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Incarceration of Nonviolent Offenders at the High Court in Oyo State, Nigeria

Olugbenga Rotimi Akanji
Walden University

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Walden University

College of Social and Behavioral Sciences

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Review Committee

Dr. Heather Mbaye, Committee Chairperson,
Public Policy and Administration Faculty

Dr. Gregory Koehle, Committee Member,
Public Policy and Administration Faculty

Dr. John Walker, University Reviewer,
Public Policy and Administration Faculty

Chief Academic Officer
Eric Riedel, Ph.D.

Walden University
2017

Abstract
Incarceration of Nonviolent Offenders at the High Court in Oyo State, Nigeria

by

Olugbenga Rotimi Akanji

MS, Southern University at New Orleans, 2009

LLB, University of Ibadan, 2005

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Administration

Walden University

November 2017

Abstract

The nonuse of community correction in the Nigeria criminal justice system has led to increased recidivism, contributed to prison congestion, introduced the risk of prison victimization, and lacked the provision of a rehabilitative structure for nonviolent offenders. The purpose of this phenomenological research study was to explore Nigerian judges' use of alternatives to incarcerations for nonviolent offenders. Dolinko retributive punishment theory provided the theoretical framework for this study. Ten participant judges comprised the study sample from a purposeful and criterion random sampling method. Data were collected from participants through structured interviews and were coded manually, sorted, and analyzed using the Saldana data coding process framework. According to study findings, judges were inclined to use alternatives to incarceration for nonviolent offenders. Also, community correction could reduce overcrowding in prisons and provide the opportunity for self-improvement for nonviolent offenders supervised in the community. The implications for positive social change include a better understanding and implementation of community corrections for Nigeria judiciary and policymakers and the use of alternatives to incarceration for nonviolent offenders, which would improve rehabilitation, reformation, and reintegration of offenders into society.

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Dedication

I dedicate my dissertation to the Almighty God who is my heavenly Father. I thank God for everything that He has done for me, accomplished through me, for all that I am, and will ever become. God is my rock of Gibraltar and the wind beneath my wings. God makes me soar on eagles' wings (Isaiah 40:31). He is my refuge. My God, in whom I trust (Psalm. 91: 2).

Also, I dedicate this work to my parents, Dr. (Mrs.) Modupe Ogunmodede, Mr. Peter Ogunmodede, and Mr. Samuel Akanji. The prayer, love, support, and encouragement I receive from my parents were exceptional. I am most grateful to my parents.

I am also grateful to my wife, Mary Akanji, and children, Daniel and Ariel Akanji. I give special thanks to my wife and children for the demonstration of love shown to me and the sacrifice they endured during my entire writing of my dissertation. I also dedicate my dissertation to my siblings, Opeyemi and Ibukun Ogunmodede. They believed that I could attain my goal of completing my dissertation.

I would also want to express my appreciation to my uncles, aunts, nephews, and nieces. Specifically, I am grateful to Pastor Shodimu and Mr. Oladipupo who have been remarkable with words of encouragement that uplift my spirit.

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Chapter 1: Introduction to the Study

Introduction

An alternative to incarceration is an essential characteristic of the criminal justice system that prevents recidivism and supports the rehabilitation of offenders in the community (Still, 2016). Alternatives to incarceration include probation, parole, pretrial services, residential reentry centers, or community treatment services (Still, 2016). The United States, England, and Wales have used community corrections as alternatives to incarcerating nonviolent offenders (DeMichele, 2014; Teague, 2016; Wright, Pratt, Lowenkamp, & Latessa, 2013). The use of probation, boot camps, direct court commitment, home confinement, and intermediate sanctions are not unique to the United States, England, and Wales (DeMichele, 2014; Teague, 2016; Wright et al., 2013). The use of intensive supervision, restitution, community services, electronic monitoring, and halfway houses are practiced in many criminal justice systems (DeMichele, 2014; Teague, 2016; Wright et al., 2013). However, the Nigerian criminal justice system has not been instituted to provide alternatives for incarcerating offenders sentenced in Nigeria courts (Solomon & Nwankwoala, 2014; Yekini & Salisu, 2013). The Nigeria criminal justice system does not provide the structural reforms through the use of noncustodial measures, which are essential for offenders' successful rehabilitation and reentry to society (Alao & Adebawale, 2014). Incarceration of nonviolent offenders has generated difficulties in Nigeria criminal justice system (Alabi & Alabi, 2011). Yekini and Salisu (2013) argued that the continued incarceration of nonviolent offenders has failed to achieve deterrence. Onyeozili and Ebbe (2012) suggested that nonviolent offenses should

not result in incarceration. In Nigeria, every offender receives prison terms irrespective of the offense the offender commits (Ajayi 2012; Armiya'u & Adole, 2015). Armiya'u and Adole (2015) stated that the Nigerian criminal justice system does not separate or classify violent offenders from nonviolent offenders when determining punishment. Also, nonviolent offenders are exposed and subjected to inhumane treatment (lack of personal hygiene, nutrition, clothing, dignity, overcrowding, and access to medical care) and abuse (physical and sexual) in prisons. These inhumane treatments increase recidivism for nonviolent offenders (Onyeozili & Ebbe, 2012; Otu & Nnam, 2014). Ajayi (2012) indicated that the overcrowding of Nigerian prisons make rehabilitation difficult for nonviolent offenders. Offenders do not have access to proper ventilation and sanitation in the Nigerian prison system. The Nigerian prisons are overcrowded, with no ventilation systems, and or sanitation that is essential to offenders' health and well-being (Ajayi, 2012; Otu & Nnam, 2014).

The Nigerian criminal justice system must be revamped. In the United States, the Bureau of Justice Statistics (2014) indicated a low rate of recidivism among released nonviolent offenders. The Bureau of Justice Statistics also revealed that 404,638 offenders did not recidivate in 30 states after being released from prison in 2005. In addition, 77% of released nonviolent offenders did not commit new crimes or new criminal behavior within 5 years of release from prison (Gallagher, Nordberg, Ivory, Carlton, & Miller, 2015). Nally, Lockwood, Ho, and Knutson (2014) further indicated that 78% of released nonviolent offenders did not recidivate within 3 years for new criminal behavior. The National Bureau of Statistics (2016) reported that imprisonment is

the method of punishment for all nonviolent offenders in Nigeria. Alabi and Alabi (2011) and Shobola and Ajeigbe (2015) claimed that 75% of nonviolent offenders released from Nigerian prison recidivate. Parimah, Osafo, and Nyaro (2016) stated that when punishing nonviolent offenders, the goal of the criminal justice system should be reintegration and rehabilitation to repair the harm the nonviolent offender has caused to society. It is imperative to use community correction as an alternative to incarceration for nonviolent offenders (Yekini & Salisu, 2013, p. 102). Mass incarceration has not proved to be a useful tool for rehabilitation and deterrence to crime for nonviolent offenders (Currie, 2010; Larkin, 2014). The absence of vocational training, employment training programs, and other evidence-based programs that can improve offenders' lives are not available during the incarceration of criminals (Ebeniro, 2011).

The structure of community corrections will provide community supervision for nonviolent offenders in Nigeria (Yekini & Salisu, 2013). Riggs, Parsons, Wei, and Druker (2014) indicated that community corrections provide offenders the opportunity to use community resources without compromising public safety. The use of alternatives to incarceration have been a force for social change by addressing the rehabilitation of offenders in society (Klinge, 2013; Solomon & Nwankwoala, 2014). Because all offenders in Nigeria are sentenced to prisons, supporting community correction for nonviolent offenders will allow for the successful rehabilitation of these types of offenders sentenced to probation (Solomon & Nwankwoala, 2014).

The purpose of this study was to examine how judicial officers in the Nigerian Criminal Justice System perceive the use of community corrections for nonviolent

offenders. The results of this research study provided insight and information into the Nigeria Criminal Justice community. Nigerian judges can use the results of this study to understand the process of the implementation of community corrections. Insights from this study should provide knowledge to aid the Nigeria Criminal Justice System, National Judicial Council, Nigeria legal profession, and policymakers in enacting community correction laws (Yekini & Salisu, 2013). Yekini and Salisu (2013) stated that community correction legislation would constitute the foundation of new criminal justice policies. These plans (policies) will be used for the implementation of community corrections.

In this chapter, I provide an overview of this study. I present the gap in knowledge that is related to this research study. I outline the problem statement, the purpose of this study, the research question, and theoretical framework. The final sections of this chapter include information on definitions, assumptions, limitations, and the significance of this study. Finally, I provide a summary that includes an overview of the information submitted in this chapter.

Background

The U.S. court systems are encouraged to use community corrections for offenders who commit crimes against society (Klinge, 2013). However, the Nigerian Criminal Justice System characterizes crime as a violation of shared values in the society that disrupt human behavior and culture, for which incarceration is the only punishment (Omale, 2014). The criminal justice system is empowered to use sentences that are sure and swift, including the use of probation. However, the Nigerian Criminal Justice System has used prisons as the only method of accountability for offenders, including nonviolent

offenders (Yekini & Salisu, 2013). The application and the implementation of alternatives to incarceration for nonviolent offenders may alleviate the problem of mass incarceration in Nigeria.

There is a gap in knowledge on the use of community supervision for nonviolent offenders in Nigeria. Mass incarceration has not demonstrated sufficient rehabilitation of nonviolent offenders and deterrence to crimes (Currie 2010; Larkin, 2014; Opafunso & Adepoju, 2016). Therefore, this study was conducted to explore judges' perceptions and understanding of the use of alternatives to incarceration for nonviolent offenders. The results of this study may provide insights into the process by which increasing numbers of judges and the criminal justice system will implement the use of community correction. Also, insights from this qualitative study can provide information to the National Judicial Council and the Nigeria legal profession in helping Nigerian judges succeed in the implementation of community corrections.

Problem Statement

The Nigerian Criminal Justice administration focuses on the use of incarcerating every individual who commits both violent and nonviolent offense (Ogwezzy, Adebayo, & Kekere, 2016). The criminal justice system also lacks the presence of a fundamental framework that rehabilitates and reintegrates nonviolent offenders incarcerated in Nigerian prisons (Stephen & Dudafa, 2016). The Nigerian Criminal Justice System focuses on conventional ways of punishing offenders through incarceration (Solomon, Nwakwoala, & Ushi, 2014).

The justice system does not allow nonviolent offenders to rehabilitate, reform, and reintegrate into society (Solomon et al., 2014). Parimah et al. (2016) advocated for the use of alternatives to incarceration for nonviolent offenders. Nonviolent offenders incarcerated in Nigeria prisons find it difficult to reintegrate into society. The absence of a structural framework for community correction led to the overcrowding of Nigerian prisons and dehumanization of nonviolent offenders without reforming the behavior of the offender (Parimah et al., 2016 p. 50). Using noncustodial measures in the criminal justice system are alternatives method of punishing offenders (Emeka, 2011; Shajobi-Ibikunle, 2014).

Contrary to the commonly held belief that community correction does not exist in Nigeria, the Criminal Procedure Act (2004) provides for the use of community correction (probation) as a noncustodial measure for offenders (Anyebe, 2011; Shajobi-Ibikunle, 2014). Community correction is not a new phenomenon in the criminal justice system, but what is new is the nonuse of community corrections in the Nigerian Criminal Justice System. No offenders are sentenced to community correction (probation) in Nigeria and Ghana (Yekini & Salisu, 2013). Although community corrections have been successful in the United States, England, and Wales, there are 5 million (84%) offenders on probation in the United States, and 234, 229 (70%) offenders on probation in England and Wales (DeMichele, 2014; Teague, 2016). Alabi and Alabi (2011) reported that 72.5% of nonviolent offenders lack the rehabilitative structure that is essential for reintegration into society.

In England and Wales, 89% of probationers do not recidivate after 1 year of discharge from probation sentence (Bruce, Crowley, Jeffcote, & Coulston, 2014). The Ministry of Justice (2012) reported that 73.6% of offenders released from custody, including noncustodial custody, do not reoffend after 1 year of discharge from custody. In the United States, 73% of probationers do not commit a new crime after 5 years of completing probation sentence (Nally et al., 2014). Given the low recidivism of nonviolent probationers in the United States, England, and Wales, the Nigerian Criminal Justice System could benefit from an alternative to incarceration (probation) for nonviolent offenders (Yekini & Salisu, 2013).

Incarceration of nonviolent offenders has generated difficulties in the Nigerian Criminal Justice System (Alabi & Alabi, 2011). The high rate of recidivism in Oyo State has shown the need for using community correction as an alternative to incarceration (p. 102). One scholar has found that 85% of nonviolent offenders recidivate (within 7 years of release to society) when freed from Nigerian prisons (Ajayi, 2012). Another scholar found that 65.7% of offenders would recidivate (Shobola & Ajeigbe, 2015). The deplorable conditions (inhumane, cruel treatment, and the lack of transitional and vocational programs) of the Nigerian prison do not rehabilitate offenders (Ajayi, 2012; Anyebe, 2011; Shobola & Ajeigbe, 2015).

Incarceration is the justification for sanctioning anyone who does not comply with laws in the society (Bushway & Owens, 2013). However, incarceration has led to rehabilitation for nonviolent offenders and deterrence to individual committing crimes (Currie 2010; Larkin, 2014; Schappell, Docherty & Boxer, 2016). The Nigerian Criminal

Justice System does not use rehabilitative intervention for nonviolent offenders.

Incarceration of nonviolent offenders as a form of punishment has failed to achieve the objective of the criminal justice system (Shobola & Ajeigbe, 2015). The goal of the criminal justice system is to rehabilitate and reform offenders to society. The criminal justice system is empowered to reform and rehabilitate offenders designated to the prison system.

The Nigerian prison system is responsible for administering punishment on offenders. Therefore, the Nigerian Criminal Justice System is responsible for the public safety of all offenders, including nonviolent offenders. The Nigerian Criminal Justice System is responsible for the rehabilitation, reintegration, reformation of nonviolent offenders, and humane treatment to all offenders. However, the Nigerian Criminal Justice System has been unable to fulfill its responsibilities of rehabilitating, reforming, reintegrating, and providing transitional programs for nonviolent offenders to society (Ogwezzy et al., 2016).

The Nigerian prison system is undergoing difficulties that hinder its capability to perform its intended rehabilitative roles efficiently and effectively (Ladapo, 2011). The ineptness of the prison, inadequate rehabilitation, and reintegration for nonviolent offenders into society creates the avenue for increased recidivism and turning nonviolent offenders into violent offenders (Otu & Elechi, 2015; Schappell et al., 2016). Onyeozili and Ebbe (2012) claimed that Nigeria has not provided alternatives to incarceration, which resulted into the institutionalization of nonviolent offenders.

This study provided insight into the implementation of the use of an alternative to incarceration. This information can assist in the development and implementation of community corrections to the Nigerian Criminal Justice System. There has been demand for more scholarly work on alternatives to incarceration for offenders. Yekini and Salisu (2013) reiterated the need to implement community corrections in Nigeria to rehabilitate offenders to become productive citizens. There is limited research on the use of community correction for nonviolent offenders sentenced in Nigerian courts. This study could also provide insight into the various alternatives of holding offenders accountable, specifically the nonviolent offenders who learn new criminal behavior in prison.

