one of the reasons that we are advocating for alternative sentencing as a panacea for decongesting Nigerian correctional centers as part of prison reforms. Alemika and Chukwuma (2001) argue that prison should serve as a corrective institution where inmates are rehabilitated rather than merely punished, and I concur with this stance because recent studies have continued to advocate for reforms aimed at ensuring that inmates acquire vocational and educational skills while incarcerated, preparing them for reintegration into society. Ekunwe and Jones (2011) noted that for reforms to be effective, there must also be administrative changes in the way correctional facilities are managed. Corruption within the system, mismanagement of resources, and lack of training for prison officials hinder the success of reforms. These and more encompass the concept of prison reform.



2.3 The Concept of Rehabilitation

Rehabilitation in the context of criminal justice is a process of reforming offenders to reintegrate them into society as law-abiding citizens. The concept of rehabilitation is an essential aspect of criminal justice. It acknowledges that punishment alone does not suffice to address the root causes of crime, such as addiction, poverty, and lack of education, and that offenders should be afforded the opportunity for change and reintegration back to society. Rehabilitation focuses on reforming offenders so that they do not reoffend, thus ensuring the long-term safety and security of society. This approach aims to transform the offender into a better member of society, rather than merely punishing them for their wrongdoing.

The Nigerian criminal justice system marked a milestone in 2015 with the reform introduced into the system by the enactment of the Administration of Criminal Justice Act (ACJA). This Act, under Part 44 in sections 454 and 455, introduced probation and non-custodial alternatives. Section 454 (1) provides as follows:

Where a defendant is charged before a court with an offence punishable by law and the court thinks that the charge is proved but is of the opinion that having regard to: (a) the character, antecedents, age, health, or mental condition of the defendant charged, (b) the trivial nature of the offence, or (c) the extenuating circumstance under

Which the offence was committed it is expedient to inflict a punishment or any order other than a nominal 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.

Subsection 2 of the ACJA referred to in subsection (1) above provides that the court may make an order under subsection (1) of this section:

- (a) *Dismissing the charge; or*
- (b) *Discharging the defendant conditionally on his entering into a recognizance, with or without sureties, to be of good behavior and to appear at any time during such period not exceeding 3 years as may be specified in the order.*

The purpose of the above provision of the law is that the court now has the discretion to adopt alternative sentencing, such as probation, where it deems it fit, rather than convicting and punishing the offender according to the strict letter of the law. The court where it deems it necessary having regard to the character, antecedents, age, health, or mental condition of the defendant charged, or the trivial

nature of the offence, or the extenuating circumstance under which the offence was committed may dismiss the charge, or discharge the defendant conditionally upon entering into a recognizance with or without a surety. This provision of the law is a great addition to the Nigerian criminal justice system because it promotes decongestion of the correctional centers and aids the rehabilitation of the offender who is placed under probation.

Another landmark provision introduced by the Administration of Criminal Justice Act 2015, which provides for alternative sentencing, promotes decongestion of the correctional centers, and encourages rehabilitation of offenders, is section 460 (1) and (2), where the law provides as follows:

(1) *Notwithstanding the provision of any other law creating an offence, where the court sees reason, the court may order that the sentence it imposes on the convict be, with or without conditions, suspended, in which case, the convict shall not be required to serve the sentence in accordance with the conditions of the suspension.*

(2) *The court may, with or without conditions, sentence the convict to perform specified service in his community or place as the court may direct.*

The above provisions of the law provide for a suspended sentence and community service. And it was intended to reduce prison congestion, facilitate the rehabilitation of offenders, and prevent convicts who commit simple offences from mixing with hardened criminals. These provisions of the law, when followed by the judiciary, will greatly contribute to decongesting the Nigerian correctional centers and aid in the rehabilitation of offenders, thereby reducing overreliance on custodial sentencing.

