

LEGAL RELEASE OF PRISONERS INTO THE NIGERIAN SOCIETY AND THEIR REINTEGRATION MALADIES

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Abstract

Reintegrating prisoners upon their release or discharge into the society presents a significant global concern particularly when unsuccessful with attendant maladies, recidivism and its strain on administration of criminal justice. Contextually, the process has suffered a great setback in Nigeria due to public rejection of ex-prisoners, overcrowding in custodial centres, crime pollination and classification difficulties with negative impact on the objectives of reformation, rehabilitation and reintegration. In view of the above consideration, this paper sought to critically analyze the maladies ex-prisoners face in social reintegration and provide necessary strategic approaches in helping their successful re-entry into the society. The method adopted was essentially socio-legal exploring both primary and secondary sources of data. Primary data were obtained from legislations, statutes and juristic texts which dealt with issues of reintegration and recidivism while the secondary data obtained from journals, annual reports and textbooks were quantitatively and qualitatively analyzed during which percentage frequency relating to recidivism rates were obtained. Findings show correlations between reintegration, custodial congestion and increased recidivism rate as revealed in the percentage frequency hence a consequential burden on the Criminal Justice System. To justify the legal discharge of prisoners and enhance their successful reintegration into the society, a holistic approach is required where all stakeholders within the criminal justice corridor and non-governmental bodies participating in their reintegration process are involved. Thus, deliberate policies, models, sustainable reformatory and rehabilitation programmes, half-way homes, furloughs and adequate funding are necessary.

Keywords: Legal, Maladies, Nigerian, Prisoners, Release, Reintegration and Society.

1. Introduction

Issues surrounding successful re-entry of ex-prisoners into the society and their dispositions to reoffend have a long history and vary from one jurisdiction to another. Like a bird in a nest, every prisoner has the expectation to go home whether at the expiration of their period of incarceration, through other legal processes or inordinate means e.g. escape. Paradoxically, some prisoners prefer to return to illegal activities upon discharge in order to continuously stay within the walls of custodial centres. This strange culture has been attributed to poor

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re-integration programmes, societal rejection of ex-prisoners and other factors which reside within the individual prisoner². The trend has over the years raised concern among international and local authorities in view of the expectation that prisoners discharged from custodial centres due to their punishment and subsequent behavioural modifications will not return to illegal activity³. However, in 1987, it was documented that within three years of release, 40.8 percent had been re-arrested or had had their parole revoked, following a representative sample of 1,205 individuals released in the United States of America⁴. Similarly, studies using the same definition of recidivism showed that recidivism rates in 1970, 1978, 1980 and 1982 respectively, display same trend as recorded in 1987 releases with an average recidivism rate across the five states as 43.76 percent. Finally, in a recent survey of State and Federal recidivism rates, thirty-nine (39) States reported an average recidivism rate of 32.7 percent based on post release tracking that averaged four years⁵.

In the Nigerian context, the recidivism rate when compared with prisoners' population, Awaiting Trial Persons (ATP) and Convicted Persons (CP) shows a steady increase of ex-prisoners returning to illegal activities upon their releases. For example, the recidivism rate of ex-prisoners within the years 2016, 2017, and 2018 was reported as 14,392, 18,904, and 26,812 while prisoners' population stood at 68,688, 70,751, and 73,533 respectively⁶. Figures show progressive increase in recidivism rate and crime re-cycling which have direct bearing on the individual prisoner, society and the Criminal Justice System, which had remained unchecked over the years under consideration.

Release exists in different forms among which are discharge due to end of sentence, remission of sentence due to prisoner's good conduct by executive authority, parole and mandatory release⁷. However, the two most common are parole and mandatory releases which shall be discussed under the conceptual foundations of this paper. The cumulative and concurrent effect of poor reintegration process of ex-prisoners back to the society constitutes acute exacerbation of crime recycling in Nigerian Custodial Centres.

2. Conceptual Clarifications

The conceptual approach for effective and successful reintegration of prisoners into the society which accounts for the body of literature on the topic under consideration, covers clarification of terms and concepts such as prisoner reintegration, recidivism, parole and model/programmes for ex-prisoners' reintegration. It is hoped that after discussing these concepts and models, the philosophy and intent of reintegration will be better understood. The process of

² Idowu Oluwafemi A. and James Odivwri, 'Factors Influencing Reoffending by Criminals and Challenges in the Control of Recidivism in Nigerian Prisons' *International Journal of Development Perspectives*, (2017) 16 (2) 9

³ Robert Bohm and Keith N. Haley, *Introduction to Criminal Justice* (Mc Graw-Hill Education 2017) 415

⁴ Ibid. 416.