Purpose of the Study

The purpose of this qualitative, phenomenological study was to explore Nigerian judges' understanding of the use of alternative to incarceration for nonviolent offenders in the criminal justice system. I conducted a phenomenological study because I wished to understand the perceptions of judges on the alternative to incarceration. The design for this study included identifying a small group of Nigerian judges to understand their perception on the nonuse of alternatives to incarceration for nonviolent offenders. Ten judges were selected randomly for video conference interviews based on their specialized legal knowledge, assignment to criminal court (that included interpretation of criminal statutes), and applicable criminal codes (that are related to sentencing offenders to imprisonment). Judges who had direct contact in sentencing nonviolent offenders were selected. Phone, e-mail, and video conference were used to conduct interviews because of the geographical location of the participants.

Research Question

RQ: How will Nigerian judges describe the implementation of community correction (probation) as alternatives to imprisonment for nonviolent offenders?

Theoretical Framework

The theoretical framework for this study was Dolinko's (1997) retributive punishment theory. According to retributive punishment theory, offenders deserve the punishment for the crimes they commit. It is necessary to provide both rational and moral justification for punishing criminals. The magnitudes of the crime should be the basis and justification for incarcerating offenders (Wildeman, Turney, & Schnittker, 2014). The retributive punishment theory affects the judges' approach, because of the notion of just desert that emerges as a result of punishing offenders to reduce crime (Yekini & Salisu, 2013).

The retributive punishment theory was used to explain judges' perceptions on community corrections, mainly if the offense committed is not violent. Dolinko's theoretical work has been used in the criminal justice system, albeit more frequently employed in violent crimes than nonviolent crimes (Pate & Gould, 2012). Furthermore, subsequent research and application of Dolinko's theory offer guidance on the justification of incarcerating offenders, thus providing a rationale for incarcerating offenders (Amatrudo, 2016). Chapter 2 presents a comprehensive description of this theoretical framework.

Nature of the Study

I chose a qualitative, phenomenological research. A qualitative, phenomenological study is consistent with understanding how judges approach the noncustodial measures for an offender. This design study allows me to focus on how judges make sense of interpreting the criminal statute that relates to the incarceration of nonoffenders.

The use of phenomenological design allowed me to construct the question that guided this research study, develop findings that provide the basis for continuous research work, and refrain from making suppositions (Greineder, 2013; Millward & Senker, 2012). In this study, judges in the criminal division of the high court were purposefully selected based on their experience in the criminal court. Each judge received an invitation to participate in this study. E-mail, phone, and video conference were used to initially introduce each participant to the study and establish interview dates. Digital recording was used to transcribe, code, and analyze for similarities, themes, and attributes.

Definitions

In this study, definitions for appropriate correctional terminology were identified and expressed in the simplest terms:

Center disciplinary process: A process or procedure that provides due process to inmates who reside at the residential reentry center (Statement of Work, 2016).

Community corrections: The use of community-based resources to address offenders' needs, emphasizing offender's accountability, treatment, supervision, and monitoring (Kim, Matz, Gerber, Richard, & Lambert, 2013).

Community supervision: The supervising of offenders in the community using probation, direct court commitment, residential reentry center, and home detection (Klinge, 2013).

Criminal Procedure Act: Laws that provide the legal framework for the criminal trial, conviction, and sentence of a person adjudicated in the Nigeria Criminal Justice System (Yekini & Salisu, 2013).

Imprisonment: Loss of an offender's liberty from society to a secure confinement (Wildeman et al., 2014).

National Bureau of Statistics: The official agency that is responsible for managing official statistics in Nigeria. The National Bureau of Statistics provides information on offender prison situation, offender population, prison situations, and information on prison staff employed.

National Judicial Council: An executive body that guarantees the independence of the Nigerian judiciary (Odeleye, 2013).

Nigeria legal profession: The entity that comprises both lawyers and judges.

Noncustodial measure: The confinement or supervision of offender in the community (Odeleye, 2013).

Probation: When an offender can remain in the community instead of imprisonment (Teague, 2016; Yekini & Salisu, 2013).

Assumptions

I assumed that all participation will be voluntary and that the participants will be truthful in their answers. I assumed that Nigerian judges are incapable of being influenced and that they are fair, and impartial when discharging or performing judicial or official duties. I also assumed that the participants will demonstrate a good understanding and knowledge of the substantive and procedural framework of the Nigerian Criminal Justice System.

Scope and Delimitations

In this study, I addressed judges understanding of community corrections regarding the nonuse of probation, although statutes empower judges to sentence offenders to probation. I delimited this study to Nigerian judges assigned to the criminal court division court in the southwestern part of Nigeria.

The study sample, criterion, and purposeful random sampling were delimited. This delimitation influenced generalizing results to judges who are not in the high court in Southwestern Nigeria. Criterion and purposeful random sampling compromised the capability to generalize the findings of this study to a new population or judges in other parts of Nigeria. However, this study sample provided credibility to the study.

Limitation

The sample for this study (criterion and purposeful random sampling) did not represent the entire population of the Nigeria Judicial Council. The research participants were selected based on the court's criminal division. The participants of this study were

limited to one state in the southwest region of Nigeria and an aspect of the Nigeria judicial system, high court.

The population that I did not sample may possess a different understanding of the community that was sampled. I identified, managed, minimized, or eliminated bias that had the potential to influence the results of this study through rigorous accountability (analysis of the data-showing what the data presents). This study did not generalize to the broader population or other Nigerian courts system (the superior courts of records that consist of the remaining 35 high courts and federal high courts for the 35 states in Nigeria, Court of Appeal, and Supreme Court). I addressed limitations through gaining insight into participants' understanding of alternatives to incarceration for nonviolent offenders for the high court in the southwest region of Nigeria.

Significance

The purpose of this phenomenological study was to understand judges' perceptions on the use of community correction (probation) for nonviolent offenders. Several U. S. studies have shown that alternatives to incarceration will enhance the rehabilitative structure for nonviolent offenders and provide reentry assistance to nonviolent offenders, which is an essential element for successful reintegration to society. The use of probation for nonviolent offenders reduces recidivism and leads to the rehabilitative opportunities (family support and transitional programs in the society) that mitigate the risk of criminal socialization (Nally et al., 2014). The supervision of nonviolent offenders in the community minimizes the risk to society and results in reformation for the nonviolent offenders (Wright et al., 2013). Nonviolent offenders

maintain a family connection and community relationships in society while undergoing supervision in the community (DeMichele, 2014; Wright et al., 2013). Nonviolent offenders participate in employment readiness program, transition and life skill programs, vocational and educational programs, and treatment-drug and mental health programs (Gallagher et al., 2015).

There is limited research on the use of community corrections in Nigeria for nonviolent offenders. In this study, I addressed an under researched area of the Nigerian Criminal System among judges, who are not accustomed to community corrections in the criminal justice system. The results of this study can be used to increase the judges' knowledge and understanding of the use of community corrections for nonviolent offenders. Insights from this study provided the knowledge that will aid the Nigerian Criminal Justice System, National Judicial Council, and the Nigeria legal profession in enacting laws and developing policies in the implementation of community corrections.

The use of probation can effect positive social change by reducing recidivism for offenders who are not violent. An alternative to incarceration has been a force for social change by addressing rehabilitation of criminals in society. Because of the confinement of all nonviolent offenders in Nigerian prisons, nonviolent offenders lack the opportunity for reformation and rehabilitation. The support of community correction for nonviolent offenders allows the implementation of an alternative to incarceration for nonviolent offenders, which will reform and rehabilitate nonviolent offenders (Anyebe, 2011).

Summary

The Nigerian Criminal Justice System associated with incarceration does not use rehabilitative intervention for nonviolent offenders. The continued use of imprisonment in the Nigerian Criminal Justice System for nonviolent offenders does not conform to the trend of community corrections for offenders as demonstrated in England, Wales, and the United States. The punishment of nonviolent offenders through the use of incarceration does not show deterrence or an effective method of reducing crime. The implementation of community supervision for nonviolent offenders, as a form of retributive, will provide the Nigerian justice system with the mechanisms to use community supervision. The incorporation of new criminal behaviors in prison and high rate of recidivism for nonviolent offenders after being released from prison indicate that the Nigerian Criminal Justice System needs to consider the use of an alternative to incarceration. This study contributed to the limited research on the alternative to incarceration for nonviolent offenders. The results of this study may create awareness and understanding on the use of an alternative to incarceration for nonviolent offenders in the Nigerian Criminal Justice System.

There is a need to understand judges' perceptions on the implementation of community correction for nonviolent offenders. There is limited research on the use of community corrections in the Nigerian Criminal Justice System. Previous researchers have overlooked judges' understanding and insight into the implementation of community corrections. This phenomenological study of Nigerian judges' understanding

of community correction will add to the literature and provide insight into judges' awareness and perception of the community corrections.

In Chapter 2 of this study, I will focus on the literature review. The literature review will provide information on community corrections, rehabilitation, reformation, reintegration, and reentry of offenders who are not violent.

Chapter 2: Literature Review

Introduction

The criminal justice administration in Nigeria focuses on the use of incarcerating every individual who commits both violent and nonviolent offense (Ogwezzy et al., 2016). The criminal justice system lacks a framework to rehabilitate and reintegrate nonviolent offenders incarcerated in Nigerian prisons (Stephen & Dudafa, 2016). The Nigerian Criminal Justice System focuses on conventional ways of punishing offenders through incarceration (Solomon et al., 2014). The justice system does not allow nonviolent offenders to rehabilitate, reform, and reintegrate into society (Solomon et al., 2014).

This purpose of this qualitative study was to explore Nigerian judges' understanding of the use of community correction in the criminal justice system for nonviolent offenders. The phenomenological design for this study included identifying a small group of the Nigerian judges to understand their perception on the nonuse of the alternative to incarceration for nonviolent offenders. Ten judges were selected randomly for phone and video conference interviews based on their specialized legal knowledge and assignment to criminal court. Phone and video conference was used to conduct the interviews because of the geographical location of the participants.

Chapter 2 of this research study provides an in-depth review of the literature regarding community corrections, the theoretical framework that provided the understanding of imprisonment, the historical and current practice of punishment of offenders, and Nigerian statutes on incarceration.

Literature Search Strategy

In this literature review, I used peer-reviewed journals in the Walden University Library. ProQuest was accessed using the general search terms: *alternative to incarceration, community corrections, nonviolent offenders, prison system in Nigeria, incarceration, punishment, and sentencing*. Further resources, were used to find articles from analyzing references of previous scholars. the National Institute of Corrections website, Federal High Court Law Library, and Library of Congress provided additional resources to locate scholarly articles.

I did not find any literature that directly referred to nonviolent offenders on probation, community supervision, and community corrections in Nigeria. Therefore, the content of this review will be limited to the impact of community corrections in the United States. Nigeria and the United States operate with a similar system of government, which is federalism. There is no alternative to incarceration in the Nigeria Criminal Justice System and there is literature gap in research regarding community corrections in Nigeria.

Theoretical Framework

The theoretical framework for this phenomenon study was Dolinko's (1997) retributive punishment theory. According to retributive punishment theory, offenders deserve the penalty for the crimes they commit. It is necessary to provide both rational and moral justification for punishing criminals (Apel, 2013). The magnitudes of the crime should be the basis and justification for incarcerating offenders (Wildeman et al. 2014). The retributive punishment theory may impact the judges' approach, which provides the

notion of the just desert that emerges as a result of punishing offenders to reduce crime (Yekini & Salisu, 2013).

The central concept of retributive punishment was recognized and supported by Wildeman et al. (2014) as a means of social control. The emphasis is placed on just desert (offenders) and deterrence (law-abiding citizen), which is the justification for social control and incarceration (Wright et al., 2013).

The consciousness of committing crime and consequence that precedes such commission of offenses has not reduced crime or criminal behavior for offenders (Wildeman et al. 2014). Offenders will choose to assuage deterrence by disregarding the effect of incarceration in their lives (Wildeman et al.2014). Yekini and Salisu (2013) revealed that the Nigerian Criminal Justice System punished offenders using incarceration. Wildeman et al. (2014) claimed that the paradox of incarceration can lead to an offender's insensitivity to imprisonment, which will not negate the psychological impact of incarceration on criminals. Listwan, Sullivan, Agnew, Cullen, and Colvin (2013) argued that the criminal justice system incarcerates offenders as a means of controlling crime to promote the public safety in society. The use of imprisonment as social control is used as a deterrent effect on offenders; offenders receive punishment for the criminal actions they committed against society (Listwan et al., 2013).

The Nigerian Criminal Justice System ensures deterrence among individuals in society (Emeka, 2011; Obioha, 2011). The application of justice is one apparatuses that has been considered to be indispensable for the criminal justice system that brings retribution to offenders (Pate & Gould, 2012). Although justice includes seeking to

achieve, attain, and effectuate a just outcome, the criminal justice system must ensure that its mechanism of retribution is proportionate to the crime committed (Mears, Cochran, & Cullen, 2015). There must be an equilibrium that balances crime and punishment. The criminal justice system must also consider the mechanism of justice (offenders sentenced to incarceration has reflected in the increase in imprisonment) that will deter nonviolent offenders from recidivism (Wermink, Apel, Nieuwbeerta, & Blokland, 2013).

Apel and Nagin (2011) stated that an individual's decision to commit a crime is not premised on deterrence. Apel (2013) argued that the failure of the criminal justice to control crime will undermine the deterrence power of the criminal justice system. An individual will assess the risk factor, including "perceived sanction certainty" (Apel, 2013, p.72), before committing a crime (Apel, 2013, p. 70). Criminal justice systems should increase the certainty and severity of punishment for committing crime. (Apel, 2013, p. 71).

Dolinko's theoretical work has been used in the criminal justice system, albeit more frequently in violent crimes than nonviolent crimes (Pate & Gould, 2012). Furthermore, subsequent application of Dolinko's theory offers guidance on the justification of incarcerating offenders, thus providing rationale of incarcerating offenders (Amatrudo, 2016). Retributive punishment theory was used to explain the judges' perception on community corrections, specifically if the offense committed was not violent (Alabi & Alabi, 2011).

Literature Review

The criminal justice system is empowered to use sentences, including the use of an alternative to incarceration, that are sure and swift. The Nigerian Criminal Procedure Act 2004 (CPA) provides for the use of community correction, probation, in the criminal justice system. The CPA indicated the use of probation for offenders, adjudicated, found guilty, and convicted. The CPA gives special provisions to the court to consider the offense committed, character, age, health status, and mental condition of the offender (Anyebe, 2011). However, the Nigerian Criminal Justice System has failed to follow the provisions of the CPA relating to the use of probation (Alao & Adebawale, 2014).

The criminal justice system in Nigeria controls crime through imprisonment (Ajayi, 2012; Alao & Adebawale, 2014). The criminal justice system relies on the incarceration of offenders, including nonviolent offenders, as means of correcting the criminal behavior of these offenders (Alao & Adebawale, 2014). The criminal justice system process does not institute the provision of alternatives for incarcerating offenders sentenced in Nigeria courts (Alao & Adebawale, 2014).

Imprisonment of Nonviolent Offenders

The U.S. criminal justice system is accustomed to community corrections (DeMichele, 2014; Teague, 2016; Wright et al., 2013). The use of probation, intermediate sanctions, intensive supervision, restitution, and community services are alternatives to incarcerating nonviolent offenders (DeMichele, 2014; McFarlane, 2012; Teague, 2016; Wright et al., 2013). Also, electronic monitoring, halfway houses, boot camps, direct

court commitment, and home confinement are alternatives to incarcerating nonviolent offenders (DeMichele, 2014; McFarlane, 2012; Teague, 2016; Wright et al., 2013).

