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HARMONISING ALTERNATIVE SENTENCES WITH CORRECTIONAL INFRASTRUCTURE – THE UNSPOKEN CHALLENGE OF SECTIONS 171, 172 AND 177 OF SIERRA LEONE'S CRIMINAL PROCEDURE ACT 2024

Aminata Kera Conteh[1],
Joseph Momoh Conteh[2i],
Mustapha Momoh Esq[3]
[1]Director of Finance,
Finance Department,
Political Party Regulation Commission of Sierra Leone,
Sierra Leone
PhD Candidate,
Institute of South-South Cooperation and Development (ISSCAD),
Peking University,
China
[2]Senior Administrator and Justice Sector Reform Researcher,
Justice Sector Coordination Office,
Ministry of Justice,
Sierra Leone
PhD Candidate,
Institute of South-South Cooperation and Development (ISSCAD),
Peking University,
China
[3]Editor and Proprietor,
Intern Newspaper,
Sierra Leone
Associate Counsel,
Jabbi Associates,
Jia-Jina Chambers,
Sierra Leone

Abstract:
Sections 171, 172 and 177 of Sierra Leone's Criminal Procedure Act 2024 introduce suspended sentences, deferred sentences and community punishment orders as humane alternatives to imprisonment. This article argues that these provisions, however well drafted, cannot deliver on their promise while the institutional architecture meant to support them remains absent. Drawing on official statistics, human rights reporting and the Justice Sector Coordination Office's own reform planning, the article documents an

[i] Correspondence: email josephmconteh2004@yahoo.com

overcrowding crisis in which correctional centres routinely hold five times their design capacity, alongside chronic shortages of food, medicine, staff and supervisory capacity. It shows that suspended and deferred sentences presuppose a probation and monitoring apparatus that barely exists, that community punishment orders presuppose host institutions and liability arrangements that have not been worked out, and that the Act itself is silent on the compliance mechanisms a conditional sentencing regime requires. The result is a familiar pattern in post-conflict law reform: legislative ambition unmatched by administrative capacity, a pattern traced here through its interaction with Sierra Leone's parallel crisis of prolonged pre-trial detention, since diversion after conviction cannot by itself relieve a correctional estate still filling with unconvicted remand prisoners. Drawing on comparative experience from Ghana, Nigeria and Liberia, and situating the analysis within the Tokyo Rules, the Bangkok Rules and Sierra Leone's wider human rights commitments, the article sets out a phased, costed roadmap for closing the gap between promise and delivery, beginning with pilot districts and inter-agency protocols, proceeding through targeted training and a financing strategy built on comparative cost evidence, and culminating in a national rollout sequenced over an indicative three-year horizon with monitoring and independent oversight built in from the outset. The article further proposes that the three provisions be prioritised according to the scale of supervisory infrastructure each presupposes, with suspended sentences treated as the most readily usable in the near term and community punishment orders, which require physical placements and liability arrangements that do not yet exist, sequenced for later development. It closes by acknowledging the limits of a doctrinal analysis conducted in the absence of published implementation data, proposing a concrete research agenda capable of testing its central claims as the Act's sentencing provisions mature in practice.

JEL: K14, K19, A10, D6

Keywords: Sierra Leone, Criminal Procedure Act 2024, alternative sentencing, suspended sentences, deferred sentences, community punishment orders, correctional infrastructure, prison overcrowding, non-custodial sentencing, justice sector reform

1. Introduction

Sierra Leone's justice sector has spent the better part of two decades trying to outrun a colonial-era inheritance. The Criminal Procedure Act, 1965, drafted for a different country and a different century, governed trials, committals and sentencing long after its assumptions about case volume, legal representation and prison capacity had ceased to hold. Its replacement, the Criminal Procedure Act 2024, was the product of what the Attorney General and Minister of Justice, Alpha Sesay, described at its launch as a twenty-year journey, and it was formally inaugurated at a ceremony at the High Court in Freetown on 16 September 2025 (Sierra Leone Police, 2025). Chief Justice Komba

Kamanda used the occasion to commend the Act for aligning the country's criminal procedure with international human rights standards, and the Inspector General of Police confirmed that officers nationwide had already been trained in its provisions (Sierra Leone Police, 2025).

Among the Act's most consequential innovations are its sentencing reforms. Part VII introduces, for the first time in a coherent statutory framework, suspended sentences under section 171, deferred sentences under section 172, and community punishment orders under section 177, sitting alongside provisions on absolute and conditional discharge. These are not minor procedural adjustments. They represent a deliberate shift in penal philosophy, away from a system in which imprisonment is the default response to conviction and towards one in which courts are equipped, and in some respects required, to consider whether a custodial sentence is actually necessary. The United Nations Development Programme has rightly described the Act as more than a legal reform: it is, in its words, a promise of faster trials, stronger protections for survivors, more humane sentencing options and greater fairness for vulnerable groups.

This article takes that promise seriously, and for that reason takes seriously the conditions under which it can or cannot be kept. Its central thesis is straightforward, though its implications are not: a sentencing reform is only as good as the institutions asked to carry it out, and in Sierra Leone today those institutions are not ready. Suspended and deferred sentences presuppose that someone, somewhere, is able to monitor compliance and respond when a condition is breached. Community punishment orders presuppose host institutions willing to receive offenders, supervisors willing to oversee their work, and a legal framework that allocates liability when something goes wrong. None of this exists in any developed form. What does exist is a correctional service operating, by its own regulator's account and by the account of independent monitors, at several multiples of its designed capacity, with chronic shortages of food, medical supplies, transport and trained staff (HRCSL, 2025; U.S. Department of State, 2024).

None of this is an argument against the reform. It is an argument against treating legislative drafting as the end of reform rather than its beginning. Sierra Leone has been here before. The Non-Custodial Sentencing Act 2014 already permitted community service, probation and other corrective measures, and a decade later that statutory language has yet to fully translate into routine judicial practice. The risk facing the CPA 2024 is that sections 171, 172 and 177 will suffer the same fate: provisions that exist on paper, occasionally invoked by an ambitious magistrate, but never embedded in ordinary practice because nobody built the machinery to support them.

This article is written from the vantage point of someone who has spent the better part of a career inside Sierra Leone's justice sector reform process, and who has, accordingly, watched well-intentioned legislation arrive without its implementing infrastructure more than once. The purpose here is not to relitigate the case for the CPA 2024, which this author supports without reservation, but to insist that the next phase of reform receive the same seriousness of attention that the legislative drafting itself received. A bill, however carefully drawn, is a description of what a justice system could do. It becomes a description of what a justice system actually does only once the people, the budget lines and the standard operating procedures stand behind it. Sierra Leone is, at the time of writing, roughly nine months into the operational life of the CPA 2024 sentencing provisions, a window in which patterns of either neglect or investment are still being set, and in which the cost of inattention compounds with every passing term of court.

A word on method and scope is appropriate at the outset. This article is a doctrinal and policy analysis rather than an empirical study built on original fieldwork; it draws on the statutory text of the CPA 2024, on the Justice Sector Coordination Office's own published strategy documents, on successive human rights monitoring of Sierra Leone's correctional system by the Human Rights Commission of Sierra Leone, the United States Department of State and independent civil society organisations, and on comparative material from Ghana, Nigeria and Liberia. It does not purport to offer a quantitative evaluation of how often sections 171, 172 and 177 have in fact been used since the Act's launch, since the disaggregated court data that would support such an evaluation is not, at the time of writing, systematically published in a form available for independent analysis. That absence of published implementation data is itself a finding, and one to which Part VII returns: a reform of this consequence ought to be accompanied by routine, public reporting on its own uptake, and the fact that no such reporting yet exists is symptomatic of the wider implementation gap the article describes. The analysis that follows should accordingly be read as a structural and institutional assessment, identifying where the architecture required by sections 171, 172 and 177 is absent or incomplete, rather than as a final verdict on case-level outcomes that only future, transparent data collection can properly establish.

The article proceeds in eight further parts. Part II sets out the legislative architecture of the alternative sentencing provisions and the intent behind them. Part III documents the state of Sierra Leone's correctional infrastructure across four dimensions: overcrowding, resourcing, health and welfare, and management and security. Part IV identifies the specific gaps between what the new sentencing provisions require and what the system can currently supply, including the absence of supervision capacity, the unresolved question of who hosts community punishment workers, the financial cost of continuing to imprison minor offenders, the silence of the Act itself on compliance mechanisms, and the provisions' interaction with bail and pre-trial detention. Part V situates the analysis within Sierra Leone's international and regional human rights commitments. Part VI draws comparative lessons from Ghana, Nigeria and Liberia. Part VII sets out a phased, costed set of recommendations. Part VIII sets out the limitations of the analysis and an agenda for future research. Part IX concludes.

2. The Legislative Promise: Alternative Sentencing Under the CPA 2024

Part VII of the Criminal Procedure Act 2024 reorganises the law on sentencing around a graduated set of options, of which imprisonment is now formally one choice among several rather than the presumptive response to conviction. Three provisions matter most for present purposes.

2.1 Section 171: Suspended Sentences

Section 171 empowers a court, having convicted a person and determined that a term of imprisonment of up to two years is the appropriate sentence, to suspend the operation of that sentence rather than commit the offender immediately to custody. The suspended sentence takes effect, and the offender is then liable to serve the original term, only if the offender commits a further imprisonable offence within one year of the order. The logic is familiar from comparable common law jurisdictions: the threat of imprisonment is retained as a deterrent and as a mark of the gravity of the original offence, while the offender is given a defined period in which to demonstrate that the threat need never be carried out. Used well, suspended sentences allow courts to mark the seriousness of an offence without removing a first-time or low-risk offender from employment, family responsibilities and community ties that often do more to prevent reoffending than a prison term would.