⁵ Robert and Keith (n2) 415

⁶ Nigerian Prisons Service, *Annual Report* (NPS 2016 – 2018)

⁷ Robert and Keith (n2) 414

returning prisoners to the society upon their discharge is complex especially as it affects their psycho-social, financial statuses as well as their dignity and participation in community activities.⁸ It has been established that the process of return and reintegration of prisoners into the society are closely associated with sustainable reintegration.⁹ Thus, the International Office for Migration (IOM) views sustainable reintegration as when returnees have reached levels of economic self-sufficiency, social stability within their communities and psychosocial well-being that allow them to cope with (re)migration drivers.¹⁰ It has also been posited that reintegration aims at facilitating the ability of ex-prisoners to function within the community, their family, employment and be capable of managing circumstances that circumvent risk and addition to the law.¹¹ Further argument suggests that reintegration involves symbolic elements of moral inclusion which includes forgiveness, acceptance, redemption and reconciliation.¹²

2.1 Process of Prisoner Return to the Society

Prisoners' return to the society otherwise referred to as prisoner reintegration is the movement of prisoners from incarceration into the society.¹³ The process begins with necessary adjustment of the prisoners preparatory to their reentry into the outside world hopefully to get a life free from crime¹⁴. The concept has also been referred to as a systematic and evidence-based process whereby conscious and collaborative efforts are taken to ensure significant reduction in reoffending rate thus protecting the community from harm¹⁵. It involves the totality of work with the prisoners, their families, significant others, and the victims. The concept therefore engages all programmes and efforts necessary to support prisoners while in the custodial centres and upon discharge preparatory to their re-entry into the communities, making their reentry beneficial to them and members of the society since they will become law-abiding and not nuisance. Thus, the collaborative efforts of all stakeholders including the victims themselves will certainly enable the ex-prisoners find their footings and prevent recidivism. Their becoming economically sufficient makes them capable of providing for themselves, their families and by extension sharpens their dignified engagement in local economic activities. This will beget their sense of belonging, boost their level of social integration and dampen their tendencies of return to illegal activities.¹⁶ Ultimately, their

⁸ International Organization for Migration, *An Integrated Approach to Reintegration* (UN Publication 2020) 3-4

⁹ Ibid.

¹⁰ IOM (n7) 5.

¹¹ Santhos R. and Emil Matthew, 'Social Reintegration of Released Prisoners: An Empirical Analysis of Two Indian States' *International Annals of Criminology* (2022) 59(2) 2-3

¹² Maruna S., 'Who Owns Resettlement? Towards Restorative Reintegration' *British Journal Community Justice*, (2006) 4 (2) 23-33

¹³ Davis *et al*, 'The Process of Offender Reintegration: Perceptions of What Helps Prisoners Reenter Society' *Journal of Criminology and Criminal Justice*, (2012) 94(4) 446-469

¹⁴ Ibid.

¹⁵ Maruna *et al*, *Ex-offender Reintegration Theory and Practice* (Willan Publishers Ltd 2004) 3-26

¹⁶ Muntingh, L.M. 'Offenders and Rehabilitation and Reintegration: Taking the White Paper on Corrections Forward' *Journal of Civil Society Prisons Reform*, (2005) 25 - 28

psychosocial well-being, dignity of human self and other necessities of human worth will be guaranteed.¹⁷ Thus, the collaborative efforts of all stakeholders including the victims themselves will certainly enable the ex-prisoners find their footings and prevent recidivism.¹⁸

A classic example which is contradistinctive to the Nigerian scenario is a regional attempt to ensure a successful reintegration process of ex-prisoners which is expressed in the disposition of the Goodwood Prison in South Africa.¹⁹ The practice there entails the adoption of a high policy blueprint which involves a comprehensive and holistic approach encompassing necessary stakeholders for sustainable reintegration process. Accordingly, the Goodwood Prison designs an initiative referred to as 'New Beginnings' which offers opportunity for prisoners to conference with their victims and show repentance for their untoward behaviours²⁰. Thus, the system promotes a reverberated harmonious and peaceful relationship between ex-prisoners, victims and the communities. Similarly, the process assists in rebuilding confidence in all parties and especially enables prisoners undertake responsibilities for their actions thereby enhancing restitution and strengthening the likelihood of reform.²¹

Recidivism and Other Reintegration Maladies

Recidivism, which has both legal and criminological significance does not lend itself to a definition with mathematical exactitude. Thus, depending on which perspective or approach undertaken, the term will relate to a discharge from correctional centre or upon the completion of approved rehabilitation program; a failure after release leading to subsequent re-arrest for a crime, or provision for a follow-up period during which prisoners' further window to check recidivism can be considered.²²

Considering the foregoing, the concept refers to an prisoner's return to criminal behaviour upon his/her release from correctional centre or rehabilitation programme.²³ The term further explains reoffending to mean for instance if someone has committed robbery and repeats a similar offence after getting punishment and discharge, that person is referred to as a Recidivist.²⁴ Accordingly, recidivists are frequently considered as displaying anti-social behaviour, belligerent and indifferent to the society.²⁵ They are people considered to embrace criminal behaviour as a way of life with temerity