Gilling and Jolley (2012) explored the impact of community correction on reducing crime, especially nonviolent crimes. Nally et al. (2014) reported that 77% of nonviolent offenders on probation did not commit new crimes or new criminal behavior within 5 years of release from prison. Gallagher et al. (2015) also reported that 78% of released nonviolent offenders did not recidivate within 3 years for new criminal behavior. Pate and Gould (2012) negated the impact of community correction on crime reduction. Alao and Adebawale (2014) and Ajayi (2012) found that the Nigerian Criminal Justice System has consistently used incarceration as the only method of punishment for offenders.

There are issues associated with the imprisonment of nonviolent offenders that have continued to be a barrier to implementing alternatives to incarceration (Onyeozili & Ebbe, 2012). According to Onyeozili and Ebbe (2012), these issues have contributed to the institutionalization of nonviolent offenders in an undignified manner and the brutalization of nonviolent offenders during incarceration. Onyeozili and Ebbe asserted that nonviolent offenders who are sentenced to prison are subjected to a high risk of prison victimization and recidivism (p. 33). The incarceration of nonviolent offenders in secure facilities deprives nonviolent offenders of using community resources that would provide rehabilitation (Tolleenaar, Van der Laan & Van der Heijden, 2013; Wallace, 2012). De Giorgi (2016) suggested that it is essential to address the incarceration of

nonviolent offenders, which leads to the dehumanization of nonviolent offenders in prison.

The ineptitude of the Nigerian Criminal Justice System in using alternatives to incarceration does not fulfill the function of providing adequate rehabilitation and reintegration for nonviolent offenders into society (Osasona, 2015). This ineptitude creates the avenue for increased recidivism and turning nonviolent offenders into violent criminals (Otu & Elechi, 2015). Nonviolent offenders who are incarcerated will find it difficult to readjust and reintegrate back into society because nonviolent offenders do not receive the resources that enable them to successfully transition to the community before they are released to society (Alao & Adebowale, 2014). Neil and Carmichael (2015) argued that incarceration is used in the criminal justice system to punish offenders. The use of incarceration has contributed to a crime reduction in society (Neil & Carmichael, 2015; Wermink et al., 2013). Wermink et al. (2013) argued that the imposition of punitive confinement, which removes offenders from society, reduces the opportunity for offenders to commit crimes.

The incarceration of criminals is a useful tool that assists in reducing crime in society (Nagin & Snodgrass 2013). The punishment of lawbreakers with imprisonment decreases the attractiveness of offenders committing offenses in society (Nagin & Snodgras, 2013). Mears et al. (2015) advocated for an evidence-based policy that provides credibility to the use of incarceration, as a method of reducing recidivism.

The over-dependence on incarceration has led the criminal justice system to overuse imprisonment, which has not assisted in reducing crime (Cullen, Jonson, &

Nagin, 2011; Bales & Piquero, 2012; Cochran, Mears, & Bales, 2014). Baron (2013) explored the use of incarceration in the criminal justice system and found that incarceration has different outcomes for different offenders.

Agbakwuru & Ibe-Godfrey (2016) advocated for deterrence, the use of imprisonment, which will prevent lawbreakers from committing a crime. Offenders incarcerated are reformed, rehabilitated and reintegrated into society (Agbakwuru & Ibe-Godfrey, 2016). The use of punitive measure, in a secure confinement, provides offenders penitentiary duties which empower the offenders when released to society (Helen & Popoola, 2016).

The encompassing use of imprisonment is a response to criminal behavior (Apel, 2013). Apel (2013) argued that the construction of mega-prisons and application of technology in prisons depict the acceptance of incarceration for offenders in the United States. Senior, Ward, Burke, Knight, Teague, Chapman, & Goodman (2016) argued that the criminal justice system has consistently used imprisonment as a mechanism of social control to reduce crime and restraint individual's behavior in society.

Relevance of Community Corrections

Criminal justice system should seek innovative methods of addressing incarceration of nonviolent offenders (Sabet, Talpins, Dunagan, & Holmes, 2013). The use of community supervision, as a sanction, is widely accepted in the United States of America and England criminal justice system (Woldgabreal, Day & Ward, 2014). Riggs et al. (2014) indicated that community corrections provided offender the opportunity of utilizing community resources without compromising public safety. Offenders who are

nonviolent are advocated to be diverted from imprisonment into probation, or community supervision (p. 3).

Riggs et al. (2014) further stated that the diversion into community supervision would allow and provide nonviolent offenders the opportunity to become productive citizens and contribute to society (p. 4). Mears et al. (2015) provided in-depth insight regarding the challenges of appropriate sanctions (imprisonment or non-custodian sanction) for offenders.

Miller (2014) stated that community correction has the burden and responsibility of providing transitional alternatives to offenders within the society. Community correction enables offenders to be held responsible and accountable for the crime committed to society and still be productive to the society (Wodahl & Garland, 2009). Incarceration as sole means of deterrence is ineffective in reducing crime (Woldgabreal, Day & Ward, 2014). Imprisonment increases the proclivity for nonviolent offenders to re-offend (Woldgabreal, Day & Ward, 2014). Incarceration has not adequately addressed the recidivism (Mears et al., 2015).

The Nigerian criminal justice system does not provide the structural reforms that are essential and integral for nonviolent offender's successful rehabilitation and reentry to society (Alao & Adebawale, 2014). Yekini & Salisu (2013) stated that Nigeria criminal justice system could seek for new ways of focusing on offenders' development, which would transform into successful rehabilitation.

The Nigerian criminal justice system plagued with the difficulties devoid of rehabilitation and reformation continued to hinder its capability to perform its intended

rehabilitative roles practically and efficiently (Ladapo, 2011). Alabi & Alabi (2011) reported that 72.5% of nonviolent offenders lack the rehabilitative structure that is essential for reintegration into society. The absence of substance abuse and mental health treatment, and programs, literacy, and employment readiness program for nonviolent offenders would increase recidivism, prison congestion, and endanger public safety (Alabi & Alabi, 2011). Nonviolent offenders incarcerated in secure custody will find it challenging to reintegrate into society (Kelechi, 2013). Kelechi (2013) argued that the non-availability of a rehabilitative structure and reintegration programs for nonviolent offenders incarcerated in Nigeria prison make it challenging for the nonviolent offender to reintegrate back into society.

Atilola (2012) stated that nonviolent offenders sentenced to the different types of alternative to incarceration could participate in community programs, in the community. Community programs available to offenders include cognitive behavior therapy, substance abuse treatment, employment readiness program, vocational training programs, life and transitional skills, community and volunteer services, and mental and medical health treatment (Atilola, 2012).

The United States has the highest rate of incarceration in the world (Teague, 2016). There is one in every 100 hundred adults confined in prison system. Over 600,000 adults (male and female) are incarcerated in federal and state prisons while over 10 million adults incarcerated in local jails (McFarlane, 2012; Teague, 2016).

Community corrections in the United States have increased to 7.5 million offenders supervised in the community, through reentry programs (Frana, 2013). The

criminal justice system in the United States has continuously used alternative to incarceration to efficiently help offenders fight temptation of criminal behavior and conduct (Veysey, Ostermann & Lanterman, 2014).

Community supervision is strategically situated to address rehabilitative issues and challenges that impede cognitive behavior essential for nonviolent offenders' reintegration, especially from incarceration (Wright et al., 2013). Kelechi (2013) stated that the pendulum of incarceration is shifting towards reformation, rehabilitation, and reintegration, which are the bedrock of alternative to incarceration.

Senior et al. (2016) advocated for the implementation of community supervision in the criminal justice system for nonviolent offenders. The knowledge of community supervision in criminal justice system addressed the issue of recidivism among nonviolent offenders (p.17).

The diversion of nonviolent offenders into non-secured confinement provides opportunities that do not exist during incarceration, for nonviolent in the community (Miller, 2013). The basis of rehabilitation and reintegration is adopting community supervision, which addresses the offenders' needs, criminal behavior, and provides compassionate structure for nonviolent offenders who will reside in the society (Veysey, Ostermann, & Lanterman, 2014). Community supervision is designed to address the unique behavior of nonviolent offenders (Pianka, 2015).

Larkin (2014) argued that community supervision, using reentry programs, aims to focus on the needs of nonviolent offenders. Reentry programs are envisioned and

intended to deliberately and explicitly address the needs and risk levels of nonviolent offenders (Sabet et al., 2013).

Rempel, Green, & Kralstein (2012) indicated that reentry programs bring innovation and unique means of providing reintegration and rehabilitation for nonviolent offenders, which will ensure public safety and emphasis on human dignity for the public and nonviolent offenders. Reentry programs, using community corrections, have been identified as mechanisms utilized for supervising and managing nonviolent offenders' risks, needs and behavior in the community (Millward & Senker, 2013).

Reentry program establishes the protection and strength for community reintegration and transformation of nonviolent offenders reintegrated back to society (Jason, Olson, & Harvey, 2015). Roberts & Stacer (2016) stated that the impact of faith-based rehabilitative and reentry programs, which should be incorporated and implemented in community correction, is significant to offender recidivism. Reentry programs that are designed to address offenders' specific needs reduce recidivism for offenders (Duwe, Hallett, Hays, Jang, & Johnson, 2015; Miller, Miller & Barnes, 2015).

The Use of Probation for Nonviolent Offenders

The use of probation for nonviolent offender can rehabilitate nonviolent offenders in society without confinement to secure custody, imprisonment (Woldgabreal, Day & Ward, 2014; Pearson, McDougall, Kanaan, Torgerson, & Bowles, 2016). Pearson et al. (2016) further stated that the use of probation promotes rehabilitation and reduce recidivism; the goal is to focus on the nonviolent offender and reduce recidivism. Probation is an alternative punishment that can be used to hold nonviolent offenders

accountable for the wrong committed to society (Evans, Li, Urada, & Anglin, 2014). The effectiveness of probation provides individualized programs for nonviolent offenders.

Shannon, Hulbig, Birdwhistell, Newell, & Neal (2015) recognized using probation to hold nonviolent offenders accountable acknowledged the targeting of the nonviolent behavior as a core value of nonviolent offenders' unacceptable behavior (non-violent crime). Koetzle, Listwan, Guastaferrro, & Kobus (2013) also recognized the placement of nonviolent offenders on probation and development of individualized programs is a demonstration of rehabilitation that can reduce criminal activity. Shannon et al. (2015) suggested that the over-dependence of imprisonment for all offenders will defeat the purpose of rehabilitation for nonviolent offenders. The development of individualized programs for the nonviolent offender is an integral part lead to successful rehabilitation and recidivism of the nonviolent offender (Tartaro, 2015).

Nonviolent offenders on probation have access to the resources in the community that allows for self-improvement opportunities (Raynor & Vanstone, 2016). The resources available to nonviolent offenders assist nonviolent offenders in becoming law-abiding citizens (Pearson et al., 2016). Koetzle et al. (2013) advocated that the participation of nonviolent offenders' in cognitive behavior therapy program assist nonviolent offenders to develop cognitive skills.

The provision of individualized programs (employment readiness programs, vocational training programs, substance abuse and mental health treatment) for each nonviolent offender is of great value in achieving probation successes (Koetzle et al., 2013). The drug court in Miami reported that 92% of nonviolent offenders who

participated in cognitive behavior program made a rational decision that helped nonviolent offenders to understand consequences of committing new crimes or engaging in criminal conduct (Koetzle et al., 2013; Woldgabreal, Day & Ward, 2014). The drug court in Miami further reported that over 2,600 drug courts provided cognitive behavior program to more than 120,000 people by the end of 2010 (Koetzle et al., 2013; Woldgabreal, Day & Ward, 2014).

Nally et al. (2014) stated that 94% of nonviolent offenders who participated in employment readiness and vocational training program from 2005 to 2009 did not commit new crimes. The California drug court program admits 50,000 nonviolent offenders every year into the drug court program (Evans et al., 2014). The drug court in California has a success rate of 92% of nonviolent offenders. The nonviolent offenders attended substance abuse treatment and completed the conditions of probation (Evans et al., 2014). Tartaro (2015) reported that 86% of nonviolent offenders who received mental health treatment during the probation sentence participated in vocational training programs and maintained employment during the probation term.

Shannon et al. (2015) indicated that the inclusion and impact of nonviolent offenders' family members during the period of probation also constitute successful rehabilitation and recidivism for nonviolent offenders. The integration of nonviolent offenders into the community during probation supervision provides the support framework that continues after statutory supervision cease (Evans et al., 2014; Shannon et al., 2015). Shannon et al. (2015) indicated that 95% of nonviolent offenders who received family support did not experience recidivism. Shannon et al. (2015) also found

that nonviolent offenders who receive family support improve the cognitive behavior of nonviolent offenders.

Using community supervision, the use of probation helps nonviolent offenders to maintain family ties and offers family support to the nonviolent offender (Woldgabreal, Day & Ward, 2014; Pearson et al., 2016). The Bureau of Justice Statistics (2016) reported that 1 in every 66 per 100,000 United States adult residents serve probation term in 2015. Also, 95% of nonviolent offenders are in the community serving probation term in 2015 (Bureau of Justice Statics (2016). The use of imprisonment for all offenders including nonviolent offenders has a damaging effect on society and nonviolent offenders (Pearson et al., 2016). Pearson, McDougall, Kanaan, Bowles, & Torgerson (2011) stated that it is essential to evaluate the impact of probation on offenders. The impact of probation on nonviolent offenders demonstrates the active practice and success of non-custodian measure. The supervision of nonviolent offenders on probation provides the foundation for the successful completion of the probation term (Pearson et al., 2011).

Nigerian Statutes on Incarceration

The Nigeria courts are required to sentence offenders to imprisonment, through the more standard statutory laws. The Nigeria criminal justice system uses incarceration, as the only punishment option, for offenders who violate the law of the society (Yekini & Salisu, 2013; Alao & Adebowale, 2014).

The Constitution of the Federal Republic of Nigeria (1999) grants power to Nigeria courts. The power imprisons offenders. The Nigeria criminal justice system (courts) convicts these offenders. Chapter IV of The Constitution of the Federal Republic

of Nigeria provides the framework and outline for the protection of fundamental rights, which right to liberty is guaranteed. However, section 35(1) (a) expressly gives the Nigeria criminal justice system (court) the authority to deviate and deny offenders from exercising the right to liberty (Constitution of the Federal Republic of Nigeria, 1999).

Offenders who have been found guilty and sentenced to imprisonment are unable to enforce their constitutional right to liberty (Araromi, 2015; Ewelum, Madu & Mbara, 2015).

The Criminal Procedure Act (2004) provides for the procedure, regarding offenders' arraignment, adjudication, and sentence, to be followed by the criminal justice system in criminal cases. Part 41 of The Nigeria Criminal Procedure Act was enacted to provide sentencing guidelines and direction to the Nigeria criminal judicial system (judges) when offenders have been found guilty of a criminal offense.

The Nigerian Criminal Procedure Act further provides for the use of community correction (probation), specifically Part 47, as a non-custodian measure for offenders (Anyebe, 2011; Shajobi-Ibikunle, 2014). Part 41 of the Criminal Procedure Act (2004) empowers the judges to incorporate hard labor to the sentence of incarceration (Nemi V Attorney General of Lagos State and Others; Baruwa V the State).

Part 47 of the Criminal Procedure Act enhances and extends the power of the Nigerian judges to utilize probation when sentencing offenders. Yekini & Salisu (2013) stated that the provision (Part 47 of the Criminal Procedure Act) empowers the Nigeria criminal justice system to utilize probation, for offenders.

