



The Impact of Alternative Sentencing and Prison Overcrowding in Nigeria: A Study of the Port Harcourt Prison.

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ABSTRACT

In reality, the congestion in prisons has not been decreased by alternative sentencing in Nigeria's criminal justice system. The purpose of this study is to investigate the impact of alternative sentencing and how it can reduce jail overcrowding in Port Harcourt. To accomplish this, the researcher felt it was important to assess the degree of prison overcrowding. The sample for the study consisted of 500 prison staff members, and the sampling strategy used was simple random sampling. The study's findings demonstrated that the sole viable alternative sentencing option in Port Harcourt's prison is fine. Due to the high crime rate, prolonged court proceedings, and adjournments of cases, there is a very high degree of congestion. As a result, there are more people waiting to go to trial. In conclusion, alternative sentencing is not the sole reason for prison overpopulation; there are also other causes, such as the court system and police misconduct prior to arresting offenders. As a result, the researcher suggests that the National Assembly create more regulations that are appropriate for the crimes committed by offenders and that the court sit up and take cases rather than postponing and adjourning them. The government ought to construct new jails and enlarge the ones that already exist.

INTRODUCTION

Prison overcrowding is a problem for the majority of criminal justice systems worldwide, which continues to exist unchecked in the face of declining crime rates and substantial prison construction plans. However, it is not a particular trait of just Nigeria, but also of rich countries with strong economies and developing nations with weak economies (Penal Reform International, 2010). People who disobey social norms and principles have typically faced discipline, sanctions, and punishment throughout history. The retributivists and deterrence philosophers emphasize that a deviant should be punished in order to exact vengeance for his misdeeds and to dissuade him or others from committing similar crimes in the future. It has traditionally been considered humane to confine dangerous individuals; this practice can be traced back to biblical times. The best way to conceptualize imprisonment is as a formal means of inflicting suffering on the wrongdoer. It is a penalty that should hold offenders back from receiving further punishment and is likely to harm, discourage, and render them incapable. In certain regions of the nation, these have been a component of the conventional criminal justice system (Obioha, 1995 and 2002). A culture of chronic overcrowding, excessive use of prison, and an increase in the number of inmates awaiting trial are the causes of prison overcrowding, which resulted from a slow, constant, and long-term growth in the prison population (Albrecht, 2010). According to these powers, the Nigerian police can hold and arrest anybody who they believe to have committed crimes without first conducting an investigation. Prisons are overcrowded and literally bursting at the seams with inmates, as recently discovered in Port Harcourt, where the prison with a capacity of 804 inmates has 2796 convicted inmates and 2500 awaiting trial persons (The Pointer News Online, 2015). Other contributing factors include the delay of justice and adjournment of cases by judges and magistrates. Poverty can contribute to overcrowding by preventing people from getting an education or finding work, which leads to people turning to crime as a means of surviving. When there is insufficient rehabilitation and formation, offenders who have a high percentage of recidivism or who are habitual criminals are more likely to perpetrate crimes after being released from jail. Additionally, as people cried out for harsher punishment and stiffer sentences in response to the rising threat of crime related to sexual offenses, drug-related offenses, murder, armed robbery, and terrorism, the rate of imprisonment increased along with the level of crime (Rutherford, 1984). Due to poor cleanliness and inadequate medical care, etc., these situations led to both physical and psychological issues, allowed for self-inflicted damage, and increased the likelihood of catching infectious diseases like HIV/AIDS, tuberculosis, respiratory tract infections, asthma, and others. Additionally, it creates a severe housing problem, causing inmates to compete

for space and rendering the classification of inmates meaningless.

Gradually, the rapid lengthening of prison terms automatically increases the prison population, resulting in overcrowding. It was accepted that imprisonment would help inmates resist criminal tendencies both inside and outside prison because of discipline, education, and classification based on a moral diagnosis. The causes of crime were perceived to be a disregard for religious and moral principles, ignorance of duty, idleness, and drinking habits. The growth of the jail population was the first historical trend toward alternative sentencing (Andrew, Allison, and Rodney, 2003). Recidivism is another startling topic that causes a lot of anxiety because it is believed that this group of offenders is in a state of complete hostility toward society and has no chance of changing their conduct. In this case, it was considered that it would be harmful to hold first-time offenders alongside habitual and repeat criminals, which would also hinder the former's rehabilitation. Separating the criminals into groups is the only method to stop this trend; yet, due to the overcrowding in the jail, it is impossible to classify the offenders (Saleilles, 1911). Pre-trial detention, recidivism, and the lack of a criminal categorization in Nigeria's criminal justice system all contribute to jail congestion, which makes prison reform and rehabilitation impossible, particularly in Port Harcourt prison.

