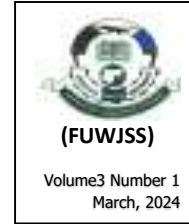


**NON-CUSTODIAL SANCTIONS AND  
ADMINISTRATION OF RESTORATIVE  
JUSTICE IN WUKARI LOCAL GOVERNMENT  
AREA, TARABA STATE, NIGERIA**



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**Abstract**

Crime rates and recidivism are significantly high in Wukari Local Government Area of Taraba State. Several studies have attributed this social problem to the continuous use of the custodial or prison system, which has been reported to have failed to rehabilitate and reform offenders. This paper discusses non-custodial sanctions as a suitable and sustainable alternative approach to the rehabilitation and reformation of offenders. The study was anchored on Kort-Butler's social support theory. The theory holds that positive social support from the family; community and government entities can lessen criminogenic behaviour and help rehabilitate, reform and reintegrate offenders into society. A descriptive cross-sectional research design was used for the study. Primary data was collected using questionnaires. Twenty (20) respondents were purposely selected from the State High Court, Upper Area Court No.1, Grade 1 Area Court, and the Wukari Medium Nigeria Correctional Services, making it five (5) respondents from each institution. The secondary data consist of data from journals and books. The collected data were analysed using simple percentages. The study's results revealed that fines and compensation are the most frequent and major forms of non-custodial sanctions in use in Wukari Local Government Area. The study concludes that the high rate of recidivism associated with the custodial and prison system calls for a paradigm shift to non-custodial sanctions. The study recommends that both government and non-governmental organizations should

provide social support to disadvantaged individuals, families and communities in order to help reduce criminal activities in Wukari Local Government Area.

**Keywords:** Imprisonment, non-custodial sanctions, recidivism, reformation, offenders

### **Introduction**

Over the years, there have been a great concern and concerted efforts by governments and non-governmental agencies aimed at rehabilitating and reforming offenders to avoid recidivism; yet, in Nigeria and Wukari to be precise, there are myriad of cases where offenders are arrested and incarcerated for minor offences such as shoplifting, theft, possession and sell of controlled drugs among other minor offences. These offenders are imprisoned alongside hardened criminals, and by the time they come out, they have been brainwashed to see crime as a norm (Osaretin, Ngwoke & Mbano, 2023). Hence, the question of why prisons exist and what they are designed to achieve is commonly asked. The most popular and typical response by advocates of the prison system would be that imprisonment punishes, deters the imprisoned from becoming a recidivist, and deters potential offenders from committing crimes and meeting the same fate as the prisoner (Shajobi-Ibikunle, 2014). In contrast to this claim, critics of the prison system such as Omale (2021), Edokpayi (2011), and Taylor (2016), criticized the continued use of imprisonment as a form of sanction or punishment. According to them, it is a well-known fact that imprisonment especially in Nigeria does not in most cases, serve as a deterrent to offenders who have been convicted of crimes or are considering committing them. They further argued that there is little or no rehabilitation, reformation, or a significant reduction in recidivism among previously imprisoned offenders and that the prison rather than rehabilitate and reform them, turned them into hardened criminals and recidivists.

In support of the critics of the custodial sanction above, the United Nations Office on Drugs & Crime (2006) observed that the negative consequences of imprisonment, such as stigma and psychological trauma among others, are more worrisome. For instance, prison appears to be a breeding ground for new criminals, it enhances the criminogenic behaviour of offenders rather than rehabilitates them. Similarly, James, (2019), observed that the prison system failed because it is more concerned with retribution rather than rehabilitation and reformation of offenders. However, the attempt to curtail the threat posed by the prison system in breeding new criminals and the negative effects it has on inmates coupled

with the huge monetary expenses it placed on governments in maintaining prison facilities and inmates, scholars and critics of the prison system such as Omale (2021), Edokpayi (2011) and Taylor (2016) among other scholars, argued that the philosophy that every crime, justice administration, and treatment of offenders can and should be addressed custodial system, has overtime shown to be antiquated, ineffective, and unrealistic. Hence, the call for a paradigm shift to a sustainable alternative approach which is more efficient, effective, and restorative and can also help achieve a better result which will be beneficial to both the offender and the community.

Non-custodial sanctions, which are birthed out of the philosophy of restorative justice, seek to create, wherever possible, relationships between offenders and members of the community. The aim is to rehabilitate, reform, reintegrate and strengthen rather than sever those relationships, based on the rationale that offenders who have strong connections to their community and who care about the people around them are less likely to re-offend. In addition, those who support a family have the possibility of continuing to do so, including by remaining employed or otherwise contributing to their community. Non-custodial sanctions help facilitate community safety, accountability, and the successful social reintegration of offenders (United Nations Office on Drugs and Crime, 2006). However, in considering the application or use of non-custodial sanctions, certain doctrines are to be considered; The type and degree of offence committed; Records, such as the offender's character, age, history, and mental state; the essence of the sanction or punishment; and the victim's rights (Okpara, 2021). The purpose of this study is to assess the efficiency and effectiveness of non-custodial sanctions as a practical alternative to the prison system (custodial sanctions) for administering criminal justice and rehabilitating offenders in the Wukari Local Government Area of Taraba State. The study identifies the different types of non-custodial sanctions used in the area and gathers the opinions of stakeholders on their effectiveness. Additionally, it examines the challenges that arise when applying non-custodial sanctions to offenders in the area and proposes solutions to overcome these challenges.

