

**DEPARTMENT OF SOCIOLOGY AND SOCIAL WORK
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**COMMUNITY SERVICE ORDERS AS ALTERNATIVE TO IMPRISONMENT IN
KENYA: THE CASE OF KIBERA PROBATION OFFICE**

BY

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November, 2017

DECLARATION

I hereby declare that this research project paper is my original work, and that it has not been presented for the award of a degree in this or any other University.

Signature.....

Date.....

Gitao Nyawira Anne

This research project has been submitted for examination with my approval as the University supervisor.

Signature.....

Date.....

Dr. K. Kiemo

DEDICATION

To all the people who strive to make our communities safer places to live in. I salute you.

ACKNOWLEDGEMENTS

I would like to acknowledge my supervisor, Dr. K Kiemo, for his professional guidance and critique.

And a special thank you to my niece, Yvonne Muiruri for assisting with the final edits.

ABSTRACT

Community Service Orders was introduced in Kenya by the community Service Orders Act No.10/1998. The study attempted to establish the use of community service Orders as an alternative to imprisonment in Kenya, and more specifically the use of community service as a substitute for custodial sentences. The study reviewed the type of offences and offenders for which Community Service Orders was imposed, frequency of use, duration of the orders and, the current practices in the implementation of the program. The study design was descriptive and used survey methods by which data was corrected from a representative sample of the study population. Both probability and non-probability sampling techniques were applied in the sampling. The data was collected from both primary and secondary sources. Primary data was obtained from the respondents while secondary data was obtained from the Probation Department case management records, such as case ledgers, attendance registers, periodical reports and, profile of the agencies hosting offenders serving community service orders.

The study finds that offenders committed to CSO are grouped into two categories. One category consists of offenders sentenced to a one day community service order, referred to as 'short term' and who are the majority, at 94.9%. Most offenders in this group are charged with very petty offences such as consumption of illicit liquor, playing pool, affray, among others. The notable feature in committal of such cases is that courts do not call for pre-sentence report, and are hence referred to as 'direct placements'. The other group consists of offenders mainly sentenced to between one month and 36 months. Most of these involve relatively serious offences such as stealing, possession of narcotic drugs, possession of illicit liquor and theft of motor vehicle. This category is referred to as 'long term' and a pre-sentence report is usually called for by the courts.

The study findings show that courts do make use of community service orders. However, with the greater majority of offenders receiving a one day community service order sentence, it may be difficult to determine that community service is being used as substitute for imprisonment. This is due to the probability that such offenders may have received other non-custodial and less severe sanctions, including, among others, small fines and discharges, rather than imprisonment. This kind of 'duration' is also not likely to achieve any meaningful rehabilitative impact on the offender. This study recommends legislation of the lower threshold for Community Service Orders, and, sentencing guidelines, to reduce disparities in sentencing offenders to community service. In view of the variance between the offenders' personal problems that were discussed with the probation officer, which is scored highly by both the offenders and the officers, and assistance given to solve the problems, which is scored very low especially by the offenders, more need to be done in addressing both the personal and criminogenic needs of the offender, which is crucial for rehabilitation.

ABBREVIATIONS/ACRONYMS

ANPPCAN	Africa Network for the Prevention and Protection against Child Abuse and Neglect
CSO	Community Service Orders
EMPE	Extra Mural Penal Employment
ERSEWC	Economic Recovery Strategy for Employment and Wealth Creation
GOK	Government of Kenya
PRI	Penal Reform International
UN	United Nations
UNAFEI	United Nations Africa and Far East Institute
UNICRI	United Nations International Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime

TABLE OF CONTENTS

DECLARATION	ii
DEDICATION	iii
ACKNOWLEDGEMENTS	iv
ABSTRACT	v
ABBREVIATIONS/ACRONYMS	vi
TABLE OF CONTENTS	vii
LIST OF TABLES	xi

CHAPTER ONE: INTRODUCTION

1.1 Background of study	1
1.1 Statement of the Research Problem	6
1.2 Key Research Questions	8
1.4 Study Objectives	9
1.4.1 Broad objective	9
1.4.2 Specific objectives	9
1.5 Justification of Study	9
1.6 Scope and Limitation	10
1.7 Definition of Key Terms and Concepts	11

CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction	12
2.2 Community Service Orders as Substitute for Custodial Sentences	12
2.3 Community Service and Rehabilitation of Offenders	15
2.4 Implementation of Community Service Orders	16
2.5 Constraints Associated With the Implementation of Community Service Orders	18
2.5.1 Policy and Legal related constraints	18
2.5.2 Management Style	19
2.5.3 Public opinion	20

2.5.4 Inadequate funding	21
2.6 Theoretical Framework	22
2.6.1 Social control theory.....	22
2.6.2 Systems theory.....	24
Figure 2.1 Conceptual Model.....	25

CHAPTER THREE: METHODOLOGY

3.1 Site of study.....	26
3.2 Research design.....	26
3.3 Target population	27
3.4 Units of analysis	28
3.5 Units of observation	28
3.6 Sample Size and Sampling Procedure.....	28
3.7 Data collection.....	29
3.7.1 Type of data	29
3.7.2 Methods and tools for data collection.....	29
3.7.2.1 Questionnaires	30
3.7.2.2 Face to Face Interviews	30
3.7.2.3 Secondary sources	30
3. 8. Data analysis	30
3.9 Ethical issues.....	31
3.10 Problems Encountered.....	31

CHAPTER FOUR: DATA PRESENTATION AND ANALYSIS

4.1 Demographic characteristics of respondents.....	32
4. 1.1 Age distribution of offenders.....	32
4.1.2 Marital status of offenders	33
4.1.3 Level of education of offenders.....	33
4.1.4 Area of Study for Probation officers	34
4.1.5 Supervisor’s level of education	34
4.1.6 Position of supervisor at the agency	35

4.1.7	Period worked as supervisor.....	36
4.1.8	Residents’ level of education and period lived within the community	37
4.1.9	Period lived in the community.....	37
4. 2	Offences and offenders for which community service orders was imposed.....	38
4.2.1	Types offences committed by the sampled offenders	38
4.2.2	Duration of community service order of the sampled offenders	39
4.2.3	Records of previous conviction of the offenders.....	40
4.2.4	Occupation of offender prior to imposition of community service order.....	41
4.2.5	Review of records on offences and offenders for whom community service orders was imposed.....	41
4. 3	Implementation of Community Service Orders	42
4.3.1	Views of Probation officers on certain aspect on implementation of community service orders program.....	42
4.3.2	Visits to work placement agencies by probation officers.....	43
4.3.3	Guidelines for supervisors	43
4.3.4	Availability of guidelines to supervisors	44
4.3.5	Supervisors’ understanding of their role	44
4.3.6	Training of supervisors on community service orders	45
4.3.7	Category of agency in which supervisors worked.....	46
4.3.8	Frequency of offenders’ meetings with the probation officer	46
4.3.9	Understanding of the requirements of the community service orders by offenders.....	47
4.3.10	Type of work undertaken by offenders.....	48
4.3.11	Community service orders and skills acquisition by offenders	49
4.3.12	Discussion of offender’s personal problems with the probation officer	50
4.3.13	Supervisors knowledge of offenders that they supervise	51
4.3.14	Residents’ knowledge of community service orders.....	51
4.4	Perceptions of probation officers, supervisors, offenders, and, residents, of specific aspects of community service orders.....	52
4.4.1	Probation officers’ and supervisors’ perceptions of the purpose most accomplished by community service orders.....	52
4.4 .2	Sentence preferred by offenders	53
4.4.3	Offender’s relationship with family once placed on community service.....	53

4.4.4 Perceptions offenders of the overall support given while serving the order	54
4.4.5 Perceptions of the residents on various aspects of community service orders.	55
4.4.6 Aspects of community service orders appreciated by residents	56
4.4.7 Acceptance of offenders by the residents	56
4.5 Constraints Associated With Implementation of the Community Service Program.....	57
4.5.1 Management style.....	57
4.5.2 Lack of sentencing guidelines	58
4.5.3 Inadequate resources.....	58
4.5.4 Public opinion.....	59

**CHAPTER FIVE: SUMMARY OF KEY FINDINGS, CONCLUSION,
RECOMMENDATION AND AREAS OF FURTHER STUDIES**

5.1 Summary	60
5.2 Conclusion.....	63
5.3 Recommendation.....	63
5.4 Areas for Further Study.....	64
REFERENCES.....	65
ANNEXES	69
QUESTIONNAIRE FOR OFFENDERS	69
QUESTIONNAIRE FOR PROBATION OFFICER.....	72
QUESTIONNAIRE FOR SUPERVISOR.....	76
QUESTIONNAIRE FOR RESIDENTS.....	80
INTERVIEW GUIDE FOR OFFENDERS.....	82
INTERVIEW GUIDE FOR RESIDENTS	83

LIST OF TABLES

Table 4.1 Distribution of offenders by age.....	32
Table 4.2 Distribution of offenders by marital status.....	33
Table 4.3 Distribution of offenders by level of education.....	34
Table 4.4 Distribution of supervisors by level of education.....	35
Table 4.5 Distribution of supervisors by position in the agency.....	36
Table 4.6 Distribution of supervisors by period worked as community service supervisor.....	36
Table 4.7 Distribution of residents by level of education.....	37
Table 4.8 Distribution of residents by period resided in the community.....	38
Table 4.9 Distribution of offenders by offence type.....	39
Table 4.10 Duration of the Community Service Orders sentences.....	40
Table 4.11 Records of previous conviction of the offenders.....	40
Table 4.12 Offenders occupation prior to imposition of the community service order.....	41
Table 4.13 Availability of guidelines to the supervisors.....	44
Table 4.14 Supervisors' understanding of the their role.....	45
Table 4.15 Supervisors' training on community service orders.....	45
Table 4.16 Category of agency where supervisors worked.....	46
Table 4.17 Offenders' meetings with the probation officer.....	47
Table 4.18 Offenders' understanding of the requirements of the community service orders.....	48
Table 4.19 Community service work undertaken by offenders.....	49
Table 4.20 Offenders' skills acquisition through community service work.....	49
Table 4.21 Nature of problems discussed.....	50
Table 4.22 Supervisors' knowledge of the offenders.....	51
Table 4.23 Probation officers' and supervisors' perception of the purpose most accomplished by community service orders.....	52
Table 4.24 Offenders' preference of community service orders over imprisonment.....	53
Table 4.25 Offenders relationship with the family since being placed on community service.....	54
Table 4.26 Offenders' perception of overall support given while serving the order.....	54
Table 4.27 Residents' perceptions on various aspects of community service orders.....	55
Table 4.28 Aspects of community service orders most appreciated by the residents.....	56
Table 4.29 Residents' acceptance of offenders in the community.....	57

CHAPTER ONE

INTRODUCTION

1.1 Background of study

Community service programs were first introduced in Alameda County, California in the United States in 1966, as alternative to imprisonment for certain types of offenders, such as traffic violators and other non-violent offenders (Klaus 1998). In the United Kingdom, Parliament enacted legislation in early 1970s giving the courts specific powers to order community service as a sentencing option and not just as a condition of probation (Prison Fellowship International, 1996). More recently, community service has been legislated in several Western, Asian and, a number of countries in Africa (McIvor et al, 2010; PRI, 2007).

