

**THE CHALLENGES OF REHABILITATION OF EX-PRISONERS THROUGH
PROBATION SERVICE IN KENYA: THE CASE OF MACHAKOS COUNTY**

BY

DIANA AKETCH OWINO

REG No: C50/61470/2010

**A Project Submitted in partial Fulfillment of the requirements for the award of a Master of
Arts Degree in Sociology(Criminology) of the University of Nairobi**

2016

DECLARATION

I the undersigned, declare that this project is my original work and that it has not been presented in any other university or institution for academic accreditation.

Signature.....

Date.....

Name: Diana Aketch Owino

Reg no: C50/61470/2010

This research has been submitted for examination with the my approval as the university Supervisor.

Signature.....

Date.....

B MUTSOTSO

DEDICATION

I dedicate this project to my parents Mr and Mrs Owino, my husband Hollis Ochieng' Mkanga and my two daughters Mavis and Marlys Ochieng'. Both of whom have been a blessing and inspiration to me. I am always grateful to God for bringing both of you into my life

ACKNOWLEDGMENT

I wish to thank all those people who have in many ways contributed to making this research paper a success my appreciation goes first and foremost to the Almighty God for guiding me through my studies in good health.

My sincere gratitude goes to my supervisor Dr. Mutsotso for his guidance through this project. I can't thank you enough for the support you accorded me.

To my family, I thank you for your unwavering support and encouraging words when i felt like giving up.

I also wish to extend my gratitude to all the respondents for availing themselves during the interviews and filling of questionnaires. You played a big role in making this project a success

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ABSTRACT

There has been a big problem of recidivism among criminals in our society despite rehabilitation programs put in place. The study sought to find out the challenges of rehabilitation through probation service in Kenya Machakos County. The objectives of the study was to examine the strategies employed by probation officers in rehabilitating offenders and ensuring their re-settlement and re-integration back to the community, to investigate the role of community members in rehabilitation of offenders, to establish factors affecting rehabilitation of offenders through probation, the study employed non probability sampling to arrive at 60 probationers. Both qualitative and quantitative data was collected, organized, categorised, coded and analysed using descriptive statistics. Data were collected through interviews and questionnaires

The study found out that most respondents were males with formal education. Some of the challenges of rehabilitation of ex- prisoners through probation service in Kenya they indicated were absconding of probation work, offenders performing duties for others, offenders colluding with supervisors to be placed on probation, lack of resources for probation officers. The study found that most offenders in the program were charged with petty offences such as touting, selling alcohol without licence and creating disturbance. Probation is necessary for such offenders to avoid being hardened in prisons

The recommendation of the study were that probation department should employ more officers to avoid overworking the few probation officers on the ground. Education and awareness on role of community service and probation to public to dispel negative attitudes towards the program. They also indicated that the government should build functional half way houses to absorb offenders to reconcile offenders with community. This will guarantee the safety of probationers who offended some members of the community who might still be angry and would want to harm them

CHAPTER ONE: INTRODUCTION

1.0 Background

The existence of offenders is as old as the history of mankind. Offenders are people deemed to have committed a wrongdoing. Wrongdoing is a demonstration disregarding the law that causes hurt. Wrongdoing must be recognized by law, perpetrated with criminal expectation, and is liable to discipline by an authority (Bohm and Haley, 1996 and Adler et al, 1995). It is any act or inaction (commission or omission) deemed by law to be harmful to the society as a whole even though its' immediate victim might be an individual. Because of this harm, the society normally reacts against the criminal activities.

All over the world, this reaction against the offenders has evolved over a long period of time from the practices that put greater emphasis on retribution and punishment to the contemporary efforts that aim to rehabilitate the offenders. For instance, in the early societies the punishments awarded to the convicted and or suspected offenders were very harsh. Most of these punishments involved physical and psychological torture in the form of beatings, banishment, seclusion and even death. According to Mushanga (1976), death penalty; the harshest and most degrading punishment in the human history has been conducted through crucifixion, drowning in water, stoning to death, burning alive, boiling, shooting, hanging, electrocution and lethal injection among others.

However torture of offenders, and by large most of the degrading treatments have been abolished in most societies because they have failed to deter criminal activities since as the positive school of criminology posit; crime is a product of social, biological, psychological or economic forces which might be beyond the control of the individual criminal (Freda Alder et al,1995)

Thus, based on this positivist position; it is possible to prevent offending and rehabilitate offenders by working on the criminogenic factors. This view places the treatment of offenders within a context of social needs and recognizes that rehabilitation is a process that involves the offenders and the society. Therefore, as an improvement upon the harsh treatment of the offenders, and influenced by the positivist view; imprisonment as a form of rehabilitation came into being, though

it also punishes the offenders by denying them the right to liberty (Horalambos and Holborne 2007), and serves a variety of other functions such as incapacitating an offender from committing further crime, and deterrence among others. In Kenya, the measures that Prison institutions have put in place to reform and rehabilitate the offenders include provision of vocational training, formal education, guidance and counseling, and spiritual programmes. The inmates are also engaged in sports making of handcrafts and other recreational activities for leisure and relaxation (Kenya Prison Standing Orders).