¹⁷ Sarkin, J., Prisons in Africa: An Evaluation from a Human Rights Perspective 5(9) *Sur. Revista Internacional de Derechos Humanos*, (2008) 27-29

¹⁸ *Ibid.*

¹⁹ Maruna et al (n12) 26

²⁰ *Ibid.*

²¹ Otu, M.S., Analysis of the Causes and Effects of Recidivism in Nigerian Prisons System (2015) *International Journal of Development and Management*, 10 (1)136-145

²² Zgoba, K.M. and Salerno, L.M. (2017) A three year rehabilitation analysis of State Correctional release: *Criminal Justice Studies*, 30 (4) 331 – 345

²³ *Ibid.*

²⁴ Paranjape, N.V., *Criminology and Penology* (4th Edition. Central Law Publications 2017) 60-62

²⁵ *Ibid.*

and are more often than not thought to be cursed by poverty, lack of education and insanity.²⁶

2.2.1 Causes of Recidivism

Causes of recidivism are multi-dimensional and could occur while the prisoner is in custody or upon his/her discharge. However, prominent among these are discriminatory or selective releases of prisoners, societal reactions to imprisonment, stigmatization and lack funds to establish state-of-the-art correctional programmes such as vocational centers and a functional education system.²⁷ Others include are public perception/rejection, bad influences during incarceration, depression, poor integration into the society after release, lack of employment and economic activities, unchangeable lifestyle or social circle upon release and improper treatment of underlying problem during incarceration.²⁸ Similarly, custodial congestion, crime pollination, inadequate classification and categorization of prisoners are some of the causes of recidivism. Statistically, the Bureau while examining the release of prisoners in the USA between 1983 - 94 discovered that nearly 63% were re-arrested within 3years of their release.²⁹ While in the United Kingdom, re-offending rate among adult prisoners within a year of their releases from custody between April, 2013 and march, 2014 stood at 45%, out of which 33.9% those who served 12 months or more were rearrested for various crime.³⁰ However, the data below presents the Nigerian situation in respect of recidivism rate as compared with the prisoners' population between 2013 and 2015. Thus, the tables represented underneath show recidivism rates in Nigeria as reported in April 2016 by the National Bureau of Statistics.³¹

²⁶ Paranjape (n 21) 63

²⁷ Otu (n18) 136

²⁸ Muntingh (n 13) 28

²⁹ Beck, A.J., Shipley, B.E. *Recidivism of Prisoners Releases* US Department of Justice Programmes, Bureau of Justice Statistics (1980 - 1983) 4 -15

³⁰ Beck and Shipley (n28) 14

³¹ National Bureau of Statistics, 'Crime Statistics: Nigerian Prisons' <<https://nigerianstat.gov.ng/download/379>> accessed 22 August 2024

2.2.2 Data Presentation

Table 1

PRISON ADMISSION BY TYPE OF OFFENCE, 2013-2015							
OFFENCES	2013		2014		2015 AS AT Q2		
	M	F	M	F	M	F	
Debt	618	28	884	50	147	5	
Arson	685	14	777	31	221	6	
Affray	1,000	12	844	20	550	46	
Assault	8,301	681	7,128	529	3,044	263	
Murder	6,852	320	8,153	407	2,547	111	
Treason	387	44	349	9	140	13	
Sedition	183	5	162	8		2	
Abduction	1,610	79	1,286	63	312	35	
Smuggling	621	15	525	15	219	2	
Immigration	623	15	520	24	25		
Stealing	47,689	2,747	44,385	2,491	12,210	781	
Robbery	12,920	296	8,223	282	2,765	115	
Armed Robbery	11,661	197	9,987	262	4,736	131	
Sex Offences	5,666	131	4,284	152	1,526	95	
Traffic Offences	3,023	65	1,758	48	445	4	
Currency Offences	2,662	100	772	11	251	1	
Indian Hemp Offences	4,225	128	6,844	216	1,710	53	
Contempt of Court offences	3,784	127	3,523	169	1,413	80	
Unlawful Possession of Arms	2,623	93	2,564	49	1,170	28	
Forgery and Altering	1,587	19	979	18	392	6	
Escaping from Lawful Custody	504	4	456		51	1	
Offences against Native Law and Custom	526	10	591	19	52		
Unlawful Possession of Property	1,481	27	1,870	39	646	7	
Economic Sabotage	662	30	84	7	18		
Human Trafficking	212	10	306	9	34	6	
Criminal Lunatic	31		61		32		
Cultist/Ritual	255		177	2	153		
Breach of Peace	233	1	675	20	351	8	
Other Offences	30,428	2,646	23,841	1,884	8,297	506	
TOTAL	151,052	7,844	132,008	6,834	43,457	2,305	

