
A CRITICAL ASSESSMENT OF AWARENESS AND PERCEIVED EFFECTIVENESS OF NON-CUSTODIAL SENTENCING IN REDUCING CUSTODIAL OVERCROWDING IN OSUN STATE

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Abstract: *This study critically assesses the level of awareness and perceived effectiveness of non-custodial sentencing as a strategy for reducing custodial overcrowding in Osun State, Nigeria. Non-custodial measures such as community service, probation, parole, and fines have been on the fore front of the responsibility of the Nigerian Correctional Services following the enactment of the Nigerian Correctional Service Act, 2019. Despite these provisions, many correctional facilities across the country continue to experience overcrowding, raising questions about the extent to which stakeholders understand and utilize these alternatives to imprisonment.*

Social learning theory and restorative justice theories form the ground upon which the article lay its argument. The research investigates the awareness of non-custodial sentencing among Osun State populace and its effectiveness among key actors within the criminal justice system, including judicial officers, correctional personnel, and law enforcement agencies. Mixed method of data collection and analysis was used with interpretation don using charts.

Findings from this assessment are expected to highlight the disparity between the legal framework and actual practice, showing that while non-custodial sentencing holds significant potential to reduce custodial overcrowding, its impact is constrained by



limited awareness. The study concludes that improving awareness, strengthening institutional capacity, and fostering community acceptance are essential to further enhancing the effectiveness of non-custodial sentencing in decongesting custodial facilities in Osun State.

Keywords: Custodial, non-custodial, overcrowding, decongestion

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INTRODUCTION

The concept of non-custodial sentencing is gaining an increasing recognition as a vital tool to criminal justice reform across the entire globe. In the Tokyo Rules (also called the United Nations Standard Minimum Rules of Non-Custodial Measures) the importance of alternatives to incarceration in promoting rehabilitation, reducing recidivism, and safeguarding human rights is highly emphasized (Penal Reform International, 2023). Because jail is typically viewed as a final option instead of the normal punishment, probation, parole, community service, and restorative justice are now being viewed by many countries as valid options in response to crime. This global shift shows that more people have realized that the multifaceted socioeconomic and human rights concerns surrounding crime and punishment cannot be sufficiently met by jail sentencing (Awofeso, 2022).

The persistent jail overcrowding, insufficient funds to address the corrections sector, and the presence of human rights issues have rendered the theme of non-custodial sentencing in Africa more relevant (United Nations Office of Drugs and Crime, 2023). In place of imprisonment, a number of African nations have begun to trial probation, restorative justice and community-based sanctions. Countries such as South Africa, Kenya, Uganda, and Nigeria have enacted legal frameworks that recognize non-custodial measures; however, due to institutional and cultural barriers, they have yet to be fully implemented (Nnam, 2022). Nevertheless, the fact that these options are gaining popularity suggests that more and more people across the continent realize that effective judicial systems should not be based solely on punitive incarceration; they should also incorporate accountability with rehabilitation and reintegration (Agbiboa, 2022).

The Correctional centres in Nigeria are plagued by excessive overcrowding that negatively affects the health of the prisoners, puts them at risk of contracting diseases and impedes the process of rehabilitating the prisoners. Besides frustrating the key objectives of the correctional system, which include rehabilitation, reformation, and reintegration, this overcrowding renders it very hard to

ensure that humane living conditions in these centers are upheld. This has led to a growing debate on the application of non-custodial options as viable alternatives to the traditional incarceration, and the aim of alleviating the burden on the correctional centers, as well as enhancing the effectiveness of the criminal justice system.

STATEMENT OF THE PROBLEM

The correctional centres in Nigeria are overcrowded beyond the stage of crisis where the facilities are often occupied by a number of inmates that are way more than the designed capacity of the facility. This situation prevents the successful reintegration of offenders into society, increases health crises, and cruel conditions. In spite of the legal provisions of non-custodial remedies in Nigeria, there is still a level of limitation to the application of non-custodial remedies, contributing to the current congestion of prisons. Accepting these non-custodial alternatives, subsequent reduction of jail congestion and effective utilization of the program depends on the perception of the people and their awareness of them. This has been a major problem in Nigeria towards reducing the prison congestion as non-custodial sentencing has been underutilized based on the awareness of the program and its effectiveness.