Morris et al (1990) define community service orders as a program through which convicted offenders are placed in unpaid positions with non-profit or tax-supported agencies to perform work for a specified number of hours within a given time limit as a sentencing option. According to Tak (1986) performance of work for the general community and societal good as an alternative to taking away a person's liberty has been recognized for ages. However, attempts by governments to deal with the high prison population, the ever rising cost of correction, and, a realization that prison has failed to achieve its stated goals, has popularized community service orders during the last three decade (UNODC, 2007; PRI, 2007).

Criminal justice administration policies are attributed to four main goals. These are: retribution, deterrence, incapacitation, and rehabilitation. Retribution refers to 'just desert': that people who break the law deserve to be punished. This was the prevalent logic of dealing with crime and

offenders in the medieval times. Deterrence is based on the logic that offenders are deterred from committing crimes out of a rationale calculation that the cost of crime is too great. The idea is that those who are punished will refrain from committing crime in future to avoid further punishment. Accordingly, those who receive more severe punishment will be less likely to engage in future criminal behavior (Freinburger et al 2011). Incapacitation prevents crime against the public through physical detention: As long as the offenders are incarcerated, they cannot commit further crimes. Rehabilitation on the other hand seeks to bring about change in the attitude of the offenders through the realization that their illegal conduct is wrong and hence will desist from the conduct in future (Paranjape, 1994; Mackenzie, 2001).

Wright (2010) asserts that the severity of punishment may influence behavior if potential offenders weigh the pros and cons of their actions and conclude that the risk of punishment is too great, but it is not always the case that human beings consider the consequences of their behavior. People who are under the influence of alcohol or drugs at the time the offence is committed or those who act out of provocation (unpremeditated crime) such as assault and manslaughter, for instance, may not take time to consider the pros and cons of their actions.

Although initially designed to provide a punitive and less costly alternative to imprisonment, the justification for continued public support of community service has shifted over time (McDonald, 1989; Wood, 2012). Bright (2016) posits that as community service orders gained public support the restorative element was thought to provide the 'attraction'. By mid-1970s the rehabilitative potential of community service orders was been emphasized as the predominant rationale for community service orders (Klaus 1998). Studies suggest that Community Service

orders can have rehabilitative effects on offenders. Offenders who viewed their experience of community service as positive and worthwhile in a number of respects, for instance, were found to be more likely to comply with the order and less likely to re-offend (McIvor, 1992).

The application of community service orders have varied in different jurisdictions. A study (Hudson et al, 1990) of American community service programs identified two types of community service. One type used community service in combination with other sanctions such as monetary compensation and targeted relatively serious offences. The other type required offenders to perform community service only. Offenders who benefitted from the second group of the program were those who had committed less serious offences. Harris et al (2002) posit that community service in US was ‘patchy and localized’.

In Rwanda, Community service was introduced in 2005 as a response to the legal crisis in the after-math of the 1994 genocide in the country. It was used in specially constituted traditional community courts known as the ‘Gacaca’ which were established as part of justice and reconciliation efforts. Persons accused of participating in the genocidal crimes who benefitted from community service were those who confessed their crimes, repented and sought reconciliation with the community. Approximately 1.2 million cases were tried by the Gacaca courts throughout the country (<http://www.un.org/en/preventgenocide/Rwanda> acc.2.5.2017). Though the crimes were of serious nature, incarceration of such high numbers of people would have put a great strain on the state budget and present logistic difficulties to an already overcrowded prison system (PRI, 2007).

Study findings also show that Community Service Orders is supported in varying degrees in different regions of the world. An International Crime (Victim) Survey which was carried out in 1989, 1992, and 1996/97 and involved 60 countries all over the world found that Community Service Orders as a sentencing option was favored by one third of the 130, 000 sampled respondents. Further, the survey found that Community Service Orders was the preferred sentence by almost half of the respondents in Western Europe followed by approximately one third each in America and countries in transition, such as Poland, the Czech Republic, Hungary and Yugoslavia. Only 10% of the respondents from Asia and Africa favored community service (Zvekic, 1997).

According to Oznur (2011), there appears to be no uniform understanding of the place of community service in the “sentencing tariff”. He notes that a survey of perceptions of community service in the experimental scheme in UK revealed that in some areas, community service was seen exclusively as alternative to custodial sentences whereas in others it had wider use, including, been an alternative to probation and fine. He further notes that despite attempts, including ruling by the court of appeal, to encourage the use of Community Service Orders on cases that would otherwise be dealt with by a sentence of imprisonment, Community Service Orders remained, in practice, an ‘alternative disposal method and not an alternative to imprisonment’.

In Africa, community service was first introduced in Zimbabwe in 1994. Prior to its introduction, the prison population in the country had risen dramatically , due, in part, to rise in crime rates and failure by increasing numbers of offenders to pay the fine set by the courts and ending up in

prison (PRI,1997). Following the success of the Zimbabwe scheme, community service was discussed at various regional forums before it was introduced into the penal codes of a number of countries in the region; Kenya included (PRI, 2007).

The International Conference on Prison Conditions in Africa held in Kampala, Uganda, in 1996, called for wider legislation of non-custodial measures and specifically Community Service orders as strategy for reducing overcrowding in prison (Kampala Declaration, 1996). The following year, the participants at the first International Conference on Community Service in Africa held in Kadoma, Zimbabwe, drafted the Kadoma Declaration on Community Service Orders in Africa, which was adopted by the Economic and Social Council of the UN. The participants also outlined a Code of Conduct for National Committees on Community Service and an Action Plan, both of which were used as a basis for the establishment of community service schemes in many African countries (PRI, 2007).

Most alternative sanctions are supported by the argument that they will be imposed on offenders who otherwise would receive sentences of imprisonment (Morris et al, 1990). However prison population has continued to increase to unprecedented levels despite increase in the number of alternative sentencing options available to courts, community service orders included. This may be construed to mean that the new sanctions are not being used as envisaged. In Scotland, for instance, Community Service Orders accounts for a mere 4% of persons sentenced by the courts in the country (McIvor et al, 2010).

In Kenya community service was introduced by the enactment of the Community Service Orders Act, No. 10 of 1998 as part of penal reforms initiated by the government following concerns by human rights watchdogs and other stakeholders in the criminal justice administration on the rising prison population, the deplorable living conditions, and human rights issues (GOK/PRI 2001). Prior to the enactment, there existed various other alternatives to imprisonment such as suspended sentence, fine, probation and, the Extra Mural Penal Employment (EMPE), among others. These had proved inadequate especially in reducing the use of imprisonment hence the need for review (PRI, 2002: PRI/GOK, 2000).

However, available information indicates that correctional services in the country continue to be faced by much the same problems. For instance overcrowding in prison appears to be endemic, with majority of the in-mates being petty offenders (GOK, 2005; GOK, 2008). This study broadly seeks to investigate the use of Community Service orders as alternative to imprisonment and the constraints associated with the implementation of the program.

1.2 Statement of the Research Problem

Availability of community service orders to the court was expected to reduce the use of custodial sentences and hence easing of overcrowding in prison. Community service orders sentencing instead of imprisonment would also promote reformation of offenders and reduce chances of reoffending and reconviction.

However, available information suggests that there may be gaps between policy and practice as reflected, for instance, by the large numbers of petty offenders sentenced to imprisonment. A

report by the Inter-Ministerial Taskforce on Decongestion of Prison in Kenya (GOK,2005) which was formed in the aftermath of the death of a number of in-mates at the Meru GK prison in October, 2004, due to congestion related causes (GOK, 2008), indicates that by the time the task force was formed, 18,724 (66%) of the convicted in-mates in prison country wide, were serving sentences of three years and below, which forms the bracket targeted by CSO Act, compared to 9,499 (34%) sentenced to three years and above. Imprisonment of large number of offenders who are eligible for CSO may contribute to the view that courts are not inclined towards CSO in sentencing offenders. On the other hand, the report indicates that over 240,000 offenders had been committed to serve Community service orders since its inception in July, 1999. This raises the question as to which offenders are being sentenced to serve CSO by the courts.

For community service orders to achieve its envisaged objectives, it requires the support of all the stakeholders. However, genuine support requires acknowledgement by the stakeholders of the legitimacy of the program, the institutions involved and, the methods used (Kiprono, 2007). Reports indicates that community service orders sentencing elicit different views from the perspective of members of the various criminal justice agencies, including the police, prison personnel, magistrates and, probation officers, on various aspects, including, the application, administration, capacity, and effectiveness of community service orders (GOK, 2005). This may suggest that issues of community service are not clearly understood even by those expected to implement the program. Yet various government policy documents show that greater use of Community Service Orders remain a foremost strategy expected to help in addressing the

challenges facing criminal justice administration and the correctional services in particular (GOK 2003; GOK,2008).

The assumption of the study is that there are specific factors that affect the implementation of community service orders as alternative to imprisonment and that the findings of this study will contribute in addressing the related issues.

1.3 Key Research Questions

The study was guided by the following research questions:

- i. What types of offences are committed by offenders serving Community Service Orders under the Kibera probation office?
- ii. How have the practices involved in the implementation of CSO incorporated rehabilitation of the offenders?
- iii. What are the perceptions of the probation officers, supervisors, offenders and the residents about CSO?
- iv. What constraints are associated with the implementation of CSO?

1.4 Study Objectives

1.4.1 Broad objective

The broad objective of the study was to examine Community Service Orders as alternative to imprisonment in Kenya.

1.4.2 Specific objectives

- i. To find out the types of offences committed by offenders serving placed on community service orders.
- ii. To examine the way community service orders has been implemented and with what success.
- iii. To find out the perceptions of community service orders by the offenders, Probation officers, supervisors, and, the residents.
- iv. To find out constraints associated with the implementation of the Community Service Orders program

1.5 Justification of Study

According to Gendreau et al (1996), for correctional measures to be effective in attaining the set objectives, they should be informed by empirically verified data. Nearly eighteen years since its introduction, much of the available information on the community service orders is anecdotal, figure-oriented, and mainly from prison and probation departments records. Findings of this

study may therefore be important in establishing the use and the implementation of CSO and how it is perceived by various stakeholders.

The study contributes to knowledge by generating and documenting data on specific aspects and factors that influence the use of Community Service Orders as a sentencing option. The study is especially important to the policy makers, judicial officers, probation officers/community service officers, CSO supervisors and, prosecutors. The study may also benefit the academia at a time when the criminal justice paradigm is shifting towards treatment of offenders rather than punishment.

1.6 Scope and Limitation

There are many facets of community service orders. However the study focused on community service orders as substitute for imprisonment. The researcher focused on the offenders currently serving community service orders under the Kibera Probation office and whose sentence durations were one month and above.

The study was conducted in an urban area, specifically Nairobi City County. The findings of the study may therefore not be generalized to rural setting, the overall national population or, other urban areas.

1.7 Definition of Key Terms and Concepts

Community corrections: Sentences other than imprisonment or monetary penalties, that have conditions and are served or performed in the community and, involve regular oversight or management by a correctional body or official (Department of correction, NZ, 2012).

Community Service Orders: Program through which convicted offenders are placed in unpaid positions with non-profit or tax- supported agencies to perform work for a specified number of hours within a given time limit as a sentencing option or condition (Morris et al, 1990).