The Criminal Procedure Act will allow the court to consider offenders character, antecedents, age, health, mental condition, and the minor nature of the offense committed (p.110). Yekini & Salisu (2013) further stated that the provision of Part 47 Criminal Procedure Act existed in theory. Shajobi-Ibikunle (2014) explained that the provision of Part 47 Criminal Procedure Act would remain in theory, for nonviolent offenders and the Nigerian criminal justice system. With a more practical, human, and actual contrivance of the cognizance of sentencing options, the court system will have the more significant opportunity to sentence nonviolent offenders to community corrections (Osasona, 2015).

Summary and Conclusions

Research about offenders' supervision in the community exists in other criminal justice jurisdictions, such as the United States, England, and Wales. However, there is little to no research available on alternatives to incarceration for nonviolent offenders in Nigeria criminal justice system. The implementation of an alternative to incarceration, such as community supervision, is necessary for research for the Nigerian criminal justice system.

Most research focuses on offenders' management, humane treatment during incarceration. Imprisonment and alternative to incarceration exist in the Nigeria criminal justice. However, the alternative to incarceration only existed in theory for the Nigerian judges to utilize. Researching the alternative to incarceration for nonviolent offenders is valuable to the Nigeria criminal justice system.

There is a need to improve Nigeria criminal justice system, especially judges' understanding in the alternative to incarceration for nonviolent offenders. Reconnoitering

judges' perception concerning community correction for nonviolent offenders will provide information, which is about the implementation of community correction.

Furthermore, understanding judges' perception could increase researchers' knowledge of the implementation of community supervision for nonviolent offenders in the Nigeria criminal justice system. The judges have the unwavering understanding of the criminal justice system in ways and means that other criminal justice professionals do not have the capability, that is beyond criminal justice practitioners, to understand. This unwavering understanding could reveal to the criminal justice system opportunities to create social change, implementation of the alternative to incarceration for nonviolent offenders.

The objective of this qualitative study was to explore Nigerian judges' understanding of the use of community correction in the criminal justice system for nonviolent offenders at the High Court in Ibadan, Nigeria. This study contributed to the current body of literature by adding new information from a population (Nigerian judges) that has no study or insufficient study.

The results of this study provided an extensive understanding of alternative to incarceration (research topic), which provided a better understanding of the alternative to incarceration to the Nigeria criminal justice system. Also, the results of this research study would be utilized to implement community corrections for the Nigerian criminal justice system. Chapter 3 provides the methodology used for this study. Chapter 3 further discusses the research design and rationale, issues of trustworthiness, and ethical procedures.

Chapter 3: Research Method

Introduction

This purpose of this qualitative, phenomenological study was to explore Nigerian judges understanding of the use of alternatives to incarceration in the criminal justice system for nonviolent offenders. The phenomenological design for this study included identifying a small group of the Nigerian judges to understand their perception on the nonuse of an alternative to incarceration for nonviolent offenders.

In Chapter 3, I describe the methodology for this study. I include a discussion of the research question, design, rationale, my role as the researcher, the procedures for participant selection, data collection, data analysis, and the ethical procedures.

Research Design and Rationale

I used qualitative, phenomenological design to explore judge's perception on the use of community correction. Also, qualitative, phenomenological design allowed me to recognize the importance of collecting, analyzing, and interpreting data collected (Creswell, 2013). The interview questions that were used in the gathering and analyzing of data gave validity and reliability to this phenomenological qualitative study (Creswell, 2013). The following research question used for this study was the following:

RQ1: How will Nigerian judges describe the implementation of community correction (probation) as alternatives to imprisonment for nonviolent offenders?

The phenomenological researcher analyzes data thematically to extract information from participants (Miles, Huberman, & Saldana, 2014). The phenomenological study provided allowed participants to be independent and impartial. Creswell (2013) argued that the

phenomenological researcher can achieve impartiality because the data collected will align with the phenomenon of study. I used the phenomenological design to explore and Nigerian judges' perceptions of using alternatives to incarceration. Finlay (2009) stated that in a phenomenological design, the participants reveal quality and thick descriptions of a phenomenon (p. 6).

The phenomenological design can be used to explain the complexity of social sciences and provide a comprehensive account of the phenomenon under investigation (Greineder, 2013). This phenomenological design allowed me to understand the participants collective or shared life experiences of a phenomenon (Creswell, 2013). Creswell (2013) argued that the phenomenological design will provide an understanding of individual experiences. Finlay (2009) described the phenomenological design as describing and divulging the relationship between individuals and the phenomenon to understand what has been investigated. The phenomenological design involved the identification of participants who had experience in the Nigeria Criminal Justice System. These participants are the "experiential experts on the phenomenon" that is being studied (Rudestam & Newton, 2015). I chose a phenomenological design because I wanted to understand the perceptions of Nigerian judges in the implementation of alternatives to incarceration in the criminal justice system.

Role of the Researcher

The purpose of this study was to explore the Nigerian Criminal Justice System the offenders sanctioned to imprisonment. My role as the researcher was to discover the participant's experiences and connect those experiences to the theory of the phenomenon

(Dowling & Cooney, 2012). It is imperative that a qualitative researcher identify his or her role to establish the integrity of the research (Sanjari, Bahramnezhad, Fomani, Shoghi, & Cheraghi, 2014). My role was that of a researcher and interviewer. I did not have any personal relationships with the participants. I did not have any professional relationships with the participants. However, I am a member of the legal profession in Nigeria. I was not acquainted with the participants. I did not have any supervisory role or power over the participants in this study. It was vital for me to be objective throughout the stages of data collection and analysis. I avoided biases by not controlling or inducing participants responses during the collection of data. I did not have personal or previous knowledge of the research participants. I provided the participants the opportunity to review responses or comments they provided. I verified and reverified the subscribed notes to minimize bias. I communicated my role to the participants to establish integrity for this qualitative study. I explained the process of selecting participants for this study. Participant confidentiality in the information they provided was protected. Also, I informed participants that this study was directly related to my professional career.

Methodology

Participants' Selection Logic

The population for this qualitative, phenomenological study was comprised of judges of the high court located in the Southwest Division, Nigeria. I obtained the sample from the population identified. Criterion and purposeful random sampling were used to select participants for this study. Criterion sampling was used to select participants because of their specialized and unique knowledge of the Nigerian Criminal Justice

System, which was needed to provide to responses provided to the research question. Purposeful random sampling was also used to select participants on criteria that were critical to this study to gain an understanding of alternatives to incarceration for nonviolent offenders. Therefore, 10 judges were selected to gain insight into their perceptions on an alternative to incarceration. These 10 Nigerian judges were selected to attain credibility.

A criterion and purposeful random sampling were used to select the judges for this study. The high courts in the Southwestern region states have qualified judges. All of the judges in the Southwest State superior courts had decided criminal cases involving nonviolent offenders in the criminal justice in Nigeria. I contacted these 10 judges via telephone and e-mails to participate in the study (See Appendix B). Subsequently, these 10 participants participated in interviews via phone, e-mail, and video conferencing.

Sample size depends on the criteria of the study, such as the credibility, reliability, population size, and the purpose of the study (Robinson, 2014). The sample size of 10 judges was consistent with Creswell's (2013) suggestion for a phenomenological study. Creswell suggested that 10 participants will be sufficient as a sample size for a phenomenological study. The purpose of the research study, research question, time-frame required for the completion of the study, and availability of financial resources for the study also determines the sample size in a phenomenological study (Lawson, Reynolds, Bryant, & Wilson, 2014). Creswell suggested that fewer participants can be adequate to attain redundancy or saturation. A researcher obtains saturation or

redundancy when no new themes or concepts emerge, and no new information transpires from the participants (Creswell 2013).

Instrumentation

I used an interview protocol as an instrument in this study. Interview protocols are commonly used in a qualitative study (Millward & Senker, 2012). The interview protocol provided procedures to guide me during the interviewing process of the participants (Chan, Fung, Chien, 2013; Millward & Senker, 2012). I prepared the instrument for the interview protocol. Participants of this study received the instrument (See Appendix D).

I have 9 years of experience conducting investigations using open- and close-ended questions, which decreases concerns that may affect the validity and reliability of the instrument used for data collection (Conney, 2012). The data collection instrument provided insight into judges' perceptions of an alternative to incarceration for nonviolent offenders (Greineder, 2013). Interview protocols developed for this qualitative study did not manipulate or control participants during the interview process (Chan et al., 2013).

E-mail, phone, and video conferencing were used to conduct the interviews. Interview questions provided answers to the research question. Additional interview questions were not required. Participants were provided with transcribed notes to clarify any ambiguity that may arise from the participants' responses. Only two participants provided clarification to the response provided.

Procedures for Recruitment, Participation, and Data Collection

I was responsible for the collection of the data used for this qualitative study. Data collection was from judges who had experience in the criminal justice system in the

Southwest high court in Nigeria. I sought the approval of the chief judge to interview the justices of the high court in Southwestern Nigeria for this study (See Appendix A). I requested the names of the justices of the high court from the chief judge. I made the initial contact to each participant via telephone. Subsequently, I scheduled phone and video conferencing interviews with each participant. I explained the study to each participant and asked for participation.

I provided the introductory letter (consent form) to the judges. The introductory letter notified the research participants of the overview of this research study, methods of communication, the time frame of the data collection, and confidentiality. I explained the consent form to the research participants. I asked the research participants if the participants understood the consent form.

I informed the participants that I will record, transcribe, and store the response from the phone interview to ensure anonymity. I also informed each participant that participation from each research participant was voluntary, and each research participant could terminate the interview at any time or stage of the interview. The participants were asked to choose a preferred method of communication, which allowed the participants to be comfortable during the interview phase. E-mail, telephone, and video conferencing were subsequently used to contact the ten judges. I began to conduct the phone interview.

I collected data using open-ended question and one probing question. I structured the open-ended questions and probing question to gain the participants understanding and perception of the use of an alternative to incarceration for nonviolent offenders. The participants case assignment (court schedule) determined the duration of the interview for

this research study. I ensured that the interview process and duration were not longer than 30 minutes. I recorded (using digital sound recorder), transcribed, and stored the interview notes including transcriptions, from participants. I used the Echo Smartpen to record and transcribe recordings from the phone interviews.

I ensured that each research participant's responses were kept confidential. I identified and assigned each research participant with codes, for example, P1, P2, P3, P4, P5, P6, P7, P8, P9, and P10. I organized the collected data and created files for the transcription. I saved the files on a password protected computer and flash drives. I will destroy the data after five years as established by the protocol of Walden University.

The research participants received appreciative letters for participating in this research study and providing valuable insight of alternative to incarceration for nonviolent offenders into the Nigeria Criminal Justice system. I informed participants that I might re-contact participants for additional questions, if necessary, that may arise from participant responses.

Data Analysis

I transcribed the phone recording produced from the digital recordings for each participant into text or note. I reviewed the collected data and transcribed notes to ensure that each participant provided an answer to the RQ: How will Nigerian judges describe the implementation of community correction (probation) as alternatives to imprisonment for nonviolent offenders?

The research question was designed to gain understanding into judges' perception on an alternative to incarceration for non-violent offenders. The collection of data from participants was very helpful in understanding this phenomenon.

The analysis of data collected was used to identify and analyze responses to the research question. The data analysis assisted me to identify, determine, and analyze participants' responses (how judges will describe the use of community correction as alternatives to incarceration for nonviolent offenders) that provided distinctive and unique attribute in understanding the phenomenon that is being studied (Pietkiewicz & Smith, 2014).

I was able to focus on participant perception of incarceration of nonviolent offenders in Nigeria criminal justice system. I used a Smartpen for taking note during the interview. I wrote notes during the interview process to help to build a relationship with the transcribed text. The practice helped me to classify and identify themes (Friese, 2014). I transcribed the interviews responses from the research questions to codes. I read and transcribed the data, which were information or responses from the research participants (judges) perception.

I was able to organize and group the codes into categories and themes. The grouping of responses into codes, categories, and themes provided further clarity into the judges' perception of community correction and the use of an alternative to incarceration for nonviolent offenders. The sample size for this research study did not preclude hand coding. Hence, I did not use software to analyze the data. I used efficient manual coding,

hand coding, did not affect the credibility, reliability, and validity of this qualitative study (Tessier, 2012).

I understood the information or responses received from the research participants. I highlighted every word that is essential to the phenomenon this research was exploring. I managed and organized the data that I collected. I used the electronic and hard-copy files to store the information I received from each participant. The files included transcripts, documents generated by e-mail, telephone, and video conferencing (Patton, 2002; Creswell, 2013). I extracted statements to understand how participants understood and perceived alternative to incarceration for nonviolent offenders. The raw data from the telephone interviews permitted me to use many tools for interpretation. The phone interviews began the process of discerning the phenomenon. Telephone interviews have the same value of equality with face-to-face interviews (Sturges and Hanrahan, 2007).

I used the Echo Smartpen to transcribe and read the transcription from the interview to understand the research participants' responses. I identified repeated words and phrases that were relevant to the phenomenon of the research study and consistent with each participant's responses. I reviewed the transcription and labeled the repeated words and phrases into codes and categories. I categorized each participant responses into themes. I used the follow-up interview (clarification from participants responses) to strengthen the understanding of the research participant responses. The research participant had the opportunity to provide additional information, clarification, or remove information that I may have erroneously recorded.

Issues of Trustworthiness

Credibility

Credibility, in a qualitative study, created confidence to researcher's audience, which this exploration of study established as accurate, without bias (Yin, 2013).

Credibility reassured me of the understanding of this research study phenomenon and increased the audience confidence in the research findings of this phenomenological study (Creswell, 2013).

I attained credibility through the application and approval of the Walden University Institutional Review Board (IRB). The IRB approval number is 07-28-17-0332447. I used triangulation to validate and increase the reliability of this research study. The accurate recording of participants' responses, the assurance of confidentiality of participants (which led to extended contact in establishing a professional understanding of the participants) appraisal of transcription notes, which clarified ambiguity, and the process of data analysis contributed to the trustworthiness of this study (Cope, 2014).

I used member checking from participants. The participants had the opportunity to review their responses, which further increased the credibility of this research study. I attained saturation when no new themes emerged from participants' responses. The open line of communication and contribution from my committee members (chairperson and second committee member) contributed to the credibility of this research study. I used reflectivity.

I ensured that this research study established measures that determined the validity of the research study. I triangulated the data to confirm and validate each research participant's responses (Patton, 2002; Creswell, 2013).

I summarized each participant's responses and forwarded the summary to each participant to ensure that this research study attains consistency. With the use of triangulation, I ascertained pertinent information that generated rich and accurate reflections of research participants' responses. I also attained credibility using open-ended questions which ensured honest responses from the research participants. I used peer-reviewed and member checking to ensure credibility. Participants' were reminded of my role in this research study, which reduced and eliminated any form of biases from me.

Transferability

The importance of using full description provided a detail and accurate account of information from the data collected (Yin, 2013). The factual findings of data analyzed from this qualitative study further validated this qualitative study. My audience will have the opportunity to transfer and use the results of this research study to comparable criminal justice systems that have features and structures similar and applicable to the research study (Houghton, Casey, Shaw, & Murphy, 2013). I also provided equal opportunity to each participant to give the additional thick description of non-custodian measures for the nonviolent offender in the Nigeria criminal justice system. I included all the detailed description of research participants' responses which established transferability. Rich and thick description verified the findings of this qualitative study.

Dependability

I used the audit trail to establish and ensure that I was diligent and cautious. Also, I reviewed the data on numerous occasions (I conducted several reviews of the data) to eliminate mistakes and biases. Also, I used the audit trail to ascertain and attain accuracy, consistency, and reliability, during the stages of procedures for data participation, data collection, and data analysis (Creswell, 2013; Cope, 2014). I used bracketing to reduce my bias to reflect reliability and consistency of the research study.