III. COMBATING PRISON CONGESTION IN NIGERIA

Overcrowding is one of the nightmares in the Nigerian correctional centers. Current studies have shown that most Nigerian correctional facilities are overpopulated beyond their designated capacity, which tends to defeat the objectives of reform and rehabilitation of offenders. Obioha (2011) posited that to solve this problem, the federal and state governments had taken two worthwhile steps to better the system, namely, the prerogative of mercy by the head of state of the federation, and the institutionalization of a decongestion committee headed by the Chief Judge of each state. Mechanism was set up in all states of the federation by the government. Among other things, they are charged with the following functions:



1. Grant amnesty to deserving prisoners.
 2. Pay frequent visits to the prisons to see the living conditions.
 3. Review occasionally the cases of those convicted and suspects who have been on the awaiting trial list and release them as appropriate.
- It is imperative at this point to note that these mechanisms that were introduced have been highly underutilized and rather abused due to corruption in the system. The deserving inmates who ought to be granted the prerogative of mercy by the head of state, having regard to the length of time already spent in incarceration and the degree of remorse shown by the convicts, are neglected and or overlooked. And the head of state rarely exercises this constitutional power enshrined in the constitution of the Federal Republic of Nigeria. If this power were to be exercised by the head of state diligently and judiciously, it would help to decongest the Nigerian correctional facilities. On the other hand, the decongestion committee headed by the Chief Judge of every state has also become moribund and ineffective. Most Chief Judges in Nigeria no longer go for jail delivery, which they ought to use as a mechanism for decongesting the Nigerian correctional facilities; this is seriously impacting prison decongestion in Nigeria.

3.1 FACTORS AFFECTING PRISON DECONGESTION IN NIGERIA.

a. **Overreliance on Custodial Sentencing for Minor Offences:**

The judiciary in Nigeria has continued to place heavy reliance on custodial sentencing over alternative sentencing, especially in minor offences, and the effect of this is more congestion in the custodial centers. The court ought to adopt alternative sentencing in punishing offenders who commit non-violent offences that can be categorized as misdemeanors or simple offences, but in most cases, the courts award custodial sentencing to the offender. Offences such as affray, contempt in facie curiae (contempt in the face of the court), stealing involving a small amount of money, and such related offences should attract alternative sentencing, but all these offenders are sent to the custodial centers, causing more congestion in the facilities.

b. **Unnecessary Delay in Adjudication:**

This is a very big challenge in the Nigerian judicial system, not just in the criminal justice system alone, and it constitutes a clog in the wheel of justice. The Nigerian courts are characterized by undue delay in

adjudication of matters before them, ranging from granting unnecessary adjournments to counsels, to absence of the parties or the judge to hear the matter. Bailiff of courts contribute their quota through non-service of court processes on the parties, which leads to compelling the court to grant an adjournment since the law provides for no hearing in absentia, and the right to fair hearing is fundamental as enshrined in the constitution. All these delays in hearing and dispensing with criminal matters in court contribute to congesting the custodial centers. This is the major reason why the custodial facilities are congested, because there are very or delayed court proceedings.

c. **Stringent Bail Terms/Conditions:**

This is another serious factor contributing to prison overcrowding in Nigeria. When you visit the correctional centers in Nigeria, you will find out that several inmates have been granted bail by the court, but they are still in custody because of their inability to fulfill the bail conditions attached to their bail. Bail of an accused person or a defendant, as the case may be, is a matter of fundamental right, and should not be onerous. We concur with the fact that some accused persons or defendants, when granted bail pending trial, jump bail and avoid standing trial for an alleged offence; however, the conditions attached to the bail should not be so stringent that the bail granted will be defeated and the defendant remains in custody. When defendants standing trial are granted bail with fair bail conditions, it makes it easier to secure the release of the defendant and helps to decongest the correctional centers.

d. **Corruption:**

Our criminal justice system is not immune to the corruption that has bedeviled the entire system. It is not strange to find out that many people were remanded to prison custody without case files as a result of an order from higher authorities, and they refer to some of these people as awaiting trial detainees. This is corruption and infringement on the rights of the citizens of Nigeria. The law provides that where a person is suspected of having committed an offence, he should be arrested and taken to a court of competent jurisdiction for proper trial. But what is obtainable in the system is where a higher authority has an interest in certain matters, he issues orders that the persons be remanded in custody till further notice. The prosecutor will simply draft a charge and take the persons to the nearest magistrate's court and get a remand order, and hand over the suspected offenders to the correctional officers without more.