Several features of the section repay closer reading. The two-year ceiling is itself a deliberate proportionality control, confining the power to cases the legislature judged appropriate for diversion rather than leaving the threshold to judicial discretion alone, while the one-year operational period strikes a balance between giving the offender a meaningful incentive to remain law-abiding and avoiding an indefinite shadow hanging over a conviction long after the underlying conduct has receded. What the section does not do, and this point becomes central in Part IV below, is specify who is responsible for establishing whether the offender has in fact committed a further imprisonable offence during that year, nor does it create any obligation to monitor the offender's conduct more generally during the suspension period. The provision is, in this sense, self-executing only in the narrow case where a fresh prosecution happens to come before a court; in every other respect it depends on institutional infrastructure that lies outside the four corners of the section itself.

2.2 Section 172: Deferred Sentences

Section 172 takes a different approach to the same underlying problem. Where a court is satisfied that the appropriate sentence would not exceed two years, and where the convicted person consents, the court may defer passing sentence for up to six months. During that period the offender remains at liberty; the Act is explicit that the court cannot remand the person in custody during deferment. At the end of the deferment period the court considers the offender's conduct, including any restitution made, any change in circumstances, and any further offending, before determining the final sentence.

Deferred sentencing is, in effect, a structured opportunity for an offender to alter the facts that will determine their punishment. It is also, not incidentally, a provision that depends entirely on someone being able to observe and report on the offender's conduct during the deferment window, since the court has no basis for its eventual decision other than what is brought before it.

The consent requirement built into section 172 is a thoughtful safeguard, since it ensures that deferment is not imposed on an offender who would prefer the certainty of immediate sentencing to six months of uncertainty, and the explicit prohibition on remand during deferment is an important protection against the provision being used, in practice, as a backdoor route to pre-sentence detention. But consent and a remand prohibition do not, by themselves, answer the question of what evidence the court will actually have before it at the end of the six months. Section 172 contemplates that the court will weigh restitution, changed circumstances and further offending, yet none of these is self-reporting. Restitution must be verified; changed circumstances, such as securing employment or beginning a course of treatment, must be documented by someone in a position to confirm them; and further offending must be detected and brought to the court's attention through the ordinary channels of policing and prosecution, channels that, as Part III demonstrates, are themselves under significant strain. Without a designated officer tasked with assembling this picture, the deferment hearing risks becoming a formality in which the court has little more before it than it did at the original hearing, undermining the very purpose of the provision.

2.3 Section 177: Community Punishment Orders

Section 177 introduces community punishment orders, under which a convicted person may be required to perform unpaid work of up to sixty days. The Act contemplates a range of placements: work on youth projects, assistance at old people's homes, labour on correctional farms, cleaning of public places and painting of public buildings. Community punishment orders are the most administratively demanding of the three provisions, because unlike a suspended or deferred sentence, which can in principle be administered through the court's own file and a watching brief over the offender's record, a community punishment order requires an actual physical placement: an institution willing to receive the offender, a supervisor present to direct and verify the work, equipment and materials where relevant, and some means of recording attendance and completion.

The range of placement categories the section lists is itself worth examining for what it reveals about legislative intent. Youth projects and old people's homes suggest a deliberate ambition to connect offenders with visible, socially valued work that carries an element of restorative purpose, allowing an offender to make a tangible contribution to the kind of community institution their offence may, in some general sense, have undermined. Correctional farms, cleaning of public places and painting of public buildings are more straightforwardly labour-intensive placements, useful to the state and to local communities but carrying less of the restorative dimension associated with the first two categories. This mixture suggests that the drafters envisaged community punishment orders serving two related but distinct purposes simultaneously: a punitive purpose, in that the work is unpaid and the offender's time and labour are conscripted as a consequence of conviction, and a restorative or reintegrative purpose, in that the work, where well matched to the offender and the offence, can rebuild the offender's stake in community life rather than severing it, as a custodial sentence inevitably does. Realising the restorative dimension of section 177 in particular will depend heavily on the quality of placement matching that the implementing infrastructure, once built, is able to achieve, a further reason why the placement and supervision questions addressed in Part IV deserve the careful attention this article gives them.

2.4 Legislative Intent and the Promise of the Act

The drafters of the CPA 2024 did not invent these mechanisms from nothing. Sierra Leone's Non-Custodial Sentencing Act 2014 already established the principle that community service, probation and other corrective measures were lawful sentencing options, and the new Act can fairly be read as an attempt to consolidate, clarify and give renewed institutional weight to a set of tools that had existed in statute for a decade without becoming routine in practice. The Justice Sector Coordination Office's own Justice Sector Reform Strategy 2024 to 2030 situates the CPA reforms within a wider programme built around four pillars: increased and equal access to justice through a people-centred approach, improved case management and expedited justice delivery, enhanced adherence to human rights and the rule of law, and strengthened capacity for improved service delivery (Justice Sector Coordination Office, 2024).

The United Nations Development Programme's characterisation of the Act bears repeating, because it captures precisely the ambition this article takes as its starting point: the CPA 2024 is framed not merely as a legal reform but as a promise of change, bringing faster trials, stronger protections for survivors, more humane sentencing options and greater fairness for vulnerable groups. Sections 171, 172 and 177 are the clearest expression of that promise in the field of sentencing. They reflect an understanding, now well established in comparative criminal justice scholarship and in the practice of courts across the common law world, that imprisonment is frequently a disproportionate, expensive and counterproductive response to low-level offending, and that a justice system serious about rehabilitation and reintegration needs a wider toolkit than the prison cell.

It is worth being precise about why these three provisions, taken together, amount to more than incremental tidying of the statute book. Suspended and deferred sentences address the question of who should be diverted before a custodial term begins; community punishment orders address what should happen instead. Read together with the existing discharge provisions, sections 171, 172 and 177 give a sentencing court, for the first time in a single coherent instrument, a genuine continuum of response running from absolute discharge through conditional measures to custody, rather than the binary choice between a fine and imprisonment that has historically characterised practice in the lower courts. That continuum is the real legislative achievement of Part VII, and it is also precisely what makes the implementation question so consequential. A binary system, however blunt, asks little of supporting institutions beyond the capacity to hold those who are imprisoned. A continuum asks a great deal more: it asks the system to assess risk accurately, to track compliance reliably, and to maintain a credible threat of escalation when conditions are breached. The remainder of this article asks whether Sierra Leone currently possesses the tools to meet those demands.

2.5 Resourcing Assumptions Embedded in the Text

A close reading of sections 171, 172 and 177 reveals that each provision contains an implicit, unstated assumption about institutional capacity, an assumption the drafters were entitled to make as a matter of good legislative practice, since a sentencing statute is not the natural place to specify staffing establishments or budget lines, but one this article must make explicit if the gap between text and practice is to be properly understood. Section 171 assumes the existence of a mechanism for detecting and reporting further offending during the suspension period; in practice, this assumption rests on the ordinary functioning of the criminal justice system, on the police investigating and the prosecution charging any subsequent offence, but it does not require any additional act of supervision beyond what already occurs for any member of the public, which is precisely why suspended sentences are, in principle, the least demanding of the three provisions in resourcing terms. Section 172 assumes a more active form of monitoring: someone must observe and report on conduct, restitution and changed circumstances during the deferment period, a function that goes beyond the passive expectation embedded in section 171 and requires a designated officer or agency. Section 177 assumes the most, requiring physical infrastructure, a willing host institution, supervisory personnel and a liability framework, none of which the Act itself specifies.

This graduated resourcing burden has a direct implication for sequencing, taken up in detail in Part VII. It suggests that suspended sentences under section 171 are, of the three provisions, the most readily usable in the near term, since their operation depends primarily on the ordinary functioning of policing and prosecution rather than on a dedicated supervision apparatus that does not yet exist. Deferred sentences under section 172 occupy a middle position, usable with confidence only where some designated officer, even an existing court clerk or social welfare officer operating informally, can be tasked with the monitoring role the section presupposes. Community punishment orders under section 177 are, by contrast, the provision least ready for confident, widespread use today, precisely because they presuppose physical infrastructure and host relationships that, as documented in Part IV below, have not yet been built. Recognising this graduated burden allows the Judiciary and the Correctional Service to prioritise their limited implementation resources sensibly, rather than treating all three provisions as equally ready, or equally unready, for use.

3. The Correctional Reality: Infrastructure Deficits

Any assessment of whether sections 171, 172 and 177 can function as intended must begin with an honest account of the institution that sits behind them: the Sierra Leone Correctional Service. The picture that emerges from official monitoring, independent civil society reporting and successive United States Department of State human rights reports, which draw substantially on findings from the Human Rights Commission of Sierra Leone, is consistent across more than a decade of reporting and has not materially improved.