OBJECTIVE

The study examines the perceptions on awareness of non-custodial sentencing and its effectiveness as a mechanism to reduce correctional centre overcrowding.

THEORETICAL EXPLANATION

The theory of social learning and restorative justice are the theories used to inform the theoretical approach of this study. The primary aim of the restorative justice is to repair the damage done by the criminal actions in an inclusive manner that would entail all the stakeholders such as the victims, the offenders and the community. Community service, probation, and restorative justice interventions are some of the non-custodial measures that support this strategy because they place a greater focus on the community reintegration and rehabilitation of offenders than on punishment. The social learning theory holds that individuals acquire new behaviors by means of social contact and observation. This theory suggests that non-custodial approaches may be used to decrease recidivism and alleviate the problem of prison overcrowding by providing criminals with positive role models and situations that would promote the emergence of pro-social behaviors.

METHODOLOGY

In order to measure the public perception on awareness and effectiveness of non-custodial sentencing among the population, the mixed-methods approach was employed, including quantitative and qualitative approach. Osun State was selected due to availability of respondents, while stratified random sampling method was applied to have a representation of the population. The instrument used to collect data on the level of awareness of the participants regarding non-custodial alternatives to imprisonment was a structured questionnaire while In-depth interviews were held with the relevant stakeholders in the criminal justice system to give extensive information on the effectiveness of non-custodial as an alternative to imprisonment. The analysis of quantitative data involved frequency count and percentages, whereas the analysis of qualitative data involved the use of content analysis as the analysis method, which seeks to answer the question of whether the non-custodial centres would be an effective alternative to imprisonment.



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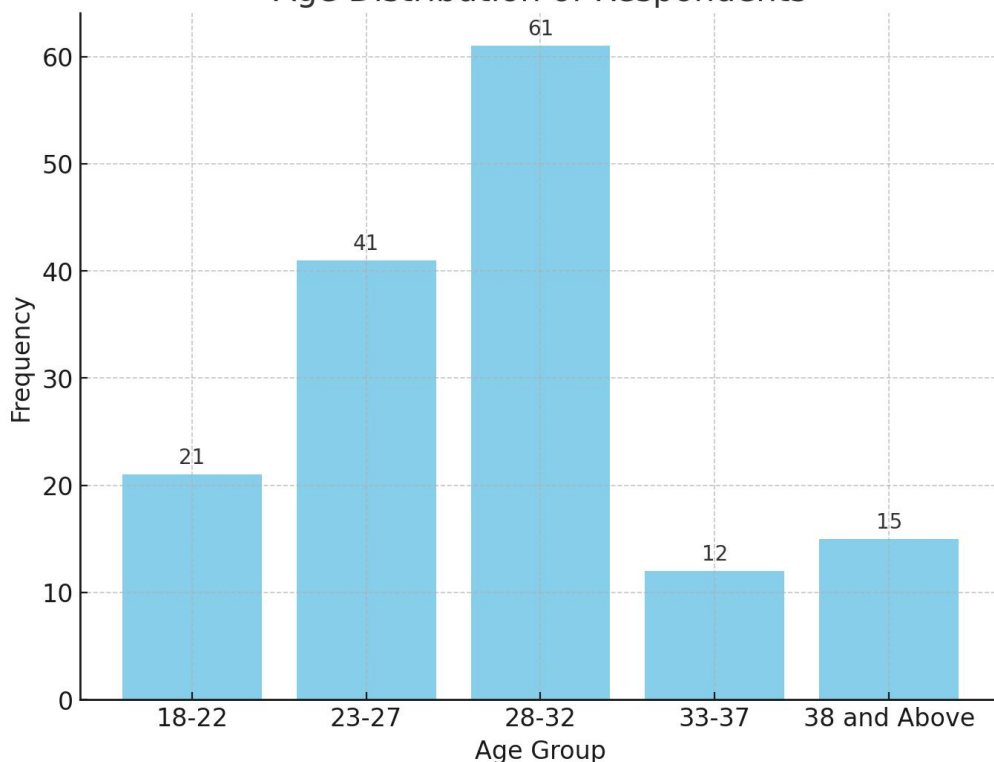
FINDINGS