Table 2

INMATE POPULATION AND RECIDIVISM (2013-2015)						
STATUS	2013		2014		2015 AS AT Q2	
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE
FIRST OFFENDER	105284	6203	91832	5466	31853	2009
CONVICTED ONCE	18000	1061	9145	430	6271	176
TOTAL	123284	7264	100977	5896	38124	2185
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE
CONVICTED TWICE	11653	250	14510	551	2879	72
CONVICTE THRICE	7168	123	7907	209	1438	31
CONVICTED FOUR TIMES	4476	79	4476	92	527	9
CONVICTED FIVE TIMES	3011	52	2330	56	290	5
CONVICTED SIXTIMES OR MORE	825	24	1009	21	229	3
CONVICTED SEVEN TIMES OR MORE	635	27	799	9		
TOTAL	27768	555	31031	938	5363	120

Table 1 shows that 151,052 male prisoners were convicted to custodial centres across the country in 2013 while 7,844 females were admitted in the same year. Table 2 reveals that 27768 males and 555 females returned to crime upon discharge from custody respectively. Analyzing by percentage frequency, in 2013 the rate of recidivism stood at 18.4% and 7% respectively. Again, in 2014 male prisoners' population was 132,008 while 6,834 were females. Out of these, male recidivists were 31,031 while 938 females returned to crime representing 24% and 14% respectively. Furthermore, in 2015 male prisoners in custody stood at 43, 457 while female prisoners were 2,305 representing 12.3% and 5.2% respectively. Findings from the above data show increase in recidivism rate for years 2013 and 2014 while a decline was experienced in 2015. This also explains that unsuccessful or inadequate reintegration and poor re-entry process is tied to recidivism. However, it is opined that the drop in recidivism rate in 2015 may have been caused by the introduction of the novel provisions on non-custodial measures and other strategies that may have strengthened prisoners' reformation and rehabilitation processes, though not visibly successful. Apart from recidivism, reintegration maladies are problems and challenges suffered by ex-prisoners upon their legal discharge from custodial centres across the country. These include stigmatization, inadequate management of reformation and rehabilitation processes which had led to their poor inter-personal skills, low levels of education, poor cognitive and emotional state, low or lack of planning and financial management skills, infections due to congestions and poor health facilities in the custodial centres³².

2.3 Parole

Parole has been defined in several ways, however, two out of which readily provides a better explanation of the concept. Firstly, it means the release from a Custodial Centre before the full sentence has been served and secondly, it refers

³² Kelechi Kenneth O., 'Reintegration Challenges of Discharged Prisoners in Awka South Local Government Area, Anambra State' (2023)
<<https://journals.aphriapub.com/index.php/ss/ss/>> accessed 28th November 2024

to a period of community supervision following early release³³. Further to the foregoing, premium is placed on the first meaning as prisoners must demonstrate good conduct and industry to be eligible for parole. Eligibility normally requires that prisoners would have served a given portion of their term for example, one-third of their term as it were in Nigeria and had shown good conduct and industry variously referred to in other jurisdiction as "Good time" deducted from time served in jail prior to incarceration. Good time is subtracted from the sentence for good behavior or other meritorious activity in Correctional centre. Once eligibility is confirmed, the prisoner will naturally submit a parole plan for consideration which will include residence and where he/she will work upon discharge. Consequently, submission is usually made by the prisoner to the parole authority or board and consideration or dismissal of the request to grant the parole is made known at a parole grant hearing.

Note therefore that mandatory release is granted as a matter of law and not the executive decision of the parole board whereby the prisoner is released after serving his/her sentence or a portion of his/her term as prescribed by law minus good time credits. When an ex-prisoner is released back to the society through the above means, it is expected that he lives a law-abiding and productive life, and demonstrates good conduct due to his/her engagements in reformation and rehabilitation programmes. On the part of the community/society, the released prisoner is expected to be received into the fabrics of community life where he/she once lived. Unfortunately, in the Nigerian context, such ex-prisoners/prisoners are more often rejected not minding the period of their stay in custodial centre. This rejection accounts for the frustrations and stigmatization suffered by the ex-prisoners leading to their possible return to illegal activities.³⁴

2.4 Reintegration Model and Programmes for Ex-Prisoners

Action plan towards crime prevention programmes must instructively accommodate those models and effective measures targeted at preventing return to illegal activities by ex-prisoners and to mitigate or put to abeyance the cycle of failed adaptations to environmental stress presented by community life. It is not always easy for ex-prisoners to reintegrate socially into the same community they left years back upon release. Based on the above observations, there exist diverse obstacles to their becoming law-abiding citizens and as such certain programmes and models hinged on individual needs and risk assessment of their records of criminality ought to be undertaken.

