EFFECTIVE IMPLEMENTATION OF NON-CUSTODIAL SENTENCING PROVISIONS IN ADMINISTRATION OF CRIMINAL JUSTICE LAW OF EDO STATE: NEED FOR SYNERGY AMONGST STAKEHOLDERS*

PRESENTED BY

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1. INTRODUCTION

For decades now, the default setting of sentencing in the Criminal Justice system of Nigeria has been the imposition of mostly custodial sentences. As a result of the long reign of the regime of imposition of custodial sentences, usually in form of imposition of terms of imprisonment on convicted offenders and when added to those awaiting trial, the resultant large number of inmates has outstretched the built-in/carrying capacity of most Custodial Centres in Nigeria; thereby, leading to overcrowding of existing non-custodial facilities.

According to Nigeria's Minister of Interior, Ogbeni Rauf Aregbesola, Nigeria presently has 244 Custodial Centres with the bulk of them situated in State Capitals. The Centres which have a provision for 52, 278 inmates, as at May, 2023 exceeded their limit by over 23,000.[1]

The above grim situation has occasioned justified concern among Stakeholders arising from high cost, health implications, increased wear and tear of custodial facilities and security challenges among others. Given contemporary global emphasis

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[1] Ministry of Interior, "Amended Correctional Act Allows State Governments to Established Their Custodial Facilities" Available at interior.gov.ng assessed on 25/10/23 at 11.23am.

gravitating towards preference for non-custodial sentencing, especially in relation to minor offences; reforms have been introduced to existing primary criminal legislations in Nigeria, such as the Administration of Criminal Act 2015(hereinafter referred to as, "ACJA") which was domesticated in Edo State, as the Administration of Criminal Justice Law of Edo State, 2018 (hereinafter referred to as the, "ACJL") and the Nigerian Correctional Service Act, 2019. (Hereinafter referred to as the, "NCSA"). These reform provisions are clearly aimed at decongesting existing Custodial centres through the vehicle and increased use of non- custodial sentencing which undoubtedly marks a paradigm shift in the mode of criminal sentencing.

Covid 19 pandemic came to us with lots of negatives. But incidentally, like every other thing, it came with some positive by- products. One of which is that it, brought the issue of non- custodial sentencing to the front burner of criminal justice delivery in Nigeria. For the very first time, emphasis shifted from custodial to non- custodial sentencing, especially for simple offences and misdemeanor.

Following the legal compass of the topic of today's interface, this paper from a doctrinal point, seeks to generally examine some non-custodial provisions of the above relevant legislations in Nigeria. The paper shall also look at the level of implementations of non-custodial provisions contained in these relevant legislations, seek to identify factor(s) militating against effective implementations, (if any) and conclude by underscoring the need for effective synergy of relevant stakeholders in the Criminal Justice Sector in actualizing the lofty goal of the non-custodial measures. Let us begin by briefly highlighting some key considerations that also form an integral part of this discourse.

2. SENTENCING

Where at the end of trial, the court in its considered judgment finds the defendant guilty of the offence charged or of any other offence for which the court could lawfully convict, the defendant would be duly convicted. After conviction, comes sentencing.

Sentencing means, no more than the imposition of the punishment prescribed by law on the defendant by the court. There can therefore be no sentence without conviction. A Sentence must be pronounced by the court.[2] Where however, the court fails to pronounce sentence after conviction, it has been held that such omission is an irregularity and not an illegality capable of vitiating the proceedings.[3] In such a case, the appellate court may impose the sentence on appeal. In our criminal law jurisprudence, sentencing may be **Custodial** or **Non- custodial** depending on the seriousness of the offence, the facts of each case, evidence in proof thereof among other considerations.

2.1. FACTORS TO BE CONSIDERED IN PASSING SENTENCE

These are contained in section 311(1) of the Edo ACJL. The section provides that, *"The Court shall, in pronouncing sentence, consider the following factors in addition to sections 239 and 240 of this law:*

(a) The objectives of sentencing, including the principles of reformation and deterrence;

(b) Interest of the victim, the convict and the community;

(c) Appropriateness of non-custodial sentence or treatment in lieu of imprisonment;

(d) The previous conviction of the convict.

2.2. TYPES OF SENTENCES

As has already been alluded to, generally, sentences may be classified into Custodial and Non- Custodial sentences.