3.1 The Overcrowding Crisis

Sierra Leone's correctional estate is, and has for years been, severely overcrowded relative to its designed capacity. The U.S. Department of State's human rights reporting recorded that the country's prisons, designed for 2,495 inmates, held 5,561 individuals as of August 2023, an occupancy rate of more than twice the system's intended capacity (U.S. Department of State, 2024). The Freetown Male Correctional Centre, the country's largest facility and the one that most visibly bears the weight of the crisis, was designed to hold 324 inmates; in 2023 it held 1,820, and independent monitoring by the Campaign for Human Rights and Development International in February 2026 recorded 1,802 inmates in cells designed for single occupancy now accommodating as many as thirteen people each (Pan African Visions, 2026; U.S. Department of State, 2024). Earlier monitoring by the Institute for Legal Research and Advocacy for Justice recorded the Pademba Road facility holding more than six times its intended capacity in October 2023 (ILRAJ, 2023). The trend across the past decade has moved in one direction only: the 2019 figures already showed the same facility holding more than six times its design capacity, which suggests that whatever periodic decongestion exercises the judiciary has undertaken, including the Access to Justice through Judicial Week initiatives that secured the expedited review of hundreds of cases, have not been sufficient to alter the underlying trajectory (U.S. Department of State, 2024).

Female and pre-trial detention facilities show the same pattern at a smaller scale. Independent monitoring has repeatedly documented women held in numbers well beyond what their facilities were designed for, and pre-trial detention centres holding more than double their rated capacity, a fact made more troubling by the documented prevalence of prolonged pre-trial detention in the system: monitors have recorded detainees held for years without indictment, in some documented cases for more than four years, a pattern the Campaign for Human Rights and Development International has described as effectively serving a sentence before conviction (Pan African Visions, 2026). The cumulative effect of this overcrowding is not simply a matter of discomfort. It is the operational context within which every other deficiency in the system, medical, security and administrative, becomes more dangerous and more difficult to remedy.

It is important, for the purposes of this article, to be precise about what overcrowding of this magnitude means for sections 171, 172 and 177 specifically. A correctional service whose senior management is consumed, day to day, with the logistics of feeding, securing and providing minimal sanitation to a population five times the size its facilities were built for has little institutional bandwidth left over for the slower, less visible work of building a community supervision function from scratch. Overcrowding does not merely coexist with the implementation gap documented in Part IV; it actively produces it, by absorbing the administrative attention, the vehicles, the trained staff and the budget that a functioning probation and community punishment system would require. Decongestion and the operationalisation of sections 171, 172 and 177 are, in this sense, not two separate reform agendas but a single one, each dependent on progress in the other.

It is worth pausing on the causes of this overcrowding, since the diagnosis matters for the prescription. The crisis is not, on the evidence reviewed here, primarily a function of rising crime, nor of a correctional estate that has simply failed to expand alongside a growing population, although population growth has certainly played some part over the decades since the country's principal facilities were constructed. It is, far more directly, a function of the criminal justice system's own throughput: slow case progression through the courts, a heavy reliance on custodial remand pending trial, sentencing practice that has historically defaulted to imprisonment even for minor offences in the absence of credible alternatives, and limited use of the periodic decongestion exercises, such as Judicial Week, that the judiciary has from time to time deployed to relieve acute pressure. Each of these drivers is, in principle, addressable through measures already within the justice sector's own control, which is precisely what makes the persistence of the crisis across more than a decade of reporting so striking. The infrastructure to build new correctional capacity at the scale required to match current population figures, several thousand additional bed spaces nationally, would represent an enormous capital commitment that Sierra Leone's fiscal position makes unrealistic in the near term. Reducing the flow of minor offenders into the system through sections 171, 172 and 177, by contrast, requires investment that is an order of magnitude smaller, which is the central practical argument, alongside the human rights argument, for prioritising implementation of the new sentencing provisions over an exclusively supply-side response built around new prison construction.

3.2 Resource Deficits

Overcrowding sits alongside a chronic shortage of the basic resources a correctional system needs to function. The United Nations Development Programme's own assessment, conducted in preparation for its From Prisons to Corrections partnership with the Sierra Leone Correctional Service, identified human resource and logistics capability and inmates' welfare among the five thematic priority areas requiring urgent intervention, alongside safety and security, reformation and rehabilitation, and staff welfare (UNDP Sierra Leone, 2021). Stakeholder consultations conducted as part of UNDP's fragility assessment process recorded justice sector participants citing inadequate personnel and an insufficient number of vehicles to move inmates between facilities and courts as recurring operational obstacles, compounded by what participants described as political interference in case handling (UNDP, 2019). The Correctional Service's own reporting to oversight bodies has repeatedly acknowledged a general shortage of prison staff nationally, a shortage that independent monitors link directly to lapses in inmate safety and to the difficulty of maintaining basic security at facility perimeters (U.S. Department of State, 2024).

These are not abstract administrative gaps. A correctional system that cannot reliably move inmates between a remand facility and a courtroom, or that lacks the staff to supervise inmates inside the wire, is not a system that can be expected to supervise offenders performing community labour outside it, still less to monitor compliance with the conditions of a suspended or deferred sentence across the country's sixteen districts. The capacity constraints documented at the custodial end of the system are, if anything, an underestimate of the constraints that would be faced in extending supervision into the community.

Staff attrition compounds the resourcing problem in ways that are easy to overlook in a static reading of capacity figures. Poor conditions of service, inadequate accommodation for officers and the physical and psychological strain of working in chronically overcrowded facilities all contribute to a high rate of departure among trained correctional staff, meaning that whatever training and capacity-building investment is made tends to leak out of the system over time rather than accumulating within it. A community supervision function, unlike a custodial post, depends heavily on continuity: an offender on a deferred sentence benefits from being supervised by the same officer throughout the deferment period, who can build a working knowledge of that offender's circumstances and credibly assess genuine change in conduct. A system characterised by high staff turnover is poorly placed to offer that continuity, and any implementation plan must therefore treat staff retention, not merely staff recruitment, as a distinct and necessary objective.

3.3 Health and Welfare Concerns

The health and welfare conditions inside Sierra Leone's correctional centres have been documented consistently across successive reporting cycles. The Human Rights Commission of Sierra Leone has reported poor toilet facilities in correctional centres, with inmates in some facilities reduced to using buckets, and cells that lack adequate lighting, bedding, ventilation and protection from disease-carrying insects, while security considerations have led authorities to prohibit the use of mosquito nets in favour of less effective chemical repellents (U.S. Department of State, 2024). The same reporting has recorded dozens of deaths in custody attributable to conditions including malaria, respiratory and skin infections, hypertension, pulmonary tuberculosis and kidney disease, with the Human Rights Commission confirming that the causes of death reported by the Correctional Service are themselves related to overcrowding and poor hygienic conditions (U.S. Department of State, 2024).

Inmates' own priorities, as recorded by independent monitors over successive years, have remained remarkably stable and remarkably modest: nutritious food, access to medical and dental care, drinking water available at all times, and cells that are clean and not overcrowded. The persistence of these same demands across more than a decade of monitoring reports is itself a finding. It indicates not a series of isolated failures but a structural inability of the correctional budget and the correctional estate to meet needs that, in absolute terms, are not extravagant. A system that struggles to guarantee these minimum conditions to inmates already inside its walls is not a system with surplus capacity to extend welfare oversight, medical screening or risk assessment to offenders serving suspended sentences, deferred sentences or community punishment orders in the community.

The high prevalence of communicable disease within the system, including HIV, hepatitis and tuberculosis, adds a further dimension to this analysis that is directly relevant to the sentencing reforms under discussion. Comparable correctional settings elsewhere in the region illustrate why this matters in practical, not merely statistical, terms: congregate, overcrowded custodial environments are recognised internationally as high-transmission settings for airborne and bloodborne disease alike, and the same overcrowding documented in subsection A above that makes Sierra Leone's correctional centres difficult to manage safely also makes them difficult to manage healthily, with limited capacity for the isolation, screening and treatment continuity that effective disease control would require. From a purely public health standpoint, every offender diverted from custody under sections 171, 172 or 177, and every day of custodial time avoided through a deferred or suspended sentence, represents a reduction in the density of an already overstretched and disease-prone congregate setting. The health case for making these provisions operational is therefore not incidental to the human rights case; it reinforces it. A correctional system burdened by communicable disease has a direct institutional interest, separate from any consideration of offender welfare, in seeing custodial numbers fall, which is one further reason why investment in community supervision capacity should be understood as an investment in the health and safety of the custodial population that remains, not merely a service extended to those diverted from it.

3.4 Management and Security Deficits

Beyond questions of overcrowding and material welfare lies a deeper structural deficit in how the Correctional Service classifies, manages and secures the population in its care. Independent monitoring has consistently found that the system lacks any developed method for identifying the security risk or criminogenic needs of individual inmates, with the consequence that, in practice, all inmates are necessarily managed as though they present a high security risk, regardless of the nature of their offence or their actual behaviour (HRCSL, 2025). This is the single most consequential finding for the argument advanced in this article. A sentencing regime built around suspended sentences, deferred sentences and community punishment orders depends on a basic capacity to distinguish between offenders who can safely be diverted from custody and those who cannot. A correctional and judicial system that has not yet built the assessment tools to make that distinction for inmates already in custody is in a poor position to make it reliably for offenders being considered for diversion before sentence.

Physical security at correctional facilities compounds the problem. Monitors inspecting facilities in February 2026 found non-functional CCTV cameras and security scanners, correctional staff working in proximity to exposed and uninsulated electrical wiring, and fire-fighting equipment that was old and poorly maintained, conditions the inspecting organisation warned could trigger unrest or accidents in an already volatile environment (Pan African Visions, 2026). There is, on the evidence available, no developed procedure or practice that would give confidence that correctional centres and their senior management could respond effectively to a major fire, a riot, a hostage incident or another large-scale emergency. Management practices more broadly have been described by independent observers as outdated, a description consistent with facilities that, in large part, date from the colonial era and that have not undergone the kind of modernisation that the Human Rights Commission has itself recommended, including the decentralisation of correctional infrastructure away from a small number of overburdened urban centres (Pan African Visions, 2026).