However, one important characteristic of sustainable reoffending prevention strategies is focusing on social reentry of ex-prisoners into the community and designing interventions to mitigate the rates of repetition of offence³⁵. Hence, prisoner reintegration programmes should be classified into institutionalized activities; assistance-associated programmes; surveillance-modeled

³³ Beck and Shipley (n28) 4 - 15

³⁴ Nigerian Correctional Service Act, 2019 section 14(5).

³⁵ Curt T. Griffiths, Ivon Danduran and Danielle Murdoch, *The Social Reintegration of Offenders and Crime Prevention* (Canada: National Crime Prevention Centre 2007) 1-100.

programmes; and integrated care programmes³⁶. Accordingly, despite the existence of the programmes and model mentioned above, only few rigorous evaluations aimed at facilitating the identification of best practices with conclusive definitions to the efficacy of specific interventions are in place.

Expatriating further on the programmes, institutionalized activities relating to education, mental health care, substance abuse treatment, work and rehabilitation are necessary to enhance reentry of ex-prisoners into the society.³⁷ It is instructive to understand here that the success of these programmes are contingent upon the needs and risk assessment of the prisoner. Paradoxically a number of prisoners do not participate in these programmes and as such regress into recidivism. Contingent upon this, many correctional practitioners and others involved in the reintegration process of prisoners hold the belief that all efforts geared towards these programmes should link institutional service with community-based institutions. However, it has been argued that mere referral to community-based service without substantive aftercare is generally ineffective. Thus, advocacy has been directed toward the relationship between institutionalized activities and community-directed interventions to enhance progress and sustainability of support schemes for discharged prisoners.

Emphasizing on surveillance-modeled programmes which entails the supervision of prisoners upon their discharge from custodial centres, four models are involved namely; risk, need, middle-ground and strength-based.³⁸ Critical of all the models is the risk-model which is premised on the fact that prisoners are vicious and therefore require to be mandatorily controlled and supervised. Thus, control suggests the engagement of an 'electronic panopticon' or the 'pee em' and 'see em' approach to supervising prisoners. The need-based supervision strategy involves concentration on prisoners' criminogenic needs while the middle-ground strategy is a combination of the above two mentioned strategies. The last model which is the strength-based strategy recognizes ex-prisoners as assets and not mere consumers of assistance. The model focuses on making the ex-prisoner a provider of assistance which in turn results in his/her de-stigmatization in the community. It aims at transforming the prisoners by facilitating the process which enables them make amends with the community³⁹. Hence, behaviours which exhibit their value and potentials such as playing leadership roles and qualities and displaying good works in support of the progress of the community are valuable to their successful reintegration process.

In conclusion, the major aim and attribute of these programmes and models is to prepare prisoners for their release from incarceration to succeed in the community by addressing their personal challenges and factors associated with

³⁶ Ibid. 100

³⁷ Charity A, Visher and Jeremy Travis, 'Life on the Outside: Returning Home After Incarceration' *The Prison Journal*; (2011)(1)(2)

³⁸ Maruna, S. and Thomas P. Label, 'Welcome Home? Examining the Reentry Court' Concept from a strength-based Perspective' (2003) *Western Criminology Review*; 4(7) 91-107

³⁹ Ibid. 167

their criminal behaviour, and establishing the necessary contact and relations in the community.

3. Legal Approach Towards Reintegration of Ex-Prisoners

Developments in criminal justice administration provide policy directions that describe new approaches and strategies for social reintegration programmes and procedures for prisoners discharging into the community or during their treatment courses while in the correctional centre.⁴⁰ The policy direction proposes programmes which encompasses activities covering pre-trial periods and when serving a sentence. Thus, the activities include pre-trial release, plea bargaining and sentence negotiation, sentencing, jail and sentence planning, support services after release and parole.⁴¹ Meanwhile, out of the above-named activities thereof, this paper will concern itself with sentencing, jail and sentence planning, support services at release and decision relating to parole. Hence, how legal approach towards these identified activities assists in the reintegration process of prisoners and the reduction of recidivism in Nigeria will be examined.

Commencing with sentencing legislation practice and measures, Nigerian Courts assist in the successful reintegration of discharged prisoners back to the society through sentencing. Thus, sentencing together with its aim will be briefly discussed in particular relationship with successful re-integration of prisoners back to the community. Sentencing means the judicial determination of a legal sanction to be imposed on a person adjudged guilty of an offence⁴². It can be referred to as the decision which the court makes after finding an accused defendant guilty; the punishment levied on a criminal wrong doer⁴³. It aims at ensuring deterrence, incapacitation and rehabilitation and it is within the penological objectives of deterrence, elimination and retribution that the Nigerian Supreme Court had formulated the guidelines to regulate the exercise of discretion when taking decision in criminal proceedings⁴⁴. It is clear from the aim and objectives of sentencing legislation and practice that reintegration was never mentioned or involved. How then does the court assist in the successful reintegration of discharged prisoners back to the society? Similar question goes to the issue of rehabilitation; what effect has it produced on the rehabilitation process of released prisoners?