The accuracy and coherence of this research study ensured dependability of the research study. This research study increased and established dependability through the objective presentation of data and preservation of all records of this research study for five years as established by Walden University protocol. I used and provided an audit trail which was also used to establish dependability.

Confirmability

My role as the researcher was reflected and communicated to the participants. I utilized procedures, to maintain the objectivity that eliminated errors and remained unbiased throughout the process of this study to attain confirmability, which will provide validation to this qualitative study (Polit & Beck, 2013). I used reflectivity, self-reflection, to eliminate biases and errors during data collection and analysis (Yin, 2013).

Ethical Procedures

I applied, abided by applicable Walden University IRB guidelines, and obtained IRB approval (the IRB approval number is 07-28-17-0332447) for this research study. Participants for this qualitative study were judges. I obtained an agreement from the chief judge of the high court in the southwestern region of Nigeria to interview judges of the

High Court of the southwest region of Nigeria. I also abided by all ethical guidelines from Nigeria. I obtained additional research ethics training (Training and Resources in Research Ethics Evaluation, Nigeria). I communicated the purpose of this research study to the research participants.

This qualitative study was conducted using the telephone, e-mail, and video conferencing. I ensured and assured that all ethical standards that protected the participants were followed and observed. I protected the anonymity and confidentiality of the participants. I explained the purpose of this research study to the participants. I used password protection to maintain data integrity privacy and confidentiality.

I informed (via e-mail and telephone) and provided participants with an informed consent form, which included assuring the participants of confidentiality and anonymity. Participants received and returned the form, consent form, via e-mail. I guaranteed participants of confidentiality and anonymity. I did not publish or reveal participant names (codes will be used and assigned to participants). I did not identify participants by real names. I assigned codes to research participant names. I assured the research participants that all identifiable information and collected data are confidential and secured in a locked file in my possession and control.

I did not promise or give any compensatory or rewards to the participants. I did not force participants to participate in this research study. I conducted interviews professionally. I informed the research participants that participants could end the interview at any time and continue at a later date and time. I also notified the research

participants that participants would refuse to participate in this research study or withdraw from taking part at any time or stage of the interview process.

I secured participant information (the research data including steps taken to collect the data, data analysis, and storage of the data, are safely secured) for 5 years in a locked file cabinet. Also, I protected participant information with a password following Walden University protocol.

Summary

The purpose of this qualitative, phenomenological study was to explore Nigerian judges' understanding of the use of alternative to incarceration in the criminal justice system for nonviolent offenders. I provided comprehensive information on the research design and rationale. I further outlined my role as the researcher.

I discussed the methodology for this study which included the participants' selection, the process and procedure for data collection, and data analysis. I, thoroughly, discussed the issue of trustworthiness and ethical consideration for this research study. I will discuss the results and findings of this research study in chapter four.

Chapter 4: Results

Introduction

This purpose of this qualitative, phenomenological study was to explore Nigerian judges' understanding of the use of alternatives to incarceration in the criminal justice system for nonviolent offenders. The qualitative, phenomenological study provided insight into the judges' perception of noncustodial measures for nonviolent offenders in the Nigerian Criminal Justice System. I used the following research question to explore judges' perceptions of alternatives to incarceration for nonviolent offenders in the Nigerian Criminal Justice System:

RQ: How will Nigerian judges describe the implementation of community correction (probation) as alternatives to imprisonment for nonviolent offenders?

I used an exploratory research question (open-ended question) that was epistemological in seeking to capture participants' understanding and perceptions of the use of community corrections in the Nigerian Criminal Justice System.

This chapter includes the description of the research setting, participants' demographics, data collection process, data analysis, the resulting themes and subthemes, the mechanism that establishes evidence of trustworthiness, and the results of the research. I will conclude Chapter 4 with a summary of the chapter.

Setting

I used a phenomenological design for this study to identify a small group of Nigerian judges to gather their perceptions on the nonuse of an alternative to incarceration for nonviolent offenders. I randomly selected 10 judges for phone and video

conference interviews based on their specialized legal knowledge of the Nigerian Criminal Justice System and assignment to criminal court. Specifically, I randomly selected judges who had direct contact in sentencing nonviolent offenders.

The participants had access to their chambers (office). Participants' chambers were the favorable atmosphere for conducting an interview. Participants' chambers are private, which assured privacy to the participants and myself. Participants must grant access to anyone before gaining access to participants' chambers. The participants assured me that no one was present at the participants' chambers during the entire phone interview. The participants received an introductory letter. The participants agreed to participate in this study. The participants responded to the interview questions. I was not aware of personal or organizational structures, requirements, or conditions that influenced the study participants.

Demographics

The participants were qualified to hold the office of a high court judge in the high court in Nigeria. The participants met the two minimum qualification requirements:

- The participants are qualified to practice as a legal practitioner in Nigeria.
- The participants are qualified to practice as a legal practitioner in Nigeria for not less than 10 years. Participants were comprised of males and females from the Southwest of Nigeria, one of the geopolitical zones of Nigeria.

The participants were not asked to reveal their age. However, the minimum retirement age of the participants was 60 years. The mandatory retirement age of the

participants was 65 years. The participants had specialized knowledge of the Nigerian Criminal Justice System. I presented participants' demographics in Table 1.

Table 1

Participant Demographics

	Participants	Gender
Row 1	P1	Male
Row 2	P2	Male
Row 3	P3	Male
Row 4	P4	Female
Row 5	P5	Mal
Row 6	P6	Male
Row 7	P7	Female
Row 8	P8	Male
Row 9	P9	Female
Row 10	P10	Male

Data Collection

The agency head (chief judge of the high court) provided me with the contact information of participants (justices of the high court) who have presided and decided criminal cases involving nonviolent offenders in the criminal justice in Nigeria. Ten participants participated in this study. I contacted the participants by phone and e-mail. I conducted the phone interview in July and August. I interviewed participants in participants' chambers. I ensured that the duration of the interview did not exceed 30 minutes.

The interview protocol and questions (see Appendix D) for this study were designed to attain the perceptions of the Nigerian judges in using an alternative to incarceration. The interview protocol provided the procedures that guided this study

during the data collection process. I provided the consent form to the participants before the start of the interview questions. Also, each participant understood the information in the consent form and gave verbal consent to participate in this study.

I recorded and transcribed phone interview notes from the participants. I gave the participants the opportunity to review the transcribed notes. I informed all of the participants to review the transcribed notes to ensure that I accurately captured and transcribed the data. The participants received the transcribed notes by e-mail. Two participants provided clarification to the transcribed notes. One of the clarifications involved the correct spelling of a legal terminology (Allocutus) and the meaning of the legal terminology (plea for leniency by the convict's counsel). The other participants did not provide additional information or further clarification to the information provided.

The participants permitted me to audio record the interview. I assigned codes to participants, P1, P2, P3, P4, P5, P6, P7, P8, P9, and P10. I recorded data by way of handwritten participants' responses, audio recordings with an Echo Smartpen to record, and transcribed recordings from the phone interviews, which was transcribed to preserve and maintain data.

Data collection for the study consisted of six structured interview questions and one probing question. The participants did not make any objection to the audio tape of the interview. I did not re-contact participants for additional questions. Responses from participants from the initial interview answered the research question (responses from participants were adequate and sufficient). There were no deviations or unusual

circumstances encountered throughout the data collection process. I did not encounter any unusual encounter during the duration of data collection.

Data Analysis

I developed the data analysis process from the phenomenological methods outlined by Saldana (2013). Saldana recommended that a researcher should understand the meaning of participants' experiences through the insights of the participants who experienced the phenomenon. Also, Saldana provided reflective measures for data analysis in a phenomenological study. I used Saldana's data coding process and analysis process to obtain a thick and quality description that provided details description of participants experiences of the study (Carlson, 2010). I used manual coding to analyze the data I received from the participants. I transcribed the raw data using Echo Smartpen. I used the Echo Smartpen to transcribe all audio recordings into a Microsoft Word document. After completing the transcription, I reviewed and examined participants' responses.

I verified the written notes with the transcribed notes. I was able to review the written notes and audio recordings from the participants' responses. I uploaded the files (transcribed notes) onto my computer. I created a response form. I used the response form to record and review all participants' responses. I transferred all responses into one document. I reviewed the transcripts, responses, written notes, and reflection through memos, and I identified participants' significant and recurring statements. I related each transcript and participant responses to the research question. I identified nine codes (offenses, behavior, punishment, offender placement, cost of incarceration, a second

chance, awaiting trial, discretionary court power, and decongestion) from the participants' responses. I reviewed and developed the codes into six categories (classification, new knowledge, deterrence, the influence of the society, delayed trial, and offender's awareness).

Five themes (classification of offenses, learning new criminal behavior and activity, the opportunity for self-improvement, individual legal status, and the provision of the law) and four subthemes (the objective of criminal justice system, obligation of the society, forms of punishments, and prison decongestion) emerged. The five themes and four subthemes emerged from the rich descriptions of participants' experiences in the Nigerian Criminal Justice System.

Furthermore, I arranged and organized the data into codes, isolated meaningful statements, placed statements into categories, reorganized statements again as categories, and reduced those categories into emergent themes and subthemes. I labeled and sorted the information I received from the ten participants by grouping all the responses from each interview question based on the similarity of participant responses. For example, I grouped each interview question responses with each interview question. I thoroughly sorted participant responses by examining the sentences and words that the participants repeated frequently.

Participants used terms such as "rehabilitation," "reformation," "an alternative to incarceration," "imprisonment," "mixing with the hardened criminal," "new criminal justice law," and "community service." I formulated meaning to the participants

significant and recurring statements. I placed themes into five themes and four subthemes (Saldana, 2013).

I reviewed the five themes and generated four subthemes (obtained from participant experiences) which provided answers to the research question: How will Nigerian judges describe the implementation of community correction (probation) as alternatives to imprisonment for nonviolent offenders? Also, the themes and subthemes reflected the participants' perception of utilizing noncustodial measures for nonviolent offenders. I did not find discrepant cases during the data analysis. I used codes as the essential element of the research question. The codes facilitated the development of categories, emergent of themes and subthemes (Saldana, 2013). I presented the thick and quality description of the data to provide the understanding of judges in utilizing community corrections in the Nigerian Criminal Justice System.

Evidence of Trustworthiness

Credibility

I used different methods to increase the credibility of this research study (Carlson, 2010). I applied distinct measures. Before the start of the interview process, I established my role as a researcher, doctoral student. I read the consent form to each participant. I followed all credibility methods and procedures as described in Chapter 3. The credibility approaches and procedures establish the internal and external validity of the findings of this research study. I used data triangulation to establish credibility. Triangulation was used to determine credibility. Triangulation was created by cross-checking data of each

participant, reviewing the audio recordings each participant, and checking the interview notes.

I listened to the audio tapes several and multiple times to ensure that I transcribed the recordings of the data accurately (Creswell, 2013). I sent the transcriptions to the participants. The participants did not find any discrepancy in the transcription. The initial information participants provided were clear. The original information was very insightful and significant. I gave the participants the opportunity to review the transcripts. Two participants provided clarification to the transcribed notes. One of the clarifications involved the precise spelling of a legal terminology (Allocutus) and the meaning of the legal terminology (plea for leniency by the convict's counsel). The other participants did not provide additional information or further clarification to the information provided. Hence, I ensured that there was member checking transpired at this stage.

The participants had the chance to verify that the information they provided to me (Carlson, 2010). The participants also verified the transcribed notes were accurate and the information the participants provided corresponds to participants' experiences (Thomas and Magilvy, 2011, p. 153). Member checking took place with all the participants. I asked all the participants to verify and clarify the information I transcribed (Harper & Cole, 2012). The participants did not add or provide new or additional information. The participants did not request any part of the transcribed information deleted. I received feedback and comments from the dissertation committee members. The feedback and comments from dissertation committee members contributed to the credibility of this

research study. The concepts of member checking supported the trustworthiness, the credibility, and reliability, of this research study.

Transferability

Polit & Beck, 2013; Houghton, Casey, Shaw, & Murphy, 2013; Yin 2013; Cope (2014); suggested that transferability can relate and apply to other society through the results, findings, and conclusions that can pertain to another jurisdiction. Hence, other jurisdictions that have the same comparable criminal justice systems, with features, and structures are like Nigeria criminal justice system, can relate and apply the factual findings through thick description and result of this research study.

The thick description allows the context of this research study transferable to other criminal justice systems like the criminal justice system in Nigeria (Bitsch, 2005). The thick description of this phenomenological study gave the participants the opportunity to provide a thick description. The thick description provides significant details about participant experiences within the criminal justice system (Houghton et al., 2013). I ensured that the research methods are consistent during the research study (Creswell, 2013).

Furthermore, I attain transferability by presenting a clear outline of the research methods, research design, description of the demographics, and the setting ensure that the research study could be reproduced in comparable criminal justice systems (Patton, 2002). Furthermore, the research methodology will assist other researchers or jurisdiction in replicating this study (Rudestam & Newton, 2007). Hence, I carefully reviewed and analyzed each transcript and appropriately coded all data.

Dependability

Creswell (2013) indicated that dependability reflects the truthfulness, consistency, and reliability of the qualitative study. Dependability is concerned with the stability of the findings of a qualitative study over a given period (Bitsch, 2005). There were no alterations made to the dependability strategies as outlined in Chapter 3. The research methods and processes are consistent with the final findings and results of data, which attributed dependability or reliability to the research study (Creswell, 2013). The credible data collection process assured dependability for this research study (Yin, 2013). The elimination of mistakes and biases supported the elevation of the dependability of the research study (Yin, 2013). The accurate review and examination of all transcripts, interview notes, and coding techniques were repeated many times to increase accuracy and to reduce or eliminate any mistakes or biases (Cope, 2014; Yin, 2013).

The objective examination of this research study by the committee members provided oversight and guidance to this research study. I received feedback from committee members. The feedback from committee members ensured that this research study could be dependable. I made sure that triangulation and audit trail contributed to the integrity and dependability of this research study. I used audit trails that describe how data were collected and kept ensuring dependability (Ary, Jacobs, Razavieh, & Sorensen, 2010). I kept all records of the research study, audio recording, transcripts, interview notes, results, as required by Walden University. The records of the research study are kept for 5 years as required by Walden University.

Confirmability

I did not adjust the confirmability strategies I described in Chapter 3. This research study attained confirmability by ensuring that data were carefully analyzed to remove error and eliminate biases (Cope, 2014; Polit & Beck, 2013; Yin, 2013). I used bracketing to eliminate my bias during data analysis. I ensure that my values or beliefs did not interpose or meddle in the research findings. The careful descriptions of the data analysis enriched confirmability for this research study (Cope, 2014; Yin, 2013). I ensured that data was recorded accurately during the data collection. I maintained final interview notes of the research process. The thorough evaluation, presentation of the research findings, audit trail, self-reflection, and reflexivity established and assured confirmability for this research study (Lincoln and Guba, 1985). The systematical method that was used to document and organize data before analyzing the data indicates that I attained confirmability for this research study (Creswell, 2013).

Results

Allan & Dixon (2009) indicated that phenomenological qualitative study gains insight to the real understanding of participant experiences by bringing into existence participants experiences of a phenomenon. The research question sought Nigeria judges understanding of the implementation of community correction for nonviolent offenders through the experiences of the participants who have unique, specialized, vast and immense knowledge of the Nigerian Criminal Justice System. Participant responses to the research question aligned with the emerged five themes and four subthemes.