(i)CUSTODIAL SENTENCE

A custodial sentence is a judicial sentence, imposing a punishment consisting of mandatory custody of the convict, either in prison or in some other closed therapeutic

[2] Asakitipi v State (1993) 5 NWLR (Pt. 296) 641 at 657

[3] Azabada v The State (2014) All FWLR (Pt. 751) 1610 at 1627.

or educational institution. As 'custodial' suggests, the sentence requires the suspension of an individual's liberty and the assumption of responsibility over the individual by another body or institution. The most common form of custodial sentence is imprisonment; which basically means that the convict shall change his/her residential address from the community where he/she resides to a new accommodation provided by the State called prison or Custodial centre, as they are now called. He/she shall reside at the new abode until the expiration of the term of imprisonment.

(ii) NON- CUSTODIAL SENTENCE

Conversely, non- custodial sentence refers to a sentence of court handed down to an adjudged offender that does not involve a term of imprisonment. It is sentence served outside the physical facility designated as a prison, or what is now dubbed as Custodial Centres in our Correctional Services. The goal of non-custodial measures, according to the United Nations Standard Minimum Rules, is to develop effective alternatives to incarceration for offenders and to allow authorities to tailor criminal sanctions to the needs of the particular offender in a way commensurate to the offence committed.

(iii) TYPES OF NON-CUSTODIAL SENTENCES

There are different types of non- custodial sentences. They include: Fines, Probation, Community Service Order, Parole, Suspended Sentence etc. We shall dwell on some of these measures in greater details under relevant laws in the course of this paper.

3. THE INSTITUTIONAL FRAMEWORK OF SENTENCING IN NIGERIA

Relevant Institutions concerned with sentencing in general and for our purpose, non-custodial sentencing, being critical stakeholders in the criminal justice system consist of the Police, Ministry of Justice (especially the Office of the Director of Public Prosecutions), the Nigerian Correctional Service, and of course, the Judiciary.

3.1 The Ministry of Justice

They represent the State in criminal matters, most of it in the superior courts. The office of the Director of Public Prosecutions (DPP) (one of the principal departments of the Ministry of Justice) advises the Police on criminal matters, gives legal opinions on such cases and exercises discretion on whether or not to prosecute. In relation to non- custodial sentences, the office of the DPP has powers to broker prosecutorial bargains that may lead to reduction of charges. These bargains reached, can facilitate the use of non-custodial measures. For instance, Under, section 270 of the ACJL 2018, the office of the DPP, as prosecutors, is empowered to receive, offer, consider or enter into a plea bargain in deserving cases with a defendant subject to the conditions stipulated under the section. This procedure can and may sometimes result in getting a conviction for lesser offences and consequential reduction of sentences.

The presiding Judge or Magistrate is legally enjoined to consider the agreed sentence and where he is satisfied that such sentence is an appropriate sentence, impose the sentence[4] and where he is of the view that he would have imposed a lesser sentence than the agreed sentence, impose the lesser sentence.[5] Under this provision, nothing stops parties from agreeing to or the imposition of non- custodial sentences. It is also important to state here that this largesse is not available only to the Ministry of Justice being also open to several other Agencies or Institutions that have prosecutorial powers such the Economic and Financial Crimes Commission (EFCC), National Agency for Food, Drug Administration and Control (NAFDAC), National Drug Law Enforcement Agency (NDLEA), The State Security Service (self-styled, the Department of State Service, DSS). Etc.

3.2 The Police

[4] Edo State Administration of Criminal Justice Law 2018, section 270 (11) (a).
[5] Ibid, section 270 (11)(b).

The Nigerian Constitution establishes the Nigeria Police Force[6]. Its powers and duties are outlined in the Police Act.[7] These include, the prevention and detection of crimes, the protection of the rights and freedom of every person, maintenance of public safety, law and order as well as protection of the lives and property of all persons in Nigeria.[8] Majority of criminal cases are initiated by the Police. In the area of prosecution of criminal cases, section 66(1) and (2) of the Nigerian Police Force (Establishment) Act, 2020 and the Edo ACJL allows police to prosecute cases.

3.3 The Judiciary and its Role

Chapter 6 of the 1999 Constitution establishes the Judicature. One of its cardinal functions is to conduct the trial of alleged offenders at the end of which a verdict is reached and sentenced passed where necessary. Sentencing is therefore, principally within the domain of courts of Law and involves the exercise of enormous discretion.