Statement of the Problem

The prison system in Nigeria has been characterized by various problems, among which is that the prisons are overpopulated and literally overflowing with inmates 'in Nigeria, for example, it was discovered recently in Port Harcourt that the prison with a capacity of 804 inmates had 362 convicts and 2646 awaiting trial persons that is the total of 3008 inmates. The Nigerian prisons have remained in obsolete condition from the moment the authority was taken over by Nigerians from the colonial masters. The size and the number of prisons are not proportional to our population growth.

Research Objectives

1. To identify the alternative sentencing options used by Nigeria criminal court.
2. To determine their rate of use by criminal courts in Nigeria, of alternative sentencing options compared to imprisonment sentencing options.
3. To investigate the impact of alternative sentencing on prison congestion in Port Harcourt prison.

LITERATURE REVIEW

According to Ayade (2010), prison overcrowding can be

defined as the situation where an institution's capacity to adequately meet an inmate's physical and psychological needs is exceeded by the number of inmates housed there. Overcrowding simply refers to a scenario in which the number of convicts at a particular time exceeds the official capacity of a jail to securely provide for the needs of the inmates. Technically, prison overcrowding began as soon as the criminal justice system began locking up more offenders for longer periods of time than the jail's capacity officially permits.

Alternative sentencing is when a judge or magistrate uses a discipline or punishment other than imprisonment to apply to criminal defendants who have been found guilty. The range of sentencing outside of incarceration has been referred to as alternative sentencing. The common options in the study area include: community service, fine, compensation and probation. The fine option reveals that penalties of these kinds existed in earlier historical eras when prisons were used to house debtors and those awaiting trial and punishment, before any insight into the historical evolution of such punishment to public labor.

At the end of the nineteenth century, prison legislation in Western nations began to include alternatives to incarceration. The judges in the civil law system have the additional discretionary power to penalize the criminal. By the 1970s, new alternative sentencing and punishment strategies had been developed. Alternative sentencing alternatives include conditional dismissal of cases during the prosecution phase, plea bargaining, parole, probation, sanctions limiting and removing rights during the execution phase, community service, payment, and public work during the execution phase, and intermittent custody and house arrest during the execution phase.

METHOD AND MATERIALS

This research adopted the survey design method, the sample size for the study was 500 respondents comprising the court, prison officials, and inmates in Port Harcourt. A simple random sampling technique was used, to select 500 persons, the study employed both primary and secondary as the sources for data collection. questionnaire was used for data collection and analysis based on the stated research objectives. The data collected was placed on a frequency table which represents the analysis of the closed-ended part and the data on the open-ended part of the questionnaire using the descriptive method of qualitative data analysis.

RESULTS

Alternative sentencing options used by Nigerian criminal courts.

Table 1: Percentage Distribution of Alternative Sentencing options used by Nigerian Criminal Courts.

Alternative sentencing options used by Nigerian criminal courts.	Frequency	Percentage
Fine	356	74.8
compensation	-	-
Community service	-	-
Probation	-	-
None of the above	120	25.2
Total	476	100

Table 1: shows that 74.8% of the respondents indicated a fine option, 0% of the respondent indicated compensation, 0% of the respondents indicated community service, 0% of the respondent indicated probation 25.2% of the respondents indicated none of the above.

This shows that the majority of the respondents agreed that the only alternative sentencing option in Nigeria criminal courts is the fine option

Table 2: Percentage distribution of the rate the Nigeria criminal court uses alternative sentencing options to imprisonment.

The extent the Nigerian criminal courts use. Alternative sentencing options to imprisonment	Frequency	Percentage
Very high	10	2.1
High	54	11.3
Low	182	42.5
Very low	202	38.2
None of the above	28	5.9
Total	476	100

Table 2: shows that 2.1% of the respondents indicated very high, 11.3% of the respondents indicated high, 42.5% of the respondents indicated low, 38.2% of the respondents indicated very low, and 5.9% of the respondents indicated none of the above.