However, despite these measures the prison system has been criticized all over the world on the basis of several weaknesses that impede the reformation and rehabilitation mission. These weakness include overcrowding and harsh prison conditions due to poor funding, influence of petty offenders by hardcore criminals because different offenders were mixed together, lack of professionalism and brutality of the warders, drugs and substance abuse among others . The other disadvantages of imprisonment include; deterioration of convicts vocational and professional skills, interruption of convicts' family life as the parent, husband, or wife duties cannot be performed, heterosexual starvation which breed homosexuality and lesbianism, thus prisons largely corrupts the reformed among other demerits (Mushanga (1976, Odegi – Awuondo (1993), OderaOruka (1985) and Omboto (2010)).

Based on the fore-going demerits and weaknesses several rehabilitation experts have postulated that imprisonment should only be used as a last resort to protect the society form vicious offenders, while the community based rehabilitation approaches such as is probation service preferred for other petty and first time offenders.

Probation service began on twentieth December 1943 in Britain under the Probation of Offenders Ordinance. The first courses for assistant probation officers were conducted in 1947 and 1948, and by 1954 the probation department in Britain was responsible for approved schools and juvenile remand homes. In Kenya, wrongdoing is a demonstration infringing upon the law that causes hurt. Wrongdoing must be recognized by law, perpetrated with criminal aim, and is liable to discipline Normally, the offenders committed to probation service should be petty and or first time offenders.(Probation Act Cap. 64)

According to the Kenya probation Act Cap 64, probation officers are expected to rehabilitate offenders through probation and community service orders. In the latter case, the offender is compelled to offer free services to the community; normally doing manual work (Community Service Orders Act.1998). For probation service, the offenders are rehabilitated through supervision, resettlement, re-integration, and counseling among others so that they can fit back into the society as law abiding citizens.

1.1 Problem Statement

Probation sentence is where the convict is released into the community by the courts from the other hand a predetermined timeframe under the supervision of a post-trial agent governed by certain conditions. The main role of the Probation Service is therefore delivery of justice through rehabilitation of convicted offenders in the community; outside the prison setting. Thus probation is key in preventing the negative effects of imprisonment and ensuring decongestion of prison institutions (Ominde 1999).

Mauer (1999) asserts that probation officers also argue that imprisonment was not the suitable intercession for all culprits, numerous could be restored in the group. This conviction prompted to the production of probation, a practice in which post-trial agents would both assist and police guilty parties discharged to their supervision. Those officers would help judges in choosing who to detain and who to put in the group by storing up data on every guilty party. This representation was incorporated in a moderator report that would detail the guilty parties' criminal history as well as his or her business record, family foundation, and individual qualities.

Chapter 5 (section 70- 80) of the Kenyan Constitution contains a bill of rights that stipulates the key rights and opportunity of each individual Kenyan. These include: the privilege to life, freedom, security of individual and property, the privilege to reasonable trial, flexibility of still, small voice, opportunity of development, flexibility of affiliation and get together, flexibility from brutal treatment, flexibility from bondage and opportunity from treated in any biased way.

Carr (1988) argues that in Kenya, diverse guilty parties may not be given a similar sentence for a similar sort of wrongdoing, as officers and judges take a gander at the conditions of every case and every wrongdoer. For instance, a harsher sentence might be given if the guilty parties commits an offense at an early stage to avoid graduating to more offences. Jail sentences are given when an offense is serious to the point that it is the main reasonable sentence. There are three sorts of jail sentence: Suspended sentence, Determinate sentence and Indeterminate sentence (counting life sentence) which the judge decides in the court room.

Carr (1988) asserts that a court may give a guilty party a suspended jail sentence if the time they would some way or another spend in jail is under 12 months. With a suspended sentence, the guilty party doesn't go straightforwardly to jail yet they do need to meet conditions in the group, set by the court. The guilty party needs to: do unpaid work for the group, be directed by a post trial agent, and avoid certain spots or zones among others. These conditions can last up to two years. On the off chance that the guilty party breaks these conditions then he will need to serve the first sentence in jail.

Determinate sentence is the place a guilty party serves half of his sentence in jail and another half in the group. In the event that the ex-detainee carries out another wrongdoing while serving his sentence, he will be sentenced for the new wrongdoing along these lines finishing both offenses. Uncertain sentence is the place a court gives a sentence setting the base time the guilty party must spend in jail. This period set by the judge is known as a duty. These sentences are generally given for rough and sexual offenses and where the court thinks the guilty party is a hazard to people in general. Probation is meant to be less punitive but reformative. Petty offenders are always recommended for probation to avoid contamination from hard core criminal.

Silverman (1994) believes that there has always been a belief that education and work abilities are essential to securing business and being a beneficial individual upon discharge. Guiding mediations are likewise utilized as it is expected endless supply of the sentence, numerous guilty parties might not have the fundamental understandings that are vital to working in the general public. Post trial agents every now and again, give individual and gathering guiding for wrongdoers to relinquish their criminal lifestyles. Close supervision, was necessary as it enabled

the probation officer to monitor probationers under him thus making resettlement and reintegration easier because he knows the character of the offender.