### **Conceptualizing Imprisonment**

The concept of imprisonment within the framework of non-custodial sanctions is an essential aspect of criminal justice systems worldwide. Non-custodial sanctions refer to alternative forms of punishment that are utilised instead of imprisonment, such as fines, community service, probation, electronic monitoring, and restitution. The primary objective of non-custodial sanctions is to address criminal behaviour effectively while

promoting offender rehabilitation and reintegration into society. Imprisonment has long been considered the traditional response to criminal offences, often perceived as the most severe form of punishment. However, in recent years, the drawbacks and limitations of imprisonment as an exclusive response to crime have gained attention. Research consistently indicates that the overuse of imprisonment can lead to high recidivism rates, unsustainable prison populations, and significant financial burdens on the criminal justice system. Farrall, Bucke, and Hunter (2012) examined the relationship between incarceration and recidivism and found that lengthy periods of imprisonment may have a detrimental effect on individuals' future criminal behaviour, thus increasing their likelihood of reoffending upon release from prison. This finding highlights the necessity of considering alternative forms of punishment, such as non-custodial sanctions, to address the underlying causes of criminal behaviour and reduce recidivism rates.

Additionally, the utilitarian perspective on imprisonment posits that incarcerating individuals for non-violent offences may create an environment that fosters criminality rather than rehabilitation. This perspective is echoed by Liebling and Maruna (2015) who suggest that non-custodial sanctions can be more effective in promoting offender accountability and reducing the risk of reoffending compared to custodial sentences. The study emphasises the importance of tailoring the punishment to address the specific circumstances and needs of the offender, as well as utilising community-based programmes that support reintegration. Furthermore, the concept of decarcerating has gained traction in recent years, emphasising the need to reduce reliance on imprisonment and prioritise non-custodial sanctions. Decarcerating initiatives aim to shift the focus from punitive measures to restorative justice approaches that prioritize rehabilitation, community involvement, and victim-offender mediation.

Imprisonment in the context of non-custodial sanctions highlights the importance of considering alternative forms of punishment to address criminal behaviour. the overuse of imprisonment contributes to high recidivism rates. By embracing non-custodial sanctions, the criminal justice system can focus on offender rehabilitation, reintegration, and promoting a safer society. Non-custodial sanctions have been defined in different ways by many scholars. In the opinion of Martin and Patrice (2008), sanctions are considered non-custodial whenever they do not imply deprivation of liberty and may involve community work, electronic monitoring, financial or suspended sanctions. To Okpara (2021), non-custodial sanctions are simply a sentence passed that does not involve imprisonment. These forms of sentence are used as a result of the various challenges associated with

imprisonment. The concept adopts a restorative approach. On the other hand, restorative justice is the modern criminal law concept that is devoid of focusing solely on abstract legal principles. The focus is on the needs of the victim, the offender and the community recognising the need for a paradigm shift. However, Osaretin, Ngwoke and Mbanjo (2023), opined that some academic writers have opined that the term "non-custodial measure" should be used instead of the term "non-custodial sanction" as the latter does not effectively cover the scope of interventions at both the remand or sentence stage.

Jones, (2009) defined non-custodial sentences as a form of sanctions that do not involve incarceration. Non-custodial sanctions are more of a community correction measure as the offenders get to serve their punishment while in the community without being imprisoned. Jones further noted that the concept of non-custodial sanctions has developed over many years as an approach towards the incompetent custodial sentencing of offenders. With high rates of recidivism associated with imprisonment, the concept of non-custodial sentencing developed and it was geared towards steering the offender from crime.

In the opinion of Ezekwem (2017), non-custodial measures, are punishments meted out to offenders that do not entail incarceration. In other words, the sentence is served outside the physical facility designated as a prison which is administered by the State or by any other agency on behalf of the State. Other words that can be used interchangeably with the term non-custodial measure are non-custodial sanctions; non-custodial punishment; non-custodial sentence; community-based corrections; alternatives to imprisonment; non-institutional correction; or alternatives to custodial sentence/sanctions etc. From the above, it suffices to state that, a programme is only said to be non-custodial when convicted offenders serve their punishment outside the four walls of solitary confinement while at the same time undergoing rehabilitation and reformation.