More often than not, the Nigerian courts are not interested in the aftercare models nor are they concerned about formulating sentencing plan aimed at preparing prisoners for their eventual reintegration back to the community. It is perhaps in the recognition of this fact that Mohammed asserted that the Nigerian courts seem to have tremendous faith in custodial sentencing measures⁴⁵. Arguably so, this over-arching faith in custodial sentencing

⁴⁰ Alan Rosenthal and Elaine Wolf, '*Unlocking the Potential of Reentry and Reintegration*' (US Office of Justice Programs 2009) 1

⁴¹ Ibid.

⁴² B. Landdlan, 'Landdlan sentencing Commission' (1918)115

⁴³ Bryan A. Garner, '*Blacks Law Dictionary*' (Thompson Router 2014) 995

⁴⁴ Mohammed Tafiq Ladan, '*Crime Prevention and Control and human Rights in Nigeria*' (Econet Publishers Co. Ltd. 1998)377

⁴⁵ Ibid. 378

measures often expressed by the courts in aid of reintegration process of prisoners had not empirically demonstrated any useful results as recidivism rate in Nigeria continues to increase unabatedly⁴⁶. It seems therefore that the windows left open for the courts to effect assistance in the reintegration process of prisoners are through judicial administration of non-custodial measures in the nature of parole, probation and community service order. Paradoxically, most courts find it difficult to cause judicial orders in this direction⁴⁷. This is particularly so as non-custodial regimes are novel and most judges are not yet acquainted with these provisions as can be deduced from the plethora of custodial sentencing measures applied by them.

It is in this realization that Nigerian courts are expected to exercise diligence and caution in parole revocation as such action may further impede the re-entry process of prisoners with consequential recidivism boom. So where prisoners seem not to show interest or take part in the rehabilitation process as resonated in their low skill acquisition and education upon release, the failure of custodial sentencing practice in this regard is certainly not also in doubt. Other legal approaches toward the re-integration of prisoners and the reduction of incidences of recidivism in Nigeria can be found under the Act regulating Nigeria Correctional Service.

Specifically, under the Nigerian Correctional Service Act, provisions are made to ensure the successful reentry of a prisoner to protect the community and prevent the return to crime and criminalities⁴⁸. To accomplish this purpose, the NCS Act states the following as an objective: 'to enhance the focus on corrections and promotion of reformation, rehabilitation and reintegration of prisoners'⁴⁹.

Simply put, the Act places responsibilities on the Service to formulate and organize programmes and models at the Institution's level that will facilitate the reformation, rehabilitation and reentry of prisoners who have been legally released from confinement. The implication of these responsibilities are that conscious efforts are required to develop and enforce programmes that will engender behaviour modifications through religious teachings, counseling, psycho-social activities, skills and trade acquisition, education, drug treatment schemes and community relations activities which will ultimately enhance successful reintegration of prisoners. These programmes are also required to include intended after-care packages and services for continual reentry activities that will cut off linkages with re-offending dispositions. On the contrary, experience over the years seem to reveal inadequate provisions pursuant to necessary programmes and models aimed at successful reintegration of prisoners which finds expression in the high rate of recidivism in Nigeria. The NCS Act also made provisions for three notable functions to aid successful reintegration of prisoners back to the community/society when it stated that the Custodial Service shall ensure the following:

⁴⁶ Mohammed (n 43) 378

⁴⁷ Mohammed (n 43) 378

⁴⁸ NCSA, 2019 (n33) section 2 (c)

⁴⁹ Ibid.

Conduct risk and needs assessment aimed at developing appropriate correctional treatment methods for reformation, rehabilitation and reintegration;⁵⁰ implement reformation and rehabilitation programmes to enhance the reintegration of prisoners back into the society;⁵¹ and initiate behaviour modification in prisoners through the provision of medical, psychological, spiritual and counseling services for all prisoners including violent extremists⁵².

The three functions highlighted above are eminently key to the effective reintegration of prisoners into the society as they cumulatively attend to the challenges which they often face upon their releases. It is important to emphasize here that the success of the programmes which are anchored on these provisions is contingent upon well-articulated and enforced reformation and rehabilitation activities, all of which account for institutional-based action plans that should also take into considerations, after-care arrangements and community-based assistance.

Concretizing these provisions, the Act declares that prisoners should be empowered educational and vocational skills aimed at enhancing their economic emancipation. This can be achieved while they are being held in custodial centres, working in farm centres and cottage industries⁵³. Implementing these programmes provide the potentials and impetus for the prisoners to substantially overcome those obstacles that would have ordinarily impeded their successful re-entry into the community/society. Another window created by the Nigeria Correctional Services Act to aid successful reintegration of the prisoners into the community can be found under the provision that states as follows:

The Controller-General of Correctional Service may recommend to the Board for the issuance of certificates of good behavior upon discharge to a prisoner who had demonstrated good conduct, including those who have acquired training through formal and informal education aimed at facilitating their reintegration⁵⁴.