Moller (1984) asserts that Civil Society and some members of the community have always requested for the enactment of the law that allows for the administration of punishments which allow for convicts to serve community service other than sending every offender to prison. The civil society advocate for probation as this reduce prison crowding especially for light offenders and its away that probation officers can use to re-integrate him/her back to the community. The society has always been so helpful by providing jobs, not necessarily high paying ones but one that can keep the offender busy and give him just enough to sustain him.

Moller (1984) believes that the Civil Society and nongovernmental organizations have the power to influence individual behavior. In many cases, the community has the biggest role of forgiving and accepting offenders. They determine whether the offender will be re-integrated and not re-offend due to rejection and stigma. By providing love, care, employment and understanding an offender is more likely to be reformed.

Connell(1987) explains that an offenders who fail to be rehabilitated through probation receive warnings and threats from the police. Most ex- prisoners who fail to be rehabilitated end up in prisons because they are beyond help. Crime is like a disease that if not properly cured will always recur.

The courts also do refer matters to the probation or community service officers aimed at establishing the offenders' history after conviction but before sentence, in this case; the probation officers conducts a full social inquiry in respect of the offenders in question. If the accused is fit for non custodial sentence he or she informs the sentencing court. In this arrangement such offenders are given a chance to reform within the community by being committed to community service.

However, rehabilitation of offenders through the Probation service in Kenya has not been all successful. This may be blamed on poor supervision by the probation officers, inadequate co-

operation from the public such as the parents and relatives of the convict, and inability of the probation staff to curtail the power of bad influence on the offender due to association with the bad characters in the society, among many others(Wotton 1970)

Many offenders seem not to have been rehabilitated no matter how many times they go to prison. Most of them are sentenced to probation but still end up going to prisons. This led to the need to study the challenges that probation face when they are left with probationers to rehabilitate.

The difference between this study and one done by an American researcher, Roberts (2004) at Havard University on the factors affecting rehabilitation of ex- prisoners through probation services is that, he prefers youthful offenders to be released on probation as they were an important assets to the community as opposed to the adult offenders, and also that the youthful offenders would eventually return to the community.

Loeber (1998) believes that South Africa focuses on probation but his study is based mostly on his preference on the government to invest more on incarceration than probation.

This report seeks to establish the challenges facing the rehabilitation of the ex-prisoners through probation service in Machakos County by investigating the types of these offenders normally rehabilitated through probation service, the effective strategies employed by the probation officers to rehabilitate such ex-prisoners, and ensure their re-settlement and re-integration in the community, the role of the community members and the civil society at large in rehabilitation of such offenders, the factors affecting the rehabilitation of such offenders through probation, the challenges probation officers face in rehabilitating ex-prisoners, and the alternatives available in rehabilitating the offenders who fail to be rehabilitated through probation service.

1.2 Research Questions

The study was guided by the following questions:-

- 1) Which types of ex-prisoners are rehabilitated through probation service?
- 2) Which strategies do the probation officers employ to rehabilitate such offenders, and ensure their re-settlement and re-integration in the community?
- 3) What role do the community members and the civil society in general play in rehabilitation of such offenders?
- 4) Which challenges do probation programmes face in rehabilitating ex-prisoners?

1.3 Objectives of the study

1.3.1 The main objective

The main objective of this study was to investigate the various challenges facing the rehabilitation of the ex-prisoners through probation service in Machakos County.

1.3.2 Specific objectives

The specific objectives of this study were:

1. To establish the types of ex-prisoners who are rehabilitated through probation service.
2. To establish the strategies employed by the probation officers in rehabilitating such offenders, and in ensuring their re-settlement and re-integration in the community.
3. To investigate the role of the community members and the civil society at large play in rehabilitation of such offenders
4. To establish the challenges that the probation programmes face in rehabilitation of the ex-prisoners.

1.4 Justification of the study

This study contributed to knowledge by generating and documenting information about rehabilitation of offenders through probation service in Kenya, particularly on the challenges facing rehabilitation of offenders through probation service in the country.

The study was useful to the legal society and non- governmental organizations in improving rehabilitation of offenders through probation service by unearthing the factors affecting it, and

coming up with effective mitigation measures. Other policy makers and planners who are interested in crime and rehabilitation of offenders found the study helpful for their work.

Klaire (1966:43) recommend that the officers managing reformation and rehabilitation of offenders must have the capacity to do the work. This study helped in determining and evaluating the capacity of the probation staff in offender rehabilitation.

1.5 Scope and Limitations

This study looked the probationers in Machakos County specifically former inmates of Machakos G.K Prison from 2012- 2016.

1.6 Definition of Terms

In this study the following terms have the indicated meanings.

Community Service –The offering of free services to the community by convicted probationers.

Probation Officers- These are the government officers employed by the probation service to rehabilitate offenders in the community.

Probationers-Offenders committed to probation service by the courts.

Rehabilitation- In this study rehabilitation is the process of reforming offenders by the probation officers through various programmes, so as to make them fit back into the society as law abiding individuals.