e. **Insufficient Specialized Criminal Courts:** There are fewer criminal designated courts than required. In some jurisdictions in Nigeria, there are no special criminal courts; every court is assigned criminal matters to hear and determine. This really affects the decongestion of the Nigerian correctional centers because when there are special courts whose sole responsibility is criminal adjudication, it is usually faster to dispense with matters and either convict or discharge the person standing trial. There is a need for more criminal courts to be established in the various jurisdictions in Nigeria to help with the quick dispensing of criminal matters pending in courts. This will help to decongest the correctional centers. It is not difficult to find an awaiting trial detainee who has been in custody for three (3) or more years without appearing in court, even once, because he has no case file yet. This has greatly contributed to overcrowding of the correctional centers because people are dumped and forgotten in the correctional centers daily.

IV. CORRECTIONAL FACILITIES; INTERNATIONAL BEST PRACTICES.

4.1. Criminal Law and Sentencing Reforms to Reduce Prison Population.

Although still one of the highest per capita imprisonments in Europe, Latvia has achieved a reduction in prison numbers in prison, both of pre-trial and sentenced prisoners. Between 2003 and 2013, the proportion of the country's population in prison dropped by almost 38 per cent. Latvia has enacted comprehensive changes to the criminal law, which should help achieve further reductions, Heard (2016). Nigeria can embark on criminal law and sentencing reforms to achieve a better objective of decongesting the custodial centers. For instance, custodial sentencing in certain non-violent offences such as possession of drugs for personal use involving young offenders should be replaced with alternative sentencing to aid in the decongestion of the correctional facilities, rehabilitation, and reintegration of the young offender back into society.

4.1. A Statutory Presumption Against Short-Term Imprisonment.

A statutory presumption against prison sentences of less than three months has been in place in Scotland since 2011, but there is no equivalent in England and Wales or Northern Ireland, despite many calls for it (Heard, 2016). This could be a very great tool for prison decongestion in Nigeria if adopted. Criminal law reform introducing a presumption against short-

term imprisonment will be a positive step toward discouraging custodial sentencing and promoting alternative sentencing in simple or minor offences. Although this measure may come with the consequence of the presiding Judge deciding to increase the custodial sentencing, where the law does not provide for specific offences for which the presumption may apply. However, the law can cure this by listing some simple or minor specific and other related offences for which the presumption may apply.

4.3. Pre-Trial Probation, Capable of Extinguishing Offence

This pre-trial measure, introduced for youths in 1988 but extended to adults in 2014, involves the suspension of prosecution in order for probation and reparation to take place, which, if properly completed, extinguishes the offence from the record and prevents further criminal process (Heard, 2016). This practice, introduced in Italy for young offenders in 1988, is an important tool for decongesting the correctional facilities. Adults who committed an offence punishable with a term of imprisonment of less than four (4) years were also able to benefit from the pre-trial probation. If offenders are placed under probation before prosecution in order to allow for reparation, which is capable of extinguishing the offence, the Nigerian correctional facilities will be less crowded. It is highly recommended that this measure be adopted into the Nigerian criminal justice system.

4.4. Diverting women from prison and supporting them in the community

Over the past decade, a series of inquiries and reports in the UK have concluded that prison is rarely a necessary, appropriate, or proportionate response to women caught up in the criminal justice system (Heard, 2016). Statistics have shown that a higher percentage of male commit more crimes than their female counterparts.

Prison decongestion could be achieved by diverting women who are not involved in violent crimes and supporting them in the community. This will greatly reduce the number of women in the correctional centers, and indeed the entire prison population in Nigeria.