Kadoma Declaration: The outcome of the International Conference on Community Service Orders in Africa, held in Kadoma, Zimbabwe, in 1997.

Kampala Declaration: The outcome of the International Conference on Prison Conditions in Africa, held in Kampala, Uganda, in 1996

Punishment: It is the proper and immediate consequence of a criminal act.

Rehabilitation: The process of helping a person to re-adapt to society

Sentencing: The Post-conviction stage of criminal justice system at which the court imposes a penalty for the offence committed.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

Community service in Kenya was introduced by the Community Service Orders Act of 1998 as part of penal reforms initiated by the government, and was widely expected to help address the problem of overcrowding in prison and to promote positive treatment for offenders. The concept of performing unpaid work instead of a custodial sentence was however not entirely new to the criminal justice administration in Kenya. The Extra-Mural Penal Employment (EMPE) which was the precursor of Community Service Orders required offenders to perform unpaid work in public facilities for up to six months instead of imprisonment. EMPE, which was popularly known as ‘kifungo ya chief’, had proved unpopular with the courts and by the time the related law was amended by the enactment of the Community Service Orders Act, only 1600 offenders were on the EMPE program county wide (GOK, 2005), hence the need for review.

2.2 Community Service Orders as Substitute for Custodial Sentences

According to Klaus (1998), Community Service Orders was initially conceived as alternative to imprisonment for minor offences, such as traffic violation and other non-violent offences for which imprisonment seemed too severe a penalty. He further notes that in this regard, the sanction was justified primarily as a means of providing a punitive and less expensive alternative to jail and other forms of incarceration. Bevan (1983) seems to support this view when he states

that community service was developed as a genuine substitute for imprisonment and this continues to be one of the major stated objectives in every jurisdiction.

Various studies, however, suggest that the introduction of alternative sentences do not always reduce the use of imprisonment. Research into the operations of community service orders in England and Wales, for instance, suggests that the orders were often used instead of fines. The use of imprisonment increased from 17% in 1980 to 30% in 2000. At the same time there was increase in the use of both probation and community service orders. There was however significant decrease in the use of fines, from 52% in 1980 to 28% in 2000, suggesting that the two community sanctions were used at the expense of fines rather than at the expense of imprisonment (International Centre for Prison Studies, 2009).

Similarly, a study of community service in New Zealand, (Triggs, 1999) suggests that community service was being used as an alternative to monetary penalty rather than primarily as an alternative to imprisonment. The study findings showed that the increased use of community service was by far greater than could be explained by the decline in the use of imprisonment, whereas the CSO trend did correspond with the significant decrease in the use of monetary penalty. The study notes that community service orders was mostly used for offences of low seriousness which rarely resulted in sentences of imprisonment. A study (Leinbrich et al, 1984) aimed at finding out how CSO was operating from the view point of judges, probation officers, and community sponsors, who are the people who impose, administer, and, facilitate the CSO sentences, found that provision of alternative to custodial sentences was the aim least often viewed as being accomplished by CSO.

Some studies have however shown that community service can genuinely serve as substitute for imprisonment. A study of community service in Finland found that majority (90%) of offenders who were sentenced to community service would have received a sentence of imprisonment (Lappi-Sepalla, 1998). Findings of the study showed that as the number of CSO increased, there was corresponding decrease in the number of unconditional imprisonment.

Closer home, an evaluation report by PRI (2012) indicates that, data from the initial pilot areas of community service in Uganda suggests some successful diversion from custody, with the number of petty offenders serving custodial sentences in, Mukono district reducing from 100 to 30, Mpigi district, from 520 to 310, and in Masindi district from between 180-190 down to 50. The report however observes that it is not clear whether such high rates of diversion from prison were sustained after the roll out of the program.

In Kenya, available information shows that substantial numbers of offenders are sentenced to community service orders annually , with about 55,000 in 2005, 60,000 in 2006, 52,000 in 2007, 48,000 in 2008, and 35,000 and 42,000 in 2009 and 2010, respectively (GOK/UNAFRI, 2011). However, an evaluation report of community service in Kenya (Rumin, 2003) suggests that overcrowding in the prison institutions had not improved since the introduction of community service orders. The poverty Reduction Strategy Report, 2004-2005, also indicates that overall prison population rose by 16% during the period 2004-2005 (GOK/IMF, 2004-2005).

2.3 Community Service and Rehabilitation of Offenders

According to Cullen et al (2000), many definitions of rehabilitation abound but they tend to coalesce around three issues: the intervention is planned or explicitly undertaken and not a chance or unwitting occurrence; the intervention targets to change some aspects about the offender that is thought to cause the offender's criminality; and, the intervention is intended to make the offender less likely to break the law in future

A study of community service orders in Finland shows that community service can affect offenders in a rehabilitative way. The study compared the subsequent recidivism of 342 offenders sentenced to community service in 1991 and 1992 with that of 342 offenders sentenced to imprisonment for a maximum 8 months. According to the study findings, post-program recidivism was slightly lower, at 62% for the community service group compared to 72% for the prison group. The study analysis concluded that community service seemed to be a suitable sanction, particularly for sentenced offenders with no previous prison experience (Muilluvuori, 2001). Similar findings were reported by Killias et al (2000) who found that offenders who were sentenced to community service had lower re-conviction rate than those given short prison sentences. According to the study, offenders who were randomly ordered to serve a community service order sentence rather than imprisonment had reduced rate of re-offending compared to the control group.

However, some studies suggest that Community Service Orders does not necessarily reduce recidivism. Pease et al (1977) found that 44% of offenders in a community service group were

reconvicted within one year of the sentencing compared to 35% of the prison group within the same period. Other studies have found either a small reduction or no net increase in post community service supervision re-offending (Bazemore et al, 2004).

In Kenya, official statistics indicate that the greater majority of offenders sentenced to community service orders completed their orders satisfactorily. For instance, between 2005 and 2010 a total of 314,013 community service orders were completed out of which 304,421 (97%) were satisfactory completion (GOK, 2005; PRI, 2012). The rate of satisfactory completion of the sentence may suggest a high likelihood of having achieved the purpose of the program, rehabilitation included. However, according to Zvekic (1997) community sentences tend to be used where there is considerable likelihood of success in compliance since there are certain criteria for eligibility to the program. He notes that such factors make it difficult to determine whether the goals of the particular correctional program have been achieved for the long run.

2.4 Implementation of Community Service Orders

Implementation represents the transformation of policy idea to programs, procedures, regulations and practices. It involves multiple level agencies, institutions, and, their actors (DeGross et al, 2009). Administratively, although the Probation officers maintain an oversight role in the execution of community service orders, the day to day supervision of the offenders is the responsibility of staff members of the agencies in which the offenders perform the community service work (GOK, 2005; PRI, 2012; PRI, 2016).

In a study of community service orders supervision in the Northern District of California, Feeley et al (1992) examined supervision of offenders by non-correctional officials or 'third parties'. The study involved the supervisors (respondents) describing the type of supervision that they gave and their assessment of the offender's ability and performance in the community service program. The findings indicated that most (59%) of the supervision consisted 'direct and continuing contact' with the supervisor during normal working hours, 33% was characterized as 'indirect' which consisted of periodic review of the offender's performance and collation of others' reports, whereas in 8% of the cases supervision varied as a result of the participant's shifting employment schedule or because community service assignment varied. In such cases no single person maintained continuous supervision of the offender. In addition, the supervisors contacted had a clear understanding of their job and majority indicated that they were taking their role seriously. The researchers concluded that in all but a 'small handful' of cases, a system of supervision was in place and functioning. They, however, noted that this findings contrast sharply with findings of an earlier study by one of the authors, whose findings indicated that 50% of those identified as supervisors had no clear understanding of their role.

The execution of community service orders is dependent on availability of suitable work supply for the offenders. McIvor et al (2010) posits that the nature of work undertaken by offenders on community service orders, and in particular, the requirement that it does not replace paid employment, places significant constraints on the capacity of community service orders. In Uganda, for instance, an evaluation of community service indicated that in the majority of cases, offenders were allocated work to 'sweep market places or clearing overgrown schools compounds' which the public may not get to appreciate due to its transient nature (PRI,2012).

Similarly, an evaluation of the pilot areas of community service in Uganda found that with increase in the numbers of offenders, supervision became lax, and, as a result, some offenders did not perform satisfactory work (Birungi, 2005).

2.5 Constraints Associated With the Implementation of Community Service Orders

2.5.1 Policy and Legal related constraints

According to Doop (1990) alternative sanctions are often introduced in the absence of mechanisms to ensure that they are actually used as alternative to imprisonment. A study of community service in New Zealand (Triggs,1999) found that there were no factors or combination of factors that adequately predicted a very high probability of an offender receiving a community service order sentence, and noted that suitability depended more on the ‘person of the offender’ rather than the seriousness of the offence. According to the study findings, community service orders was mostly used for offences of low seriousness which rarely resulted in sentences of imprisonment.

The Commissioner of Community Service in Uganda seems to affirm the lack official sentencing guidelines when he stated that the ‘success of the community service orders program depended heavily on the personality of the magistrate and his or her willingness to use community service orders as a sentencing option’ (PRI, 2012). However, other studies suggest that with necessary safeguards, community service orders can effectively be substituted for imprisonment. In Finland, for instance, to ensure that community service Orders was considered only for offences that attract prison sentences, the court was expected to make a sentencing decision using the

regular sentencing criteria and principles, without taking the possibility of Community service into consideration. If the decision is a sentence of unconditional imprisonment, only then may the court translate the sentence to community service orders. The effect of this was that as the number of community service orders increased, there was corresponding decline in the number of unconditional prison sentences (Lappi-Sepalla, 1998).

2.5.2 Management Style

The management of Community Service Orders relies on existing non-profit and public service agencies to provide work and supervise the offenders. According to UNAFEI (2011), lay persons are likely to deal with offenders according to personal or inherent views that have been established through their personal experience, which may result in a wide difference in the treatment of the offenders from one supervisor to another. Such supervisors also require training, support and, oversight, that may increase the cost of implementation (UNICRI, 1997).

Feeley et al (1992) seem to support this when they state that loosely structured programs poses serious risks for effective implementation. In their study of community service orders supervision, the authors found that some supervisors at the work placement agencies did not distinguish between pure volunteers who worked with them and the offenders who were there as a consequence of a court order, with some supervisors indicating that they do not 'regard offenders sentenced to community service any differently from other types of volunteers'.

2.5.3 Public opinion

Research findings suggest that community based sentences were generally viewed as a ‘soft on crime’ philosophy (Reeves, 1992). Turner et al (1997) sought to find out respondents preference and tolerance of community based sanctions. According to the study findings, a ‘sizable minority’ of the respondents preferred community based sanctioning of offenders and had tolerance for such sanctions. The researchers however note that support for the community sanctions was only to the extent that they ‘punish, restrain, and change’ the offenders.

Similarly, a study by Roberts et al (2004) examined community based sanctions from the perspective of the crime victim. According to the study findings, several of the victims who participated felt that community-based sentences could be effective if they were tough, and if adequately enforced. The researchers note that non-compliance with the conditions or the perception that the offender failed to comply with the conditions ‘clearly disturbed a number of victims’.