Rehabilitation strategies-This refers to the measures, techniques and programmes employed by the probation officers in the rehabilitation of the offenders on probation.

Re-settlement and re-integration-This refers to enabling offenders who have been rehabilitated through probation service settle back in the community, and live among community members as law abiding citizens.

Recidivism- This refers to the tendency of going back or repeating previous behavior especially criminal behavior.

CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.0 Literature Review

This chapter covers the historical origin of probation service, probation service in Kenya, probation rehabilitation strategies, the role of community members in rehabilitation of offenders, and factors affecting rehabilitation of offenders through probation and the theoretical framework.

2.1 Origin of the Probation Service

Sutherland (1998) narrates that Probation has an American origin, it began with John Augustus, a Boston Shoemaker who in 1841 stood for the youth and alcoholics on a good behavior surety in the courts. The legal origin of probation is judicial clemency which grew out of common-law practice in the Anglo-American legal system of granting legal reprieve. Massachusetts pioneered probation legislation soon after the civil war, and other States in the USA legalized the idea of suspension of sentences a generation or more thereafter. (Sutherland: 1995) However, Sutherland asserts that probation is a generally late advancement ever.

It started in 1841 when John Augustus a prosperous boots creator in Boston safeguarded a litigant in the lower court, the first of about 2,000 respondents who were eventually depended to his care with the court expecting that it had power to concede sentence and anticipate the result of the trust before making last demeanor of the offense.

In 1878, under the primary probation statute, the chairman of Boston was approved to choose every year post trial supervisor as an individual from the police constrain. The ability to choose post-trial agents in Massachusetts was conceded to all towns and urban communities in 1880, to judge of the lower courts in 1891 and to judges of Superior Court in 1898.

This early enactment related just to the arrangement of post-trial supervisors. The principal statute approving courts to allow probation was passed in 1898 by the Vermont Legislature, which made probation a condition affixed to suspension or execution of the sentence. By 1915, states in USA had approved probation for grown-up guilty parties; by 1957 all states had done as such.

Improvement of the lawful reason for probation joined by a meaning of the obligations and duties of the post-trial supervisor, detailing of criteria for allowing probation, arrangement for and meaning of the pre-sentence examination, approval of the burden of probation conditions and disavowal and refinement of strategies, practices and types of regulatory structure also came into being (Sutherland 1995)

Probation work naturally divides itself into two aspects: investigation and supervision. The written report of the pre-sentence investigation enables the presiding judge to decide whether the defendant should be placed on probation or not.

In some courts, judges request a recommendation for or against probation by the probation officer, in other courts; judges do not welcome recommendation as to the probation risk. They merely want the facts of the investigation in order to make their own decisions.

An adequate pre-sentence investigation not only indicates whether the defendant in probation is able ,it also gives clues as to the causes of his criminal behavior, the possible extent to which he may be reformed or rehabilitated and his need for a constructive probation programme.

A minimally adequate investigation requires at least an initial contact with the defendant, either in the office if he is on bond or in custody if he is in jail. Complainants should be interviewed; agencies with which the defendant has been recently connected should be contacted for summary, employers, the spouse, mother or relative knowing the home background. If clinical service is available and the probation officer thinks that there might be some questions of mental disturbance the defendant should be given a psychiatric and psychological examination. When all this information is digested, the probation officer should have a second interview to push as far as possible into the inner personal life and problems of his charge. (Reckless 1973)

A pre-sentence investigation report, when written up and presented to the judge should include in summary form such information as present offence-the individual's disposition towards it and his part in it. Past criminal record, family circumstance including pressures and disunity and the variables influencing joy, neighborhood environment, school and instructive history, business history-particularly the abilities and the effectiveness and strength as laborer, partners and

members, propensities including liquor, betting, indiscriminate, physical and emotional wellness. The pre-sentence report ends with summary and recommendation where the probation officer needs to capture subjective content as possible and give more revealing clues as to what has shaped the destiny.

The part of the division of adjustments is to secure people in general, give sheltered and others conscious environment to staff and guilty parties, regulate wrongdoers at a level of group comparable with the perils they introduce (Florida Department of Corrections, 1992).

For some people who have been sentenced a wrongdoing, post trial agents are likely the most despicable aspect of their reality: the general population who keep them from leaving the city or state, determining the status of them almost consistently. In any case, post trial agents are a fundamental piece of our criminal equity framework and restore numerous guilty parties.

There are diverse types of discipline for crooks, each relying upon the degree of their wrongdoing. Prevention, recovery, retributivism, and reprobation are the four which criminal law centers upon, every which are intended to better serve society. Post trial agents are a piece of recovery which still rebuffs lawbreakers by taking without end some of their rights, yet permits them the flexibility to stay out of prison for offense wrongdoings. Also, numerous individuals on post trial supervision or parole have as of late been discharged from prison, and should be regulated by another type of criminal equity. This can likewise cover into discouragement, since different crooks might be stopped from submitting a similar offense in the event that they know it will bring about probation.