Socio Deographic Variables

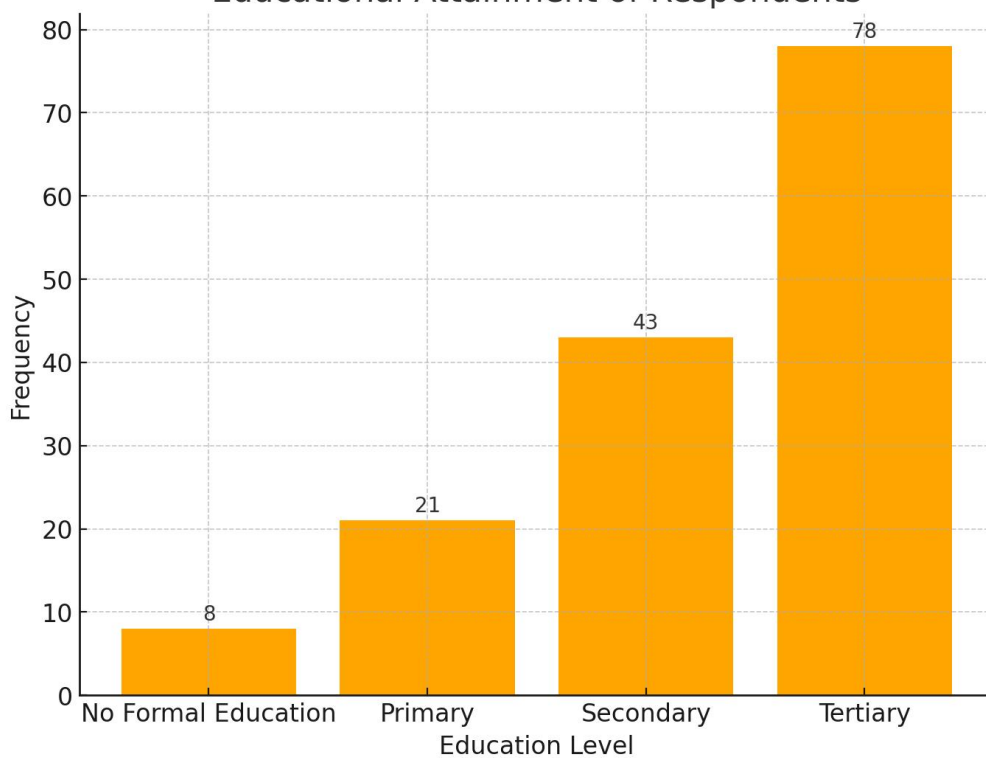
Variable	Value	Frequency	Percentage
Age	18-22	21	14
	23-27	41	27.3
	28-32	61	40.7
	33-37	12	8
	38 and Above	15	10
	Total	150	100
Education	No Formal Education	8	5.3
	Primary	21	14
	Secondary	43	28.7
	Tertiary	78	52
	Total	150	100
Occupation	Unemployed	13	8.7
	Student	26	17.3
	Self Employed	21	14
	Public Servant	53	35.3
	Private Sector Employee	31	20.7
	Retiree	6	4
	Total	150	100

Source: Survey 2025

Age Distribution of Respondents



Educational Attainment of Respondents



Awareness of non-custodial sentencing as an alternative to incarceration

Variable	Frequency	Percentage
Yes	36	24
No	114	76
Total	150	100

Source: Survey 2025

The perception and awareness of respondents towards non-custodial centres depict that the level of knowledge regarding this reform-focused substitute of custodial sentencing is relatively low. The survey results indicate that most of the respondents (76%) said that they did not know that non-custodial centres existed or operated whereas only a small number of respondents (24%) said that they were aware to some extent). This indicates that even after such policy changes as the Administration of Criminal Justice Act (ACJA) 2015 and the Nigerian Correctional Service Act 2019, people are not aware of non-custodial options.

Level of Education and Awareness

Variables	Level of Education				
	No Formal	Primary	Secondary	Tertiary	Total
Awareness					
Yes	3	3	6	24	36
No	5	18	37	54	114
Total	8	21	43	78	150

Source: Survey 2025

Despite the high level of education recorded among the respondents, the level of awareness still remain very low. With 52% of the total respondents attaining tertiary education, and 94.6% attaining either primary, secondary, or tertiary education, 76% of the total respondents remain in the dark on the activities of the non custodial sentencing and its effectiveness as an alternative to custodial sentencing.