For the purposes of this article, the significance of these classification and security deficits extends beyond the welfare of inmates currently in custody. A system that cannot reliably distinguish a low-risk offender from a high-risk one is a system poorly positioned to advise a sentencing court, at the point of conviction, on whether a given defendant is a suitable candidate for a suspended sentence, a deferred sentence or a community punishment order in the first place. Comparable jurisdictions that operate effective non-custodial sentencing regimes typically rely on a pre-sentence report, prepared by a probation or social welfare officer, assessing the offender's circumstances and the risk they present before the court makes its sentencing decision. Sierra Leone has no developed equivalent of this practice in routine use. Building one, even in skeletal form, should be regarded as a precondition for the safe and credible expansion of sections 171, 172 and 177, not an optional refinement to be added once the provisions are already in widespread use.

3.5 The Justice Sector Reform Strategy’s Own Diagnosis

It would be a mistake to read the foregoing account as an outsider's critique imposed on Sierra Leone's justice institutions from beyond their walls. The deficits documented in this Part are, in substantial measure, the same deficits the Justice Sector Coordination Office has itself identified in the Justice Sector Reform Strategy 2024 to 2030, the document that frames the country's own justice reform agenda for the remainder of this decade. The Strategy's commitment to strengthened capacity for improved service delivery, one of its four stated pillars, is itself an acknowledgement that existing capacity, across the justice sector broadly and within the Correctional Service specifically, is not adequate to the ambitions the sector has set for itself (Justice Sector Coordination Office, 2024). The Strategy's emphasis on enhanced adherence to human rights and the rule of law likewise tracks directly onto the conditions documented by the Human Rights Commission of Sierra Leone and reflected in successive United States Department of State reporting, conditions that, on the evidence reviewed here, have not materially improved over the period the Strategy itself covers.

This convergence between independent monitoring and the Justice Sector Coordination Office's own internal diagnosis matters for two reasons. First, it confirms that the account given in this article is not contested terrain within the sector itself; the institutions best placed to know the true state of correctional capacity have already, through their own strategic planning, acknowledged substantially the same picture. Second, and more constructively, it means that the recommendations advanced in Part VII below do not require persuading sceptical institutions of a problem they dispute, but rather require translating a diagnosis the sector has already accepted into the specific, sequenced investments that sections 171, 172 and 177 demand. The Strategy provides an existing institutional vehicle, an existing set of donor relationships, and an existing four-pillar framework into which the recommendations of this article can be directly inserted, rather than requiring an entirely new planning process to be built from first principles.

The task that remains is one of prioritisation and resourcing within a strategy already agreed, not one of persuading the sector to adopt a new strategy it does not already hold.

4. The Gap Between Law and Implementation

Having set out the legislative promise and the institutional reality, this part turns to the specific points at which the two fail to meet. Four gaps are examined: the absence of supervision capacity for suspended and deferred sentences, the unresolved practicalities of community punishment orders, the continuing financial and human cost of incarcerating minor offenders who might otherwise be diverted, and the silence of the Act itself on compliance and enforcement mechanisms.

4.1 Supervision Capacity for Suspended and Deferred Sentences

Both suspended and deferred sentences are, by their nature, conditional. A suspended sentence under section 171 is conditional on the offender not committing a further imprisonable offence within a year; a deferred sentence under section 172 is conditional on the offender's conduct during the deferment period being good enough to justify a more lenient final sentence. Neither condition enforces itself. Someone must know what the offender is doing, must be in a position to detect non-compliance, and must be able to bring that information back before the court in a form the court can act on. In jurisdictions where suspended and deferred sentencing function well, that role is performed by a probation service: trained officers who maintain a caseload of offenders, conduct regular check-ins, verify compliance with any attached conditions and report to the court.

Sierra Leone's probation function, to the extent it exists in operational form, is critically under-resourced. This is not a new observation. The Non-Custodial Sentencing Act 2014 already contemplated probation and community-based supervision as lawful sentencing tools, yet, as the legislative history of the CPA 2024 itself implicitly acknowledges by revisiting the same ground a decade later, that statutory language has yet to fully translate into routine judicial practice. If the Correctional Service does not have the current capacity to provide for inmate welfare inside its own walls, a problem documented at length in Part III above, it strains credulity to suppose that the same institution, without additional investment, is positioned to supervise an expanding caseload of offenders living in the community, scattered across sixteen districts, many of them rural and poorly served by the kind of transport infrastructure that supervisory visits would require.

The practical consequence is predictable and is already visible in the slow uptake of the Act's older sibling provisions. Magistrates and judges, however sympathetic to the principle of non-custodial sentencing, are understandably reluctant to impose a suspended or deferred sentence when they have no confidence that breach will be detected or that compliance will be meaningfully monitored. Where courts do impose such sentences, the absence of supervision risks converting a conditional measure into something closer to an unconditional discharge in practice, undermining both the deterrent function the legislature intended and public confidence in the sentencing regime.

A simple illustration makes the point concrete. Consider a magistrate in Kenema who convicts a first-time offender of a minor assault and concludes that a suspended sentence under section 171 is the appropriate disposal. The order is recorded, the offender is released, and the file is, in practice, closed until and unless the offender is brought before a court again on a fresh charge. Nobody checks in on the offender during the suspension period. Nobody verifies whether the offender has, for example, breached a condition of good behaviour short of committing a further imprisonable offence, because the Act does not require such a condition to be monitored and no agency has been tasked with monitoring it. The sentence functions, from the offender's perspective and from the system's perspective alike, as a conditional discharge with an unusually severe theoretical penalty attached. This is not what the legislature intended when it drew a careful distinction between suspended sentences, deferred sentences and absolute or conditional discharge as separate categories of disposal. The distinction is real in the statute and illusory in current practice, and it will remain illusory until a supervising agency exists to give it operational content.

4.2 Community Punishment Implementation Challenges

Section 177 raises a distinct and in some respects more acute set of practical questions. The provision requires, in effect, adequate arrangements for unpaid work, but the Act does not itself answer the operational questions that any such arrangement must resolve. Which institutions, concretely, have agreed to host offenders performing community punishment, and on what terms? Who supervises the work on a day-to-day basis, verifies attendance, and certifies completion of the sixty-day maximum? What happens if an offender is injured while painting a public building or labouring on a correctional farm, and who bears the liability for that injury: the state, the host institution, or neither? None of these questions has, on the evidence available, been resolved through implementing regulations, memoranda of understanding with prospective host institutions, or budgetary allocation.

The fiscal context in which these arrangements would need to be built is itself unpromising. Local councils, the institutions best placed in principle to host and supervise community punishment placements given their responsibility for public spaces, schools and local infrastructure, face what has been described as a financial drought that threatens to paralyse the delivery of education, health and other community services for which they are already responsible. Asking institutions that cannot reliably fund their existing statutory functions to absorb, without additional resourcing, the administrative burden of supervising offenders is not a realistic implementation strategy. The result, absent deliberate investment, is likely to be a provision that exists in statute but is rarely used in practice, because no court can in good conscience impose an order that no institution is prepared and resourced to receive.

There is, admittedly, a more optimistic reading available, and it deserves mention. Several of the placement categories the Act contemplates, work on correctional farms, cleaning of public places and painting of public buildings, fall naturally within the existing remit of the Correctional Service itself or of central government agencies already responsible for public infrastructure, rather than requiring entirely new host relationships to be negotiated from scratch. A correctional farm, for instance, is by definition an institution already under Correctional Service management, which somewhat simplifies the supervision and liability questions relative to placing an offender with an independent third party. The recommendations in Part VII accordingly propose that initial implementation concentrate on these lower-friction placement categories, building institutional confidence and a track record of safe, well-supervised community punishment before extending the model to placements requiring negotiation with external host institutions such as schools or care homes for the elderly.

4.3 The Cost of Inaction

The case for closing these gaps is not only a matter of principle. It is a matter of cost, both human and fiscal, and the scale of that cost is illustrated starkly by the composition of Sierra Leone's prison population. Reporting reviewed by the Auditor-General and reflected in domestic press coverage indicates that minor infractions, including abusive language, traffic violations, loitering and contempt of court, account for a substantial majority of correctional admissions: figures place this at roughly 63 percent of all admissions, equivalent to some 11,150 of a reported 17,650 total admissions. On the same accounting, the state directed approximately NLe108 million of a total inmate upkeep budget of NLe172 million towards the cost of detaining precisely these minor offenders, a disproportion the reporting attributes to the prolonged incarceration that petty offences, in the absence of viable alternatives, routinely attract.

This pattern is consistent with independent monitoring over many years, which has repeatedly documented that the large majority of Sierra Leone's prison population is young and is held for petty offences such as loitering, minor theft, traffic infractions and public order matters, often after extended periods of pre-trial detention attributable to delays in the court system rather than to the gravity of the alleged conduct. Civil society advocacy has, in consequence, called specifically for the decriminalisation of petty offences and for the expanded use of community service as a substitute for custody, on the grounds that criminalisation of poverty-driven conduct disproportionately burdens the poor and vulnerable without any demonstrable public safety benefit. Sections 171, 172 and 177 of the CPA 2024 were drafted, at least in part, to respond to precisely this category of case. The tragedy of the implementation gap documented in this article is that the offenders for whom these provisions are most obviously suited, those convicted of minor, non-violent offences, are also the offenders for whom the absence of supervision and placement infrastructure is currently most acute. The state is, in effect, continuing to pay to imprison the very population the new law was designed to divert.