V. VARIOUS ALTERNATIVE SENTENCING STRATEGIES

5.1. Community Service

This is a rehabilitative measure imposed on an offender by a court as a penalty, which requires the offender to render some unpaid service or work



for the benefit of the community rather than serving a jail term at the correctional center. Offenders who have been found guilty of minor offences, especially non-violent offences, are usually assigned community service such as cleaning public places, working on government-owned farms, or assisting in community programmes. This rehabilitative measure is aimed at reducing prison congestion, promoting restorative justice, and reintegrating the offender back into society. A person under community service is usually supervised by an appointed authority who is to see that the offender complies with the order of the court. According to Section 460 of the *Administration of Criminal Justice Act (ACJA) 2015*, “a court may order community service for minor offenses, particularly for first-time offenders. This alternative punishment aims to rehabilitate offenders while avoiding the potentially negative impacts of prison time, such as overcrowding and stigmatization”. This is to say that community service as an alternative sentencing is not just discretionary but codified, and the judiciary is enjoined to adopt the same in appropriate circumstances.

5.2. Probation

This is a court-ordered sanction that permits the offender to remain in the community under certain conditions, which include, but are not limited to, reporting to a probation officer, abstention from intoxication, avoiding criminal activities, and attending counselling or rehabilitation programmes. Probation is recognized in Nigeria by the *Administration of Criminal Justice Act 2015*, which permits courts to grant probation, especially when dealing with first-time offenders. Section 455 (2) of the *Administration of Criminal Justice Act 2015* provides:

A recognizance under this part may contain such additional conditions with respect to residence, abstention from intoxicating substances, and any other matter as the court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or commission of other offences

This therefore means that an offender whom the court has granted probation is expected to enter into recognizance according to the terms or conditions as the court may deem fit to make, having regard to the nature of the offences.

5.3. House Arrest

This is a form of alternative sentencing where the offender is confined within his home or other place of his choice instead of being incarcerated

in a traditional correctional facility. House arrest is used as a means of restricting an offender’s freedom of movement while allowing them to remain in a familiar environment. This form of alternative sentencing is adopted when it appears more beneficial for the offender to be confined in his residence than in the correctional center. House arrest is not common in Nigeria as it is not explicitly provided for by any law in Nigeria, including the *Administration of Criminal Justice Act*; however, it could be implied since section 6 (3) of the *Nigerian Correctional Service Act 2019* provides for non-custodial sentencing.

5.4. Educational or Vocational Training

This is another form of alternative sentencing where the offender is ordered by the court to undergo educational or vocational training instead of serving a jail term. This is aimed at preventing and protecting the offender from mixing with hardened criminals in the correctional center in the case of a first-time offender. It is also aimed at reducing congestion in the correctional facilities and promoting the reintegration of offenders back into society. The Nigerian criminal justice system does not explicitly provide for educational or vocational training as an alternative form of sentencing. However, the *Administration of Criminal Justice Act 2015*, the *Child’s Right Act 2003*, *Non-Custodial Sentencing Policy and Guideline 2020*, and the *Nigerian Correctional Service Act 2019* encourage alternative sentencing, including educational or vocational training. The above frameworks allow for judges to use their discretion in favor of rehabilitation, thus enabling sentences that can include skill acquisition or educational courses.

5.5. Suspended Sentence

The *Administration of Criminal Justice Act (ACJA), 2015* provides for a suspended sentence in section 460 (1), thus:

Notwithstanding the provision of any other law creating an offence, where the court sees reason, the court may order that the sentence it imposes on the convict be, with or without conditions, suspended, in which case, the convict shall not be required to serve the sentence in accordance with the conditions of the suspension. (2) The court may, with or without conditions, sentence the convict to perform specified service in his community or such community or place as the court may direct.

This implies that the court is enjoined to have recourse to a suspended sentence where appropriate and sentence the convict to perform specified service in his community or other place as the court may



direct. Although the law prohibits the court from suspending a sentence where the offence is capital in nature, such as armed robbery, murder, sexual offences, or an offence for which the punishment exceeds imprisonment for 3 years, the court may suspend its sentence in other minor offences not involving the use of arms or offensive weapons.