Post trial supervisors are important to guarantee their officers stay administered by the law and keep out of mischief. This is an imperative part of the criminal equity framework since it requires the officer to stay perpetrated to the guilty party and guarantee they don't carry out further offense once more. While probation just keeps going a brief period, there is still an enduring impact that numerous lawbreakers have as consequence of probation which remains with them for the duration of their life. Post trial agents just help with the move from criminal back to national, permitting numerous guilty parties another opportunity at life, instead of detainment.

2.3 The Probation Service in Kenya

According to the Interim Report on Integrated Correctional Services Program (2009), the history of Probation in Kenya dates back to 1943 when the British colonial government appointed a series of Commissions that recommended establishment of the Probation Service. The Peterson Commission was the most notable of them all. The probation benefit as rehearsed in Kenya today owes its root to Britain when the Probation Ordinance was passed in 1943. Its real beginning in Kenya was in 1946. In its developmental stages, it was kept to the then Nairobi Municipality and managed adolescent and ladies guilty parties.

A similar report expresses that authoritatively, the division has throughout the years been under various services albeit insignificant changes on the office's statutes have been made throughout the years. The administrations of the office have developed and extended colossally throughout the years from the underlying scope of Nairobi. At present the office works at all court stations in the nation. Probation draws its order from the Probation of Offenders Act Cap 64 Laws of Kenya. This involves conducting, compiling and submission of reports in court. The reports assist the courts on arriving at the most suitable sentences for offenders. The court can place the offender to serve a minimum of six months on probation and a maximum of three years after considering salient factors in the social enquiries reports. Further, the program involves rehabilitation of offenders placed under its care by the courts. The process of rehabilitation encompasses supervision, reconciliation and integration of an offender in the community. The offender periodically interacts with the probation officer with the end goal of consistence with the probation request and execution of the recovery arrange. Inability to watch the states of the probation request may bring about more stringent approvals including detainment.

Okwara (2013) gives a diagram of probation in Kenya by putting it that: in Kenya probation and aftercare administration is an administration organization required in the organization of criminal equity particularly accused of the obligation of actualizing restorative administrations inside the group. That among its many objectives is, social crime prevention, peace building and conflict resolution initiatives. Probation's main functions are supervision and rehabilitation of offenders serving non-custodial sentences. Rehabilitation according to Okwara is achievable in probation

by; pro-social modeling, problem solving, counseling and functional family therapy. (Okwara 2013).

2.4 Probation Rehabilitation Strategies

Rehabilitation is defined as all activities and procedures expected to help the rectification of wrongdoers through the selection of profitable, decent way of life inside the group' and give chances to address their culpable conduct and effectively urge them to get to confirm based mediation programs such as education, vocational training and formal and informal work opportunities. A key expectation of any correctional institution is that offenders undergo rehabilitation and avoid re-offending. (OVP&MOHA Oct 2011)In probation, the relationship between the service provider and the offender often determines the outcome of the rehabilitation process.

Rehabilitation is one of the key goals in correctional services as it addresses both recidivism and public safety. The main strategy in probation work is supervision of probationers. Supervision affords the probation officer an opportunity to develop a constructive relationship with the probationer and to work out with him a plan that will lead to a more satisfactory and acceptable level of adjustment. In this capacity, the probation officer plays the role of friendly counselor and guide. He needs to encourage, interpret, and implant suggestions. In this role also, the probation officer is a leader, executive and a social therapist. The probation officer plays the dual role of authoritarian protector and counselor or guide.

Stuckey (2000) opine that the other rehabilitation strategies include; Counseling programs, the goals of counseling programs according to this scholar are helping the convict to acclimate to the disappointments that are unalterable piece of life in an organization and in the public eye. Guiding likewise empowers the ex-detainees to perceive the part of passionate conflict in their criminal behavior. It provides them with the opportunity to learn from their peers about the social aspects of personality. Counseling also helps inmates to understand how costly inappropriate behavior can be to them.

(Resource Oriented Development Initiative Report 2012) postulates that counseling assist in improving the emotional climate of the institution. He argues that many frameworks utilize an assortment of more concentrated individual and gathering systems and conduct alteration, aversive treatment, milieu treatment, reality treatment, value-based treatments and obligation treatments among others to ensure changes in people.

(Stuckey 2000) acknowledges that probation also provides vocational programs. This is normally done at the probation hostels. In employing this strategy rehabilitation is pursued through vocational training where some ex-inmates also obtain formal education. The institutions employ instructors on full-time or volunteer basis.

According Probation Services in Kenya's Report (2006), rehabilitation of juveniles and young offenders who are the people looked upon for the future of the community should be done in a way that would enable them to lead an organized and successful life. This is done not only through counseling but also through provision of material assistance such as uniforms and miscellaneous fees for those in school. There is also admission in technical and vocational institutions, providing tools to those with skills as well as starting small- scale businesses and encouraging self employment.

The report outlines that women are the kingpins of any home and believes that the absence of a woman or mother in a home creates disorientation in a family. Probation therefore makes all efforts to ensure that females do not stay away from home unnecessarily by being remanded for long periods. Females sentenced to serve probation sentences undergo intense supervision. Many are assisted to set up income generating projects such as selling groceries, operating kiosks, tailoring and dressmaking etc. He further states that the establishment of such business activities enhances their morale, improves their economic standards and changes their attitude in life. This in turn brings harmony into their families, improves general standards and eliminates criminal tendencies among females and the community (Probation services in Kenya's Report 2012).