Thus, the criteria to be considered for the release or diversion of prisoners to non-custodial centre may include:

- (a) Prisoners sentenced to three years and above with less than six months to the completion of their sentence;
- (b) Prisoners charged, convicted or sentence for minor offences; Prisoners with civil cases; and

⁵⁰ NCSA (n33) section 10(e).

⁵¹ Ibid. section 10(f).

⁵² NCSA (n33) section 10(g).

⁵³ Ibid. section 10(h).

⁵⁴ NCSA (n 33) section 14(5)

(a) Any other criteria as may be determined by the Chief Judge or the Prerogative of Mercy Committee.⁵⁵

Granted that the aforementioned provisions enhance early release of prisoners, further provisions or arrangements are required to be made as to their successful reentry into the community. It is observed that they are merely released straight away into the community without arrangements that will enable them overcome certain obstacles which if not addressed may predispose them to their return to illegal activities and ultimately back to court rooms, and confinement. The Act also makes provisions for administration of non-custodial measures and vests responsibility to bring those measures into effect in the Nigerian Correctional Service. These measures are intended to ease reintegration process of prisoners upon discharge, prevent contamination of first prisoners, and to prevent pre-trial detention.

The Act specifically empowers the Nigerian Correctional Service to implement these measures, which encompasses: "Community Service, Probation, Parole, Restorative justice measures, and any other non-custodial measures that may be assigned to the Correctional Service by a court of competent jurisdiction"⁵⁶.

Deepening the implementation of these measures, the act further provided that all prisoners serving punishment of imprisonment imposed on them within six months prior to its enactment can access the benefits of community service where illegible.⁵⁷ Conclusively, it made provision for the establishment of both National and State Committees for the proper administration of the measures or judicial orders⁵⁸. In another breadth, the Act also makes provision for the reintegration process of an prisoner upon his/her discharge from confinement when it stated as follows:

where it appears, it is in the interest of the public or prisoner that, upon discharge he or she is to be assisted towards effective reintegration, the Correctional service shall provide: funds for the transportation of discharged prisoners to their places of abode; after-care support; and any other support that may be deemed appropriate by the Correctional Service⁵⁹.

Appreciating these provisions, it is observed that the arrangements seem not to actually effect successful reintegration of prisoners since they are made to the exclusion of contacts with community-based Institutions and Non-Governmental Organizations (NGOs). Community-based Institutions and NGOs exist in the communities and may be helpful in facilitating successful re-entry of prisoners upon discharge by encouraging their unhindered acceptance without which, rejection and call back to crime may occasion.

⁵⁵ NCSA, 2019 (n33) section 12(10).

⁵⁶ Ibid. (n33) sections 37(1) and 40-43.

⁵⁷ NCSA, 2019 (n33) section 42(2).

⁵⁸ Ibid. sections 37(2) and 38(2).

⁵⁹ NCSA, 2019 (n33) section 19(1).

These measures account for a major positive development in the administration of criminal justice in Nigeria particularly their set objectives and underlying philosophy which changed the punitive narrative of prisoners to a wider restorative justice disposition and evasion of harm to the society⁶⁰. Accordingly, Restorative Justice is 'a way of responding to criminal behaviour by balancing the needs of the community, the victims and the prisoners'⁶¹.

Consequently, Nigeria's justice system is imbued with the objectives and guiding principles intended to balance the needs of all parties and in particular aid the reintegration of prisoners back to the society upon discharge from custodial centres. The primary objectives of restorative justice are:

to attend fully to victims' needs - material, financial, emotional and social (including those personally close to the victim who may be affected in similar way); to prevent re-offending by reintegrating prisoners into the community; to enable prisoners to assume active responsibility for their actions; to recreate a working community that supports the rehabilitation of prisoners and victims and is active in preventing crime; and to provide a means of avoiding escalation of legal justice and the associated costs and delay.⁶²

While the guiding principles are to 'reduce congestion, rehabilitate prisoners by making them to understand productive work, and prevent convicts who commit simple offences from mixing with hardened criminals'⁶³.