These show that the majority of the

respondents affirmed that the extent the Nigerian criminal courts use alternative sentencing to imprisonment is low.

Table 3: Percentage Distribution of the impact of the alternative sentencing on prison congestion in Port Harcourt prison.

Does alternative sentencing have an impact on prison congestion in Port Harcourt prison?	Frequency	Percentage
Yes	143	30.
No	333	70
Total	476	100

Table 3: shows that 30% of the respondents indicated that alternative sentencing options have an impact on Port Harcourt prison while 70% of the respondents disagreed.

This shows that the majority of the respondents indicated that alternative sentencing options have no impact on prison congestion in Port Harcourt prison.

DISCUSSION OF FINDINGS

The findings of this study demonstrated that the fine option is the only alternative sentencing option employed by Nigerian criminal courts. Before imposing the fine sentence option, the court must first ask about the offender's financial position; if the criminal is unable to pay, he or she may still be obliged to serve prison time. The results of the investigation into jail overcrowding in Port Harcourt show the challenges the Nigerian criminal justice system faces in creating alternate punishments. Here are some of them: You cannot expect someone who committed murder, kidnapping, and arm robbery to come out and serve community service terms in Nigeria since the country is so corrupt when it comes to committing serious crimes. There will be an increase in crime in society, notwithstanding the respondents' claims that the National Assembly is still debating whether to implement a community service punishment for people who commit minor offenses. In Nigeria, the use of alternative sentencing choices is used at a rate of 2.1% very high, 11.3% high, 38.2% low, 42.5% very low, and 5% none of the above. Because it is unreasonable to expect a criminal who has committed a homicide, kidnapping, or armed robbery to serve a sentence that will still allow him or her to commit the same crime, such as community service, a fine, or another punishment, it suggests that Nigerian criminal courts rarely use alternative sentencing. 71.8% of respondents say that the alternative sentencing option in Nigerian criminal

court has no good effect on the number of prisoners in Port Harcourt jail, while 18.2% of respondents say that it does. With 362 convicts who have been found guilty and 2646 others who are awaiting trial, Port Harcourt is extremely overcrowded with prisoners compared to its capacity. In total, there were 3008 inmates. (Office of Statistics, Port Harcourt, Rivers State Command, Office of Prison Administration). All signs point to the fact that the alternative sentencing choices offered by Nigeria's criminal justice system have not helped to reduce the overcrowding of detainees in Port Harcourt jail.

CONCLUSION

Almost every country in the world has been affected by the issue of jail overcrowding. In reality, the alternative sentencing option in Nigeria's criminal justice system has not been able to ease jail overcrowding, particularly in Port Harcourt. Despite the fine penalty, there is a lot of congestion inside the prison. The fine sentence is optional, but not every crime qualifies for one. For example, crimes like murder, kidnapping, and armed robbery result in a life sentence rather than a fine following a conviction. The majority of inmates awaiting trial who are close to the court administration, the director of public prosecution's infrequent visits, the president, governor, chief judges of the state, and attorney general of the federation's negligence in granting amnesty, and the lack of an appropriate alternative punishment for those who committed minor offenses are the main causes of prison overcrowding. All signs point to Port Harcourt prison being able to become less crowded if all these issues are appropriately addressed.

RECOMMENDATIONS

- The National Assembly should make more policies regards to creating alternative sentencing options that can handle these minor offenses and pass them into law to reduce congestion in the prison.
- The Federal Government should create a policy in the criminal justice system to confer ultimate powers on the Chief justice of the federation and the chief judges of state to carry out a monthly release to prison inmates whose detention is unlawful or who have been incarcerated for a longer period than they supposed to serve.
- The Human right commission should visit the prison and interfere in the issue of awaiting trial persons, to release those whose human rights have been infringed upon by holding them beyond the time stipulated by law for an offense which they had committed.
- The government should fund the Legal Aid Council design to mitigate the increasing

numbers of prisoners and detainees who are poor and rendered helpless as they are unable to engage the service of private lawyers to offer a proper criminal defense.

- The *police* should not indulge in indiscriminate arrest of suspects without proper investigation. Let there be a proper investigation before the apprehension of criminals.
- The federal government should endeavor to expand the existing prisons in order to generate more space for the inmates.
- The court should sit up by judging cases without delay and adjournment of cases unnecessarily which contributes tremendously to the increase of awaiting trial persons.

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