### ***Forms of Non-custodial Sanctions***

Some forms of non-custodial sanctions include the following:

**(i) Probation:** As a means of dealing with carefully chosen offenders, probation entails the conditional suspension of punishment while the offender is placed under personal watch and receives individualised instruction or "therapy" (Klaus, 1998). In addition to the nature of the offence and the circumstances surrounding the crime, the court also considers the offender's character, age, history, and mental state while determining whether to grant probation. It's possible to agree with prerequisites that must be satisfied for it to take effect. Anytime during the

period of up to three years, or as otherwise directed by the order, the probation officer may make an appearance request for the offender. Additionally, to the order, damages for compensation and cost for the proceeding may be paid by the offender (Okpara, 2021).

**(ii) Conditional Discharge:** This is a court order that states that an absolute release of a criminal is not acceptable. As a result, the court issued an order discharging the offender with the condition that they stay out of trouble for a year from the date of the order. The provisions of the order are communicated to the offender in the language they can comprehend, and it is made clear that failing to abide by the terms will subject them to punishment for the initial offence. If an offender qualifies for a non-custodial punishment, only then should a conditional discharge application consider the nature of the offence (Nyathira, 2018).

**(iii) Binding Over:** A binding over is a mechanism for restorative justice where offenders agree with a court to be of good behaviour and keep the peace for a specified period not exceeding three months. It aims to enhance peace and orderliness in a community. However, the court may bind over an offender with or without sureties and can order that a defaulter be imprisoned. The period of imprisonment must not exceed three months or one year for indictable offences in addition to the original punishment. The offender will be required to pay a specified sum of money if the agreement is breached. It is usually applied to minor offences such as street fighting and environmental sanitation (Ezeanokwasa & Ngede, 2021).

**(iv) Parole:** Parole is another conditional release of convicts before the expiration of the term. Under this approach, the convict must serve some of the terms before being released on parole, either for medical or compassionate reasons or on supervision for a specified period. An order of Parole is usually based on the recommendation of the Controller General of Prisons and the parole board that the convict has been of good behaviour and has served at least one-third of his term where the term is at least 15 years. It should be noted that before the convict's release on parole, the convict shall undergo a rehabilitation programme to enable him reintegrate to the society (Okpara, 2021).

**(v) Fines and Compensation:** According to Okpara (2021), while Fine is a sum of money imposed by the court to be paid especially to the government as a penalty for an offence committed. For sentences, a fine may either be imposed by the court as a punishment on its own or a compliment as an option for imprisonment. Compensation is a monetary reward or payment for injury or loss sustained. It implies giving something of equal value for something lost, making amends. It is said to mean something given as reparation for loss that is ascribed to the victim of crime or survivors of the victim for the pain, suffering, and lost quality of life and so on (Tarahule,

2014). Fines are given for low-level types of offences. The court can determine how much to fine the person once they have considered the seriousness of the offence and the ability of the person to pay. Both fines and compensation orders can only be given if the victim is convicted.

**(vi) Electronic Monitoring (EM):** Electronic monitoring as a form of alternative to imprisonment is regularly used for offenders who may pose a flight risk, are awaiting trial or sentencing, or have been released from incarceration, and electronic monitoring was implemented as a condition to release. Monitoring is done when an electronic anklet is “installed” on an offender (securely placed on the individual's ankle and only to be removed by law enforcement) with GPS or radio frequency (RF) and will allow the court system to track the offender's movements (Padgett, William & Thomas, 2006). Predetermined locations are approved and their times and routes are programmed into the electronic monitoring system. Though electronic monitoring is not as commonly mandated as other forms of community-based corrections, it is still quite prevalent and was estimated to be used with more than 100,000 offenders in 2007 in America (Demichele, Payne & Button, 2008).

**(vii) Forfeiture:** According to Tarhule (2014), Forfeiture is the confiscation by the state, of assets, which are either alleged proceeds of crime or the alleged instrumentalities of crime and, more recently, alleged terrorism. Tarhule, citing the Black Law Dictionary, defined forfeiture as the loss of a right, privilege, or property because of a crime or breach of obligation. If an offender employs some property in the commission of an offence and is caught and the property is seized, the property could be forfeited to the state and sold or otherwise as directed by the court. In this way, forfeiture aims at the substance of criminality by depriving the offender of the weapons of crime or the gains thereof.

**(viii) Community Services (CS):** As indicated by Ezeanokwasa and Ngede (2021), a Community Service Order is an order from the court whereby an offender is given the chance to compensate society for the crime committed by performing work for the benefit of the community, instead of being put in prison. A community service condition requires the offender to provide a specified number of hours of free labour in some public services, such as street cleaning, repair of run-down housing or hospital volunteer work, public toilets, and collection of trash in the park.