An International Victim Survey carried out in 1989, 1992, and 1996/97 and involved 60 countries across the world found that Community Service Orders was least preferred in Asia and Africa, with only about 10%, each, of the participants from the regions preferring community service compared to almost half of the respondents from Western Europe and approximately one third from Latin America and countries in transition, who preferred community service. One of the attributions of low inclination towards community service orders in Asia and Africa was perceived difficulties in implementation of the orders (Zvekic, 1997).

One of the contributing factors to the public perceptions seems to be lack of knowledge on community sentencing. When, for instance focus group participants were asked to ‘sentence’ hypothetical offenders, they overwhelmingly choose imprisonment. However when the participants were given information about alternative sentencing, they ‘sentenced’ only a small percentage of the offenders to imprisonment (Roberts, 1992).

2.5.4 Inadequate funding

According to Zvekic (1997) implementation of alternative sentencing is faced by much the same problems across the world, among them, inadequate resources. A study by Birungi (2005) indicates that inadequate funding by the State affected wide ranging operational aspects of community service orders in Uganda, including, salaries for the personnel involved, follow-up on compliance of the conditions of the orders and, the working of the Secretariat and the District Committees on Community Service. PRI (2012) seems to affirm this when it notes that due to the uncertainties of enforcement of the order, courts in Uganda were imposing community service orders of short durations of a few hours or one day to reduce the risks of the orders not been complied with. It notes that although the practice enhances compliance, it ‘locates community service at the lowest end of the sentencing tariff’.

A study by Mair et al (2007) found that although the courts provided for ‘sentencing packages’ for addressing the criminogenic needs of offenders, such as alcohol treatment, the requirements were not always met due to inadequate resources. The study notes that even where requirements were available there was often a waiting list that led to severe delays and resulted in offenders dropping out of the program.

2.6 Theoretical Framework

A theory is a logically interrelated set of propositions about empirical reality. Criminological theories seek to understand, explain, predict and respond to crime (Bachman et al, 2003). According to Giddens (2001), the way in which crime is understood affects the policies developed to deal with it. This study is guided by social control and, the systems, theories.

2.6.1 Social control theory

Social control theory holds that individuals conform to norms and rules in response to certain controlling forces in their lives. Proponents of social control argue that it is the belief system rather than specific laws that guide individual's actions and universally serve to control behavior (Adler et al, 1995). Social control perspective is more interested in activities and relationships that constrain delinquency and not what motivates individuals to commit crime. According to Reiss (1951) delinquency is 'behavior consequent to the failure of personal and social control'. He propositions that efforts to reduce criminality must therefore include imparting of conventional values and strengthening of the offender's bonds to society.

The strategies by which behavior is regulated leading to conformity include, the influences of family and school, religious beliefs, moral values, friends, and even beliefs about government (Adler et al, 1995). Travis Hirschi (1969), who is mostly associated with the social control theory identified four types of constraints which he refers to as 'social bonds' and to which he attributes conformity. These are attachment, commitment, involvement and, beliefs. Attachment relates to the affective ties the youth has with the parents, teachers and peers while commitment relates to

the individual's aspirations and investment in conventional activities. Involvement refers to the persons pre-occupation in activities that promote socially valued achievements whereas beliefs relate to the acceptance of the central value system of the society. He postulates that the stronger the bonds the less likely it is for the individual to engage in delinquent behavior.

Social control suggests that the more a person is likely to lose by engaging in crime, the more they are likely to refrain from committing crime. Job stability, marriage, education, and business investment have been found to be important factors in explaining conformity in post- adolescent and adulthood (Sampson et al, 1993; Matsueda, 1982). A person who is in a stable job or family commitment, for instance, will refrain from behavior that could put to jeopardy their employment or family relationships and well-being. The 'stake in conformity' thus becomes a deterrent to criminal behavior (Jackson Toby, 1957).

According to Nagin et al (2001), the 'extra-legal consequences 'of conviction, have at least, as great a deterrent as the legal consequences. They note that belief that illicit conduct is wrong, fear of peer disapproval, embarrassment or social stigma discourage offending behavior. Ivan Nye (1958) posits that the youth may be controlled through constraints imposed by the parents, or by limiting the opportunity for delinquency, or by reward and punishment from parents. He further notes that the individuals may, however, refrain from indulging in delinquent acts when free from direct control due to their anticipation of parental disapproval or sense of guilt.

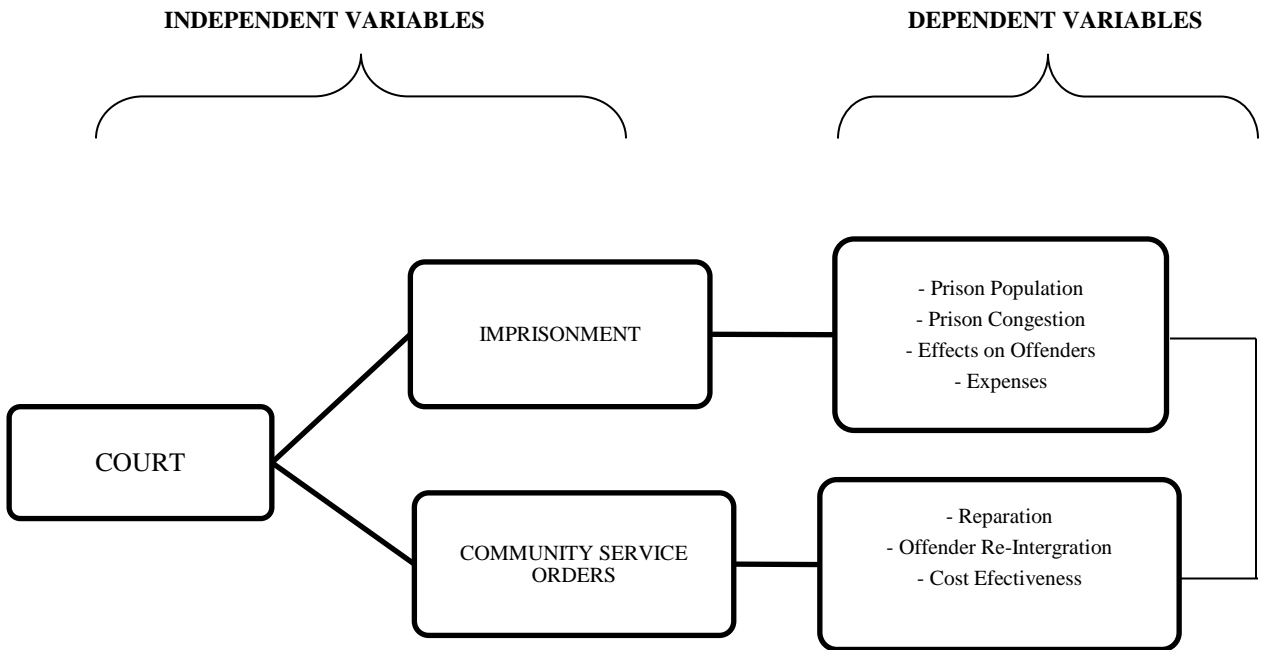
Critiques of social control theory argue that while the theory may explain minor offending (juvenile delinquency), it does not adequately explain more serious offences or adult crime (Gibbons, 1994).

2.6.2 Systems theory

The systems perspective as first proposed by Durkheim was interested in how societies were organized and how they maintained cohesion or group identity over time. In complex societies, individuals perform various roles that, while they lead to specialization and segmentation, also create a high degree of mutual interdependence between the units (<http://www.sagepub.com>). General systems theory seeks to explain how related components at different levels interact and interrelate with one another in forming a system. A whole system is more than the sum of its individual parts and the parts of the system are best understood in the context of the larger whole (Thomas et al, 2005).

The goal of systems science is systematically discovering a system's dynamics, constraints, conditions, purpose, measures, methods, and, tools, that can be applied for the optimization of the overall outcome of the whole (<http://en.wikipedia.org/wiki/systems>). The systems approach to criminal justice facilitates the observation of criminal justice in macro-terms. Criminal justice agencies are viewed as sub-systems within the criminal justice system, which is itself a subsystem of larger systems, including, political, economic, educational, and technical. In practice, however, the systems concept in criminal justice seems not to be wholly adopted and individual agencies appear to have very independent sets of objectives that are not entirely aligned to the needs and objectives of the other criminal justice agencies (Thomas et al, 2005).

Figure 2.1 Conceptual Model



CHAPTER THREE

METHODOLOGY

3.1 Site of study

The site of the study was Kibera probation office located about 5 km south of Nairobi City Centre and situated in the vicinity of the expansive Kibera slums. It is one of three Probation offices that serve Nairobi City County. The others are Makadara in the Eastland and the Milimani office at the Milimani law courts. Kibera was chosen because of its high caseload relative to the other two stations.

3.2 Research design

According to Kothari (2004) research design is the blue print for the collection, measurement and analysis of data. The study is descriptive and used survey methods by which data was corrected from a representative sample of the study population. Kibera Probation office covers 6 administrative units. These are: Langata, Dagoretti, Westlands, Ngong, Kiserian and, Magadi. The cases handled by the office mainly emanate from the Kibera Law Courts which are within the same locality. There were 8 probation officers based at the station and a caseload of 43 offenders on community service orders and who were variously hosted in 27 public agencies/institutions across the administrative areas, where they undertook their community service work pursuant to the community service order. Community Service Supervisors are agents of the institutions where the offenders perform the CSO work hence there were 27 supervisors as well. The office also supervises offenders on Probation Order, who formed the majority of

caseload under supervision at 238 offenders. The study only focused on offenders serving community service orders.

3.3 Target population

Target population is the set of individuals, cases or objects with some common characteristics from which a researcher wants to generalize the results of their study (Mugenda and Mugenda 2003). The target population of this study comprised of the offenders serving CSO under the Kibera Probation office as the subjects of the community service orders, the implementers of community service orders, namely the Probation officers who are the administrators of the scheme and the community service supervisors as facilitators who are responsible for the day-to-day supervision of offenders undertaking community service work. It also included the residents of the communities around the agencies in which the offenders provided the free labor and who are, by extension, the beneficiaries of the labor.

The target population comprised of all 43 offenders who were serving community service orders under the Kibera probation office at the time of study, the 8 probation officers based at the Kibera probation office, the 27 community service supervisors representing the 27 agencies where the offenders were undertaking their CSO work, and, twenty seven (27) residents representing the communities surrounding the agencies.

3.4 Units of analysis

Units of analysis are the units that are designed for the purpose of aggregating their characteristics in order to describe some large group or abstract phenomena (Mugenda and Mugenda, 2003). According to Nachmias and Nachmias (1996) units of analysis are the most elementary part of the phenomena to be studied. The unit of analysis in this study was community service orders.

3.5 Units of observation

The units of observation in this study were the offenders on community service orders under the Kibera Probation office, Probation officers based at the Kibera office, community service supervisors at the work placement agencies and, residents of the communities surrounding the agencies.

3.6 Sample Size and Sampling Procedure

The four groups that comprised the study population were sampled separately. The researcher settled for 50% each of; the offenders, probation officers, and, the supervisors. This gave 22 offenders, 4 probation officers, and, 13 supervisors. This ensured that the sample drawn from each group is proportional to its size in the study population (Nachmias and Nachmias, 1996).

Cluster sampling was used to select the residents whereby the communities surrounding the work placement agencies were treated as clusters. One (1) resident was selected from each of the cluster, giving 25 residents (after 2 opted out). In total, 64 respondents participated in the study.