5.6. Restorative Justice

This can be said to be a system of justice practice that focuses on healing and repairing harm rather than punishment alone. Restorative justice seeks to engage offenders, victims, and communities in a collaborative process to address the consequences of wrongdoing and promote reconciliation. Historically, Howard Zehr is considered to be the grandfather of restorative justice. He opined that restorative justice is centered on repairing harm rather than administering punishment. In his book *Changing Lenses* (1990), Zehr describes restorative justice as a shift in focus from “what laws have been broken?” to “who has been hurt?” and “how can we heal?” He argues that the traditional justice system focuses on the state as the victim, while restorative justice focuses on real victims. Restorative justice is more than just an alternative to retributive justice; it values inclusivity, mutual respect, and dialogue between offenders, victims, and communities (Gerry, 2002). The core aim of restorative justice is to repair the harm done to the victim, the community, and even the offender. Therefore, the courts should aim for restorative justice instead of traditional sentencing. It should focus on the real victim instead of focusing on the state as the victim.

VI. SOME REHABILITATION PROGRAMMES

6.1. Skill development

Research from the National Institute of Justice (NIJ 2014) noted the importance of vocational training and educational programmes, suggesting that offenders who gain job skills and attain educational certificates while incarcerated have a substantially lower risk of recidivism compared to those who have no such training. Cullen and Gendreau (2000) emphasize that rehabilitation should involve structured, skill-building activities that are evidence-based and administered in supportive environments. Skill development, therefore, plays an essential role in reducing recidivism and supporting the reintegration of offenders into society. Where an offender has acquired useful skills while incarcerated or even as an alternative to incarceration, there is every likelihood that the offender will not recidivate

because, by the skills he has acquired, he can get a job that will keep him busy and turn his mind away from crime.

6.2. Education

Just as previously mentioned, offenders who gain educational certificates while incarcerated have a substantially lower risk of recidivism compared to those who do not have such training. The emergence of the internet and distance learning has made it seamless and hassle-free for those incarcerated to get educational certificates. Where proper arrangements have been made with the support of the necessary equipment from the government, an offender can earn a master’s degree or a Ph.D. while incarcerated, depending on their jail term and level of education before incarceration. Education is an indispensable tool in reducing recidivism among offenders; it equips them with the requisite knowledge to become useful and meaningful in society.

6.2. Mental health support

Mental health refers to a person’s emotional, psychological, and social well-being. It affects how individuals think, feel, and behave, influencing how they handle stress, how they relate to others, and how they make decisions. Due to the horrible nature of the correctional facilities and the negatively impacting experiences that inmates acquire while incarcerated, offenders end up becoming mentally sick. And this is against the aim of imprisonment, which is to correct and not to destroy the offender. Therefore, there is a need to support these offenders to prevent, treat, and manage their mental illness so that they can be properly reintegrated into society. A mentally ill person is bound to commit even a heinous crime like murder or manslaughter, depending on their state of mind at the time the crime was committed, and may not be held liable. The law protects a mentally sick person when it is proved beyond a reasonable doubt that he was not in his moment of lucidity or of sound mind when the crime was committed. This is why it is very necessary to take care of the mental health of offenders to reduce recidivism and promote their proper reintegration into society.

VII. CONCLUSION

Prison overcrowding is a global phenomenon, and almost all countries of the world are battling with prison overcrowding because of the surge in crime globally. However, in the case of Nigeria, it appears to have grown beyond control. It has been shown in several reports and literature that the correctional facilities in Nigeria house more inmates than supposed, leading to poor welfare of



inmates and ultimately defeating the aim of incarcerating the offenders, which is to correct and not to destroy the offender. In an attempt to solve the issue of overcrowding in the Nigerian correctional facilities, we discussed alternative sentencing, prison reform, and rehabilitation programmes as a solution to decongesting the Nigerian correctional facilities. Overreliance of the courts on incarceration has given birth to overcrowding and congestion of the Nigerian correctional facilities; hence, alternative sentencing has been greatly recommended as a solution to reducing overcrowding and prison congestion in Nigeria. We mentioned that the Nigerian criminal justice system recognizes some forms of alternative sentencing under the Administration of Criminal Justice Act (ACJA), 2015, such as community service, probation, and house arrest. And we further posited that the judiciary should leverage these alternative sentencing measures to assist in decongesting the overcrowded Nigerian correctional facilities.