### **An Overview of the United Nations (UN) Standard Minimum Rules for Non-Custodial Sanctions (TYOKO RULES)**

As indicated by Ani (2007), the United Nations standard minimum rules for non-custodial sanctions, otherwise known as the Tyoko rules, are a set of fundamental principles that underpin the use of non-custodial

sanctions and offer the barest level of protection for convicted offenders. The Tokyo Rules state that, non-custodial measures are used to find effective alternatives to jail for offenders and to give authorities the flexibility to tailor punitive consequences to each offender's needs in a manner proportionate to the offence committed. The benefits are clear, given that this type of punishment allows the offender to maintain their freedom and continue their work, education, and family life.

The Rules are designed to encourage increased community involvement in the administration of criminal justice, to instil in offenders a sense of social responsibility, particularly in the treatment of offenders, and to foster in offenders a feeling of social responsibility. The likelihood of stigmatisation can be decreased by including the community in the offender's reintegration into society. According to the rules, the rights of individual offenders, the rights of victims, and the society's concern for public safety and crime prevention must all be balanced appropriately, according to member states. They are also required to rationalise criminal justice practises, considering the respect for human rights, the demands of social justice, and the needs of the offender for rehabilitation. In doing so, they are to develop non-custodial measures within their legal systems to provide other options, thereby reducing the use of imprisonment. The scope prescribes that all Rules apply to all persons convicted regardless of sex, age, religion, race, ethnic affiliation, or any other status.

The legal safeguards prescribe that all activities relating to non-custodial sanctions should be defined by the law. The selection of non-custodial measures should be concerned with the nature and gravity of the offence committed, the historical antecedents of the offenders and the offender's personality, the purpose of the sanction and the rights of the victim (Ani, 2007). The legal safeguards are also always prescribed for the protection of the dignity of the offender. Medical and psychological experimentation, undue risk or mental injury to the offender while serving the sanctions imposed on him is highly prohibited. The offender's and his family's right to privacy is to be respected, in addition to having the right to confidentiality and his records kept strictly confidential.

**Concept of Recidivism:** Recidivism refers to the tendency of individuals to re-offend after being subjected to alternative forms of punishment or rehabilitative measures instead of incarceration. This concept is of great importance in the field of criminal justice as it sheds light on the effectiveness and outcomes of non-custodial interventions.

McNeill, Batchelor and Burnett (2018), investigated the impact of non-custodial sanctions on recidivism rates. The research focused on a sample of offenders who were assigned to various community-based programmes



such as probation, parole, and rehabilitation interventions. The findings revealed that a significant proportion of individuals who received non-custodial sanctions had lower recidivism rates compared to those subjected to imprisonment. Therefore, non-custodial measures can effectively contribute to reducing the likelihood of reoffending. Furthermore, Latessa and Smith (2011) examined the effectiveness of non-custodial sanctions in reducing recidivism. The analysis encompassed multiple studies and revealed that these alternative forms of punishment when appropriately implemented, can achieve positive outcomes. The findings indicated that interventions focusing on rehabilitation, such as counselling, substance abuse treatment, and vocational training, were particularly effective in reducing recidivism rates. This highlights the importance of comprehensive and tailored approaches when implementing non-custodial sanctions.

However, it is crucial to acknowledge that recidivism rates can vary based on several factors. The success of non-custodial interventions and their impact on recidivism heavily depends on individual characteristics, the nature of the offence, the quality of programmes provided, and the level of engagement from the offender. For instance, Fergusson (2017) emphasised that the risk of reoffending can be influenced by factors such as age, criminal history, substance abuse, and mental health issues.

Therefore, the concept of recidivism places interest in the effectiveness of alternative forms of punishment and rehabilitative measures. As indicated above, non-custodial interventions can significantly reduce the rate of reoffending. However, the success of these measures is contingent upon individual factors and the quality of programmes offered. Policymakers, practitioners, and researchers need to consider these findings when designing and implementing non-custodial sanctions to promote effective rehabilitation and reduce recidivism rates. The key to transforming offenders into law-abiding citizens lies in reformation. Custodial sentences have been the primary method of punishment, but there is a growing recognition of their potential limitations, leading to an emphasis on non-custodial sanctions. This approach highlights its potential to promote rehabilitation, social integration, and evidence-based practice.

***Promoting Rehabilitation:*** Non-custodial sanctions offer a unique opportunity to address the underlying causes of criminal behaviour and promote offender reformation. Unlike imprisonment, which often isolates individuals from society, non-custodial sanctions facilitate engagement with rehabilitative programmes and interventions tailored to the individual's specific needs. The consistent provision of targeted guidance, counselling, and skills training can facilitate personal growth, enabling

offenders to develop a sense of responsibility and accountability for their actions (Tashima et al., 2018).

***Supporting Social Integration:*** One of the key goals of reformation is the successful integration of offenders back into society, reducing recidivism rates and promoting long-term community safety. Non-custodial sanctions favour community-based interventions that encourage individuals to maintain connections with family, employment, education, and social support networks (Bonta & Andrews, 2017). Therefore, by empowering offenders to take responsibility for their actions within a supportive community context, non-custodial sanctions create an opportunity for individuals to rebuild their lives and establish meaningful bonds with society.