In this regard, the Court of Appeal (Kaduna Division) in ***Ilanma v Suleiman***[9] held that, *"…In criminal proceedings, the trial court has a discretion, after finding the accused person guilty and convicting him, to consider an appropriate sentence to impose within the parameters of the law."* This is why the success or otherwise of the adoption of non- custodial sentencing squarely depends on our courts. With a view to streamlining sentencing and achieve considerable uniformity, several States, including Edo, have adopted Sentencing Guidelines. The incident and efficacy of these guidelines is a topic for another day.

Suffice to say that it is critical for courts to impose non-custodial sentences more often, especially for minor offence. Otherwise, the non- custodial provisions of the law will simply lie fallow in our statute books.

4. THE LEGAL FRAMEWORK OF NON- CUSTODIAL SENTENCING IN NIGERIA

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[6] Constitution of the FRN, 2019, section 214(1).
[7] Nigeria Police Force (Establishment) Act, 2020
[8] Ibid, section 4.
[9] (2021) 11 NWLR (Pt. 1787) 290

The impression is held by some that non- custodial sentencing is a recent introduction into Nigeria's Criminal Justice system. But as many of us know, this is not a correct representation of the Law. Many non- custodial sentencing options have always been contained in previous criminal legislations such as the Criminal Procedure Law. What was the regime before now?

4.1. NON- CUSTODIAL SENTENCES UNDER THE CRIMINAL PROCEDURE LAW

Under the Edo State Criminal Procedure Law (which is *impari materia* with the parent Criminal Procedure Act as applicable to Southern Nigeria), there were many forms of non- custodial sentences. For instance, fines, binding over orders, caning, deportation etc. There was also probation for both juveniles and adults as provided for under sections 413 and 435-440 of the CPL. By section, 419 of the CPA, no child shall be ordered to be imprisoned. The section further provides that no young person shall be ordered to be imprisoned if he can be suitably dealt with in any other way whether by probation, fine, corporal punishment or otherwise. In addition, probation of juvenile offenders was also specifically provided for under the Children and Young Persons Law.

4.2. THE ADMINISTRATION OF CRIMINAL JUSTICE LAW AND NON-CUSTODIAL SENTENCES.

The ACJL makes provision for several non- custodial punishments. These include, Fines, Probation, Community Service, Rehabilitation, Deportation, Cost, Compensation and Damages, Seizure, Restitution, Forfeiture and Disposition of property. Out of respect for brevity and for our purpose today, it is prudent to focus on just some of them.

(i) FINES

This is a sum of money specified by law which an offender is required by law to pay to the State as penalty for the offence committed.

Section 420(1) of the ACJL provides as follows:

"Subject to the provisions of this section, where a court has authority under a law to impose fine in lieu of imprisonment for an offence, the court may, in its discretion impose a fine in lieu of imprisonment."

Typically, there are statutory limits on the specific amount the court may impose as fine which is usually as defined by the law creating the offence and the limit of the court's jurisdiction as stipulated by the law creating the court.

(ii) PROBATION

Under the ACJL, probation is defined as a type of recognizance ordered by a competent court of justice to be entered by a convict containing several conditions such that the defendant be under the supervision of such person or persons of the same sex, called a probation officer, as may, with the consent of the probation officer, be named in the order during the period specified in the order.[10]

(a) Other conditions that may be specified in the recognizance

A probation recognizance may contain such other additional conditions with respect to residence, abstention from intoxicating substance and any other matters as the court, may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or the commission of other offences.[11]

The Court by which a probation order is made shall furnish to the defendant a **notice in writing** stating in simple terms the conditions he is required to observe.

(b) Appointment of Probation Officers

[10] ACJL 2018, section 453 read together with section 455.
[11] Ibid, section 455 (2)

Under section 457 (1) of the ACJL, the Chief Judge of Edo State is empowered to make **regulations** with respect to the appointment of probation officers, including designation of persons of good character as probation officers from which list, a court within the district or division of the probation officer resides may make its appointment under section 455 of the Law.

(iii) SUSPENDED SENTENCE

In ***Gloria Nya v Bassey Edem,***[12] the Court of Appeal (Calabar Division) held that Suspended sentence, *"… in criminal law means in effect that the defendant is not required at the time sentence is imposed to serve the sentence."*

In the said case, a Cross River State High Court, in a contempt proceeding, convicted the appellant and in doing so, imposed a suspended sentence. Prior to this time, the court had granted an interim injunction which the appellant was said to be in disobedience of. On the issue of whether suspended sentence was known to Nigerian law, the court of Appeal held that, *"Suspended sentence is not part of Nigerian law and has no application whatsoever under Nigeria's criminal justice system."* But this was the old law as it then was. Happily, suspended sentence is now contained in section 460 (1) of the ACJL. The section provides that:

> *Notwithstanding the provision of any other law creating an offence, where the court sees reason, the court may order that the sentence it imposed on the convict be, with or without conditions, suspended, in which case, the*

[12] (2005) 4 NWLR (Pt. 915) 345 (CA, Calabar Division)

convict shall not be required to serve the sentence in accordance with the conditions of the suspension.