For probationers who come from a home environment that is hostile to their proper resettlement; they are normally taken to institutions referred to as Probation Hostels for rehabilitation as a

strategy. These hostels are places of temporary residence for probationers as probation officers make efforts to have them accepted and resettled at home. (Kenya Probation and after care services program)

2.5 Probation at International Level

The United Nations Integration, Crime and Justice Research Institute and the Common wealth secretariat have a longstanding relationship in view of issues of regular enthusiasm for the zone of wrongdoing aversion and criminal equity, which has brought about a progression of joint exercises.

Among the different issues of basic intrigue or concern non-custodial authorizes by and large and probation specifically pulled in the consideration of both elements.

District secretariat is occupied with probation in light of the fact that numerous creating federation nations confront challenges with the organization of criminal equity, while UNICRI's advantage remains in its long-standing knowledge in research identified with contrasting options to detainment, and it's carried out to proceed with exercises around there.

In spite of the way that detainment is viewed as the most suitable sentence for various violations and wrongdoers, encounters in nations in which probation is an alternative have without a doubt showed that it is far less expensive and much more others conscious than detainment. (Odekunle 1994)

Non-custodial authorizations remain a region of intrigue and seek after a more rehabilitative, less correctional and less expensive approach to controlling and avoiding wrongdoing. The significance of non-custodial approvals was worried amid the Eighth United Nations Congress on the aversion of wrongdoing and the treatment of guilty parties (Havana, Cuba 27 August-7 September 1990). The congress embraced the UN Standard least guidelines for non-custodial measures (the Tokyo Rules) and a determination of standards and bearing for research on non-custodial authorizations.

It was the goal of the Commonwealth Secretariat and UNICRI to include whatever number nations as would be prudent keeping in mind the end goal to amplify the trade and spread of data to make the bases for contact among probation professionals and chiefs, from around the globe to internationalize the issue confronting probation benefits and to advance probation globally (United Nations overview of Crime Trends and the operation of Criminal Justice 1994)

In a few frameworks and progressively along these lines, arrangements are made for the blend of custodial authorizations with non-custodial assents and mix of various non-custodial approvals. Such mixes may give the sentence may weight and tailor it to the attributes of wrongdoers while meeting the desires of the court and the group. The UN Crime Survey demonstrate that numerous nations either don't have classes of non-custodial approvals incorporated into the review or don't have measurable information on their utilization. Four classifications of non-custodial authorizations are alluded to: control in opportunity, notices, fine and group benefit arrange. (Waller 1997).

In the majority of the nations reacting to the review, the fines is the most as often as possible utilized non-custodial endorse. In range from 95% in Japan through more than 70% in the Western European nations to much lower rates in the nations experiencing significant change and the creating scene. Near, and more than, half of indicted grown-ups got notices and reprobations in various both Western and Central/Eastern European nations (with upwards of 74% in Slovenia) analyzed t a practically unimportant rate in the creating scene except for South Africa(23%). Control in opportunity and group benefit arrange have all the earmarks of being less used authorizing alternatives no matter how you look at it in spite of the fact that the republic of Korea, Israel and Slovakia use them generously.(Joutsen and Zvekic 1994).

2.5.1 United Nations Standard Minimum Rules

United Nations Standard Minimum Rules (Tokyo 1990) give an arrangement of fundamental standards to advance the utilization of non-custodial measures, and additionally least protects for people subject to contrasting options to detainment. The standards are planned to advance a more prominent group contribution in administration of criminal equity, particularly in the treatment of

guilty parties, and also advance among wrongdoers an awareness of other's expectations towards the general public.

These base standards hold that trivial and young guilty parties ought to be put on group programs that give generally more successful restoration while using accessible assets inside the group. Joined Nations plainly frameworks to its individuals that they ought to create non-custodial measures inside their lawful frameworks to give different choices, therefore lessening the utilization of detainment, and to excuse criminal equity strategies, considering the recognition of human rights, the prerequisites of social equity and the recovery needs of the guilty party, segment 1(5).

Where proper and good with the lawful framework, the police, the indictment benefit and additionally different organizations managing criminal cases ought to be engaged to release the guilty party in the event that they consider that it is not important to continue with the case for the assurance of the general public, wrongdoing counteractive action or the advancement of the regard of the law and the privilege of casualties. With the end goal of settling on the propriety of release or assurance of procedures, an arrangement of set up criteria might be created inside each legitimate framework. For minor cases the prosecutor may force reasonable non-custodial measures as proper area 5(5).

The treatment of wrongdoers ought to accentuate not their prohibition from the group but rather their proceeded with part in it. Group organizations ought to, hence be enrolled wherever conceivable to help the staff of the establishment in assignment of restoration of the detainees. There ought to be in associations with each establishments social specialists accused of the obligation of keeping up every single alluring connection of a detainee with his family and with significant social offices. Steps ought to be taken to protect, to boost degree perfect with the law and the sentence, the rights identifying with common intrigue, government disability rights and other social advantage of detainees (61).