Time, financial implications, and expansiveness of the area within which the offenders were located, were constraining factors in deciding the sample size.

The study used probability sampling techniques to obtain the study sample. Proportionate and, simple random samplings were employed.

3.7 Data collection

3.7.1 Type of data

The data was collected from both primary and secondary sources. Primary data was obtained from the respondents while secondary data was obtained from the probation Department case management records, such as case ledgers, periodical reports and, profile of the agencies hosting offenders serving community service orders.

3.7.2 Methods and tools for data collection

The study used both qualitative and quantitative data collection methods. The data collection tools used were, interview guide, questionnaires, and records review

3.7.2.1 Questionnaires

The questionnaires consisted of close-ended and some open-ended questions. A pre –test was conducted on a smaller group for quality control. Where necessary, amendments were made to the questions before the questionnaires were administered to the study sample.

3.7.2.2 Face to Face Interviews

Personal interviews were conducted with the respondents. A pre-prepared topic guide with structured questions was used to focus the interview. The timing and venue of interviews was by consensus between the respondents and the interviewer and with the authority of the probation department.

3.7.2.3 Secondary sources

Records and reports constructed and maintained by the probation officers and the supervisors in the day to day implementation of community service orders were reviewed.

3. 8. Data analysis

Quantitative data was analyzed using descriptive statistics of frequencies and percentages using Statistical Package for Social Sciences (SPSS). Data was presented using tables. Qualitative data analysis was done by transcription of the interview contents, identifying and grouping themes and, drawing conclusions on the issues of concern to the study.

3.9 Ethical issues

Permission to collect the data was sought from and granted by the Director of Probation and After-care Department, Nairobi, Kenya. The respondents were made aware of the purpose of the study and that participation was voluntary. They were assured that the information given would be treated confidentially and used only for the study purpose. Confidentiality was also assured in dealing with information obtained from the office.

3.10 Problems Encountered

Offenders are hosted in various agencies some of which are far flung. This presented logistical problems. The difficulties were however overcome with the assistance of the Probation department

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

4.1 Demographic characteristics of respondents

4.1.1 Age distribution of offenders

Age is an important factor to commencement of crime and re-offending by individuals. The study shows that majority of the offenders are in the youth bracket, with 7(53.9%) and 4 (44.5%) of males and females, respectively, been 37 years and below. With only 3 (13.7) of the respondents being within age cohort 48-57 years and 1 (4.5%) being over 58 years, the finding suggest that elderly persons are less likely to receive a community service orders or it may be that older persons are less involved in criminal activities. Juvenile offenders are also less likely to receive a community service order sentence, with none of the respondents being below 18 years.

Table 4.1 Distribution of offenders by age

Age (years)	Males		Females		Total	
	N	%	N	%	N	%
18-27	4	30.8	3	33.4	7	31.8
28-37	3	23.1	1	11.1	4	18.3
38-47	5	38.4	2	22.2	7	31.8
48-57	1	7.7	2	22.2	3	13.6
58 and above	0	0	1	11.1	1	4.5
Total	13	100	9	100	22	100

4.1.2 Marital status of offenders

It has been argued that family commitment discourages individuals from being involved in illegal activities. Slightly over half 7(53.8%) of males and about a third 3 (33.3%) of female respondents indicated that they were married, 4 (30.8%) males and 3 (33.3% females were single, and, 2 (15.4%) males and 1 (11.1%) females were divorced. This may suggest that more married males than married females are likely to be involved in crime.

Table 4.2 Distribution of offenders by marital status

Marital status	Males		Females		Total	
	N	%	N	%	N	%
Married	7	53.8	3	33.3	10	45.5
Single	4	30.8	3	33.3	7	31.8
Widowed	0	0	2	22.3	2	9.1
Divorced	2	15.4	1	11.1	3	13.6
Total	13	100	9	100	22	100

4.1.3 Level of education of offenders

Level of Education was important in gauging offenders' ability to understand and respond to the questionnaires. The variable may also suggest the social-economic status of offenders. Majority 12 (54.5%) of the respondents had only attained primary level education while 8 (36.4) had secondary level education, and, 2 (9.1%) had post-secondary diploma.

Table 4.3 Distribution of offenders by level of education

Level of education	Males		Females		Total	
	N	%	N	%	N	%
Primary	8	61.5	4	44.4	12	54.5
Secondary	4	30.8	4	44.4	8	36.4
Diploma	1	7.7	1	11.2	2	9.1
Total	13	100	9	100	22	100

4.1.4 Area of Study for Probation officers

The area of study was an important variable pertaining to knowledge and skills base of the officers. Questionnaires were administered to four probation officers, 2 males and 2 females. Two (2) of the respondents indicated their area of study as Sociology, while one each, had studied criminology and social work, respectively. It may be deduced that the areas of study for the officers relate favorably with correction of offenders.

4.1.5 Supervisor’s level of education

Supervisors are employees of the agencies hosting the offenders, and come from different backgrounds. The educational level of the supervisor may suggest the type of persons entrusted with supervision of offenders undertaking community service. All the respondents indicated that they had attained at least secondary level education with 7 (54%) having secondary education

while 6(46%) had obtained post-secondary diploma. This shows that the supervisors have attained some reasonable level of education.

Table 4.4 Distribution of supervisors by level of education

Level of Education	(N)	(%)
Secondary	7	54
Diploma	6	46
Total	13	100

4.1.6 Position of supervisor at the agency

Position of supervisor may be an indicator of the priority given to community service supervision by the agency. Most 6 (46.1%) of the supervisors were in the clerical cadre and 4 (30.8%) were subordinate staff. Only 1 (7.7%) and 2 (15.5%) were in the management and teaching level, respectively. This may suggest that community service supervision is accorded relatively low priority at the agency.

Table 4.5 Distribution of supervisors by position in the agency

Position in the Agency	(N)	(%)
Clerical	6	46.1
Subordinate staff	4	30.8
Teaching	2	15.4
Managerial	1	7.7
Total	13	100

4.1.7 Period worked as supervisor

Period worked as community service supervisor was important as a measure of experience and consistence of the supervision. Majority 7(53.8%) of the respondents indicated that they had been supervisors for 13 months and above, 2 (15.4%) 10-12 months, 3 (23.1%) 7-9 months, hence the respondents may be familiar with community service orders.

Table 4.6 Distribution of supervisors by period worked as community service supervisor

Period worked as Supervisor	(N)	(%)
4-6 months	1	7.7
7-9 months	3	23.1
10-12 months	2	15.4
13 months &above	7	53.8
Total	13	100

4.1.8 Residents' level of education and period lived within the community

The level of education was important in gauging the respondents' ability to understand and respond to the questions. Majority had attained post-primary education, with 11 (44%) secondary, 3 (12%) diploma, 2 (8%) degree, compared to 9 (36%) primary level.

Table 4.7 Distribution of Residents by Level of Education

Level of Education	(N)	(%)
Primary	9	36
Secondary	11	44
Diploma	3	12
Degree	2	8
Total	25	100

4.1.9 Period lived in the community

Period of residence suggested the respondents' knowledge and awareness of the community in which they resided. Majority 15 (60%) of the respondents indicated that they had resided within the community for 49 months and above, 4 (16%) between 37-48 months, 2 (8%) 25-36 months, and, 3 (12%) 13-24 months. With only 1 (4%) of respondents having been resident for 12 months and below, it may be deduced that the respondents were familiar with their neighborhood.

Table 4.8 Distribution of residents by period resided in the community

Period resided in the community		N	%
	12 months & below	1	4
	13-24 months	3	12
	25-36 months	2	8
	37-48 months	4	16
	49 months & above	15	60
	Total	25	100

4. 2 Offences and offenders for which community service orders was imposed

4.2.1 Types offences committed by the sampled offenders

Majority 10 (76.9) of the orders imposed on the male respondents were for theft related offences which included, stealing, stealing from a dwelling house, and, stealing a motor vehicle. 2(15.4%) and 1(7.7%) were for possession of narcotic drugs and possession of alcoholic drinks .respectively. The offences can be considered as of relative seriousness. Most 4(44.5%) of the orders imposed on the female respondents were alcohol related (possession and sale), 2(22.2%) theft related, 2 (22.2%) cutting and removing forest produce, and, 1(11.1%) concealing birth. The data analysis suggests that most of the offences have aspect of material/financial gain for the offender.

Table 4.9 Distribution of offenders by offence type

Offence	Males		Females		Total	
	(N)	(%)	(N)	(%)	(N)	(%)
Stealing	6	46.1	1	11.1	7	31.9
Stealing from a dwelling house	3	23.1	1	11.1	4	18.2
Stealing motor vehicle	1	7.7	0	0	1	4.5
Cutting and removing forest produce	0	0	2	22.2	2	9.1
Possession of narcotic drugs	2	15.4	0	0	2	9.1
Possession of alcoholic drinks	1	7.7	3	33.4	4	18.2
Selling alcoholic drinks	0	0	1	11.1	1	4.5
Concealing birth	0	0	1	11.1	1	4.5
Total	13	100	9	100	22	100

4.2.2 Duration of community service order of the sampled offenders

Majority 9(41%) of the orders imposed on the 22 respondents who were interviewed ranged between 1- 6 months, 5 (22.7%) between 7- 12 months, 5(22.7%) between 25 - 36 months, and 3 (13.6%) between 19-24 months. The duration seems to be related to the seriousness of the offence.

Table 4.10 Duration of the Community Service Orders sentences

Duration	(N)	(%)
1-6 Months	9	41
7-12 Months	5	22.7
13-18 Months	0	0
19-24 Months	3	13.6
25-36Months	5	22.7
Total	22	100

4.2.3 Records of previous conviction of the offenders

Nineteen 19 (86.4%) of the respondents indicated that they had no previous conviction. Of the 3 who had previous conviction, two (2) were fined while one (1) received a community service order sentence. From the analysis, it may be deduced that offenders with no previous conviction are more likely to receive a community service order sentence and that offenders without prison experience are more likely to be considered for CSO than those who have been to prison.

Table 4.11 Records of previous conviction of the offenders

Status	(N)	(%)
Previously convicted	3	13.6
No previous conviction	19	86.4
Total	22	100

4.2.4 Occupation of offender prior to imposition of community service order

The researcher sought to find out the occupation of the offenders prior to being sentenced to community service order, as a measure of socio-economic status. The figures show that there is high rate of unemployment among offenders, with majority 15 (68.2%) of the respondents being unemployed and hence no apparent source of income. Six 6 (27.3%) of the respondents were in self (informal) employment, while only 1(4.5%) respondents were in formal employment.

Table 4.12 Offenders occupation prior to imposition of the community service order

Occupation	(N)	(%)
Unemployed	15	68.2
Self-employed	6	27.3
Formal employment	1	4.5
Total	22	100

4.2.5 Review of records on offences and offenders for whom community service orders was imposed

Review of records indicated that there were two categories of offenders sentenced to community service orders. One category consisted of offenders sentenced to a one (1) day community service order, referred to as ‘short term’ and who are the majority. The review, for instance, showed that during a three months period (August–October, 2016), the office handled a total of 837 offenders on Community service orders, out of which 794 (94.9%) were of one day duration.