Non-custodial centres are created to apply the alternatives to imprisonment including community service, probation, parole, restorative justice, and rehabilitation programmes. Nevertheless, the results indicate that a considerable percentage of the respondents continue to see incarceration in custodial centres as the most important or the only option that can be used to punish offenders. This shows that the goals of penal reform, especially the decongestion of the prisons by encouraging the non-custodial approaches, is still to be communicated and accepted by the mass.

On the whole, the perception of respondents highlights the disconnect between policy of criminal justice reform and awareness of people. The large percentage of unawareness (76) shows that the desired effect of the non-custodial model of decreasing prison overcrowding and enhancing restorative justice has not been achieved. To close this gap, we need conscious awareness campaigns,



sensitization of the community and conspicuous demonstration of non-custodial measures as alternatives to custodial sentencing.

Effectiveness of non-custodial sentencing in reducing overcrowding

The non-custodial centres have given an alternative to incarceration of petty offenders who are mostly accused of minor violations including traffic violations, loitering, or trading in the street. By so doing, these measures avoid unnecessary remand orders, hence contributing to the congestion of correctional centres.

"From our perspective in the Police, the introduction of non-custodial centres has helped in decongesting the correctional facilities, especially for minor offences. Previously, we had to remand offenders for petty crimes like traffic violations or street trading, which unnecessarily filled up the prisons. Now, with non-custodial sentences, such as community service or fines, these cases are resolved without adding to the overcrowding problem." (IDI/Female/Police/41years/2025)

The introduction of non-custodial sentences are particularly effective for first-time offenders and juveniles, as they prevent exposure to hardened criminals, which could worsen recidivism.

"In our experience, non-custodial sentencing works best for first-time offenders and juveniles. It prevents them from mixing with hardened criminals in correctional facilities, which contributes both to reducing overcrowding and to preventing recidivism. This is one of the most effective aspects we've observed." (IDI/Male/Police/46years/2025)

Non custodial sentencing is considered to be a measure that increases efficiency in delivering justice. These steps help to alleviate the workload on the court by lessening the remand processes and setting of bails on minor cases and focus more on serious crimes..

"As judicial officers, we have seen that sentencing to non-custodial centres helps address overcrowding in correctional centres. Courts now issue community service or probation orders for minor infractions. This reduces the number of people remanded and ensures that correctional facilities are reserved for serious offenders." (IDI/Male/Lawyer/ Osogbo/38years/2025)

Non-custodial sentencing has also broadened the scope of judicial responsibility, shifting attention from purely punitive approaches to more restorative and rehabilitative justice.

"The adoption of non-custodial measures has also reshaped sentencing guidelines. Judges are increasingly required to consider restorative and rehabilitative justice rather than just punitive measures. This shift has broadened the role of the judiciary in promoting social reintegration, not just punishment." (IDI/Male/Lawyer/Osogbo/44years/2025)

Although the sentencing is appropriate to certain categories of offences, the lack of functional non-custodial centres in certain states and the efficiency of monitoring might be a major problem to the purpose of sentencing. The absence of proper supervisory agencies also means that the judicial



directives to community service or probation will become mere authority words and not words of action.

" poor record keeping and monitoring could affect the effectiveness of the program. When offenders are sentenced to community service or probation, there is often weak coordination between the judiciary and supervising agencies. This gap sometimes renders non-custodial measures ineffective in practice, even though the policy is sound." (IDI/Female/Lawyer/Osogbo/40years/2025)

Non-custodial interventions have a direct effect in relieving the strain on prison facilities. The population of those serving petty crimes has also reduced, allowing them to use more resources to rehabilitate serious offenders.

"From our experience inside correctional centres, non-custodial measures have a clear impact. The number of inmates serving time for petty offences has declined compared to before, and this helps us manage resources better. Overcrowding was so severe that facilities meant for 800 people held more than 2,000; the pressure is gradually easing." (IDI/Male/Correctional Officer /Osogbo/36years/2025)

Also, keeping minor offenders outside correctional centres prevents the negative socialization that often occurs when first-time offenders mix with habitual criminals.