Unique consideration should be paid to the upkeep and change of such relations between a detainee and his family as are alluring to the greatest advantage of both (79). From the earliest starting point

of a detainee's sentence thought should be given to his future after discharge and he might be urged and helped to keep up or build up such relations with people or offices outside the establishment as may advance the best enthusiasm of his family and his own particular social recovery (80).

2.6 The Community Approach

To the extent the adjustments columns are concerned, wrongdoing avoidance alludes to the exertion that look to change the conduct of crooks with the goal that they won't re-irritate. It incorporates all exercises intended to deliver socially alluring results-more beneficial detainees, higher instructive fulfillment, diminished reliance on unlawful medications and so forth.

Wrongdoing aversion happens in a few areas. One of these is the group. The people group's investment in wrongdoing aversion speaks to the general population acknowledgment of its mutual duty with the official segment for wrongdoing counteractive action. It continues from the view that the main drivers of wrongdoing, for example, unemployment, neediness, and absence of education and not inside the control of any one part of the criminal equity framework. It is the obligation of the group to defeat these issues.

It must be focused on that the part of the group in wrongdoing counteractive action just supplements or supplements the exertion of the state .e.g opening for work projects of the group must be founded on the aptitudes of the guilty party may as of now have or may have procured while in jail. The people group would be hard placed in setting up business program for wrongdoers who are absolutely incompetent or who have not gained any aptitudes while in imprisonment. Group gives the accompanying abilities to ex guilty parties: instruction and aptitudes preparing, religious administrations, recreational exercises, work and employment programs. Under the Probation Law of 1976, as altered, an individual from the group might be delegated as a volunteer Probation Aide. Such a volunteer gives material help, for example, drug, office supplies, seedlings for tree planting exercises, transport offices and giving costs to volunteers Re-irritating has been too high for a really long time, regardless of huge government spending on guilty party administration in the most recent decade. There has been little change in reconviction rates and half of those discharged from jail go ahead to re-insult inside 12 months.

2.7 Rehabilitation

One of the primary contentions or non-custodial authorizations is that they don't obstruct rearrangement to society, and may encourage this. Detainment facilities experience issues in getting ready guilty parties for an existence in flexibility under states of guardianship (Klare 1966). The common strategy for surveying recovery is to study recidivism. The presumption is that the more prominent utilization of non-custodial authorizations will lessen recidivism. Lamentably for the individuals who need clear replies, it has ended up being exceptionally hard to gauge and survey recidivism (Bwononga 1998).

Another technique to gauge the impacts of on-custodial assents considers the achievement rate of the program. It depends on the presumption that effective culmination of the program shows a high probability of having accomplished the reason for the program including restoration. In this way in the United States, a few projects including the utilization of electronic checking have been considered to be exceedingly fruitful on the grounds that all who took an interest in the program took after, the conditions while different projects had an effective rate of just half. In Australia, thusly, home detentions have been accounted for to have an effective rate of 85%

The issue with this measure is that non-custodial approvals have a tendency to be utilized where there is an expansive probability of progress. Accordingly the program is connected to a specific profile of wrongdoers, and the assent of the guilty parties is required. These variables tend to make it hard to figure out if or not the objectives of the program have been come to (Haralambos and Holborn 2007)

2.7.1 Factors affecting Probational Rehabilitation of offenders in Kenya

Report by the Ministry of Home Affairs (2012) highlights that probation officers are expected to rehabilitate offenders put under their supervision by courts of law as an other option to detainment. To finish their objectives, post trial supervisors must adapt to complex printed material requests, vast caseloads and contracting spending plans that rule out mistake in managing customers. Officers should likewise wander into unfriendly situations, and move restoration in wrongdoers with dependence issues or brutal criminal histories. Different issues regularly impede their success. These factors may include under funding by the government where most probation service officers

lack financial resources that would help them do visits aimed at conducting social inquiry reports. These reports help courts in awarding non custodial sentences.

Corruption is another factor that affects probatioin service in Kenya. Some probation officers are corrupt thus they collude with criminals and other court officers to fake social inquiry reports favorable for non custodial sentence. These officers and magistrates benefit themselves from such deals. This corruption is responsible for instances where serious crimes like robberies, manslaughter, grievous harm ends up attracting non custodial sentences.(Corrections News 2012)

Under staffing is another challenge in rehabilitation of offender through probation service. It has also led to serious delays in determination of cases especially those referred to probation for investigation. It rehabilitation of such suspects are interfered with.(Elias 2009)

High caseloads may be another major problem for probation officers, who are normally required to rehabilitate many offenders beyond what an individual officer can manage. For instance; one probation officer may deal with many as 200 probationers. With such overpowering numbers, post trial supervisors have minimal decision yet to accord offenders minimal or no supervision because of stress and burnout which further affect their work.(Report on Law Changes 2007)

Another challenge may be safety threats; because they deal with some hostile offenders who can expose them to business related viciousness, or dangers. Numerous guilty parties additionally experience the ill effects of substance mishandle issues that make them willing to utilize brutality(Correction News 2012)

Difficult Probationers is also a problem who fail to abide by court orders and probation terms, some also fail to work, refuse to business related brutality, or dangers. Numerous wrongdoers additionally experience the ill effects of substance manhandle issues that make them willing to utilize savagery, and other violations of terms probation terms. (Richards 2011)

2.8 The Legal Framework Governing Probation in Kenya

2.8.1 Probation of Offenders Act CAP 64

The Probation of guilty parties Act top 64(1907) is a demonstration of the United Kingdom Parliament. Ordinarily alluded to as the Probation Act.