Most offenders in this category are charged with very petty offences such as idling in prohibited area, laziness and disorderly, consumption of illicit liquor, playing pool, loitering, among others. The notable feature of the one (1) day durations is that courts do not call for pre-sentence report, and are hence referred to as ‘direct placements’.

The other category consists of offenders mainly sentenced to between one month and 36 months. Most of these involve relatively serious offences such as theft, possession of narcotic drugs, theft of motor vehicle, and possession of illicit liquor. This category is referred to as ‘long term’ and a pre-sentence report is usually called for by the courts. Only 43 (5.1%) offenders out of the 837 fell within this category, and formed the on-going CSO caseload at the office and from which the study sample was drawn.

4. 3 Implementation of Community Service Orders

4.3.1 Views of Probation officers on certain aspect on implementation of community service orders program

Using a scale of 1-5 the probation officers were required to indicate their level of agreement or disagreement with regard to specific aspects of implementation of community service orders. The selected aspects are pertinent to establishing offender’s suitability for community service orders, the offender’s inclination towards the sentence and, community involvement in the implementation of community service orders.

5-Strongly agree 4-Agree 3-Neutral 2-Disagree 1-strongly disagree

Asked whether the courts always referred cases for pre-sentence report, two (2) of the respondents were neutral while two strongly disagreed. On whether community input was engaged before the court made community service orders, two (2) each, were neutral and disagreed, respectively. Two (2) disagreed with the statement that offender's consent was, by law, a requirement for making a community service order, while one(1) each, were neutral and agreed, respectively. However, all (4) respondents affirmed that offender's consent was, in practice, asked for before a community service order was made. Offenders consent is an important aspect of community-based sentences as it may impact on compliance with the order by the offender and the outcome of the correctional intervention.

4.3.2 Visits to work placement agencies by probation officers

The four (4) probation officers who responded to the questionnaires indicated that there are schedules for visiting offenders at the worksites. However the schedule is not always observed as 2 respondents, each, indicated that it is observed most of the times and sometime, respectively.

4.3.3 Guidelines for supervisors

Guidelines provide definition of the role expectations and procedures. The researcher sought to find out from the probation officers whether there were guidelines on community service supervision. The four (4) respondents indicated that guidelines existed.

4.3.4 Availability of guidelines to supervisors

As a follow-up to existence of guidelines, the researcher sought to find out from the supervisors whether the guidelines were available to them. Despite the affirmation of the existence of guidelines by the probation officials, majority 9(69.2%) of the supervisors indicated that the guidelines were not available to them.

Table 4.13 Availability of guidelines to the supervisors

Availability of guidelines	(N)	(%)
Available	4	30.8
Not available	9	69.2
Total	13	100

4.3.5 Supervisors' understanding of their role

The division of labor concept presumes specialization of roles. As lay persons, supervisors may have little or no knowledge in management of offenders. When asked to describe their clarity of their role as community service supervisors, majority 6 (46%) indicated that they were not very clear, whereas 5 (38%) were clear. Only 2 (15%) indicated that they were very clear of their role.

Table 4.14 Supervisors' understanding of the their role

Description	(N)	(%)
Very clear	2	15.4
Clear	5	38.5
Not very clear	6	46.1
Total	13	100

4.3.6 Training of supervisors on community service orders

When asked whether they had received any training in relation to community service orders, majority 8 (61.5%) of the respondents indicated that they had not received any training while 5(38.5%) indicated that they had received. Training may correlate with the level of clarity of the role.

Table 4.15 Supervisors' training on community service orders

Description	(N)	(%)
Had been trained	5	38.5
Not trained	8	61.5
Total	13	100

4.3.7 Category of agency in which supervisors worked

Community service supervisors are employees of the agencies in which offenders undertake community service work. Majority 8(61.5%) of the organizations were government departments, 3(23.1%) schools, while 1(7.7%) each worked in hospital and welfare organizations respectively. The fact that the offenders work within institutions may affect 'visibility' of the community service program to members of the public.

Table 4.16 Category of agency where supervisors worked

Category of organization	(N)	(%)
Hospital	1	7.7
School	3	23.1
Government departments	8	61.5
Welfare organization	1	7.7
Total	13	100

4.3.8 Frequency of offenders' meetings with the probation officer

The researcher sought to find out from the offenders the number of times that they had met with the probation officers. Majority (77%) indicated that they had met with the probation officer less than 6 times during the last 12 months whereas 23% of the offenders responded that they had met with their probation officer more than 7 times. This finding can be related to the period the

offenders have been on the community service order. The longer the period that the offenders had already served on CSO the more they times were meetings with the officer reported.

Table 4.17 Offenders’ meetings with the probation officer

Meetings	(N)	(%)
1-3 Times	9	41
4-6 Times	8	36.4
7-9 Times	3	13.6
10-12 Times	2	9
More than 12 times	0	0
Total	22	100

4.3.9 Understanding of the requirements of the community service orders by offenders

The level of understanding of the requirements is likely to affect compliance with the order by the offender and overall outcome of the supervision. Majority, 12 (54.6%) of the respondents indicated that they had a clear understanding of the order, and 5 (22.7%) were very clear. 3 (13.6%) and 2 (9.1%) of the respondents, indicated that their understanding was vague and not clear, respectively.

Table 4.18 Offenders' understanding of the requirements of the community service orders

Level of understanding	(N)	(%)
Very clear	5	22.7
Clear	12	54.6
Vague	3	13.6
Not clear	2	9.1
Total	22	100

4.3.10 Type of work undertaken by offenders

The type of work undertaken by offenders may affect the perceptions of community service orders by the offenders and the community. When asked to describe the type of work that they performed, 10 (45.5%) of the respondents indicated that they were involved in cleaning, 3 (13.6%) slashing grass, 4 (18.2%) bush clearing, 2 (9.1%) gardening and 1 (4.5%) tree planting, and, 2 (9.1%) technical work. The findings suggests that most of the community service work is manual and of transient nature.

Table 4.19 Community service work undertaken by offenders

Type of work	(N)	(%)
Tree planting	1	4.5
Slashing grass	3	13.6
Gardening	2	9.1
Cleaning	10	45.5
Bush clearing	4	18.2
Technical	2	9.1
Total	22	100

4.3.11 Community service orders and skills acquisition by offenders

Skills acquisition empowers offenders and enhances rehabilitation. When asked whether, in their view, they had acquired any skills through the community service work, all the 22 respondents indicated that they had acquired some skills. However, majority 19 (86.4%) did not think the skills would be useful to them after completion of the sentence.

Table 4.20 Offenders' skills acquisition through community service work

Description	(N)			(%)		
	Yes	No	Total	Yes	No	Total
Acquired skills	22	0	22	100	0	100
Usefulness of skills after the sentence	3	19	22	13.6	86.4	100

4.3.12 Discussion of offender's personal problems with the probation officer

Problem solving in correctional intervention with offenders enhances rehabilitation. All the 22 (100%) respondents indicated that they had discussed some personal problem with the probation officer. The most discussed problem was offending behavior at 22 (100%), financial 21 (95.5%), unemployment 16 (72.7%), family relationships 12 (54.5%), alcohol abuse 7(31.8%), drug abuse 5 (22.7%), and, appropriateness of the accommodation 8(34.8%). Only 2(9.1%) and 3 (13.6%) of the respondents discussed emotional and personal relationships, respectively.

Despite the high rate of problem discussion between offenders and the probation officers, majority 15(68.2) of respondents did not feel the discussed problems had reduced at all, and only 7 (31.8%) indicated that some of the problems had reduced.

Table 4.21 Nature of problems discussed

Nature of Problem	(N)	(%)
Offending behavior	22	100
Alcohol abuse	7	31.8
Drug abuse	5	22.7
Financial	21	95.5
Family relationships	12	54.5
Unemployment	16	72.7
Appropriateness of Accommodation	8	34.8
Emotional	2	9.1
Personal relationships	3	13.6

4.3.13 Supervisors knowledge of offenders that they supervise

The supervisors are responsible for the daily supervision of offenders undertaking community service work and it is thus important that they understand the offender and their circumstances. Majority 10 (76.9%) indicated that they do not know much about the offenders that they supervise.

Table 4.22 Supervisors' knowledge of the offenders

Supervisors know offenders	(N)	(%)
Much	3	23.1
Not much	10	76.9
Total	13	100

4.3.14. Residents' knowledge of community service orders

The study sought to gauge the information that residents have on community service orders program. Asked if they had heard about the program, slightly over half 13 (52%) indicated that they had heard about it while 12 (48%) had not. Out of the 13 respondents who had heard about the program 8 (61.5%) knew of an agency in which the offenders undertook community service work.

4.4 Perceptions of probation officers, supervisors, offenders, and, residents, of specific aspects of community service orders

4.4.1 Probation officers’ and supervisors’ perceptions of the purpose most accomplished by community service orders.

Various correctional objectives are attributed to community service orders. On a score of 1-5, where 5 is the highest while 1 is the lowest, respondents were to respond to what purpose, in their opinion, was most accomplished by CSO. Two (2) out of the 4 probation officers who responded to the questionnaire were of the view that community service provide alternative to imprisonment, while one (1) each, opined that CSO serve the purpose of punishment and rehabilitation, respectively. Five 5 (38.5%) supervisors considered provision of alternative as the purpose most accomplished by CSO, 6 (46.1%) punishment, and, 2 (15.4%) rehabilitation.

Table 4.23 Probation officers’ and supervisors’ perception of the purpose most accomplished by community service orders.

Purpose	Probation officers		Supervisors	
	(N)	(%)	(N)	(%)
Punishment	1	25	6	46.1
Rehabilitation	1	25	2	15.4
Providing alternative to imprisonment	2	50	5	38.5
Total	4	100	13	100

4.4.2 Sentence preferred by offenders

The researcher sought to find out the offenders' views on serving a community service order as opposed to imprisonment. The greater majority 20 (90.1%) of the respondent expressed preference for community service sentence while only 2 (9.9%) indicated that they would rather have received a prison sentence. The two respondents who preferred a prison sentence indicated long duration of the order and inability to engage in gainful employment, as the reason for their choice.

Table 4.24 Offenders' preference of community service orders over imprisonment

Preferred sentence	(N)	(%)
Community service orders	20	90.1
Imprisonment	2	9.9
Total	22	100

4.4.3 Offender's relationship with family once placed on community service

As important others, support of the family members is an important aspect of the offender's environment which has influence on rehabilitation. Majority, 11 (50%) of the respondents indicated that the family was supportive whereas 3(13.6%) indicated strained relationship. 27.3% and 9.1% indicated that the relationship was indifferent and hostile, respectively.

Table 4.25 Offenders relationship with the family since being placed on community service

Relationship with family	(N)	(%)
Supportive	11	50
Strained	3	13.6
Indifferent	6	27.3
Hostile	2	9.1
Total	22	100

4.4.4 Perceptions offenders of the overall support given while serving the order

Majority 10 (45.5%) rated the overall support received during the duration of the community service order as good, 3 (13.6%) as very good, while 6 (27.3%) and 3 (13.6%) rated the support as poor and very poor, respectively.