The research question in this qualitative, phenomenological study is: How will Nigerian judges describe the implementation of community correction (probation) as

alternatives to imprisonment for nonviolent offenders? The participants' experiences generated five themes and four subthemes. Theme one only generated one subtheme. Theme two generated one subtheme. Themes three and four did not generate sub-theme. Lastly, theme five generated two subthemes. I presented the themes in Table 2. Also, I presented the subthemes in Table 3.

Refer to the appropriate dissertation checklist for guidance on the content of sections in this chapter.

Table 2

Major Themes

	Number of Themes	Themes
Row 1	1	Classification of offenses
Row 2	2	Learning new criminal behavior and activity
Row3	3	Opportunity for self-improvement
Row4	4	The legal status of a defendant
Row 5	5	The provision of the law

Table 3

Subthemes

	Number of Subthemes	Subthemes
Row 1	1	The objective of criminal justice
Row 2	2	Obligation of the society
Row 3	3	Forms of punishment

Row 4	4	Prison decongestion
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Theme One: Classification of Offenses

The participants categorized offenses into simple, a misdemeanor, and felony (murder, rape, armed robbery and any other types of offenses that will cause bodily harm to another person). P8 expressed, "... offenders who committed simple and misdemeanor offenses do not need incarceration. They could receive another form of punishment other than incarceration..."

P10 stated, "...incarceration should be an effective tool for offenders who are violent and have committed a felony offense..." P1 pointed out, "...the nonviolent ones (offenders) that would not cause any harm to the other person..." Also, the participants stated that the type of offense committed by an offender should commensurate with the appropriate sanction the offender will receive in the criminal justice system.

P7 and P9 reiterated the importance of using non-secure custody for offenders who commit a misdemeanor or simple offenses. P7 said, "... offenders who commit light offenses can serve the prison term in the society..."

The Participant nine opinion did not deviate from the participant seven statement. P9 stated, "... we can send them to noncustodial places rather than sending them to custodial places. These offenders can work in the community. The punishment of noncustodial will be a better option for offenders who commit simple offenses..."

P6 stated:

"...the evidence could disclose the manner in which the accused committed the dastardly act. The court could consider such dastardly action of the accused person..."

Furthermore, P7 acknowledged, "... the court can consider whether the offender is a first-time offender in which the court should take into consideration. The behaviors of the offender during the trial are factors that affect sentencing a nonviolent offender..."

Participants agreed that offenses such as stealing, and "pickpocket" should not carry the punishment of incarceration. None of the participants opposed the use of an alternative to incarceration for simple and misdemeanor offenses.

Subtheme One: The Objective of Criminal Justice System

The participants believed that criminal justice system should serve as deterrence, reformation, and rehabilitation for nonviolent offenders. P2 indicated, "... ordinarily, the prison should be an avenue for reforming inmates before released from the prison. However, we discovered that the situation in the country is different..."

The participants in this study laid emphasis that reveals that the Nigerian Criminal Justice System has not fulfilled its fundamental objective. P2 revealed, "... The reformatory aspect of the custodial sentence has not been achieved optimally with the present situation in the Nigerian Criminal Justice System..."

P4 had a concern with:

What is the direction of the criminal justice system? So, the question now is: are we achieving the essence of sending those criminals into prisons if at the end, by the time they come out, they have become more hardened—they are now more hardened into crime. So, overall, the criminal justice system discovered that the prison system in Nigeria today is not reformatory.

P6 expressed:

I think imprisonment should not be the punishment – the sentence for nonviolent offenders. That is why I said that the community service might be excellent because the prison system in Nigeria is not reformatory at all. It hardened the inmates that go there

P9 stated, "... it is not the right punishment, kind of, because it does not reform nonviolent individuals. It is kind – it tends to have a counterproductive result..."

P3 indicated:

The whole essence of punishment is to serve as reformatory, deterrence and to rehabilitate. The participants agreed that one of the goals of the criminal justice system is to act or serve as deterrence to anyone who had committed crime and also to any person who wants to commit a crime

P3 further stated, "... one of the principal aims of the objectives of criminal justice is to deter criminals from continuously committing crimes..."

P4 and P6 indicated that the criminal justice should seek to reform an offender and serve as deterrence to anyone who maybe wants to commit crimes. These two participants expressed that imprisonment has not reformed the nonviolent offenders in Nigeria prisons

Theme Two: Learning New Criminal Behavior and Activity

Three participants (P2, P3, and P6) expressed concerns about the negative influence of prison on nonviolent offenders. P2 opined:

Nonviolent offender learns new criminal behavior while serving their jail term. By the time they are out of jail, they would have learned new tricks on crime. Criminals learned new criminal activity while they are currently serving their present sentence. I think that nonviolent offenders will have learned one or more new criminal behavior, they will have learned more about how to partake in other crimes because the opportunity they have had in prison to mix with some other hardened criminals.

P2 further stated, "... nonviolent offenders mix with career and hardened criminals, to learn new criminal activity..."

P3 expressed dissatisfaction in the criminal justice system sentencing nonviolent offender to prison. P3 expressed:

If the judge now sentences somebody, a nonviolent offender to prison and the nonviolent offender, unfortunately, is located in the same prison with hardened criminals who may torment the nonviolent offender's life, who may expose the nonviolent offender to grievous offenses than even the one the nonviolent offender is committed. By the time the nonviolent offenders release from prison, the nonviolent offender will become a worse individual before being incarcerated. The nonviolent offender becomes hardened, and the nonviolent offender repeats the previous offense (recidivate). Once they are hardened, they do not mind; they keep going back to prison. They sentence them, they fail to complete the sentence, and they are back in prison again

P6 noted that the administrators of the criminal justice system are concerned about offenders learning new criminal activities in prison. P6 stated:

When the offender, a convict is sent to prison the experience shows that they come out a more hardened criminal. They get out more hardened criminals. They learn new criminal activity and behavior in prison. They plan for the operations right inside the prison. They have agents outside so many of them like that. What they did not know before going to the prison they learn there and practice when they come out. So, fortunately, the administrative authorities concerned with the criminal justice administration they are reacting to this issue

P7 indicated:

There has been the situation when gang's formation developed in prison, and they joined these gangs in prison. When they are released, they become violent and commit further crimes. For example, if somebody is in prison for stealing, mixes up with people convicted of armed robbery and, when the nonviolent offenders are released, they will become more hardened because they have learned new tricks in prison and become more dangerous. So, I believe imprisonment for nonviolent offenders will do more harm than good for the society. We have to explore other alternatives than using imprisonment. The prisons are more of breeding grounds for criminals than reformative places for nonviolent offenders

Subtheme Two: Obligation of the Society

The participants embraced the support for an alternative to incarceration.

Participants suggested that nonviolent offenders must pay their debts to society. P5 explained:

I believe that the use of alternatives to incarceration would lead to a more sanitized society. For example, nonviolent offenders would be made to serve in public places such as motor parks, markets, schools, offices where the society will see them that they have committed crimes and punished for the crimes committed. Another example of community service is for nonviolent offenders to cut grass in public places, like motor parks, schools, marketplaces and they will be adjourned to have a special outfit, they will wear showing or indicating the punishment for the offenses committed. So, the offender will be wearing an outfit in the form of a dress which will single him out as an offender. If he is cutting grass, in the full glare of members of the public who are passing by that will be enough shame for him. At the end of the sentence, he will probably not go to that crime again. I believe we will get a more sanitized society. The benefit is that we have a more sanitized society. Somebody who has gone through the shame of being watched by passers-by cutting grass or cleaning or clearing the gutters that will shame some people from committing offenses like that because they will say, 'I do not want to face the type of shame that these people are facing.' They will probably not do the crime. So, I believe that alternative to incarceration, in this regard, would be nice

Two participants, P1 and P6, supported the position of P5. P1 stated:

They will now do some community work. They will work in the community, go and clean certain public places for some days which I think it is a better arrangement. If someone stole an item that the value is not much, probably a hundred naira (two cents), or 1000 naira (\$3.00) instead of engaging in sending such a person to a term of imprisonment. It is better that we just ask such a person to engage in community service: clean up some areas. An option of the fine should be given to the offender particularly a first-time offender

P6 suggested:

Somebody who is doing community work and especially if it is in the place of birth. Place of birth or place where the person is very well known. That will expose the person to so many things. People around will know. Those who did not know that the person is a convict will know..."

P6 further suggested, "...there should be a re-think; there should be a review of policy on sentencing in this regard..." P6 further believed that the society spends too much money to incarcerate non-offenders.

P8 said, "... the expenses the government incur in keeping our prisons can be channeled to other places..."

P2 advocated that the society must provide the social framework for the people in society. Nonviolent offenders commit these crimes because the society does not empower them. P2 emphasized that nonviolent offenders cannot justify violating the law in society.

However, society should provide the social support for the less disadvantaged people in society. The advocacy of P2 revealed that society has failed to carry out its social responsibility towards the people. P2 emphasized:

Because some young offenders who had stolen items, such as, phones, mobile set, phones, jewelry, but it is discovered that by the time they committed those offenses, it would be the act of lack of want and making ends meet. Nobody is saying that young offenders should steal from people. Nobody is justifying anybody stealing from other people

Only P2 revealed (part of the responses to Sub-theme two) that the society must provide the social framework for the people in society. Nonviolent offenders commit these crimes because the society does not empower them. P2 emphasized that nonviolent offenders cannot justify violating the law in society. However, society should provide the social support for the less disadvantaged people in society. The advocacy of P2 revealed that society has failed to carry out its social responsibility towards the people. P2 emphasized:

Some young offenders who had stolen items, such as, phones, mobile set, phones, jewelry, but the further inquiry would reveal that by the time they committed those offenses, it would be the act of lack of want and making ends meet. Nobody is saying that young offenders should steal from people. Nobody is justifying anybody stealing from other people

Theme Three: Opportunity for Self-Improvement

The criminal justice system should recognize the inherent dignity of nonviolent offenders. P7 indicated, "... nonviolent offenders would have the opportunity to change the deviant behavior. The justice system needs to treat nonviolent offenders fairly, be receptive to nonviolent needs, and affords these people the chance to self-improve and develop themselves in the society..."

P2 corroborated P7 statement. P2 stated:

It is a process which should have its desired effect. An offender serves a period of punishment within the community, attend counseling, educational, and training program. Thus, the offender receives appropriate supervision in the community.

P2 further stated,

The nonviolent offender has a second opportunity, through serving the punishment in the society, and the nonviolent offender realizes that he or she could have received a more severe form of punishment, imprisonment. The nonviolent offender has a second chance to do something good in the society and become a productive citizen. The offender should take the opportunity for self-improvement and not misuse it. The opportunity in the community will impact positively on the citizens because, by the time such an offender completes the community service, there is a high possibility that such a person would – could come out better for it

P2 further emphasized the importance of the effect of self-improvement for the nonviolent offender. P2 emphasized:

Nonviolent offenders are likely to mix with hardened criminals, and the likelihood is very high. The nonviolent offender serving community sentence will not expose the nonviolent offender to such an opportunity which will arise from a custodial sentence. The facilities are not there for the nonviolent offender

P2 further emphasized:

One will expect that if someone is having a sentence of one year or two years imprisonment, he should be able to learn a vocation, spend the time to improve himself, or herself, or for those who are too young that cannot read

P2 is concerned that nonviolent offenders incarcerated will not have the opportunity for self-improvement. P2 expressed:

However, the situation does not allow these inmates to improve their lives. At the time they are done serving their terms, they could not have become equipped to impact positively on the society citizens. However, if such an offender completes the community service, there is a high possibility that such a person would come out better for it because if it were to be a noncustodial sentence, not expose him to such – to such an arduous environment which will arise from a custodial sentence

Theme Four: The Legal Status of a Defendant

Participants expressed the urgent need for the criminal justice system to consider the use of an alternative to incarceration for individuals (who are not violent) who have a

pending criminal trial. The criminal justice system should consider other options (rather than using imprisonment for awaiting nonviolent offenders) for the awaiting nonviolent offenders who have a pending criminal trial.

P1 indicated:

Individuals who cannot afford the fine for a nonviolent offense or such individual who is just awaiting trial. It will help because the prison system has a more significant number of awaiting trial inmates (individuals not convicted of a simple offense). The criminal justice system should not incarcerate pre-trial inmates. It will be better for awaiting trial inmates to have alternatives to incarceration while their criminal cases are pending in the criminal justice system

P2 explained the problem of the Nigeria criminal justice system regarding people that are arraigned in criminal court (awaiting trial inmates). However, these people are in secure custody.

P2 explained:

The problem we have in Nigeria is that there are awaiting trial (pre-trial) inmates. These Offenders appear before the magistrate court pending when the office of the director of public prosecutions provides legal advice. In between the time of arrest, receiving legal advice, and prosecution, most of awaiting trial inmates will be remanded in prison custody, and that has created many bottlenecks in the judicial system. We have come up with this new community service for people who are

standing trial. We have come up with this new community service for people who are standing trial for non-serious offenses.

P3 narrative revealed that individuals who must have access to a reasonable criminal trial. P3 expressed:

Many inmates are there awaiting trial for years. Moreover, the constitution provides in section 36 (4); that every person suspected to have committed a crime must stand trial within a reasonable time. If somebody is under incarceration, awaiting trial for years, will the constitutional provision be rightly said to have been complied justified by the criminal justice system? Bear in mind; there are some simple offenses which are so-called nonviolent offenders but are committed which will not attract extended period of incarceration. However, because the criminal justice system fails to arraign awaiting trial inmates within a reasonable time, some of the awaiting trial inmates would have been under incarceration for a more extended period than the awaiting inmate will have been ordered to serve in prison. Right now, there are numerous awaiting trial inmates incarcerated in Nigeria prison

Theme Five: The Provision of the Law

Participants provided extensive details on the new provision of the law (sentencing options for the judges). Participants expressed satisfaction in the new criminal justice law. Participants indicated that the new criminal justice law provides for

the provision of community service, an option of fines, warning, or discharge for the nonviolent offenders.

P9 stated, "... the new criminal justice law gives discretionary powers to judges. Judges have the discretion to sentence nonviolent offenders to community service, warn, or discharge the nonviolent offender..."

P8 indicated, "... the law provides the area of crime the criminal justice can charge an individual. The law recommends community service..."

P2 also indicated, "... the situation in Nigeria with particular reference to Oyo state, we just passed a new law, which is the administration of criminal justice law..." P2 further indicated:

The guidelines should guide the court in the sentence of nonviolent offenders. The law stipulates the discretionary use of the option of fine. I think the court should always exercise its discretion, where the law gives that opportunity. An option of a fine should be given to the offender particularly a first time offender. I think with the new law – the new criminal administration of justice law in place, I think judges will now have much discretion to sentence an offender to an option of fine, or community service. I think the judge should exercise the option of a fine instead of giving a custodial sentence

P5 said:

Well, in our statute book, in the criminal justice system when the judge wants to sentence an individual that has been found guilty of committing

an offense, the law will prescribe written term, then it gives the judge's discretion. Moreover, then the law will also provide for the punishment (payment of fine as an alternative to imprisonment). In Oyo state, the law states especially, for minor offenses the court can just warn that person if the individual has been found guilty of the minor offense. For example, if it is a simple offense like two students who are not minors, the students are caught fighting and arraigned in court. The students are charged with assaults, but not assaults causing harm. If it is just "simple" assault, the judge can warn the students. 'Why are you fighting? The students have to be of good behavior'. The judge can warn them and let the students go. The law allows the judge to use such discretion in this type of situation.