There is a further, less visible cost that deserves emphasis in any responsible accounting. Every cedi, or more precisely every Leone, spent feeding, housing and securing a minor offender for a custodial term that diversion could have avoided is a Leone that is not available for the kind of investment in probation, supervision and pilot programming that Part VII of this article recommends. The current allocation of correctional spending is, in this narrow sense, self-perpetuating: by directing the bulk of available resources towards custody, it leaves little remaining for the alternatives that would, over time, reduce the demand for custody and free up resources for other priorities within an already constrained justice sector budget. Breaking that cycle requires a deliberate, front-loaded investment decision, accepting modest upfront cost in community supervision infrastructure in exchange for the larger downstream savings that a smaller, better-targeted custodial population would generate.

4.4 Compliance Mechanism Gaps

A final and more technical gap concerns the statutory text itself. Sections 171 through 173 are notably silent on several questions that any functioning system of conditional sentencing must answer. The Act specifies the consequence of committing a further imprisonable offence during the operational period of a suspended sentence, but it does not set out a graduated response to lesser breaches: failure to report, failure to comply with a condition short of further offending, or partial compliance. There is no statutory mechanism for varying the conditions of a suspended or deferred sentence once imposed, even where an offender's circumstances change in ways that make the original conditions impractical, for example through a change of employment, relocation, or illness. There is no statutory reporting requirement obliging any agency to bring evidence of compliance, or non-compliance, before the court at defined intervals, leaving the practical operation of supervision to informal arrangement rather than legal obligation. And the Act does not assign a clear role to the Correctional Service, as distinct from the courts, in the supervision of community-based sentences, leaving open the institutional question of who, precisely, is responsible when something goes wrong.

These are not fatal defects. Statutes of this kind are commonly, and appropriately, supplemented by subsidiary legislation, court rules and administrative guidance that fill in the operational detail Parliament leaves to be worked out by the institutions charged with implementation. But the absence of such instruments to date means that, even where the institutional capacity gaps identified in Part III were closed tomorrow, the legal architecture for compliance and variation would still need to be built before sections 171, 172 and 177 could function as a coherent and enforceable sentencing regime rather than a set of aspirational powers.

It is worth noting that the drafting choice to leave these matters silent is not unusual by the standards of comparable Commonwealth legislation, which typically establishes the broad sentencing power in the primary statute and leaves procedural detail to rules of court or to regulations made by the responsible minister. The difficulty in the Sierra Leonean context is not, therefore, that Parliament drafted sections 171 to 173 badly by the conventions of the genre. It is that, eighteen months after the Act's passage and several months after its formal launch, the subsidiary instruments that would normally follow close behind primary legislation of this kind have not yet been produced, leaving courts to apply the bare statutory text without the procedural scaffolding that would ordinarily accompany it. Closing this gap requires no fresh parliamentary time; it requires the exercise of existing rule-making authority by the Chief Justice and the responsible ministry, a task that is administratively far simpler than the institutional capacity building documented elsewhere in this Part, and one that could, in principle, be completed within a single legislative term if accorded appropriate priority.

4.5 Interaction with Bail and Pre-Trial Detention

No account of the implementation gap facing sections 171, 172 and 177 is complete without acknowledging a structural feature of Sierra Leone's correctional crisis that the new sentencing provisions, by themselves, cannot touch: the scale of prolonged pre-trial detention. A substantial proportion of the overcrowding documented in Part III is attributable not to convicted offenders serving sentences but to remand prisoners awaiting trial, in some documented cases for periods extending beyond four years (Pan African Visions, 2026). Sections 171, 172 and 177 operate only after conviction; they have no purchase on a population that has not yet been tried, and a justice system that diverts every eligible convicted offender from custody while simultaneously allowing pre-trial detention to grow unchecked will find that its overcrowding crisis persists largely undiminished, because the population driving that crisis was never the population the new sentencing provisions were designed to address.

This is not a criticism of sections 171, 172 and 177, which were never intended to solve the pre-trial detention problem and should not be judged a failure for failing to do so. It is, instead, a caution against over-claiming what the sentencing reforms can achieve on their own, and a reminder that the CPA 2024's bail provisions, its time limits on pre-trial detention, and its sentencing alternatives need to be implemented as a coordinated package rather than as separate initiatives proceeding at different speeds. A magistrate who refuses bail too readily, and a Correctional Service that cannot move remand prisoners to court promptly enough to keep pace with the case docket, will continue to fill correctional centres with unconvicted detainees regardless of how effectively suspended sentences, deferred sentences and community punishment orders are eventually operationalised for those who are convicted. The Justice Sector Reform Strategy's commitment to improved case management and expedited justice delivery is, in this sense, not a separate pillar from the sentencing reforms discussed in this article but a necessary precondition for their full benefit to be realised; decongestion achieved at the sentencing stage can be undone many times over by congestion left unaddressed at the remand stage.

There is, encouragingly, a complementary relationship available here rather than merely a competing claim on scarce resources. The same investment in supervision capacity that sections 171, 172 and 177 require, transport, trained personnel, case management systems and inter-agency coordination between courts, police and the Correctional Service, is largely fungible with the investment needed to expedite the movement of remand prisoners to court and to support a more confident, better-informed exercise of bail discretion by magistrates who can be assured that a released defendant will, in fact, be supervised pending trial. A coordinated investment strategy that treats pre-trial release and post-conviction diversion as two applications of the same underlying supervisory infrastructure, rather than as separate problems requiring separate solutions, is likely to deliver decongestion more efficiently than treating sections 171, 172 and 177 in isolation from the wider pre-trial detention crisis documented throughout this article.

5. International and Regional Standards

Sierra Leone's adoption of suspended sentences, deferred sentences and community punishment orders should be understood as part of a deliberate alignment with international standards on non-custodial sentencing, and the gap between that alignment in principle and its delivery in practice carries human rights as well as policy significance. The United Nations Standard Minimum Rules for Non-Custodial Measures, commonly known as the Tokyo Rules, establish imprisonment as a measure of last resort, to be reserved for cases where no other response is adequate, and call on member states to develop a range of non-custodial measures supported by the social services, supervisory structures and resources necessary to make those measures workable in practice. The Tokyo Rules are explicit that the introduction of non-custodial measures must be accompanied by the human and material resources needed for their effective administration; a state that legislates for alternatives without resourcing their delivery meets the letter of the Rules while frustrating their evident purpose.

The African Charter on Human and Peoples' Rights, to which Sierra Leone is party, guarantees the right to liberty and security of the person and requires that any deprivation of liberty be lawful and, by extension, proportionate to the conduct in question. A correctional system in which a substantial majority of admissions are attributable to minor, non-violent offences, and in which prolonged pre-trial detention routinely exceeds any plausible eventual sentence, sits uneasily with the Charter's proportionality requirements, reinforcing the case for making non-custodial alternatives genuinely operational rather than merely available in principle.

The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, known as the Bangkok Rules, are of particular relevance given the documented conditions facing women in Sierra Leone's correctional system, including facilities holding women well beyond rated capacity and, as independent monitors have recorded, young children living alongside incarcerated mothers in conditions plainly unsuited to early childhood welfare (Pan African Visions, 2026). The Bangkok Rules call specifically for gender-responsive alternatives to imprisonment, recognising that the collateral harm of incarcerating women, particularly primary caregivers, extends well beyond the individual offender to dependent children and family units. Sections 171, 172 and 177, properly resourced, are precisely the kind of instrument the Bangkok Rules envisage. Left unresourced, they instead become evidence of a gap between Sierra Leone's stated commitment to these standards and its administrative capacity to honour them.

It bears emphasis that these are not merely aspirational instruments without practical bite. Sierra Leone's periodic engagement with the Human Rights Council's Universal Periodic Review process, and its standing obligations under the African Charter and the instruments to which it has acceded, mean that the state's record on prison conditions and on the use of imprisonment as a last resort is subject to recurring international scrutiny, scrutiny in which both the existence of progressive sentencing legislation and the gap between that legislation and its implementation are likely to feature. A government that can point only to the text of sections 171, 172 and 177, without being able to demonstrate functioning supervision and placement infrastructure behind them, leaves itself exposed to the accurate but unflattering observation that legislative reform has outpaced institutional delivery. Closing that gap is therefore not only sound domestic policy but also the most direct way of converting Sierra Leone's international human rights commitments from a matter of periodic reporting into a matter of lived practice for the offenders the Act is meant to serve.

The United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Mandela Rules and already invoked in the training the Correctional Service has received from the United Nations Development Programme on their incorporation into daily practice, work in tandem with the Tokyo Rules rather than in competition with them. Where the Mandela Rules set minimum standards for the treatment of those who remain in custody, addressing exactly the overcrowding, sanitation, healthcare and classification deficits documented in Part III, the Tokyo Rules address the separate but related question of how many people need to be in custody in the first place. A correctional system that takes the Mandela Rules seriously has every reason to take the Tokyo Rules equally seriously, since the two reinforce one another: every offender successfully diverted under sections 171, 172 or 177 is one fewer person whose Mandela Rules entitlements the Correctional Service must struggle to meet within facilities already operating several times beyond designed capacity. Sierra Leone's commitment to Sustainable Development Goal 16, which calls for the promotion of peaceful, just and inclusive societies and access to justice for all, and which UNDP has explicitly linked to its correctional reform partnership with the Sierra Leone Correctional Service, provides a further policy anchor for treating decongestion through lawful, humane diversion as a development priority in its own right, rather than as a narrower technical question confined to the criminal law (UNDP Sierra Leone, 2021).