In **Ilanma v Suleiman,**[13] The appellant was charged along with two other persons for the offences of criminal conspiracy, criminal breach of trust, and criminal misappropriation contrary to sections 96, 311, and 308 of the Penal Code Law. The appellant, who was the 3rd accused person, at the trial Chief Magistrate Court pleaded not guilty to the charge.

At the close of trial, the trial court, in a considered judgment, found that the appellant along with his co-accused persons were guilty as charged. Consequently, the appellant and his co-accused persons were convicted for the offences. In an apparent probationary order, the trial court bound over the appellant and his co-accused persons under section 25 of the Criminal Procedure Code to be of good behaviour for six months in default of which they were to serve prison term of three months. The trial court went further to order the appellant to pay compensation to the respondent and one other person as victims of the crime under section 78 of the Penal Code Law. On further Appeal, the court held, on the issue of power of court to impose suspended sentence or make probationary order against accused person, that a trial court having convicted an accused person of an offence can proceed to make a probationary order or suspended sentence, otherwise called an order of "cautioned and discharged."

(iv) COMMUNITY SERVICE ORDERS

The ACJL introduces for the first time, the practice of Community Service as one of the alternatives to imprisonment for minor offences. This form of non-custodial sentencing really gained traction in Nigeria during the height of the global Covid-19 pandemic. The rules regulating Community Service orders as a non- custodial sentencing option are contained in section 460(2) of the ACJL. As has already been alluded to, this provision is an innovation in ACJA as there are no similar provisions in the prior CPL.

[13] Supra, n. 9

Community Service Order is an order from the court whereby an offender is given the chance of compensating society for the crime committed by performing work for the benefit of the community, instead of being put in prison. This form of punishment also seeks to deplore community shaming to its full advantage.

(a) Types of Community Service

ACJL highlights some types of community services that a convict may be sentenced to render. They include the following:

(a)Environmental sanitation, including cutting of grasses, washing drainages, cleaning the environment and washing public places;

(b) assisting in the production of agricultural produce, construction, or mining; and

(c) any other type of service which in the opinion of the court would have a beneficial and reformative effect on the character of the convict.

Section 461 of the ACJL mandates the Chief Judge to establish **Community Service Centres** in every judicial division. The functions of such Centres are clearly itemized in section 461(3) of the Law. I shall return to the issue of Community Service Centres under the ACJL vis a vis the Correctional Services Act shortly, before then, let us look at the essence of the imposition of Community Service orders.

(b) Essence of Community Service

The court, in exercising its power to order Community Service under sections 460(4) ACJL shall have regard to the need to:

1) reduce congestion in prisons;

2) rehabilitate prisoners by making them to undertake productive work; and

3) prevent convicts who commit simple offences from mixing with hardened criminals.

(v) PAROLE

This is a form of non-custodial reprieve extended to an offender who was hitherto sentenced to a custodial term that will enable him serve the remainder of his sentence outside the confinement of a Custodial Centre. Under the ACJL, *where the Comptroller – General of Prisons makes a report to the court recommending that a Prisoner:*

(a) sentenced and serving his sentence in prison is of good behaviour; and

(b) has served at least ***one third*** *of his Prison term, if he is sentenced to imprisonment for a term of at least fifteen years or where he is sentenced to life imprisonment, the court may, after hearing the prosecutor and the prisoner or his legal representative, 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.*[14]

A prisoner so released shall undergo rehabilitation programme in a Government facility or any appropriate facility to enable him to be properly reintegrated to the society.[15]

Presently, following the inauguration of the National Parole Board in Abuja at the federal level, the Edo State Parole Board, headed by Hon. Justice Alero Edodo- Eruaga (Rtd.) has since been constituted. The functions of the Board are as well laid out in section 40(1) of the Nigerian Correctional Services Act, 2019. At a recent interface, His Lordship, pursuant to section 468 above, explained that, *"... parole is not available for prisoners on death row but for those serving long-term sentences and have done one-third of their term and are of good behaviour."*