***Evidence-Based Practises:*** The effectiveness of non-custodial sanctions in promoting reformation rests on evidence-based practises that have demonstrated positive outcomes in reducing criminal behaviour. Programmes such as Cognitive-Behavioural Therapy (CBT), restorative justice, and vocational training are particularly effective in addressing the underlying causes of criminal behaviour and fostering offender rehabilitation (McGuire & Priestley, 2020). By adopting a multidimensional approach that targets cognitive restructuring, interpersonal skills development, and employability, non-custodial sanctions enhance the prospects of successful reintegration.

Reformation represents a paradigm shift in criminal justice administration, focusing on rehabilitation and social integration rather than mere punishment. By providing a structured framework for offenders to address the root causes of their criminal behaviours, non-custodial sanctions offer a greater prospect of long-term behavioural change. Moreover, by connecting offenders with community resources and support networks, these sanctions create an environment conducive to successful reintegration into society. As policymakers and criminal justice professionals continue to explore effective strategies for reducing recidivism, the emphasis on reformation through non-custodial sanctions provides a promising pathway towards a more rehabilitative and inclusive criminal justice system.

Rehabilitation is a crucial and evolving aspect of the criminal justice system. Instead of solely focusing on punishment and incarceration, these sanctions aim to promote the reformation and reintegration of individuals who have committed offences. Rehabilitation accentuates addressing the underlying causes of criminal behaviour, providing support and resources

to offenders, and helping them become law-abiding and productive members of society (Kurui, 2008).

One key aspect of rehabilitation through non-custodial sanctions is the utilisation of community-based programmes and interventions. These alternative methods of punishment focus on providing offenders with opportunities for personal growth and behaviour change, while also ensuring public safety. Community service, probation, restorative justice practises, and rehabilitative programmes such as counselling, drug treatment, and vocational training are examples of non-custodial sanctions that prioritise rehabilitation.

The treatment of offenders is a crucial aspect of the criminal justice system administration, aiming to rehabilitate individuals who have committed offences. While custodial sentences have traditionally been the primary method of punishment, non-custodial sanctions have gained recognition for their potential to address the underlying causes of criminal behaviour and promote successful reintegration into society. Non-custodial sanctions prioritise the rehabilitation of offenders, focusing on addressing the root causes of criminal behaviour rather than simply imposing punishment. According to the United Nations Office on Drugs and Crime (UNODC), rehabilitation aims to "promote the reintegration into society of those who have committed offences" (UNODC, 2012, p. 9). By providing targeted interventions and support, non-custodial sanctions offer opportunities for offenders to address their behaviour, develop new skills, and ultimately reduce the likelihood of reoffending.

Non-custodial sanctions often involve the implementation of tailored treatment programmes that address the specific needs of offenders. McGuire (2017) emphasises the importance of individualised treatment plans, stating that "offenders are more likely to respond positively to interventions when they are tailored to their specific risk and needs" (McGuire, 2017, p. 42). Therefore, by addressing the underlying factors contributing to criminal behaviour, these programmes enhance the chances of successful rehabilitation.

Numerous studies have demonstrated the effectiveness of non-custodial sanctions in treating offenders. Wilson, Gallagher, and Mackenzie, (2020) found that community-based programmes significantly reduced recidivism rates compared to custodial sentences (Wilson et al., 2000, p. 74). Additionally, Latessa and Smith (2011) highlighted that evidence-based practices, such as cognitive-behavioural interventions, have consistently shown positive outcomes in reducing criminal behaviour (Latessa & Smith, 2011, p. 70). These findings support the notion that non-custodial sanctions can effectively address the treatment needs of offenders.

The concept of treatment of offenders within the context of non-custodial sanctions emphasises the importance of rehabilitation, tailored treatment programmes, community support, and evidence-based practices. By focusing on addressing the underlying causes of criminal behaviour and promoting successful reintegration, non-custodial sanctions offer a promising alternative to custodial sentences. The effectiveness of these sanctions in reducing recidivism rates further strengthens the argument for their implementation as a primary approach in the treatment of offenders.

### **Theoretical Framework: Social Support Theory**

The issue of high rates of repeated offences and overcrowding in prisons due to custodial punishment has led to the development of several theories aimed at explaining their nature, existence, and challenges in rehabilitating and treating offenders. In this study, we have adopted the Social Support Theory on non-custodial sanctions as the theoretical framework.

Kort-Butler's (2018) social support theory is premised on the philosophy that as a direct effect, people who experience social support may engage in less deviant or criminal acts. As an indirect effect, social support may act as a buffer when it comes from non-conformists. According to Kort-Butler, unlike other theories of crime and delinquency, which tend to focus on how something negative causes crime (lack of social bonds, strain, low self-control, learned deviant attitudes or behaviours, labelling and stigma, community disorganization among others), social support theory focuses on how something positive such as social support can prevent or reduce risk for crime. He argued that social support is commonly conceptualised as the amount of instrumental, informational, or emotional an individual can rely on when dealing with life problems and stressors.