P10 stated:

The court is allowed through the provision of the law to use the option of a fine for the nonviolent offenses. The court has discretionary power to give an option of fine. The law allows the court to caution and discharge. Alternatively, the law also gives the court the power to imprison non-violent offender (jail)

P6 indicated, "I think it will be a welcome development. I think that the judge would give preference to noncustodial measure than to incarceration. Where the law makes provision for sentencing, the judge cannot depart from the provision of the law.

Subtheme Three: Forms of Punishment

Participants reiterated that the provision of the law would allow judges to use the possibility of fines, community service, and canning to sentence nonviolent offenders. P1 stated:

Nonviolent offenders can do community service. The judge can caution and discharge depending if it is just a light offense, but based on his Allocutus, appeal for leniency. The judge can use discretionary power to reduce it for him. The judge can recommend community service, fines, caution, and discharge. However, community service is the new development. We now have provisions for noncustodial community service. Instead of sentencing criminals or people who are found guilty to have committed a misdemeanor or simple offense, instead of sending them to a custodial sentence, terms of imprisonment

P2 reiterated:

They are two options. The option of fine and community service, I think in rare cases, maybe canning, that is still part of the noncustodial sentence. I think those are the options, “an option of fines,” community service and then canning

One of the participants advocated for the provision of the law to stipulate forfeiture and confiscation of offenders’ property. This participant (P3) wants the law to impose a ban on an individual that have committed fraud, political fraud (people who have embezzled public or private funds, got elected to political office illegally, and the court have ordered vacation of the political office).

P3 advocated:

The imposition of a fine is one aspect of the law. Two, confiscation and or forfeiture of looted property and or embezzled funds. For instance, if somebody embezzled public fund, the person may use the funds to buy a real property, buildings in prime areas or cities in any part of the world. If investigation discovered that the looted property was used to purchase real property, the court could confiscate such property. Instead of sentencing the person to prison, the offender could forfeit the property to public and state treasury

P3 further reiterated:

Again, the law can impose compulsory community service. Again, the judge could impose a ban or disqualify the offender from holding public office. If for anything the judge now banned or disqualified the offender from holding public office then the offender will feel the pain

P5 stated:

Well, in this modern age and the time we live in, I believe that we need an alternative to incarceration for the nonviolent offenders. When we talk of punishments for nonviolent offenders, such punishment for offenders should not be imprisonment alone. There should be other forms of alternatives, community service for nonviolent offenders. There could be corporal punishments, giving the person some lashes, cane beating. The judge can provide the option of fines to the offender to be of good

behavior. Within that time limit, if he commits crime again he can be given a more severe punishment and also, a person can be warned and reprimanded and maybe alternatives to imprisonment for nonviolent offenders

Also, in one of the P1 responses to the interview questions (see Appendix D for interview question #6), only one participant (P1) mentioned the use of probation, home confinement, and electronic monitoring as alternatives to incarceration for nonviolent offenders. P1 stated that the use of various alternatives to incarceration is not available in the Nigeria criminal justice system. P1 said:

The options of probation, home confinement, electronic monitoring are alien to the Nigerian criminal justice system. There is no probation officer to monitor nonviolent offenders' sentence to probation. The Nigeria criminal justice system does not keep the record

Subtheme Four: Prison Decongestion

Participants expressed concern for the Nigeria prison system. Participants' narratives indicated that the Nigeria prisons are congested and overcrowded. Participants advocated for the use of an alternative to incarceration for nonviolent offenders which would result in prison decongestion.

P6 stated:

An alternative to incarceration will not congest the prisons. The prison itself will not be congested. As we speak now, the prisons are already

congested. For example, a prison built for maybe 600 people maybe housing up to a thousand or more

P10 said:

The prisons are overcrowded with inmates, particularly awaiting trial inmates. Community service as punishment for a nonviolent offender is a welcome development in Nigeria. Most of the prisons are overcrowded beyond the standard capacity they are built to accommodate. So, it is highly desirable that the current situation would require an urgent solution. The criminal justice system should take corrective measures to reduce the number of offenders incarcerated. The facilities in our prisons are already over-stretched

P4 stated:

The first one is prison decongestion. Right now, they are prisons that are over congested. The facilities there are not enough for these prisoners. So, when we start this community sentencing thing, it could solve some of the decongesting of the prisons, and it will go a long way in helping the criminal justice system in Nigeria

P8 stated, "...our prisons are overpopulated. It is the better to use other means to decongest the prison. If we use alternative to imprisonment, it will reduce overcrowding in prison..."

P5 said, "... if we explore the alternatives then we will be able to decongest prison. So, if we explore the alternatives, it will decongest the prison..."

P3 and P7 stated that Nigeria prisons are congested. P3 and P7 suggested that the criminal justice system could use alternative to incarceration to reduce and decongest the prisons in Nigeria. P3 is the only participant that specifically mentioned the poor sanitary conditions (poor feeding housing, and ventilation condition).

Discrepancy and Nonconforming Data

Creswell (2013) stated that discrepancy in a qualitative study (theme) adds credibility to the research study. The inclusion of discrepant data enhances credibility to the research findings and gives validity to the qualitative study (Creswell, 2013). I reviewed the transcripts to determine and locate discrepancy information. I did not find a discrepancy in the data. I did not identify nonconforming data in this research study.

None of the participants opposed the use of an alternative to incarceration for nonviolent offenders. All the participants supported an alternative to incarceration (community service and options of the imposition of fines).

Summary

In Chapter 4, I discussed the results of the qualitative, phenomenological study. The qualitative, phenomenological study seeks to explore the perceptions of Nigeria judges in understanding how judges approach the noncustodial measure for nonviolent offenders in the Nigerian Criminal Justice System. I revisited and scrutinized data, recorded, transcribed, and interpreted participants' responses accurately. The accuracy of the recorded data conveyed a coherent narrative description of the research phenomenon (Carlson, 2010).

As presented in Chapter 4, I developed a work ethic relationship with the data. I utilized manual coding process and analytic memo for reflection which assisted, enhanced, and broadened the understanding of the qualitative, phenomenological study. Five themes and four subthemes emerged which provided answers to the research question. The results (five themes and four subthemes) of the qualitative, phenomenological study indicated judges' perception regarding community corrections. Participants provided insight into the use of the alternative to incarceration for nonviolent offenders. The participants agreed that the use of the alternative to incarceration is a desirable development in the Nigeria criminal justice system. Participants further agreed that the criminal justice system could utilize an alternative to incarceration as a form of sanction for nonviolent offenders to community service and an option of fine.

In Chapter 5, I will discuss the interpretation of the research findings, limitations of the study, recommendations, implications, and conclusion.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

This purpose of this qualitative, phenomenological study was to explore Nigerian judges' understanding of the use of alternatives to incarceration in the criminal justice system for nonviolent offenders. The qualitative, phenomenological study provided insight into the judges' perception of noncustodial measures for nonviolent offenders in the Nigerian Criminal Justice System. The qualitative, phenomenological study is consistent with understanding how judges approach the noncustodial measures for an offender.

The purpose of this study was to provide an understanding of the Nigerian Criminal Justice System of the nonuse of an alternative to incarceration for nonviolent offenders. I focused on how judges make sense of interpreting the criminal statute that relates to the imprisonment of nonoffenders. Incarceration of offenders is consistent with Dolinko's (1997) retributive theory for punishing individuals who violate the law (Moore, 2010).

Interpretation of the Findings

In the findings from study, I found that the participants expressed the need for the Nigerian Criminal Justice System to classify and categorize offenses into minor (non-serious), a misdemeanor, and felony. The nonseriousness of the offenses (misdemeanor) will determine the criminal justice's decision to use community correction. The participants agreed with other researchers (Solomon et al., 2014) that the criminal justice system must make the conscious effort to categorize offenses before the criminal justice

determines punishment (Armiya'u & Adole, 2015). However, I found that the criminal justice system does not take into consideration the classification of offenders into violent or nonviolent before the determination of punishment.

The participants also claimed that the criminal justice system could use another form of punishment for nonviolent offenders, including noncustodial measures. Using other types of incarceration to hold nonviolent offenders accountable is a kind of punishment. Using other forms of punishment is also consistent with holding nonviolent offenders responsible for the crime committed (Shajobi-Ibikunle, 2014; Yekini & Salisu, 2013).

Furthermore, the participants indicated that the absence of different alternatives to incarceration has constituted a non-rehabilitative structure for nonviolent offenders. Participants explained that imprisonment could not reform and rehabilitate nonviolent offenders. Participants indicated that the use of community corrections would provide nonviolent offenders the opportunity to reform, rehabilitate, reintegrate, and become productive citizens. The lack of community correction has made it difficult for nonviolent offenders to reintegrate into society (Atilola, 2012; Currie 2010; Larkin 2014).

The incarceration of nonviolent offenders does not support the social intervention that will reform and rehabilitate nonviolent offenders in society. Participants agreed that the objective of the Nigerian Criminal Justice System is to rehabilitate, reform, and reintegrate nonviolent offenders into society. Nonviolent offenders incarcerated in Nigerian prisons do not enjoy the opportunity of rehabilitation, reformation, and reintegration because the jail negatively impacts nonviolent offenders (Alabi & Alabi,

2011; Alao & Adebawale, 2014). Incarceration of nonviolent offenders in the Nigerian Criminal Justice System has not constituted a deterrent for nonviolent offenders (Alabi & Alabi, 2011; Yekini & Salisu, 2013).

This study confirms the previous findings of Gallagher et al. (2015) that the incarceration of nonviolent offenders' results into recidivism of nonviolent offenders. The prison system in Nigeria encourages nonviolent offenders to recidivate. Participants expressed concerned that nonviolent offenders' account for contemporary and impending crimes perpetrated in Nigeria. Participants advocated that the criminal justice system in Nigeria could use community supervision for nonviolent offenders as an essential aspect of offender reintegration, rehabilitation, and reentry into society. The failure of the Nigerian prison system to rehabilitate and reintegrate nonviolent offender to society has created proliferation in recidivism among nonviolent offenders. Incarceration of nonviolent offenders in prisons has constituted an adverse impact on society, turning nonviolent offenders into violent offenders (Onyeozili & Ebbe, 2012; Otu & Nnam, 2014; Still, 2016).

The Nigerian Criminal Justice System focuses on punishment and the act of controlling crime. Hence, the Nigerian Criminal Justice System focuses on reducing crime. However, the Nigerian Criminal Justice system has failed to realize that a correctional system that is devoid of rehabilitation and reformation will remain at risk of recidivism of nonviolent offenders (Woldgabreal, Day, & Ward, 2014). A nonviolent offender sentenced to community supervision provides a possible option for the criminal justice system to reduce recidivism. Participants of this study confirmed the findings of

researchers (Gallagher et al., 2015; Wodahl & Garland, 2009) that incarceration of nonviolent offenders contributes to nonviolent offenders' recidivism.

Incarcerated nonviolent offenders learned new criminal behavior that would increase crime in society, which is a challenge for the criminal justice system (Ajeigbe, 2015). The continued increase in criminal activities committed by nonviolent offenders has shown that incarceration will not reduce crime. Hence, the participants confirmed the results of Woldgabreal et al. (2014) that the use of community supervision reduces crimes and recidivism of nonviolent offenders.

The findings of opportunity for self-improvement is consistent with Omale (2014), who found that the conditions of the prison in Nigeria have not conferred human dignity to offenders incarcerated in Nigeria prisons. The system of incarcerating nonviolent offenders, as a form of punitive means, has led to the denial of opportunity for self-improvement and advancement (vocational or employment readiness training programs that nonviolent offenders need to be empowered when supervised in the community). The Criminal justice system does not provide the nonviolent offenders with the prospect of transforming (such as providing cognitive behavior therapy and counseling) the nonviolent offender behavior into a productive citizen.

Omale (2014) also pointed out that non-availability of social programs in the prison has constituted a social impediment for the opportunity for self-improvement for the nonviolent offenders. The absence of opportunity for self-improvement and advancement (vocational training, employment training programs, and other evidence-

based programs) that could improve offenders' lives are not available during the incarceration of nonviolent offenders (Ebeniro, 2011).

Participants' comments on an alternative to incarceration indicated a positive impact on nonviolent offenders, which confirmed Riggs et al.'s (2014) findings that the criminal justice system would provide nonviolent offenders with the opportunity to become productive citizens and contribute to society. The lack of community corrections deprives nonviolent offenders of the prospect of proclivity in programs that will make nonviolent offenders become productive citizens. Incarcerating nonviolent offenders in prison has also demonstrated the lack of adequate resources for self-improvement. Alternatives to incarceration benefit nonviolent offenders in becoming better citizens through participation in community programs (opportunity for a second chance in the community).

I discovered the legal status of a pretrial inmate. The pretrial inmates do not have the opportunity for community supervision while undergoing criminal trial. The Nigerian Criminal Justice System does not have pretrial services for defendants who are undergoing criminal trial. I found that the adjudication of criminal proceedings for the pretrial detainees is delayed, and the pretrial inmate incarcerated is in prison pending the outcome of the criminal trial. However, the use of pretrial services is consistent with the U.S. criminal justice system. The use of pretrial services for nonviolent offenders in the criminal justice system is an alternative for community supervision (Still, 2016). The Nigerian Criminal Justice system overcrowds the prison system with pretrial inmates.

The participants revealed that the Nigerian prison system has created worsened conditions such as inhumane treatment, lack of affording human dignity to offenders, mistreating offenders, corporal punishment, overcrowding, and turning nonviolent offenders into vicious and violent offenders. Participants expressed that the use of alternatives to incarceration for nonviolent offenders improves the conditions of the Nigeria prison system. Participants claimed that the Nigerian prison system is overcrowded, which results in inhumane treatment for nonviolent offenders. Overcrowding in prison facilities has contributed to increased violent crimes.

The findings revealed that the Nigeria criminal justice system in the southwest state recently enacts a new law, Administration of criminal justice law. Participants remarked that the new law would transform the Nigeria criminal justice system. The new law is a new and welcome development that empowers the courts (judges) to exercise discretionary powers when sentencing nonviolent offenders. In exercising discretionary powers, the courts can utilize community service, an option of fines, warning, or discharge for the nonviolent offenders.

The finding further revealed that discretionary court power (to use community service, an option of fines, warning, or discharge for the nonviolent offenders) is consistent with the finding of (DeMichele, 2014; Teague, 2016; Wright et al., 2013;). Community corrections are the mechanism that provides alternatives to incarcerating nonviolent offenders (DeMichele, 2014; Teague, 2016; Wright et al., 2013).

Furthermore, the provision of the new law is consistent with the Dolinko (1997) retributive punishment theory. The degrees of the crime should be the basis and

justification for incarcerating offenders (Wildeman, Turney, & Schnittker 2014). The provision of the new law allows the criminal justice system to use noncustodial measures for simple (nonviolent) offenses. Also, the provision of the new law supports and allows Dolinko (1997) retributive punishment theory applicable to the Nigerian Criminal Justice System. Dolinko (1997) retributive punishment theory stated that offenders deserve the penalty for the crime committed. The sentence provides reasonable and moral justification for punishment (Apel, 2013). Additionally, the magnitudes of the crime should be the basis and justification for incarcerating offenders (Wildeman, Turney, & Schnittker 2014).

The findings of this research study provide insight and understanding that Nigeria judges will implement the use of an alternative to incarceration (community correction). The findings revealed that community service, the option of fines, caution, and discharge are the forms of an alternative to incarceration that the criminal justice utilized.