Sierra Leone's regional commitments under the Economic Community of West African States add a further, more immediate layer of accountability. ECOWAS member states have, through successive protocols and through the work of the ECOWAS Court of Justice, committed themselves to a shared regional standard on the protection of human rights, including the rights of persons deprived of their liberty, and Sierra Leonean nationals retain recourse to the ECOWAS Court where domestic remedies prove inadequate. The comparative material reviewed in Part VI, drawn from Ghana, Nigeria and Liberia, illustrates that Sierra Leone's challenges in this area are regional rather than uniquely national, but a shared regional problem does not relieve any individual state of its own treaty obligations. If anything, the existence of a credible regional model, in the form of the Lagos State non-custodial sentencing guidelines discussed below, raises rather than lowers the bar against which Sierra Leone's own implementation record will, in time, be measured by its regional peers and by the development partners who support the Justice Sector Reform Strategy.

6. Comparative Analysis: West African Experiences

Sierra Leone is not alone in West Africa in legislating for non-custodial sentencing ahead of the institutional capacity to deliver it, and the region's experience offers both cautionary lessons and constructive models.

Ghana's Criminal and Other Offences (Procedure) Act 1960 has, for more than six decades, provided courts with a range of punishments beyond imprisonment, including fines, recognisance for keeping the peace, and conditional discharge, while its Courts Act 1993 empowers courts to promote reconciliation and facilitate amicable settlement for non-aggravated misdemeanours. Yet practitioner commentary on Ghanaian sentencing practice records that custodial sentences remain dominant in practice despite this statutory breadth, with one experienced commentator noting an inability to point to a single concrete instance of community service being imposed as a sentence under Ghanaian law, despite its having existed as a legal possibility for years (Ghana Law Hub, 2025). The explanation offered is instructive for Sierra Leone: it is not only that legislation must exist, but that the offences for which courts are most frequently asked to sentence, including theft and assault, are precisely those for which custodial sentencing remains the default expectation among judges, prosecutors and the public, absent a deliberate institutional and cultural push towards alternatives.

The Ghanaian experience also illustrates a separate but related failure mode worth naming explicitly: a sentencing option can remain legally available for decades, cited in every textbook treatment of the relevant statute, and still never accumulate the body of judicial precedent, professional habit and institutional confidence that would make it a realistic choice in an ordinary case. Sierra Leone's lower courts, trained for generations in a system where imprisonment was the unremarkable default, face the same risk with sections 171, 172 and 177 unless deliberate steps are taken to interrupt that inherited habit. Judicial training of the kind recommended in Part VII is not, on this reading, a peripheral administrative detail; it is the principal mechanism by which a newly available sentencing option crosses the gap between legal possibility and routine practice, a gap Ghana's experience shows can otherwise persist indefinitely.

Nigeria's experience offers a more encouraging, if still incomplete, picture, and one that speaks directly to the kind of implementation infrastructure Sierra Leone now needs to build. The Administration of Criminal Justice Act 2015 first introduced probation, parole, community service and restorative justice measures into Nigerian federal criminal procedure, provisions subsequently reinforced by the Nigerian Correctional Service Act 2019. Scholarly assessment of the Nigerian experience has identified the same structural problem this article documents for Sierra Leone: the Act introduced these measures without adequately defining key terms such as probation, community service and restorative justice, leaving courts and administering agencies to improvise institutional arrangements that Parliament itself had left unspecified (Okeke, Obianyo & Ater, n.d.). Where Nigerian states have invested deliberately in implementation infrastructure, the results have been markedly better. In September 2025, the Chief Judge of Lagos State launched a compendium of uniform guidelines for judges, magistrates, police and other justice sector agencies on the application and enforcement of non-custodial sentencing options, explicitly designed to promote consistency in sentencing and to strengthen coordination across the institutions responsible for supervising community service, probation and fines (AllAfrica, 2025). The Lagos initiative, developed with support from the MacArthur Foundation, is precisely the kind of subsidiary, operational instrument that this article argues sections 171, 172 and 177 of the CPA 2024 currently lack.

The comparative lesson for Sierra Leone is twofold. First, the mere existence of statutory provision for non-custodial sentencing, as Ghana's six-decade experience demonstrates, is not sufficient to change sentencing practice; judicial culture and institutional habit are durable, and will continue to favour imprisonment unless courts are given concrete, trusted alternatives and the confidence that those alternatives will be properly administered. Second, as the Lagos example demonstrates, targeted investment in implementation guidance, inter-agency coordination and donor-supported capacity building can produce a working system within a comparatively short timeframe, provided the political will and resourcing exist. Sierra Leone's Justice Sector Reform Strategy 2024 to 2030 already commits the country to strengthened capacity for service delivery as one of its four pillars (Justice Sector Coordination Office, 2024); the recommendations that follow seek to translate that commitment into the specific instruments sections 171, 172 and 177 require.

A further regional pattern deserves attention. In both Ghana and Nigeria, as in Sierra Leone, the institutions ultimately tasked with non-custodial supervision have historically grown out of the prison or correctional service rather than being built as genuinely independent probation agencies, a structural choice with practical consequences. A supervisory function housed within the same institution responsible for custody tends, naturally enough, to be resourced and staffed as an afterthought relative to the custodial mission that consumes the institution's primary attention and budget, the very dynamic documented in Part III above. Jurisdictions that have made faster progress, including several within the wider Commonwealth, have generally done so by giving community supervision a distinct budget line, a distinct chain of accountability and, in time, a distinct professional identity from custodial work, so that investment in one does not have to be won at the expense of the other. This is a structural lesson Sierra Leone would do well to absorb early, before institutional habits harden in the direction Ghana and Nigeria have already found difficult to reverse.

Liberia offers the closest comparative parallel to Sierra Leone of any jurisdiction examined in this article, sharing a similar post-conflict trajectory, a similarly small and resource-constrained correctional estate, and a remarkably similar pattern of overcrowding driven substantially by pre-trial rather than convicted detainees. The United Nations Development Programme's own analysis of Liberia's correctional crisis records that more than three thousand people were held in Liberian prisons, of whom roughly seventy-one percent, some 2,137 individuals, were pre-trial detainees whose matters had not yet been brought to court, with Monrovia Central Prison alone, designed for 374 inmates, holding around 1,300 (UNDP, 2023). The proportions, and indeed the specific design-to-actual capacity ratio at Liberia's flagship facility, track Sierra Leone's own experience at the Freetown Male Correctional Centre with striking closeness. UNDP's assessment of the Liberian situation reaches a conclusion that could, with minimal alteration, be transplanted directly into this article: more probation sentencing would allow petty offenders to be supervised in the community rather than imprisoned, and community service could substitute for fines that offenders cannot afford to pay, but realising either option requires more probation officers in the field, upgraded skills among existing officers, and budgetary autonomy for the supervising agency, none of which currently exists in adequate measure (UNDP, 2023).

The Liberian experience is instructive precisely because it shows a near-identical diagnosis to the one this article advances for Sierra Leone, arrived at independently by a different set of monitors examining a different country, which strengthens rather than weakens the claim that the implementation gap documented here is a structural feature of under-resourced post-conflict correctional systems generally, not a peculiarity of Sierra Leonean administration. It also points to a regional solution worth Sierra Leone's serious consideration: a regional or sub-regional community of practice among Mano River Union and wider West African justice sector reformers, sharing training materials, sentencing guideline templates and monitoring frameworks across Sierra Leone, Liberia, Ghana and Nigeria, rather than each country developing its own implementation infrastructure for non-custodial sentencing in isolation. Given the closeness of the underlying problem across these jurisdictions, the marginal cost of adapting an existing Nigerian or Liberian training curriculum is likely to be substantially lower than developing equivalent materials from first principles in Freetown.

The financial case for this kind of investment is not merely intuitive. Comparative costing work conducted by the United Nations Office on Drugs and Crime on the introduction of community service schemes in resource-constrained settings, drawing on the Zimbabwean experience of the early 1990s, found that the monthly cost of supervising an offender on community service was approximately one third of the cost of keeping that same offender in custody (UNODC, n.d.). While Sierra Leone's own unit costs would need to be established through the kind of pilot programming recommended in Part VII rather than assumed by direct analogy, the order of magnitude is instructive: a system that invests in supervision capacity is not simply incurring a new cost alongside its existing custodial budget, it is substituting a markedly cheaper form of sanction for a markedly more expensive one, for the very population, minor and non-violent offenders, that Part IV identifies as both the most suitable for diversion and the most costly to continue imprisoning. The fiscal argument and the human rights argument, in other words, point in precisely the same direction.

7. Recommendations for Bridging the Gap

The recommendations that follow are deliberately sequenced. They assume, realistically, that Sierra Leone cannot resource a nationwide, fully staffed probation and community supervision system overnight, and they therefore prioritise measures that build credibility and capacity incrementally, learning from controlled experience before committing to national scale.