Instrumental support refers to the provision of materials or assistance with practical tasks or problems, such as lending money or borrowing a car. Informational support refers to advice-giving, guidance, counselling or providing information that may help a person solve a problem. Emotional support involves the expression of sympathy, care, esteem, value, encouragement, and love. Members of an individual's primary group, family members and friends, are frequently considered sources of support. Individuals may also draw support from their secondary groups, in which relationships are more regulated or hierarchical and less personal, such as schools and religious organisations.

According to this theory, there are two key propositions regarding the relationship between supportive communities/societies and rates of crime and delinquency. First, societies vary in the resources at their disposal to meet their members' needs. The more insufficient a society is in this regard, the higher its rate of crime will be. Secondly, within nations, the less social

support a community gets, the higher its rate of crime will be. Communities with little or no government presence and support, with weak social institutions, with disrupted social networks, and with low levels of charity work, cannot provide the needed support for their members.

The Social Support Theory emphasises the importance of positive social relationships and networks in facilitating offenders' rehabilitation and reducing recidivism. This theory suggests that offenders who receive adequate social support are more likely to successfully reintegrate into society and maintain law-abiding behaviour. Applying this theory to non-custodial sanctions and treatment of offenders involves implementing interventions that promote social support and address the underlying causes of criminal behaviour. Associated interventions that promote social support and address underlying causes of criminal behaviour include:

**1. Restorative Justice Programmes:** Restorative justice programmes aim to repair the harm caused by an offender's actions by involving all parties affected, including victims, offenders, and the community. These programmes provide a supportive environment where offenders can take responsibility for their actions and engage in dialogue to address the needs of victims. Research has shown that restorative justice programmes can contribute to reducing reoffending rates and improve social support for offenders (McCold & Wachtel, 2013).

**2. Cognitive-behavioural therapy (CBT):** CBT is an evidence-based treatment approach that addresses the cognitive distortions and negative thinking patterns associated with criminal behaviour. By challenging and modifying these beliefs, CBT helps offenders develop pro-social attitudes and behaviours. CBT programmes often involve group therapy sessions, which provide opportunities for offenders to form supportive relationships with peers who can encourage positive changes (Hills et al., 2013).

**3. Community-Based Re-entry Programmes:** Community-based re-entry programmes aim to support offenders during their transition from incarceration to the community. These programmes provide a range of services, including housing, employment assistance, substance abuse treatment, and mental health support. By addressing the practical and social needs of offenders, community-based re-entry programmes help create a supportive environment that facilitates successful reintegration (Taxman, 2012).

**4. Peer Support Programmes:** Peer support programmes involve pairing offenders with mentors who have successfully reintegrated into society. These mentors provide emotional support, guidance, and practical assistance to help offenders navigate the challenges of re-entry. Research has shown that peer support programmes can improve offenders' self-

efficacy, reduce recidivism rates, and enhance their social support networks (Taxman, Perdoni, & Harrison, 2017).

**5. Family-Based Interventions:** Recognising the importance of family support, interventions that involve the offender's family can promote positive social relationships and offer practical assistance. Family-based interventions may include family therapy, parenting programmes, and assistance in improving familial relationships. Research suggests that these interventions can contribute to lower reoffending rates and increased social support for offenders (Liddle, 2022).

Overall, the Social Support Theory provides a framework for designing non-custodial sanctions and treatment programmes that prioritise the development of positive social relationships and networks for offenders. By implementing interventions that enhance social support, offenders can receive the necessary support and resources to facilitate their rehabilitation and reduce their likelihood of reoffending.

The social support theory is often considered a crucial factor in the effectiveness of non-custodial sanctions. It emphasises the significance of community involvement and support for a successful rehabilitation process. However, a critical perspective on the theory highlights potential limitations in the following areas: limited availability and quality of social support, stigmatisation and social exclusion, lack of targeted support for specific offender needs, and alternative approaches to rehabilitation.

**1. Limited Availability and Quality of Social Support:** One criticism of the social support theory is the limited availability and quality of social support networks for offenders. Tashima (2018) suggests that individuals involved in criminal activities often lack strong and positive social ties, making it challenging to rely on existing support networks (Tashima et al, 2018, p. 278). Moreover, the quality of social support received by offenders can vary significantly, with some individuals experiencing unstable or negative relationships that may hinder their rehabilitation efforts.

**2. Stigmatisation and Social Exclusion:** Another critical view of the social support theory is the potential for stigmatisation and social exclusion faced by offenders. Due to the nature of their criminal history, individuals may encounter difficulties in rebuilding social connections and reintegrating into their communities. Wilson, D. B., Gallagher, C. A., & Mackenzie, D. L. (2020) argue that stigma can lead to social isolation, making it challenging for offenders to access and maintain supportive relationships (Wilson, et al, 2020). This could undermine the effectiveness of non-custodial sanctions that rely heavily on community support.