Table 4.26 Offenders' perception of overall support given while serving the order

Support rating	(N)	(%)
Very good	3	13.6
Good	10	45.5
Poor	6	27.3
Very poor	3	13.6
Total	22	100

4.4.5 Perceptions of the residents on various aspects of community service orders.

Residents’ perception was important in gauging their understanding of the use of community service orders. On a score of 1-5 where 5 is the highest, the respondents were asked to rate community service orders on various aspects. 12 (48%) strongly disagreeing with the statement that community service orders was not a suitable sentence at all, 8 (32%) disagreed while 4 (16%) were not sure. Majority 15 (60%) of the respondents agreed with the statement that community service orders was a suitable sentence for adult offenders, 2(8%) strongly agreed, while 6(24%) were not sure. 7(23%) of the respondents strongly disagreed with the statement that community service orders was suitable only for juvenile offenders, 9(36%) disagreed while 5(20%) were not sure. Only 1 (4%) and 3(12%), strongly agreed and agreed, respectively, with the same statement. The findings suggest that potential for support of CSO among residents is high.

5= strongly agreed 4=Agree 3=Not sure 2= Disagree 1=strongly disagree

Table 4.27 Residents’ perceptions on various aspects of community service orders

Statement	5	4	3	2	1
Community service orders is a suitable sentence only for juvenile offenders	1	3	5	9	7
Community service orders is a suitable sentence for adult offenders	2	15	6	1	1
Community service is not a suitable sentence at all	0	1	4	8	12

4.4.6 Aspects of community service orders appreciated by residents

On a score of 1-5, where 5 is the highest while 1 is the lowest, respondents were asked to rate various aspects attributed CSO in their order of preference. The aspect of CSO that is most appreciated by the respondents is punishment of offenders by doing unpaid work with 24 (96%) of the respondents giving it a score of 5-4 while shaming of offenders was scored 5-4 by 17(68%). Provision of free services was given 5-4 score by 20 (80%). Promotion of rehabilitation and reduction of prison population were lowest scored, with only 14 (56%) and 13 (52%) of the respondents, respectively rating it at 5-4.

Table 4.28 Aspects of community service orders most appreciated by the residents

Statement	5	4	3	2	1
The free service provided by offenders is beneficial to the community	12	8	4	0	1
Offenders are punished by doing unpaid work	13	11	0	0	1
Community service orders promotes rehabilitation of offenders	5	9	6	4	1
Offenders are shamed by doing unpaid work	10	7	4	2	1
Community service orders reduces prison population	5	8	7	4	1

4.4.7 Acceptance of offenders by the residents

The study sought to gauge acceptance of offenders serving the sentence in the community. When asked if they would accept offenders to undertaking community service work in their

neighborhood, 20 (80%) of the respondents indicated that they would accept while 5(20%) indicated that they would not.

Table 4.29 Residents’ acceptance of offenders in the community

Response	(N)	(%)
Accept	20	80
Do not accept	5	20
Total	25	100

4.5 Constraints Associated With Implementation of the Community Service Program

4.5.1 Management style

Direct supervision of offenders on community service orders is entrusted to persons who are not correctional officials. The study finds that (62%) of the supervisors had not received any training on community service supervision. On the level of understanding of their role as supervisors, (46%) were not very clear, 38% were clear while only 15% were very clear. When asked how much they knew about the offenders that they supervised, 76.9% indicated that they did not know much about the offenders. Asked for their comment on their main duties in the organization for which they work vis-à-vis their role as community service supervisor, nearly half felt that community service supervision meant ‘extra work’ without reward.

4.5.2 Lack of sentencing guidelines

The law (CSO Act No.10/1998) provides eligibility for community service orders, but courts are not obligated to consider community service in all such cases, and the decision to apply community service depends entirely on the individual judicial officer. Asked to describe in what way the courts impact on implementation of the community service orders program, one probation officer stated that ‘Some courts uses community service orders while others do not.

This makes planning difficulty in case a magistrate who was inclined to community service is transferred and the in-coming official is not so inclined’. Another stated that ‘Most orders made by the courts are for one day duration and many such convicts cannot perform the community service work properly due to tiredness, sickness, and, hunger, after been in remand’, while yet another observed that ‘Very long community service order duration discourages the offender resulting in absconding of the order, while very short duration makes rehabilitation impossible’.

4.5.3 Inadequate resources.

The resources available to the implementing department impact on various aspects critical to effective execution of community service orders. Inability of the probation officers to make scheduled visits to work placement agencies to independently verify compliance with the conditions of the order, and, failure to train majority of supervisors, were attributed to inadequacy of resources, including funding, and transport facilities by the probation officers who participated in the study. One probation officer stated that ‘inadequate resources especially

transport facilities hinder regular face-to-face interaction between probation officers and the offenders and supervisors?.

4.5.4 Public opinion

The aspect of CSO that is most appreciated by the respondents is punishment of offenders by doing unpaid work was the most appreciated aspect of community service orders by the resident with 96% of the respondents giving it a score of 5-4 while shaming of offenders was scored 5-4 by 68%. Provision of free services was given 5-4 score by 80%. Promotion of rehabilitation and reduction of prison population were lowest scored, with only 56% and 52% of the respondents, respectively rating it at 5-4.

CHAPTER FIVE

SUMMARY OF KEY FINDINGS, CONCLUSION, RECOMMENDATION AND AREAS OF FURTHER STUDY

5.1 Summary

The study was guided by four main objectives. This included; finding out the type of offenders sentenced to community service; to examine the main implementation processes of implementation of CSO; to find out the perceptions of the offenders and the community about CSO; to find out constraints associated with the implementation of the community service orders program. The study is descriptive.

The researcher found that offenders committed to CSO grouped into two categories. One category consists of offenders sentenced to a one day community service order, referred to as 'short term' and who are the majority. Most offenders in this group are charged with very petty offences such as consumption of illicit liquor, playing pool, idling in a prohibited area, and loitering, among others. The other group consists of offenders mainly sentenced to between one month and 36 months. Most of these involve relatively serious offences such as stealing, possession of narcotic drugs, possession of illicit liquor. Majority (86%) of the respondents were first time offenders. Theft related offences constituted most of the community service orders imposed, at 54.5%, while duration of majority (63.7%) of the orders imposed were in the range of 12 months and below.

The study finds that most offenders on CSO perform their work in government institutions. This may contribute to the low level awareness by residents on offenders committed to community service, the agencies where they work or the type of work that they perform. This may also negate any intention to save the government or the community money through the unpaid work undertaken by offenders since some of the supervisors at the agency are the ones supposed to do the work. One of the envisaged benefits of community service orders to the offenders is acquisition of skills. However, the researcher found that the offenders performed simple manual work for their community service Respondents across the various categories did not perceive the skills acquired by the offenders in the course of the community service as gainfully useful to the offender after completion of the sentence.

Majority of the offenders had only attained basic level education which reduces their employability and may explain the high rate of unemployment among the offenders. The combination of low level education and high unemployment increases the risk of re-offending. The study finds that majority of offenders discussed personal problems, mostly with the probation officer but a few discussed their problems with the supervisor. However, even for those offenders who indicated to have discussed possible solutions with either the probation officers or supervisor, only a few of them felt that they were given assistance in solving the problems or that the problems had reduced.

The most discussed personal problems were offending, financial and, employment. Personal and emotional problems were the list discussed. Though the problems discussed may not be the cause of offence committed, they may have contributed to some type of the offending behavior.

Research has found that a consistent relationship exists between the type and number of needs that offenders present and the likelihood of them re-offending.

The level of education for community service supervisors and probation officers shows that majority of supervisors have attained certificate level with majority belonging to the clerical and support staff cadres in the organization where they work. All the probation officers have attained degree education with 50% Bachelors and 50% Masters. Their main areas of study are Sociology, social work and criminology. However, inadequacy of resources was found to be a limiting factor in various aspects of implementation, including engagement of the community before and after the order is made, visits of offenders by the probation officers at the work sites, follow-up on non-compliance and, training, especially for the supervisors.

Majority of the supervisors had not received any training, and although the study finds that there are guidelines for supervisors, majority of the supervisor were not aware of such guidelines. This may contribute to the level of clarity of their role where nearly half (46%) indicated they were not very clear of their role as supervisors.

The study finds that although majority of resident's respondents indicated that they were not aware of the institutions where the offenders were performing community service or the type of work undertaken by the offender, most of them appreciated the possible benefits of CSO. Majority of the residents also indicated that they would be comfortable with offenders performing CSO within their neighborhood.

5.2 Conclusion

The study finds that courts make use of CSO to some extent. In fact, given the high numbers of offenders indicated to have been committed to serve CSO, albeit for very short durations, the issue may be more on the manner in which the sentence is been applied rather than the volume of use. With the greater majority (94.9%) of offenders receiving one day community service orders, it may be difficult to determine that community service is being used as substitute for imprisonment. This is due, partly, to the probability that such offenders may have received other non-custodial and less severe sanctions, including, among others, small fines and discharges, rather than imprisonment. This kind of ‘duration’ is also not likely to achieve any meaningful rehabilitative impact on the offender. In the words of one supervisor, ‘one day CSO sentences are a let-off’ for offenders.

It appears that though there are stated requirements and processes for the implementation of CSO, these are not always adhered to. Committal of offenders to community service by the courts without referral to the probation office for pre-sentence report, for instance, may constrain the requirement of the Community Service Orders Act that, a court ‘shall not’ make any CSO order in respect of an offender unless it satisfied that ‘adequate arrangements exists for the execution of the order’.

5.3 Recommendation

Unlike the Probation of Offenders Act (Cap 64) which sets the minimum (6 months) and maximum (3 years) sentence, the Community Service Orders Act sets the maximum (3 years)

but not the minimum. It is recommended that the lower threshold for CSO sentence be legislated. In jurisdictions such as Finland where CSO has succeeded in substituting custodial sentence, they have sentencing guidelines/policy that set criteria for committal of offenders to CSO. Such guidelines are need in Kenya in order to reduce the disparities in sentencing of offender to CSO.

In view of the variance between the offenders' personal problems that were discussed with the probation officer, which is scored highly by both the offenders and the officers, and assistance given to solve the problems, which is scored very low especially by the offenders, more need to be done in addressing both the personal and criminogenic needs of the offender, which is crucial for rehabilitation.

Community service supervisors are the people charged with direct supervision of offenders and it is there important that they receive adequate training besides being provided with clear guidelines on community service supervision. This is especially critical given that their mainstream training and occupation is not on criminal justice. More resources are required to enable the implementing agency to undertake its mandate effectively.

5.4 Areas for Further Study

The emerging issues in this study suggest that there is need for study on the perceptions and views of the judicial officers, especially the magistrates, who are the people responsible for sentencing offenders. There is also need for research on post-program recidivism of offenders who had served community service orders sentence.

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ANNEX 1

QUESTIONNAIRE FOR OFFENDERS

Respondent category: Offenders

Questionnaire No.....

My name is Anne Gitao. I am undertaking a Masters Degree in Criminology and Social Order at the University of Nairobi. As part of the course, I am doing a project on the effects of community service orders supervision on offenders' rehabilitation. The purpose of this questionnaire is to gather information for the project. The answer you give will be treated with confidentiality and will be used ONLY for the purpose of this study. Your sincere answers are important to the understanding of community service in relation to rehabilitation of offenders.

You are NOT required to sign or write your name on the questionnaire.

Thanking you in advance.