We also explored the possibility of leveraging prison reform to decongest the correctional facilities. We had earlier mentioned that the purpose of prison reforms is to make the correctional centers more effective in reducing crime and recidivism, as well as to promote justice and fairness within the correctional system. By so doing, prison reforms help to decongest the correctional centers.

Finally, we discussed some forms of alternative sentencing, including probation, community service, house arrest, suspended sentence, and restorative justice as means of reducing overcrowding in the Nigerian correctional facilities.

VIII. RECOMMENDATIONS

A holistic review of the entire work will show the imperative of adopting alternative sentencing, prison reforms, and rehabilitation programmes as a means to decongest the Nigerian correctional centers. We therefore recommend that the Nigerian criminal justice system, including the judiciary, should adopt alternative sentencing and the rehabilitation programmes mentioned above to help in downsizing the prison population.

We also recommend that the Nigerian National Assembly (NASS) should make laws granting the judges the authority to exercise discretionary sentencing in the case of non-violent and simple offences. This will enable the judiciary to effectively utilize alternative sentencing is decongesting the correctional centers, as against placing heavy reliance on custodial sentencing for

minor offences, which contributes to prison overcrowding in Nigeria.

We finally recommend that the Nigerian criminal justice system should adopt some if not all of the international best practices in decongesting the Nigerian correctional facilities that we discussed in this paper which includes criminal law and sentencing reforms to reduce prison population, a statutory presumption against short-term imprisonment, pre-trial probation, capable of extinguishing offence, and diverting women from prison and supporting them in the community. These international best practices, when implemented, will greatly assist in decongesting the custodial centers and improving the welfare of inmates.

REFERENCES

- [1] Adetula GA, Adetula A, Fatusin AF 2010. The prison subsystem culture: Its attitudinal effects on operatives, convicts, and the free society. *Ife Psychologia*. 18(1): 232-251 [2] Administration of Criminal Justice Act, 2015.
- [3] Akpede, B. (2019). Budgetary allocation in Nigerian prisons. Retrieved from www.story.dataphyte.com. Accessed on 30th May, 2020.
- [4] Agomoh, U., & Okeke, J. (2020). Prison Overcrowding and Its Impact on the Nigerian Prison System. *Journal of Criminal Justice*.
- [5] Alemika, E. E. O., & Chukwuma, I. (2001). *Juvenile Justice Administration in Nigeria: Philosophy and Practice*. Centre for Law Enforcement Education (CLEEN).
- [6] Albrecht, H. (2010). *Prison Overcrowding: Finding Effective Solutions, Strategies and Best Practices against Overcrowding in Correctional Facilities*, Germany: Max Planck Institute.
- [7] Andrew, C., Allison, C. & Rodney, N. (2003). *Capitalist Punishment: Prison Privatization & Human Rights*. Corrections p 235: Clarity Press
- [8] Ayade, E. (2010). *The problem of Prison Overcrowding in Nigeria: Some Lessons from South Africa and America, and Europe: Hungary*
- [9] Cullen and Gendreau (2000). *Principles of Effective Correctional Intervention*
- [10] Ekunwe, I. O., & Jones, R. S. (2011). *Global Perspectives on Reentry*. Sociology Publications.
- [11] Emeka E. Obioha (2011). Challenges and Reforms in the Nigerian Prisons System. *Journal of Social Science*, 27(2): 95-109



- [12] Catherine Heard (2016). Alternatives to imprisonment in Europe: A handbook of good practice.
- [13] Gerry Johnstone (2002), Restorative Justice: Ideas, Values, Debates
- [14] Howard Zehr (1990) Changing Lenses
- [15] Ohazulike, G.A (2020). Alternative Sentencing and Congestion in Port Harcourt Correction Service, Rivers State, Nigeria. Journal of Sociology Vol 7 No.1, October 2020.
- [16] Steven, T. (2018). Need an alternative sentence in Gillette? You may be eligible. Retrieved from www.steventituslaw.com, Accessed on 28th May, 2020.
- [17] National Institute of Justice 2014.
- [18] Nigerian Correctional Service Act 2019.