**3. Lack of Targeted Support for Specific Offender Needs:** The social support theory often assumes that general community support is sufficient for the successful rehabilitation of offenders. However, this overlooks the

diverse and specific needs of different individuals. Andrews and Bonta (2020) suggest that certain subgroups of offenders, such as those with mental health issues or substance abuse problems, may require specialized support that goes beyond general community involvement (Andrews and Bonta, 2020). Failing to address these specific needs can limit the effectiveness of non-custodial sanctions.

**4. Alternative Approaches to Rehabilitation:** Critics argue that social support theories may overshadow alternative approaches to rehabilitation that do not rely solely on community support. For instance, cognitive-behavioural therapy and other evidence-based practises focus on individualised treatment plans that target the underlying causes of criminal behaviour. These approaches prioritise the development of personal skills and self-efficacy, which may be equally or more effective in promoting successful rehabilitation (Andrews & Bonta, 2010, p. 34).

From the above, therefore, while the social support theory plays a significant role in non-custodial sanctions, it is essential to critically examine its limitations. The limited availability and quality of social support, potential stigmatisation and social exclusion, lack of targeted support for specific needs, and alternative approaches to rehabilitation all challenge the assumption that community support alone is sufficient for successful offender treatment. Therefore, by considering these criticisms, policymakers and practitioners can develop more comprehensive and effective strategies within the context of non-custodial sanctions.

#### **Research Methodology**

A cross-sectional research design was used for the study. The study used both primary and secondary sources of data. Primary data was collected using a simple survey design (Questionnaire). The questionnaire contained both open-ended and closed-ended questions that allowed respondents to express themselves without being limited to a single response. The secondary data (literature review) was sourced from libraries (journals books, magazines, periodicals etc.), and the Internet. The themes and patterns identified from the available literature based on the central aim of the paper were sorted out and presented to give a clear understanding of what the researchers have found from the review. Twenty (20) respondents were purposively selected from the State High Court, Upper Area Court No.1, Grade 1 Area Court, and the Wukari Medium Nigeria Correctional Services, making it five (5) respondents from each institution. The collected data were analysed using simple percentages. The study was conducted in the Wukari Local Government Area of Taraba State. Wukari Local Government, houses the State High Court, Upper Area Court No.1, Grade

1 Area 1 Court, Magistrate Court, and Wukari Medium Nigeria Correctional Services among others.

The table below represents the socio-demographic variables of respondents such as sex, age, marital status, educational qualification

**Table 1.1: Socio-Demographic Variables of Respondents**

S/No	Characteristics of Respondents	Frequency	Percentage: (%)
I	Sex		
	Male	12	60
	Female	8	40
	<b>Total</b>	<b>20</b>	<b>100</b>
II	Age		
	30-39	9	45
	40-49	5	25
	50 and Above	6	30
	<b>Total</b>	<b>20</b>	<b>100</b>
III	Marital Status		
	Single	7	35
	Married	13	65
	Divorced		
	Widowed		
<b>Total</b>	<b>20</b>	<b>100</b>	
IV	Educational Qualification		
	Secondary	5	25
	NCE/Diploma	8	40
	BSc/HND	6	30
	MSc/PhD	1	5
	<b>Total</b>	<b>20</b>	<b>100</b>

*Source: Fieldwork, 2022*

Table 1.1 represents the data collected on the socio-demographic variables of respondents. Findings from the study revealed that of the twenty (20) respondents to whom questionnaires were administered in the study area, 60% (12) were male, while 40% (8) were female. The study also revealed that 45% (9) were within the age of 30-39 years, 25% (5) of the respondents were of the age of 40-49 years, while 30% (6) fell between a range of 50 years and above. Furthermore, the marital status of respondents showed that 35% (7) were single, and 65% (13) were married. Similarly, on the educational qualifications of respondents, the study revealed that 25% (5) were holders of SSCE, 40% (8) were either NCE/Diploma holders, 30% (6) were either BSc/HND holders, while only 5% (1) holds MSc/PhD.



**Table 1.2: Forms of Non-custodial Sanction in use in Wukari LGA.**

S/N	Forms	Frequency	Percentage: (%)
I	Compensation	5	25
II	Community Service	2	10
III	Fine	13	65
	<b>Total</b>	<b>20</b>	<b>100</b>

*Source: Fieldwork, 2022*

Table 1.2 represents data collected in the study area for the various forms of non-custodial sanctions in use. The findings of the study indicated that 25% (5) respondents pointed to compensation as one of the forms of non-custodial sanctions in use in Wukari, 10% (2) pointed to community service, 13% (65) indicated that fine is the major and frequently used form of non-custodial sanction in use in the study area.