4.3 Nigerian Correctional Services and Non- Custodial Measures.

On the 19th of July, 2019, the Nigerian Correctional Service Act was enacted. This Act repealed and replaced the Prison Act[16] The long title of the Act stated succinctly *inter*

[14] ACJL, section 468
[15] Ibid, section 468(2).

alia that the enactment of Nigerian Correctional Services Act is to, **"...make provision for the administration of prisons and non-custodial measures in Nigeria and for related matters."** the Act establishes the Nigerian Correctional Service and expressly provides that the service is to, **"provide custodial and non- custodial services[17].** In line with this injunction, the Act provides that part of its objectives is to provide enabling platform for implementation of non- custodial measures[18] and enhance the focus on corrections and promotion of reformation, rehabilitation and reintegration of offenders.[19] Under this NCSA, The Correctional Service now consists of (a) Custodial Service and, (b) non-custodial service. To this end, the Nigerian Correctional Services Act was basically divided into 2 parts. Part 1 contains provisions on Custodial services whilst part 2 contains non-custodial provisions.

5. IMPLEMENTATION OF NON-CUSTODIAL SENTENCING IN NIGERIA

Before now, I have tried to high light some non-custodial provisions as contained in relevant legislations. But as we all agree, it is one thing to have enabling legislations and quite another for it to be implemented. In order to facilitate the effective implementation, reap the benefits and guarantee that society, offenders and victims are all favourable impacted, by non-custodial measures sentences in Nigeria, all stakeholders must work together. In this regard, the judiciary is pivotal. This is so because, apart from the mandatory sentences in few very serious offences such as murder, wide discretion is available to our courts in sentencing. From available records, what we find in practice is that majority of our courts still oscillate between passing terms of imprisonment with or without option of fines. It is however, gratifying that records also show that many Magistrates and Presidents of Area Customary Courts in Edo State quite regularly also pass non-custodial sentences, especially for minor offences which are often in terms of community service,

[16] Cap. P.29, Laws of Federation of Nigeria 2004
[17] Nigerian Correctional Service Act, section 1 (1)
[18] Ibid, section 2(b)
[19] Ibid, section 2(c)

compensation and the caution and discharge etc. But we are yet to see similar adoption of other options such as probation, parole etc. A situation such as this has led some writers and scholars to hold the impression that these latter options are virtually non-existent in practice. For instance, according to J. O. Ezeanokwasa and E. L. Ngede,[20] in practice, probation etc. are largely myths in Nigeria criminal justice system. In the majority of cases, the closest to probation the courts choose when dealing with minor offences (particularly with first offenders) is binding-over and conditional discharges.

6. FACTORS MILITATING AGAINST EFFECTIVE IMPLEMENTATION OF NON-CUSTODIAL SENTENCE.

What are the factors presently militating against effective implementation of non-custodial options? These include the following:

6.1 Non-Constitution of Relevant Bodies

Under this head, it is instructive to underscore the point that as we speak some statutory bodies that ought to be in place to facilitate the implementation of the non-custodial provisions of both the Nigerian Correctional Services Act and the ACJL of Edo State have either not been constituted or are not fully operational. For Instance, Section 37(1) of the Nigerian Correctional Services Act established a **National Committee on Non-Custodial Measures** to be appointed by the President and constituted by the National Assembly. The last time l checked, the very important Committee responsible for the coordination of the implementation of non-custodial measures under the Act is yet to be constituted.

[20] Ezeanokwasa J.O, Ngede E.L, "Non- Custodial Sanctions in Nigerian Criminal Jurisprudence & Their Applications During Sentencing; A Myth or Reality." Published in Unizik Journal of Public and Private Law Vol. II, 2021. Available at ezenwaohaetore.org. Accessed on 22/10/23 at 6.54 PM.

6.2 Apparent Contradiction of Some Aspects of Existing Legislations and Lack of Harmonization

In addition to the above, it is noteworthy that there are significant contradictions in key provisions of existing relevant legislations. For instance, under section 37(1) of the NCSA, **the Nigerian Non-Custodial Service** is to be responsible for the administration of non-custodial measures including Community Service, Probation, Parole, Restorative justice measures and any other non – custodial measure assigned to the Correctional Service by a court of competent jurisdiction. Furthermore, the Act provides that the Controller General of Correctional Service is also to undertake the following:

(a) Make regulations prescribing the duties of the Supervising officer for each of the non-custodial measures; and

(b) For any other matter that is necessary for the proper implementation of the Act.[21]

(c) Administer the parole process[22]

(d) **Appoint supervisors** to monitor those sentenced to community service etc.