"We also recognize that the non-custodial system reduces recidivism by avoiding the problem of 'prison schooling,' where minor offenders become hardened through association with career criminals. In this sense, it doesn't only reduce overcrowding but also contributes to long-term decongestion by lowering re-offending rates."(IDI/Male/Correctional Officer /Osogbo/39years/2025)

However, they caution that the reduction in overcrowding remains modest, as courts still commit significant numbers of offenders for minor offences where alternatives could have been applied.

"However, the effect is not yet as significant as we had hoped, because courts still commit large numbers of offenders for minor crimes. Until non-custodial sentencing becomes the default for such cases, the pressure on correctional centres will continue." (IDI/Female/Correctional Officer/Osogbo/35years/2025)

Overall, the adoption of non-custodial centres has worked in reducing congestion in prisons particularly by the diversion of less serious offenders out of custodial sentences and the promotion of rehabilitative justice. Nevertheless, the system is not devoid of its shortcomings as there is the absence of appropriate awareness where information on the existence of non custodial sentencing is provided especially to the Police

"The effectiveness of non-custodial measures also depends on awareness. Many of our officers and even the public are not fully sensitized to their existence. Sometimes, the police default to remanding suspects in custody instead of recommending alternatives. With more training and



sensitization, the centres could significantly reduce overcrowding."(IDI/Male/Lawyer/Osogbo/49years/2025)

DISCUSSION OF FINDINGS

The results of the study shows that there exists a major knowledge gap concerning the presence and operation of non-custodial centres as an alternative to custodial centres in Nigeria. Most of the interviewees reported little or no knowledge about such facilities and this implies that non-custodial interventions are not well publicized and used in the criminal justice system of the country.

The non-custodial centres, which are based on the Administration of Criminal Justice Act (ACJA) 2015 and supported by the Nigerian Correctional Service Act 2019, are meant to offer alternatives to incarceration in the form of probation, community service, restorative justice, parole, and rehabilitation programmes. Nonetheless, the research shows that majority of the respondents continue to view imprisonment in traditional correctional centres (custodial facilities) as the only option open or available to the courts in order to treat the offenders.

The fact that most of the respondents do not know about non-custodial centres in Nigeria has far-reaching consequences on the criminal justice system in the country. This unawareness is not only an indication of a policy-practice disjuncture but this ignorance also erodes the overall objectives of penal reformation, rehabilitation, and the decongestion of correctional centres.

The image of criminal justice agencies demonstrates that the non-custodial centres are widely regarded as an important part of the criminal justice reform of Nigeria. The assumption that the centres can play significant functions as an alternative to custodial centres reflects their potential to overcome structural problems of prison overcrowding, inadequate inmate welfare, and recidivism. They can however be effective when they are routinely implemented, properly resourced and sensitized to both members of the justice sector and the citizens. The criminal justice system in Nigeria can be changed into a more efficient, humane, and rehabilitative system with the help of a stronger political will and institutional support of non-custodial centres.

CONCLUSION

As a way of conclusion, the respondent perception is indicative of a serious lack of awareness regarding non-custodial centres in Nigeria. Such lack of awareness is an obstacle to the achievement of the goals of penal reform and decongestion of the correctional centres. To make non-custodial measures effective, it is necessary to create more sensitization, policy execution, and visible community-based frameworks that emphasize such alternatives as credible, available, and rehabilitative in the Nigerian criminal justice system. The under-awareness of the non-custodial centres by the people has some dire consequences to the Nigerian criminal justice system even though there are extensive benefits entrenched in it. It maintains overcrowding in prisons, restricts the application of rehabilitative forms of sentencing, continues to support punitive justice practices, and increases the distance between law and practice. To achieve effective reform, it is important to make investments in awareness, justice sector actors capacity building and visible community-based non-custodial measures. It is only then that Nigeria can come nearer to having a balanced criminal justice system that incorporates accountability and rehabilitation as well as social reintegration.

The positive response by the criminal justice agencies to the non-custodial centres being good alternatives to custodial sentencing has a promising effects on the justice system in Nigeria. It



preconditions the decreasing overcrowding of prisons, enhancing rehabilitation, resource optimization, and updating the justice delivery according to the international standards. Nevertheless, their materialization will have to be a conscious effort to reinforce the institutional structures, provide proper resourcing, and overcome the difference between positive image and actual performance.