**Table 1.3: Effectiveness of non-custodial sanction in Wukari LGA**

S/N	Effectiveness	Frequency	Percentage: (%)
I	Effective	3	15
II	Very Effective	11	55
III	Less Effective	4	20
IV	Not Effective	2	10
	<b>Total</b>	<b>20</b>	<b>100</b>

*Source: Fieldwork, 2022*

Table 1.3 represents the data collected on the effectiveness of non-custodial sanctions in use in the study area. The findings of the study revealed that 55% (11) of respondents indicated that non-custodial sanctions in the Wukari Local Government Area are very effective, 40% (20), indicated that non-custodial sanctions are less effective, 15% (3), indicated that it is effective while 10% (2) indicated that non-custodial sanctions are not effective in Wukari Local Government Area.

**Table 1.4. Challenges confronting the use of non-custodial sanctions in Wukari LGA**

S/N	Challenges	Frequency	Percentage: (%)
1	Lack of training and poor understanding of the process of non-custodial sanctions among most staff	11	55
2	Poor attention to rehabilitation and reformation of offenders	2	10

3	Lack of proper record keeping of offenders	3	15
4	Lack of constitution of the parole board	2	10
5	Lack of cooperation by offenders	2	10
	<b>TOTAL</b>	<b>20</b>	<b>100</b>

**Source: Fieldwork 2022**

Table 1.4 represents data collected on the challenges confronting non-custodial sanctions in the study area. The study revealed that 55% (11) of the respondents indicated that lack of training and poor understanding of the process of non-custodial sanctions among staff were the major challenges confronting non-custodial sanctions in the study area. 10% (2) of the respondents revealed poor attention to rehabilitation and reformation, 15% (3) pointed at the lack of proper record keeping of offenders while 10% (10) indicated a lack of constitution of the parole board, to me the problem confronting non-custodial sanctions in the study area.

**Table 1.5. A possible way forward out of the challenges**

S/N	Possible way forward	Frequency	Percentage: (%)
1	Adequate training and enlightenment of staff on the purpose and process of non-custodial measures	11	55
2	Better record-keeping for offenders	3	15
3	Constitution of Parole Board	2	10
4	Attention should be more on the reformation of offenders to avoid recidivism	2	10
5	Adequate cooperation by offenders	2	10
	<b>TOTAL</b>	<b>20</b>	<b>100</b>

**Source: Fieldwork 2022**

Table 1.5 above, revealed the response by respondents on ways forward to the challenges militating against the application and success of non-custodial sanctions in the study area. The study revealed that 55% (11) which represents the majority of respondents indicate that adequate training and enlightenment of staff on the purpose and process of non-custodial sanctions, 10% (2) of respondents pointed to the constitution of a parole board, 10% (2) of the respondents also revealed that, attention should be on rehabilitating, reforming offenders to avert recidivism while, 10% (2) also reveals that, adequate cooperation by an offender can also help tame those challenges against the success and effectiveness of non-custodial sanction.

The study aimed to determine the effectiveness of non-custodial sanctions in the study area. The results showed that community service, compensation, and fines were the most commonly used forms of non-custodial sanctions, with fines being the most frequently used. Regarding the effectiveness of non-custodial sanctions, the study found them to be very effective. While it was discovered that non-custodial sanctions were not effective in the Wukari Local Government Area. The findings of the study on the challenges confronting the application of non-custodial sanctions revealed that factors such as lack of training and poor understanding of the purpose and process of non-custodial sanctions among staff; poor attention to rehabilitation and reformation of offenders; lack of proper record keeping of offenders; and lack of constituted parole board; and lack of cooperation by offenders, to be the major problem confronting the application and use of non-custodial sanctions in the study area.

On the way forward to mitigate the challenges confronting the application and use of non-custodial sanctions in the area, the study reveals that adequate training and enlightenment of staff on the purpose and process of non-custodial sanctions; better and updated records of offenders; and the constitution of a parole board. Attention should also be given to the rehabilitation and reformation of offenders. Adequate cooperation by an offender can also help tame those challenges militating against the success and effectiveness of non-custodial sanctions in the study area.

### **Conclusion and Recommendations**

The paper appraises non-custodial sanctions and identifies the forms of non-custodial sanctions, their effectiveness, the challenges, and the way forward out of the challenges in the study area. The study revealed that the failure to rehabilitate and reform offenders' stigma, and the high rate of recidivism associated with the custodial and prison system, called for a paradigm shift to non-custodial sanctions. Gavrielides (2014) argued that prison overcrowding, inhumane conditions, and high costs of imprisonment have led reformists from around the world to seek a new approach to justice and offender rehabilitation. These factors challenge the current policies and philosophies used for crime control and administering justice.

The study suggests that the findings should be implemented to enhance the use of non-custodial sanctions for treating offenders while ensuring that justice is served per the United Nations Standard Minimum Rules. Additionally, the study recommends that both government and non-governmental organizations provide social support to disadvantaged individuals, families, and communities to help reduce criminal activity in the Wukari Local Government Area.

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