Limitations

The sample for this study (Criterion and purposeful random sampling) did not represent the entire population of the Nigeria Judicial Council. The research participants were selected based on the court's criminal division. The participants of this research study were limited to one state in the southwest of Nigeria and an aspect of the Nigeria judicial system, the high court.

The population that the research study did not sample may possess a different understanding from the research participants. I identified, managed, minimized, and eliminated my bias that has the potential to influence the result of this research study. I

used rigorous accountability procedures to minimize and eliminate my bias (analysis of the data- showing what the data presents). This research study may not generalize to the broader population, Nigeria courts system (the superior courts of records that consist of the remaining 35 high courts and federal high courts for the 35 states in Nigeria, Court of Appeal, and Supreme Court). This research study has addressed limitations through gaining insight into participants understanding of alternative to incarceration for nonviolent offenders for the high court in one of the southwestern regions of Nigeria.

Recommendations

It is evident from the findings of this research study that judges would prefer community correction as an alternative to incarceration for nonviolent offenders. Hence, this study focused on understanding the perception of judges (from one of the geopolitical regions of Nigeria) in using community corrections for nonviolent offenders. Researchers could conduct additional studies in the other six geopolitical zones of the criminal justice system to explore other alternatives to incarceration for nonviolent offenders. A further study conducted in the other six geopolitical regions compared to the findings of this study can help identify and develop the implementation of other alternatives to incarceration that may be effective in achieving the objective of the Nigeria criminal justice system.

The study revealed that the Nigerian Criminal Justice System would utilize the preferred forms of punishment (community service and options of fines) for nonviolent offenders. Therefore, further research could examine the impact of the forms of punishment in the criminal justice system and on the nonviolent offenders. Future

research would explore the establishment of a residential center, facility, or use of electronic monitoring (alternative to incarceration) for nonviolent offenders. These alternatives to incarceration would allow nonviolent offenders and nonviolent defendants who are awaiting trial to participate in community supervision and utilize community resources. One of the findings from the research study shows that only one participant mentioned the use of probation for nonviolent offenders.

Hence, it is apparent that the understanding of the use of probation is limited to the Nigeria criminal justice system. Therefore, additional, future studies should examine how probation could be used to supervise nonviolent offenders in the community, and impact the Nigeria criminal justice system in fulfilling the objectives of the Nigeria criminal justice system.

I would suggest future research to consider the exploration of the challenges the criminal justice system would face in implementing community corrections through the lens of magistrate judges and nonviolent offenders. Understanding these challenges could lead to the development of community programs (employment and literacy training program, mentoring program, substance abuse, and mental health program) that will strengthen and assist community correction in fulfilling the objective of the criminal justice system. The objective of the criminal justice system is to address the implementation of community supervision by increasing the understanding of Nigerian judges. One way to increase judges (high court and magistrate) understanding of community corrections is through conscious effort in continued research targeted towards various alternatives to incarceration and community programs for nonviolent offenders.

Implications

Positive Social Change

The current study focuses on the alternative to incarceration (community correction) for nonviolent offenders in the Nigerian Criminal Justice System. This study focused on community correction by attempting to understand how judges approach the noncustodial measures for an offender in the criminal justice system. The results of the research study support positive social change directed at increasing and expanding the understanding of Nigeria legal system, National Judicial Council, and policymakers that positively influence the criminal justice system using community correction for nonviolent offenders.

Alternatives to incarceration predominantly target the use of noncustodial measures to punish nonviolent offenders with the objectives of providing the nonviolent offender the opportunity for a second chance (for self-improvement in the society), reducing recidivism (the tendency for the nonviolent offender to re-offend), and the successful transition of nonviolent offenders to society.

The criminal justice system (Nigerian judicial system) in Nigeria is the legal institution recognized, mandated and authorized to sanction nonviolent offenders to noncustodial measures or alternative to incarceration. It is crucial that legal profession, national judicial council, and policymakers understand the application (discretionary power of the court to sanction nonviolent offenders) of community correction for nonviolent offenders as a means of punishment.

Understanding the implementation of community correction is a form of retributive punishment (phenomenon) that the Nigerian Criminal Justice System would need to utilize. Community correction would need the support of the Nigeria criminal justice system, policymakers, and society to be a practical approach of holding the nonviolent offender accountable (sanction), causing a reduction in recidivism, creating a second chance for the nonviolent offender, and reducing the problem of overcrowding in the Nigerian prison system.

The use of incarceration is, unfortunately, typical in Nigeria criminal justice system and has a propensity of increasing recidivism, lack of rehabilitative structure, structural reforms, lack of opportunity for self-advancement, and overcrowding of the prison system. Research studies that increase knowledge, discussion, and understanding of the phenomena of an alternative to incarceration are relevant and valuable to Nigerian Criminal Justice System. The Nigeria criminal justice system incarcerate all nonviolent offenders in Nigeria prisons (National Bureau of Statistics, 2016). Furthermore, the National Bureau of Statistics (2016) reported that 75% of nonviolent offenders released from Nigerian prison recidivate. Incarceration of nonviolent offenders and the adverse effects are remediable by the implementation of alternatives to incarceration (community corrections). An understanding of the implementation of community corrections is necessary for the design of alternatives to incarceration that will decongest the Nigeria prisons, provide the rehabilitative structure, reformatory programs, and treatment the for nonviolent offenders in the Nigerian Criminal Justice System.

The criminal justice system has an important responsibility to educate the policymakers, inform the public, and conduct research that is relevant, applicable, and consistent toward the use of alternative to incarceration in ways that foster and lead to social improvement and change for the members of the public. This study will provide the insight to community corrections for policymakers in providing the legal framework and structure (creating community correction agencies) that will have a positive impact on the criminal justice system, society, and nonviolent offenders.

Conclusion

This study offers a significant contribution to the existing literature and would enhance social change initiatives through the better understanding of community corrections that nonviolent offenders need community supervision in the society rather than incarceration. The administration of the Nigerian Criminal Justice System needs to realize that the imprisonment of nonviolent offenders in prison without the use of alternative to incarceration does not align with the contemporary criminal justice systems from other jurisdiction (United States of America, England, and Wales). The criminal justice system in the United States of America, England, and Wales have utilized community corrections as the consistent practice of correcting offenders' behavior using alternatives to incarceration (DeMichele, 2014; Teague, 2016; Wright et al., 2013).

The findings of this study revealed that Nigerian judges would utilize community corrections. Nigeria criminal justice system would embrace alternatives to incarceration. However, the limited research in the Nigeria criminal justice system, regarding the use of alternative to incarceration, would require further guidance and direction on the

implementation of community corrections. Conducting future research in Nigeria community corrections would determine the accomplishment of the new guidelines (community corrections) as mentioned in the recommendation of this research study.

The use of community corrections for nonviolent offender supervision in the community would provide the opportunities for self-improvement (social interventions in literacy and employment training programs, cognitive behavior therapy, substance abuse, and mental health treatment) for nonviolent offenders. The alternatives to incarceration would incorporate opportunities for self-improvement as punitive measures to rehabilitate, reintegrate, and reform nonviolent offenders as well as holding nonviolent offenders' accountability in society. The participants' expressed concerns that the continued use of imprisonment for nonviolent offenders would not reform, rehabilitate, and reintegrate nonviolent offenders back to society. The participants' concerns are consistent with previous research that the use of imprisonment for nonviolent offenders does not support reformation, rehabilitation, or reintegration of nonviolent offenders back to society (Yekini & Salisu, 2013; Gallagher, Nordberg, Ivory, Carlton, & Miller, 2015).

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Appendix A: Letter of Cooperation

High Court of XXXXX State

Hon. Justice XXXXX XXXXXXXXX

The Chief Judge, XXXX XXXXX of XXXX State

January 3, 2017

Dear OluXXXX XXXXX XXXXXXX,

Based on my review of your research proposal, I give permission for you to conduct the study entitled Alternative to Incarceration of Nonviolent Offenders at the High Court in XXXX State, Nigeria within the High Court, XXXXXXX Division. As part of this study, I authorize you to contact and interview via telephones, email, or video conferencing judges of the High Court in Oyo State for your research questions, for data collection, judges at the high court at the Ibadan Division. Judges will be asked to choose preferred method of communication. Judges will not receive compensation from participating in this study. Judges' participation will be voluntary. Judges will be given the opportunity to review their responses. Individuals' participation will be voluntary and at their discretion. We understand that our organization's responsibilities include: giving judges' permission to use their chambers, statutes and case laws. The high court, XXXXXXX Division does not control or influence judges responses to your research questions. We reserve the right to withdraw from the study at any time if our circumstances change.

The student will be responsible for complying with our site's research policies and requirements, obtaining authorization from the Chief Judge before contacting judges, including the legal basis for research ethics governance in Nigeria.

I confirm that I am authorized to approve research in this setting and that this plan complies with the organization's policies.

I understand that the data collected will remain entirely confidential and may not be provided to anyone outside of the student's supervising faculty/staff without permission from the Walden University IRB.

Sincerely,

Authorization Official

Hon. Justice XXXXXX XXXXXXXXX

The Chief Judge, High Court of XXXXX State

Walden University policy on electronic signatures: An electronic signature is just as valid as a written signature as long as both parties have agreed to conduct the transaction electronically. Electronic signatures are regulated by the Uniform Electronic Transactions Act. Electronic signatures are only valid when the signer is either (a) the sender of the email or (b) copied on the email containing the signed document. Legally an "electronic signature" can be the person's typed name, their email address, or any other identifying marker. Walden University staff verify any electronic signatures that do not originate from a password-protected source (i.e., an email address officially on file with Walden).

Appendix B: Participant Invite to Participate in Research Study

Judges Invitation to participate in Research

Dear Sir/Ma'am,

My name is OluXXXXXX XXXXXX, and I am a doctoral student at Walden University. I am currently conducting a study on the incarceration of nonviolent offenders at the High Court (Nigeria criminal justice system) in XXXXX State, Nigeria to fulfill requirements of the Walden University Ph.D. in Criminal Justice program

I am conducting interviews as part of a research study designed to elicit feedback about your perception and understanding about using non-custodian measures for incarcerating nonviolent offenders in the Nigeria criminal justice system. The overall aim of the full-scale study is to gain meaningful insights and knowledge into the perception of Nigeria judges' understanding of the utilization of alternative to incarceration in the criminal justice system for nonviolent offenders of the Nigeria criminal justice system.

This study is not looking to assess or evaluate your personal sentencing preferences.

Alternatively, the focus is to learn more about the perception of judges who sentence offenders, including nonviolent offenders, to imprisonment. Also, the study is to understand judges' perception on the non-utilization of an alternative to incarceration for nonviolent offenders

No compensation will be made for participating in the study. Participation is completely voluntary, and in the event, my Lord feels uncomfortable during the interview, you can stop at any time. No harm intended to you as a participant and anonymity of participant's responses will be kept confidential.

Should you choose to participate, your contribution would provide valuable insights and enhance a better understanding of the phenomenon. Pre-arranged phone interviews will be conducted and will last for approximately 30 minutes. Audio recordings will be made during the interview with notes written as the interview progresses (transcripts of audio recording will be provided to all participants).

If you would be willing to participate or have any questions, please email me at

oluXXXXXXXX.XXXXXXXi@waldenu.edu

Thank you

Olugbenga XXXXXXX

Doctoral Student

Walden University

Appendix C

CONFIDENTIALITY AGREEMENT

Name of Signer : OluXXXXXX XXXXXXXXXXX XXXXXXXXXXX

During the course of my activity in collecting data for this research: “Alternative to Incarceration of Nonviolent Offenders at the High Court in XXXXXXXX State, Nigeria” I will have access to information, which is confidential and should not be disclosed. I acknowledge that the information must remain confidential, and that improper disclosure of confidential information can be damaging to the participant.

By signing this Confidentiality Agreement, I acknowledge and agree that:

1. I will not disclose or discuss any confidential information with others, including friends or family.
2. I will not in any way divulge, copy, release, sell, loan, alter or destroy any confidential information except as duly authorized.
3. I will not discuss confidential information where others can overhear the conversation. I understand that it is not acceptable to discuss confidential information even if the participant’s name is not used.
4. I will not make any unauthorized transmissions, inquiries, modification or purging of confidential information.
5. I agree that my obligations under this agreement will continue after termination of the job that I will perform.
6. I understand that violation of this agreement will have legal implications.

7. I will only access or use systems or devices I am officially authorized to access, and I will not demonstrate the operation or function of systems or devices to unauthorized individuals.

Signing this document, I acknowledge that I have read the agreement and I agree to comply with all the terms and conditions stated above.

Signature:

Date: 01/03/17

Appendix D Interview Protocol/Questions for Olu XXXXXXXX

Dissertation Topic: Incarceration of Nonviolent Offenders at the High Court in Oyo State, Nigeria

Good morning/afternoon My Lord. My name is OluXXXXXX XXXXXXXX; I am a Ph.D. student from Walden University. I am here to learn about the incarceration of nonviolent offenders in Oyo state. Thank you, My Lord, for taking the time to talk with me today.

The purpose of this interview is to understand better your perceptions of the Nigeria criminal justice system as it relates to the use of community supervision, alternative to incarceration, for nonviolent offenders. There are no right or wrong answers, or desirable or undesirable answers. I would like you to feel comfortable saying what you think and how you feel regarding alternatives to incarceration for nonviolent offenders. I want you to know that this interview will be recorded. The recording will assist in simultaneously carrying an attentive conversation with you. I assure you that every responses and information you provide will remain confidential.

Once again, thank you for your participation. This researcher believes that the information will be a valuable contribution to this research and the Nigeria criminal justice system professional practice

Purpose: The purpose of this study is to improve the understanding of the Nigerian judges' by which the Nigerian judiciary implements the utilization of community correction in the criminal justice system for nonviolent offenders. The results of this research will provide useful information to Nigeria criminal justice system, in

helping to consider the implementation of community supervision for nonviolent offenders programs.

This researcher will guarantee participants' confidentiality of responses. The approximate length of the interview is 30 minutes, seven significant questions.

The participants will receive the completed final study. The method of disseminating the final study is via email to the participants.

The purpose of this interview protocol is to serve as an interview guide that will be used to collect data for this researcher study. The interview will now begin.

Date _____

Time _____

Location _____

Interviewer _____

Interviewee (assign code) _____

Interview question #1: How would you describe the use of alternative to incarceration, as punishment, for nonviolent offenders?

Response from interviewee:

Probing question #1: Can you tell me more about the incarceration of nonviolent offenders?

Response from interviewee:

Interview question #2: How do you perceive the goals of the criminal justice system when sentencing nonviolent offenders to imprisonment?

Response from Interviewee:

Interview question #3: How would you describe the benefits that the Nigeria criminal justice could gain in utilizing community corrections for nonviolent offenders in society?

Response from Interviewee:

Interview question #4: When sentencing offenders, especially nonviolent offenders, what are the sentencing options available to Nigerian judges for these nonviolent offenders?

Response from Interviewee:

Interview question #5: What are the sentencing preferences Nigeria superior courts of record would prefer to sentence nonviolent offenders?

Response from Interviewee:

Interview question #6: How will the sentencing preferences of the Nigeria superior court of record impact the consideration of implementing an alternative to incarceration for nonviolent offenders?

Response from Interviewee:

I want to use this opportunity to appreciate and thank My Lord for the time in granting me the audience to conduct this interview. The responses and comments of My Lord have been beneficial. I would like to request from my Lord whether My Lord has any question for me. Again, thank you for the audience you granted to me.