Indeed, the Act imposes the responsibility of implementing restorative justice regimes on the Controller General when it stated that:

the Controller General of Correctional Service shall provide the platform for restorative justice measures and shall include the following action plans; victims-prisoners mediation, Family group conferencing, Community mediation, and any other mediation activity involving victims, prisoners and, where applicable, community representatives.⁶⁴

4. Jurisdictional Comparisons

It seems that the approaches and success of prisoners' reintegration vary according to the jurisdictional disposition of each country. Each situation appears to be influenced by the socio-economic, cultural and environmental circumstances of the country as adduced from the strategies, approaches and

⁶⁰ Yemi Akinseye-George, *Administration of Criminal Justice Act (ACJA)*, 2015 (Centre for Socio-Legal Studies 2017) section 3

⁶¹ NCSA, 2019 (n33) section 4

⁶² NCSA, 2019 (n33) section 5

⁶³ *Ibid.* section 6

⁶⁴ NCSA (n33) section 43(1)

success level experienced in Greece, Uganda and Nigeria. The Greek experience aptly supported by the European Union Agency for Fundamental Rights focuses on post-release integration and adaptation of ex-prisoners to their social, professional and family environment which are task assigned to EPANODOS, meaning "return".⁶⁵

EPANADOS cooperates with prisons social services and offer counselling, education and vocational training, financial support and short-term housing to facilitate any effort towards social reintegration of prisoners.

In the Ugandan perspective, premium is placed on assisting former child soldiers and conflict-affected individuals who were victims of decades of armed conflicts between the government and the Laws Resistance Army (LRA). Their reintegration program is tailored towards psychological support, family reunion and livelihood initiatives which also covers girls and young women. These initiatives are undertaken and coordinated by Community-Based Organizations (CBOs), International Organizations (IGOs) and Non-Governmental Organizations.⁶⁶

Efforts towards reintegration of ex-prisoners in Nigeria is statutorily enshrined in the Nigerian Correctional Service Act⁶⁷ as stated earlier and other laws touching on the same subject. There seems to be no concrete policy framework in place for the implementation of the novel provisions of the Act on prisoners' reintegration when compared with the other jurisdictions discussed above. This may have been influenced by the novelty of the provisions and inadequate financial support. The Act expressly provided for both pre- and post-reintegration initiatives unlike that of Greece whose focus is primarily post-release integration initiatives and Uganda's interventions for victims of war, girls and young women.

5. Conclusion/ Recommendations

The Administration of Criminal Justice Act makes provision for various early releases under the part dealing with non-custodial measures, with a view to ensuring successful re-entry of prisoners back to the community. This intention is resonated in particular under parole order which the court grants in appropriate and deserving circumstances. Thus, the Act in section 468 empowers the head of Nigerian Correctional Service to recommend a prisoner who has demonstrated good behaviour and industry and has served one-third of his prison term or where he was sentenced to life imprisonment for parole consideration.

⁶⁵ Maria Skagkou, 'Greece - Social Reintegration/Criminal Detention in the EU'(2024) <<https://fra.europa.u>> accessed 10 March, 2025.

⁶⁶ Keifer, M. the conjugal order and long term integration in northern Uganda : how ideas of sexuality and patrilineality shape reintegration processes of men, women and children born in captivity, conflict, security and development' 25 (1) <<https://doi.org/10.1080/14678802.2024.2423931>> accessed 10 March 2025.

⁶⁷ NCSA, 2019 (n33) section 10 (e) (f) (h)

Findings reveal increased rate of recidivism due to poor reintegration initiatives, absence of policy framework, ineffective synergy and collaboration between the stakeholders and livelihood support initiatives. Thus, it is required of the Service to create and design reintegration programmes and model for the eventual re-entry of prisoners back to the community. However, minimum standards for ex-prisoners' reintegration from other jurisdictions are set forth in this paper to guide the Nigerian Correctional Service which could be appreciated and applied with some adaptations.

The Nigerian Correctional Service Act together with the provisions under the ACJA especially those relating to non-custodial measures, the objectives and principles of restorative justice measures for now, remain sufficient legislations and guidelines to activate the reintegration of prisoners and consequential reduction of recidivism rate in Nigeria. Thus, to enhance successful reintegration of ex-prisoners and reduce incidences of recidivism in Nigeria, the following steps or recommendations are considered.

Appropriate risk and needs assessment must be conducted, and adequate reformation and rehabilitation programmes/model articulated, and implemented for eventual reintegration on individual basis.

Programmes which are specifically directed towards prisoners' behavioural modifications which aim at promoting their spiritual, psychological, mental health, cognitive and educational wellbeing be emphasized.

Also, appropriate categorization and classification of prisoners should be carried out to avoid contamination with recidivists especially those admitted with minor uncomplicated offences though they ought not to be found in the custodial centres or first timers serving less sentences.

Regular decongestion exercises by appropriate authorities, inclusion of reintegration measures in sentencing planning, emphasis on depenalization and decriminalization by judicial authorities.

Sustainable engagements with NGOs and community-based institutions, well designed and reintegration programmes and models with aftercare services are finally considered for effective re-entry of ex-prisoners into the community.

Effective and efficient sustainable monitoring mechanism sufficient to aid flexible and uneventful social integration and reintegration of ex-prisoners be established to reduce incidences of re-offending.

Deliberate sustainable enforcement mechanism to bring to fruition, S.14(5) of the NCS Act, 2019 in order to decapitate issues of stigmatization of ex-prisoners should be entrenched in the Services' Standard operational guidelines and procedures.