It must however be said that some of these provisions appear to be in conflict with some provisions of the ACJL which is earlier in time. For instance, whilst on the one hand, section 37(1) of the Nigerian Correctional Service Act makes it clear that the Nigerian Non- custodial Service is to be responsible for the administration of non - custodial measures, including community service, probation, parole, restorative justice and any other non-custodial measure and the Controller General of Corrections is to appoint supervisors to monitor those sentenced to community service etc, section 461(1) of the ACJL Stipulates that, "there shall be established by the Chief Judge in every judicial Division, a community Service Centre to be headed by

[21] Section 39(1)
[22] Section 40(1)

a Registrar who shall be responsible for overseeing the execution of community service orders in that division.”

The section further provides that the registrar shall be assisted by suitable personnel **who shall supervise** the implementation of community Service orders that may be handed down by the Courts.

Quite clearly, we have a situation where the same assignment or responsibility has been given to both the Chief Judge under the ACJL and The Controller-General under the Correctional Service Act. This situation has generated some form of controversy which has somewhat impeded the expeditious implementation of this aspect of the law. Until the recent Constitutional amendment, the Prison Service was under the Exclusive legislative list which only mean that only the Federal Government can make laws on issues relating thereto. The argument is that the Act supersedes the ACJL. With the recent Constitutional amendment which l just alluded to, whereby States can now also establish their own Correctional centres and legislate on this issue, it is my fervent belief that this controversy will finally be laid to rest.

7. NEED FOR SYNERGY AMONG STAKE HOLDERS

The need for synergy in the implementation of non-custodial sentences cannot be overemphasized. As has already been underscored, effective implementation of this form of sentencing must necessarily involve adequate involvement of all relevant agencies as stakeholders. Happily, to facilitate much needed synergy, two very important bodies have been created by Statute. The First of which is **the Administration of Criminal Justice Monitoring Committee (ACJMC)** established under section 469(1) Part 46 of the ACJL which is headed by the Chief judge of Edo State, also has as members, the Attorney General of Edo State, a Judge of the State High Court, the Commissioner of Police of the State, the Controller General of Correctional Service, representatives of the National Human Rights Commission, Civil Society, Chairman Nigerian Bar Association etc. The second body which l have already

highlighted, is **the National Committee on Non-Custodial Measures,** created under section 37 (2) of the Nigerian Correctional Services Act.

Section 470 (1) of the ACJL charges the ACJMC, "*with the responsibility of ensuring effective and efficient application of the Act by relevant agencies.*" It further provides that the Committee shall ensure that, "the relationship between the organs charged with the responsibility for all aspects of the administration of justice is cordial and there exists maximum cooperation amongst the organs in the administration of justice in Nigeria. The ACJMC in Edo State is one of the strongest and most effective in the Country and has over the years ensured inter- agency cooperation among stakeholders in the criminal justice sector.

On the part of the Correctional services, section 38 (1) of the Act specifically states that the National Committee on Non-Custodial measures shall, 'coordinate the implementation of non-custodial measures with the judiciary and other relevant agencies. When this latter body is fully functional, our dream of ensuring effective implementation of the non-custodial provisions of the NCSA will hopefully, be realized.

8. CONCLUSION

This paper has examined the subject of non-custodial sentences from the prism of existing legislations, especially the ACJL and NCSA. In doing so, l have called in aid relevant provisions of the law that not only provide for different forms of custodial options but also created some Statutory bodies entrusted with its implementation and to facilitate inter-agency cooperation in this regard. The need for effective synergy as a necessary catalyst for effective implementation of existing laws has also been underscored.

In all of these, the point that must be underscored is that contemporary global best practice now weighs heavily in favour of the adoption of non- custodial options by all stakeholders. Consequently, custodial sentences should no longer be the first option

for Prosecutors and Courts. Therefore, going forward, the default setting of sentencing for all minor offences must now be reset from custodial to non- custodial; unless where from the facts and circumstance of the case it will be unreasonable to do so. In the case, of the latter, terms of imprisonment can be deployed in such exceptional cases. The paper represents a modest clarion call to all stakeholders in the Criminal justice sector to embrace this healthy wind of change, set their hands to the plough of Justice reform in the best interest of our dear State and Country.

Thank You for Your Patience in Listening and God Bless.