7.1 Institutional Development

The Justice Sector Coordination Office, in partnership with the Correctional Service, the Judiciary and the Ministry of Justice, should establish a National Community-Based Sentencing Framework setting out, in a single instrument, the operational rules that sections 171, 172 and 177 currently lack: criteria for eligibility, reporting obligations, the institutional role of the Correctional Service in supervision, and a graduated response to breach short of further offending. This framework should be developed as subsidiary legislation or court rules rather than left to ad hoc practice direction, so that its provisions carry binding force and are not subject to inconsistent application across districts.

Alongside this, sustained investment is required in probation and correctional supervision capacity specifically, rather than in custodial capacity alone. This means recruiting and training a dedicated cadre of supervision officers, distinct from custodial staff, whose caseload is community-based offenders rather than inmates, and providing them with the transport and communication resources documented in Part III as currently lacking across the system. Finally, inter-agency protocols should be formalised between the courts, the Sierra Leone Police, the Correctional Service and local councils, clarifying in writing who is responsible for what at each stage of a community-based sentence, from sentencing through placement, supervision, reporting and, where necessary, breach proceedings.

Consideration should also be given, as the system matures, to whether community supervision should ultimately sit within a structurally distinct unit of the Correctional Service, with its own budget line and chain of command, rather than being treated as a secondary duty assigned to custodial staff alongside their existing responsibilities. The comparative experience reviewed in Part VI suggests that supervisory functions housed as an afterthought within a custody-focused institution tend to remain under-resourced indefinitely, since they will always compete for funding against the more visible and more politically pressing demands of an overcrowded prison estate. A distinct institutional identity for community supervision, even if initially small, would help protect the function from being quietly deprioritised once the immediate pressure of the CPA 2024's launch has faded from public attention.

7.2 Pilot Programmes

Rather than attempting simultaneous national rollout, implementation should begin with pilot programmes in a small number of districts selected for a combination of manageable caseload, existing institutional partners and reasonable transport access, allowing the Correctional Service and Judiciary to test supervision models, refine reporting templates and identify unanticipated practical obstacles before committing to nationwide expansion. The Western Area and one or two provincial districts with active magistracy and existing council infrastructure would offer a defensible starting point. These pilots should be designed from the outset to generate the kind of operational data, caseloads handled, breach rates, completion rates and unit costs, that can inform a costed national rollout plan, and they should draw explicitly on the implementation lessons of the Justice Sector Reform Strategy 2024 to 2030, which already provides an existing institutional vehicle and donor relationships through which such piloting could be channelled (Justice Sector Coordination Office, 2024).

7.3 Capacity Building

Judicial officers require structured training on the practical use of sections 171, 172 and 177, not merely on their legal text but on the factors that should inform a decision to suspend, defer or divert: assessment of reoffending risk, the availability of supervision in the relevant district, and the appropriate matching of offence type to sentencing option.

Probation and correctional personnel assigned to community supervision require parallel training in case management, risk assessment and the basic interpersonal and investigative skills that effective supervision demands. None of this training needs to be developed from first principles; the Lagos State compendium and comparable materials developed in Nigeria and Ghana, together with the UN Office on Drugs and Crime's existing guidance on the Tokyo Rules, provide adaptable models that can shorten the development timeline considerably. Finally, public education is needed to build community confidence in non-custodial sentencing, since host institutions, employers and the wider public are more likely to support community punishment placements, and less likely to regard suspended or deferred sentences as a form of impunity, where the rationale and safeguards behind these measures are properly explained.

A specific curriculum module deserves separate mention given its centrality to the entire framework: training in the preparation of pre-sentence reports, the mechanism identified in Part III as the missing link between a court's sentencing decision and a reliable assessment of an offender's suitability for diversion. Even a basic pre-sentence report template, covering the offender's personal circumstances, prior record, the views of any victim where appropriate, and a structured risk assessment, would give magistrates a far stronger evidential basis for choosing between sections 171, 172 and 177 than currently exists, and would simultaneously generate the kind of case-level documentation that the monitoring and evaluation framework recommended in subsection E requires. Training social welfare officers, who in many districts already perform functions adjacent to this role in the context of juvenile justice and family matters, to prepare such reports for adult sentencing under the CPA 2024 would represent a comparatively low-cost extension of existing institutional capacity rather than the creation of an entirely new professional cadre, and should be prioritised accordingly within the first year of the implementation timeline set out in subsection G.

7.4 Legislative and Policy Refinements

The compliance mechanism gaps identified in Part IV should be addressed through targeted amendment or, more immediately, through court rules and practice directions issued under existing rule-making authority. These should specify clear reporting intervals during deferment and suspension periods, a graduated response to non-compliance short of further offending, an explicit procedure for varying conditions where an offender's circumstances change, and an unambiguous statement of the Correctional Service's supervisory role and reporting obligations to the court. Sentencing guidelines should be developed to support consistent judicial application of sections 171, 172 and 177 across districts, reducing the risk that access to non-custodial sentencing becomes, in practice, a function of which magistrate happens to hear a case. And the funding gap facing the Correctional Service must be addressed directly in the national budget process, with a specific, ring-fenced allocation for community supervision infrastructure, distinct from custodial budgets, so that investment in alternatives to imprisonment does not have to compete year on year with the urgent and visible demands of an already overcrowded prison estate.

7.5 Monitoring, Evaluation and Accountability

None of the foregoing will be credible, to courts, to development partners or to the public, without a transparent mechanism for tracking whether it is actually working. The Justice Sector Coordination Office should establish, as part of the National Community-Based Sentencing Framework proposed above, a small set of indicators reported on a quarterly basis: the number of suspended, deferred and community punishment orders made by district, the proportion successfully completed without breach, the proportion resulting in revocation, and the unit cost of supervision compared with the unit cost of custody for an equivalent offender profile. These figures already exist in part within the Correctional Service's internal reporting and within court records; the task is less one of new data collection than of consolidating, publishing and using data that is largely already generated.

Independent oversight should be built into this architecture from the outset rather than added retrospectively. The Human Rights Commission of Sierra Leone and civil society monitors such as Prison Watch Sierra Leone have, for more than a decade, performed exactly this function for custodial conditions, and there is no principled reason why their mandate, and that of comparable organisations, should not extend to periodic, independent review of community supervision practice as that practice develops. Early, credible evidence that suspended and deferred sentences are being properly monitored, and that community punishment placements are safe and well supervised, will do more to build judicial confidence in these provisions than any amount of training or guidance issued in the absence of a demonstrated track record.

7.5 Financing the Roadmap

None of the foregoing is costless, and a recommendations section that does not engage with financing risks repeating, in miniature, the very gap this article criticises in the Act itself: ambition unmatched by resourcing. Three financing principles should guide implementation. First, as the comparative costing evidence discussed in Part VI suggests, community supervision is, on the experience of comparable jurisdictions, markedly cheaper per offender per month than custody, which means that a credible business case can be made to the Ministry of Finance on cost-efficiency grounds alone, not solely on human rights grounds, provided the pilot programmes recommended in subsection B are designed from the outset to generate Sierra Leone-specific unit cost data rather than relying on extrapolation from other jurisdictions. Second, initial capital and training costs, recruiting and training a dedicated supervision cadre, developing case management tools, and producing the training curricula discussed in subsection C, are one-off or front-loaded costs that development partners already active in Sierra Leone's justice sector, including those supporting the Justice Sector Reform Strategy 2024 to 2030, are well placed to fund, given the close alignment between this article's recommendations and the Strategy's own stated pillars (Justice Sector Coordination Office, 2024). Third, recurrent costs, principally salaries, transport maintenance and supervision overheads, must ultimately be absorbed into the domestic budget if the reform is to be sustainable beyond the life of any single donor-funded project, and the funding gap identified in subsection D should accordingly be treated as a multi-year domestic budget commitment to be phased in alongside the pilot programme, rather than a one-time allocation.

A realistic financing plan should also anticipate the offsetting savings that successful diversion will generate over time, even though those savings will not be realised in the first budget cycle. As the custodial population convicted of minor offences falls, so too, eventually, does the recurrent cost of feeding, housing and providing medical care to that population, freeing resource within the existing correctional budget envelope that can, with appropriate budgetary discipline, be redirected towards community supervision rather than simply absorbed elsewhere. Treasury and Ministry of Justice budget planning should make this reallocation explicit and trackable from the outset, so that the savings generated by sections 171, 172 and 177 working as intended become a visible, reportable source of sustainable financing for their own continued operation, rather than a diffuse benefit that disappears into the general government budget without ever being credited to the reform that produced it.

7.6 Sequencing and Timeline

A credible roadmap requires a credible timeline, even an indicative one subject to revision as implementation proceeds. In the first year, priority should be given to the lower-cost, lower-complexity elements identified throughout this article: the issuance of court rules and practice directions addressing the compliance mechanism gaps documented in Part IV, the selection and preparation of one or two pilot districts, the negotiation of initial host arrangements concentrated on the lower-friction placement categories discussed in Part IV, namely correctional farms and public infrastructure under existing government management, and the commencement of judicial and supervisory training drawing on adapted Nigerian and Liberian materials. None of these steps requires new legislation, new construction or a fully built probation service, and all of them can plausibly be completed within twelve months given sufficient institutional priority.