PART ONE: BACKGROUND INFORMATION

Please indicate your answer by ticking in the appropriate box

1 Gender:

Male Female

2 Please indicate your age group:

12-17 years <input type="checkbox"/>	38-47years <input type="checkbox"/>
18 -27 years <input type="checkbox"/>	48-57 years <input type="checkbox"/>
28-37 years <input type="checkbox"/>	58 67 years <input type="checkbox"/>
67 years and above <input type="checkbox"/>	

3 Marital status:

Single Married Widowed Divorced Separated

4 Please indicate your highest level of formal education:

Primary Secondary College University None

5 Religious affiliation:

Muslim Christian Other (specify).....

PART TWO: INFORMATION ON COMMUNITY SERVICE ORDERS

1. What is the duration of the current order (please indicate the number of months).....

2. Please state the offence for which the current order was made.....

3. Have you had a previous conviction: Yes No

4. If yes to No.3, what sentence did you receive?

Probation

Fine

Community Service

Imprisonment

Other (Specify).....

5. Were the requirements of the Order explained to you before you commenced work:

Yes No

6. How do you rate your level of understanding of the requirements of the order:

Very clear Clear Vague Not very clear Not clear at all

7. Have you and the Probation Officer had discussions related to your personal problems:

Yes No

8. If yes to question 7, which of these problems did you discuss (if to No.7, please proceed to No.11

Offending behavior Alcohol abuse Drug abuse Financial

Family relationships Unemployment Accommodation Emotional

Personal relationships

9. Do you feel you were given assistance to solve the problems Yes No

10. Have **some** or **all of** the problems reduced: Some All

11. How many times have you met the probation officer during the last six months?

1-3 4-6 7-9 10-12 More than 12

12. Have you acquired any skills through the community service work: Yes No

13. If yes to Question 12, how would you describe the usefulness of the skills after completion of the order?

Very useful Useful Not very useful Not useful at all

14. Which of the following best describe your relationship with your family since you were placed on community service?

Supportive Strained Indifferent Hostile

15. Overall, how would you describe the level of support given to you while under supervision:

Very good Good Poor Very poor

16. If you were to choose between community service orders sentence and a sentence of imprisonment, which would you prefer

ANNEX 2

QUESTIONNAIRE FOR PROBATION OFFICER

Respondent Category: Probation officer

Questionnaire No.....

My name is Anne Gitao. I am undertaking a Masters Degree in Criminology and Social Order at the University of Nairobi. As part of the course, I am doing a project on the effects of community service orders supervision on offenders’ rehabilitation. The purpose of this questionnaire is to gather information for the project. The answer you give will be treated with confidentiality and will be used ONLY for the purpose of this study. Your sincere answers are important to the understanding of community service in relation to rehabilitation of offenders.

You are NOT required to sign or write your name on the questionnaire.

Thanking you in advance

PART ONE: BACKGROUND INFORMATION

Please indicate your answer by ticking in the appropriate box

1. Gender: Male female

2. Please indicate your age group:

20-30 years 31-40 years 41 -50 years 51 years and above

3. How long have you worked as a probation officer

Less than 5 years 5-10 years Eleven (11) years and above

5. Please indicate your area of study:

Social work Counseling Criminology Sociology

Other (specify).....

PART TWO: INFORMATION ON COMMUNITY SERVICE ORDERS SUPERVISION

1. Using a scale of 1-5, please indicate your level of agreement or disagreement with each of the following statements with regard to community service order by ticking in the appropriate space

5=Strongly Agree 4=Agree 3=Neutral 2=Disagree 1=Strongly Disagree

		Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I	The courts always refer cases for pre-sentence report					
ii	Community in-put is engaged before making an order					
iii	Offender's consent is by law a requirement for making an order					
iv	Offender's consent is asked for before making an order					

2 Are there written guidelines for supervisors:

- Yes
- No

3 Who is responsible to the court for offenders sentenced to community service orders

Probation officer Supervisor Other (specify).....

4. Are there schedules for visiting offenders at the workplace by the probation officer Yes
No

5 If yes, do visits take place as scheduled? Always Most of the time Sometimes
Rarely

6 How is community service work for offenders scheduled?
Daily Hourly

7 Are there minimum and/or maximum number of hours for community service work by offenders (if yes, please indicate below as applicable) Minimum Maximum

8 Does the community service order include any correctional intervention program/ requirement specific to individual offender? Yes No.

9 If yes, which of the following requirements are included?

Alcohol treatment

Drug treatment

Meeting with the victim

Change of residence

Family therapy

Any other requirement (specify).....

10 Is action taken in relation to solving offenders' problems?

Always

Sometimes

Most of the time

Rarely

11. Who is responsible for initiating action to solve offenders pro problems

Probation officer

Supervisor

Other (specify).....

12 In your view, does community service work help offenders acquire skills?

Yes

No

13 If yes to No.12, how do you rate the usefulness of the skills to the offender after completion of the order?

Very useful

Not very useful

Useful

Not useful at all

Not sure

14 In your opinion, which one of these purposes is most accomplished by community service Orders **(Please chose one only):**

Providing alternative to imprisonment

Punishment

Rehabilitation

15 Briefly explain in what way (if at all) the following aspects have affected implementation of community service orders program

Financial resources

.....
.....
.....
.....
.....

Training

.....
.....
.....
.....

Courts

.....
.....
.....
.....
.....

ANNEX 3

QUESTIONNAIRE FOR SUPERVISOR

Respondent category: Supervisor

Questionnaire No.....

My name is Anne Gitao. I am undertaking a Masters Degree in Criminology and Social Order at the University of Nairobi. As part of the course, I am doing a project on the effects of community service orders supervision on offenders’ rehabilitation. The purpose of this questionnaire is to gather information for the project. The answer you give will be treated with confidentiality and will be used ONLY for the purpose of this study. Your sincere answers are important to the understanding of community service in relation to rehabilitation of offenders.

You are NOT required to sign or write your name on the questionnaire.

Thanking you in advance.

PART ONE: BACKGROUND INFORMATION

Please indicate your answer by ticking in the appropriate box

- 1. Gender: Male Female

- 2. Please indicate your age group: 18 years and below 19-29 years 30-40 years
41 -51 years 52 years and above

- 3. Marital status: Single Married Widowed Separated Divorced

- 4. Please indicate your highest level of formal education:
Certificate Diploma Bachelor’s Degree Master’s Degree

- 5. Religious affiliation:
Muslim Christian Other (specify).....

PART TWO: INFORMATION ON COMMUNITY SERVICE ORDERS IMPLEMENTATION

- 1. Please indicate the category of the organization where you work:
Hospital School
Government Department Welfare organization

Other (specify).....

2. What is your position in the organization: Clerical Managerial Artisan/craft
Teaching Support staff

3. How long have you been a community service supervisor:

- 1-3 Months
4-6 Months
7-9 Months
10-12 Months
13 Months and above

4. Have you received any training in relation to community service orders

- Yes
No

5. If yes, did the training equip you for the job:

- Yes
No

6. What understanding do you have of your role as a supervisor:

- Very clear
Clear
Not very clear
Not clear at all

Are you aware of existence of supervision guidelines on community service orders?

8.If yes, are you familiar with the guidelines

9 Would you say you know much about the offenders that you are supervising?

Yes

No

10 Have you met the probation officer in the last six months?

Yes

No

11 If yes, please indicate the number of times:

1-3

4-6

7-9

10-12

More than 12 times

12 In your opinion, does community service work help offenders to acquire skills?

Yes

No

13 If yes, how useful are the skills to the offender after completion of the order?

Very useful

Useful

Not sure

Not very useful

Not Useful at all

14 In your opinion, which one of these purposes is most accomplished by community service orders (please chose one only)

Punishment

Rehabilitation

Providing alternative to imprisonment

15 How satisfied are you with the quality of work performed by the offenders?

Very satisfied

Satisfied

Neutral

Dissatisfied

Very Dissatisfied

16 Briefly describe in what way (if any) each of the following aspects has affected your work as supervisor.

Training.....
.....
.....
.....
.....

Your main duties.....
.....
.....
.....

ANNEX 4

QUESTIONNAIRE FOR RESIDENTS

Respondent category: Residents

Questionnaire No.....

My name is Anne Gitao. I am undertaking a Masters Degree in Criminology and Social Order at the University of Nairobi. As part of the course, I am doing a project on the effects of community service orders supervision on offenders' rehabilitation. The purpose of this questionnaire is to gather information for the project. The answer you give will be treated with confidentiality and will be used ONLY for the purpose of this study. Your sincere answers are important to the understanding of community service in relation to rehabilitation of offenders.

You are NOT required to sign or write your name on the questionnaire.

Thanking you in advance.

PART ONE: BACKGROUND INFORMATION

Please indicate your answer by ticking in the appropriate box

1. Gender: Male Female

2. Please indicate your age group:

18-27 years 28-37 years 38-47 years 48-57 years 57 years and above

3. Marital status:

Single Married Widowed Separated Divorced

4. Please indicate your highest level of formal education:

Certificate Diploma Bachelor's Degree Master's Degree

5. How long have you lived in your present residence

Less than 12 months 13-24 months 25-36 months 37-48 months
49Months and above

PART TWO: INFORMATION ON COMMUNITY SERVICE ORDERS BY RESIDENTS

1. Have you heard of community service orders Yes No

2. Do you know of any person at who has been sentenced to serve a community service order
Yes No

3. Do you know the community agency in which the person/s were placed to perform the community service work Yes No

4. Applying the keys provided, please indicate the extent to which you agree or disagree with the statement below with regard to community service orders.

5= Strongly agree; 4= Agree; 3= Not sure; 2= Disagree 1= Strongly disagree

Statement	5	4	3	2	1
Community service orders is a suitable sentence for juvenile offenders					
Community service orders is a suitable sentence for adult offenders					
Community service is not a suitable sentence at all					

5. Would you be comfortable with an offender performing community service work in your neighborhood Yes No

6. Do you know of any offender who breached their community service orders Yes No

7. If yes, do know what action (if any) was taken against the offender Yes No

8. Have you ever been contacted by a Probation Officer on any issue relating to community service orders Yes No

9. Do you think community service orders is an appropriate sentence for dealing the problem of crime in the community

Yes

No

Please give reasons for your answer.....

.....

ANNEX 5

INTERVIEW GUIDE FOR OFFENDERS

All questions to be probed further along the lines of the questionnaires

- 1 Let's talk a bit about your sentence. For what offence were you sentenced to CSO?
2. Have you and the probation officer discussed specific problems of personal nature
3. Were the requirements of the order explained to you (by whom)?
4. What is your relationship with the supervisor?
5. What type of work do you undertake for community service?
6. When did you meet the probation officer last?
7. Do you feel encouraged by your supervisor/probation officer?
8. Has community service affected your family/personal relationships?
9. How would you describe your experience of community service?
- 10 Would you have preferred another sentence other than community service orders

ANNEX 6

INTERVIEW GUIDE RESIDENTS

All questions to be probed further along the lines of the questionnaires

1. Are you a resident in this area/village?
2. Have you heard about community service orders?
3. Are there people that you know who have been sentenced to community service?
4. What is your understanding of Community service orders?
5. Have you in any way been involved in community service orders program?
6. Do you know which office/department is responsible for CSO?
7. Do you think CSO can reform offenders?
8. Does the community have a role in the implementation of community service orders?
9. What would you say are the benefits of CSO to the community?
10. Would you recommend community service orders sentence for any type of offender