Lack of infrastructures, keeping of records, and monitoring of offenders diminishes the effects that this reform could have. To realise the full potential of non-custodial sentencing, Nigeria will have to invest in increasing non-custodial centres, enhance inter-agency co-ordination, and capacity building of supervising institutions. It is only at this point that the justice system will be able to strike the right balance between punishment and rehabilitation and also reduce overcrowding in correctional facilities in a sustainable manner.

In achieving the designed aim and goal of non custodial sentencing in Nigeria, few recommendations are therefore brought forward which includes strengthen monitoring and compliance mechanisms, expand non-custodial infrastructure across states, capacity building for criminal justice actors, enhance synergy between the criminal justice agencies, and public awareness and community engagement.

REFERENCES

- Aborisade, R. A., Fayemi, J., & Oba, J. (2023). Nigeria's correctional service in the throes of insecurity: Challenges and prospects. *Journal of Crime and Justice*, 46(1), 1–18. <https://doi.org/10.1080/0735648X.2022.2117083>
- Agbiboa, D. E. (2022). Policing, penal reform, and the crisis of prison overcrowding in Nigeria. *Punishment & Society*, 24(4), 538–556. <https://doi.org/10.1177/14624745211029185>
- Ajayi, T. M. (2021). Restorative justice and the administration of criminal justice in Nigeria: A critical appraisal. *Commonwealth Law Bulletin*, 47(3), 369–390. <https://doi.org/10.1080/03050718.2021.1938659>
- Amnesty International. (2022). *Nigeria: “Harrowing journey” – Torture and ill-treatment in Nigeria's criminal justice system*. Amnesty International. <https://www.amnesty.org/en/documents/afr44/5481/2022/en/>
- Awofeso, N. (2022). Prison overcrowding in Africa: Health and human rights implications. *BMJ Global Health*, 7(Suppl 3), e009723. <https://doi.org/10.1136/bmjgh-2022-009723>
- Eze, U. C., & Nnam, M. U. (2023). Custodial and non-custodial sentencing in Nigeria: Prospects and challenges. *International Journal of Law, Crime and Justice*, 74, 100577. <https://doi.org/10.1016/j.ijlcrj.2023.100577>
- Human Rights Watch. (2021). *Nigeria: Prison conditions and the urgent need for reform*. Human Rights Watch. <https://www.hrw.org/news/2021/11/10/nigeria-prison-conditions-and-urgent-need-reform>
- International Committee of the Red Cross. (2022). *Addressing prison overcrowding in Nigeria: Humanitarian perspectives*. ICRC. <https://www.icrc.org/en/document/addressing-prison-overcrowding-nigeria>
- International Centre for Prison Studies. (2021). *World prison brief: Nigeria*. Institute for Crime & Justice Policy Research. <https://www.prisonstudies.org/country/nigeria>
- Nnam, M. U., & Aduba, J. (2022). Penal reforms in Nigeria: Rethinking incarceration and alternatives to imprisonment. *African Human Rights Law Journal*, 22(1), 155–173. <https://doi.org/10.17159/1996-2096/2022/v22n1a8>
- Okeshola, F. B., & Akinola, O. (2021). Non-custodial sentencing and prison decongestion in Nigeria: An assessment of the Nigerian Correctional Service Act, 2019. *Journal of Law and Social Sciences*, 14(2), 87–104. <https://doi.org/10.1080/09726761.2021.1948476>
- Penal Reform International. (2023). *Global prison trends 2023*. Penal Reform International. <https://www.penalreform.org/resource/global-prison-trends-2023/>
- Sule, A., & Mohammed, I. (2024). The Nigerian Correctional Service Act and the prospects of restorative justice. *Commonwealth Law Bulletin*, 50(2), 217–234. <https://doi.org/10.1080/03050718.2024.2301125>
- United Nations Office on Drugs and Crime. (2023). *Handbook of basic principles and promising practices on alternatives to imprisonment*. UNODC. <https://www.unodc.org/unodc/en/justice-and-prison-reform/tools.html>
- Yusuf, H. O., & Omede, A. J. (2022). Overcrowding in Nigerian prisons: Examining the role of non-custodial sentencing in penal reform. *International Journal of Prisoner Health*, 18(3), 246–261.