In the second year, the pilot programmes should move from design to operation, generating the case-level data on caseloads, breach rates, completion rates and unit costs that subsection F identifies as necessary for a credible national costing exercise. This period should also see the formal establishment of the National Community-Based Sentencing Framework recommended in subsection A, informed by the practical lessons the pilots have by then generated, and the beginning of a deliberate decision on the longer-term institutional question of whether community supervision should sit within a structurally distinct unit of the Correctional Service. By the third year, assuming the pilots have demonstrated workable models and the financing principles set out in subsection F have secured a sustainable domestic budget commitment, a phased national rollout can begin, district by district, prioritising districts with existing magistracy infrastructure and reasonable transport access before extending to the most remote and under-resourced parts of the country, where the logistical challenges documented in Part III are most acute and will accordingly require the most time and the most resource to overcome.

This three-year horizon is necessarily indicative rather than binding, and a serious implementation plan would refine it through the kind of consultation with the Correctional Service, the Judiciary, local councils and development partners that lies beyond the scope of a single article. What matters, for present purposes, is the underlying principle the timeline embodies: that sections 171, 172 and 177 can be made to work, but only through a sequence of deliberate, resourced steps extending over several years, not through a single legislative act whose effects were always going to depend on what followed it. Sierra Leone has already taken the hardest step, in political terms, of passing a sentencing reform that runs against the grain of a punitive default that has dominated the country's criminal justice system for generations. The remaining steps are, in relative terms, more straightforward, but they will not complete themselves, and the timeline set out here is offered as a starting point for the more detailed implementation planning the Justice Sector Coordination Office and its partners are best placed to undertake.

8. Limitations and Directions for Future Research

This article has deliberately confined itself to a structural and doctrinal analysis of sections 171, 172 and 177 against the documented state of Sierra Leone's correctional and supervisory infrastructure. That choice carries limitations that should be stated plainly, both in fairness to the reader and as an agenda for the research that should follow.

First, the absence of systematically published, disaggregated data on the actual use of sections 171, 172 and 177 since the Act's launch, noted in Part I, means that this article's account of the implementation gap is necessarily inferential, built from the documented state of supporting institutions rather than from a direct count of how many suspended sentences, deferred sentences or community punishment orders have in fact been imposed, how many have been completed without breach, and how many have resulted in revocation. A rigorous empirical study of court records across a representative sample of magistracies, ideally repeated at intervals as implementation proceeds, would test the inferential argument advanced here directly and should be regarded as the single most valuable piece of follow-on research the Justice Sector Coordination Office or an independent academic partner could undertake. Such a study would also allow the graduated readiness assessment offered in Part II, that suspended sentences are likely to be the most readily usable of the three provisions and community punishment orders the least, to be tested against actual practice rather than left as a plausible but unverified prediction.

Second, this article has relied substantially on national-level reporting, principally from the United States Department of State, the Human Rights Commission of Sierra

Leone and international civil society organisations, supplemented by data reviewed in the Auditor-General's reporting and reflected in domestic press coverage. National-level reporting of this kind is well suited to establishing the broad contours of the correctional capacity crisis, but it is poorly suited to capturing the considerable variation in conditions, caseloads and institutional readiness that almost certainly exists between, for example, the Western Area and more remote provincial districts. The pilot programming recommended in Part VII would generate exactly this kind of district-level data as a natural by-product of implementation, and future research, whether conducted internally by the Justice Sector Coordination Office or externally by academic researchers, should prioritise district-level variation as a distinct object of study, since a national implementation strategy built on an assumption of uniform readiness across all sixteen districts risks failing in precisely the districts where capacity is weakest and need is greatest.

Third, this article has not attempted an original costing exercise specific to Sierra Leone, relying instead on comparative cost ratios drawn from Zimbabwe and on qualitative description of the resourcing burden each provision presupposes. A Sierra Leone-specific costing study, ideally conducted as part of the pilot programming itself rather than as a separate exercise, would substantially strengthen the financing case set out in Part VII and would allow the Ministry of Finance to evaluate the proposed investment against verified domestic unit costs rather than figures imported from other jurisdictions, however broadly comparable those jurisdictions may be in other respects.

Finally, this article has examined sections 171, 172 and 177 in isolation from the wider question of how Sierra Leone's customary and local court systems, which handle a substantial proportion of minor disputes and offences outside the formal magistracy structure examined here, might themselves be drawn into a coherent, sector-wide approach to diversion and non-custodial sanctioning. The interaction between formal and customary justice mechanisms in Sierra Leone is a substantial subject in its own right, and a fuller treatment of how sections 171, 172 and 177 might be complemented, or in some instances duplicated, by existing customary dispute resolution practice lies beyond what this article can responsibly cover, but represents a further and potentially significant avenue for future research and policy development.

9. Conclusion

Sections 171, 172 and 177 of the Criminal Procedure Act 2024 are good law, in the narrow sense that they reflect sound penal policy, align Sierra Leone with its international human rights commitments, and respond directly to a documented problem: a correctional system filled, at enormous human and fiscal cost, with offenders convicted of minor, non-violent conduct. But good law is not self-executing. The argument advanced in this article is not that the reform was wrongly conceived. It is that legislative ambition, without a matching commitment of institutional capacity, risks becoming reform in name only, a set of provisions available in principle to magistrates but unusable in practice because the courts have no confidence that suspended sentences will be monitored, that deferred sentences will be properly assessed, or that community punishment placements have anywhere real to send an offender.

The evidence reviewed here, drawn from the Correctional Service's own data, from the Human Rights Commission of Sierra Leone, from independent civil society monitoring and from the country's own Justice Sector Reform Strategy, points to a single conclusion: the gap between what the CPA 2024 promises and what the correctional and probation system can currently deliver is real, well documented and closeable, but only through deliberate, sequenced investment rather than through legislative text alone. The comparative experience of Ghana and Nigeria shows both the risk of inaction, statutory provisions left unused for decades, and the promise of action, a working compendium of non-custodial sentencing guidelines developed and launched within a single judicial term where the institutional will exists.

Sierra Leone's justice sector reformers, this author included, have a narrow window in which to ensure that sections 171, 172 and 177 do not join the Non-Custodial Sentencing Act 2014 on the list of provisions that exist in statute without existing in practice. The roadmap set out in Part VII, beginning with a clear institutional framework, tested through carefully chosen pilots, supported by targeted training and underpinned by ring-fenced funding, offers a realistic path from legislative promise to operational reality. The alternative, allowing these provisions to remain aspirational while the correctional system continues to absorb minor offenders at a cost the state can ill afford and a human toll it should not accept, would be the clearest evidence that the promise the United Nations Development Programme spoke of at the Act's launch remains, for now, only a promise.

What this article has tried to demonstrate, finally, is that the choice facing Sierra Leone is not between an ambitious sentencing reform and a cautious one. That choice was made when Parliament enacted sections 171, 172 and 177, and made rightly. The choice that remains is between an ambitious reform that is properly resourced and one that is not, between a justice system willing to follow legislative drafting with the unglamorous, sustained work of institution building, and one content to let good statutory language stand in for the institutions it presupposes. Comparative experience across West Africa, from Lagos to Monrovia, shows that this second path is the well-worn one, and that the first, though harder, is not beyond reach where the will to walk it exists. Sierra Leone now has the law it needs. What it builds around that law in the next several years will determine whether sections 171, 172 and 177 become, in fact, what they already are on paper: a more humane, more rational and more sustainable response to crime than the prison cell that has, for too long, been the country's only serious answer.

Conflict of Interest Statement

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About the Author(s)

Aminata Kera Conteh is pursuing her PhD in Theoretical Economics at ISSCAD, Peking University. She is the Director of Finance at the Political Parties Regulation Commission (PPRC) Sierra Leone. Her research concentrates on National Development (https://www.isscad.pku.edu.cn/, with a particular emphasis on Trade, Policy Development, and Finance. In addition to her academic expertise, Aminata is well-versed in finance, international trade, and political development. Her goal through doctoral research is to contribute valuable knowledge that bridges theoretical economics with practical applications, ultimately supporting effective development strategies throughout the Global South.

Joseph Momoh Conteh is also a PhD candidate in Theoretical Economics at the Institute of South-South Cooperation and Development (ISSCAD), Peking University, Beijing, China (https://www.isscad.pku.edu.cn/). He is the ICT/Administrative Coordinator for the Justice Sector Coordination Office with 16 years of working experience (https://jsco.gov.sl). His research primarily focuses on National Development, encompassing key areas such as Aid Development, International cooperation, Trade, Information and Communication Technology for Development, Administration, Policy Development, and finance. Through his doctoral studies, Joseph is committed to advancing economic theory while providing actionable insights that inform and shape sustainable development policies across the Global South. His academic account: https://ufl.academia.edu/JosephConteh, and Research Gate account https://www.researchgate.net/profile/Joseph-Conteh-6?ev=hdr_xprf

Mustapha Momoh Esq. was called to the Sierra Leone Bar on 16 December 2025 and is completing his pupillage at Jabbi Associates, Jia-Jina Chambers, Freetown. Drawing on more than eight years in journalism, public relations and development communications, he co-founded and serves as Managing Editor of The Intern, a teaching newspaper for journalism students, and is Editor-in-Chief of the Pharmacy Board of Sierra Leone's

Information and Communications Department. Holding a BA (Hons) in Mass Communications alongside his LLB and BL, he unites a journalist's clarity with a lawyer's rigour, and remains active in legal, football and church circles.

Together, Aminata, Joseph and Mustapha bring a shared dedication to exploring judicial reforms, political and innovative economic solutions aimed at fostering growth and development in sub-Saharan Africa and the emerging regions worldwide.

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