The Act permits judges wide scope to reject a charge attempted summarily against a respondent notwithstanding when the court supposes it is demonstrated, or to restrictively released a litigant (whether the charge is attempted summarily or on instigation). The power might be conjured when the court is of the supposition that, having respect to the character, forerunners, age, wellbeing, or mental state of the individual charged, or to the minor way of the offense, or to the special conditions under which the offense might be conferred, it is inexpedient to cause any discipline or whatever other than an ostensible discipline, or it is convenient to discharge the wrongdoer on post trial supervision. Segment 4(1)

By and by, cases might be expelled under the Probation Act for a respondent on condition that he pays a commitment to philanthropy, or reimburses a sum stolen, or pays the expenses emerging from his activities. They might be expelled where the offense is specialized or unimportant. The utilization of the Act has at times brought about debate where casualties or people influenced by the wrongdoing feel that the expulsion is in fitting. Segment 4(2)

In spite of the name, a rejection under the Probation Act does not put the wrongdoer on post trial supervision in the feeling of reporting to and draw in with a post trial supervisor, unless it is communicated to do as such. For sure if a respondent is given the Probation Act, it doesn't consider a criminal conviction, despite the fact that it has been known to contrarily influence travel abroad.

The probation and group benefit arrange Act. Top 291 was built up in July 2008. It is in charge of overseeing and execution of non – custodial sentences crosswise over Kenya. Its main goal is to viably add to group wellbeing through the administration of non-custodial sentences by advancing more prominent group inclusion and criminal equity cooperation in the recovery and effective reintegration of guilty parties once more into group. The community members play a greater role in rehabilitation of offenders. For instance; non-governmental agencies such as community-based

organizations do offer counseling services to drug and substance abusers. The community elders also encourage the use of elective question determination. This includes utilizing accessible group structures frequently represented by adequate socio-social standards that predicament a given group (International Journal of research in Social Sciences 2012)

(Alcohol, Drugs and substance abuse report 2012) recognises organizations that offer guidance and counselling and give out resources to get the offenders out of crime. In Kenya for example, the Mombasa based Solidarity with Women in Distress (Sokuodi) is involved in rescuing teenage girls from the sex slavery and prostitution. It offers peer education counselling and vocational training to the rescued girls in an effort to curb the crime. Others directly involved in the rehabilitation process of convicted offenders in prison custody are Consolata Missionary Sisters and Ruiru based Resources Oriented Development Initiative (RODI) of the Catholic Church.

Community members also play an active role in diversion of offenders from the criminal justice system. This is the prevention of petty offenders from entering into the Criminal Justice System. Here, the offenders (criminals and delinquents) are rehabilitated by the community members such as the parents, peers, schools and the neighbors thus are saved from the injuries of some forms of rehabilitation such as imprisonment. (Richards 2011)

2.8.2 Community Service Orders Act CAP 4.15

Group benefit arrange implies unpaid work performed by an indicted individual.

The Community Service Order top 4.15 (1994) states that where a man is under the steady gaze of court for sentencing in the wake of being indicted an offense deserving of detainment other than the offense the sentence for which it is altered by law the court may, rather than forcing a punishment of detainment, and regardless of whether forces any fine likewise make a request requiring the individual to perform group benefit work for various hours decided on the premise of 32 hours for one month.

A court may not make a Community Service Order in regard to a man unless the individual advises the court of his readiness to perform Community Service as an other option to detainment and the court (4):

(a) is fulfilled in the wake of considering reports from a doled out officer that the individual is a reasonable individual to perform group benefit work under such request

(b) is fulfilled that reasonable group benefit work is accessible.

Where the court makes a group benefit arrange, it might likewise determine in the request the quantity of hours work required to be performed and the quantity of hours work required to be performed on days when work is allocated segment 5(1).

The people group benefit arrange should stay in drive until the individual to whom the request is made has performed group benefit work as per any prerequisite made by or under this demonstration of the request for the quantity of hours determined in the request.

Segment 3(2) of the Community Service Order (CSO) Act gives that open work might incorporate however not be restricted to development or upkeep of open streets or streets of get to, afforestation works, environment preservation, ventures for water protection, administration or dissemination and supply, support work in government funded schools, healing centers and other open social administration enhancements, the nature or sort of open work should in a specific case be dictated by court in discussion with the Community Service orders Committee.

Where a court proposes to make a Community Service Order it might, before making the request, disclose or cause to be disclosed to the individual in regard of whom it is proposed to make the Order, in dialect promptly to be comprehended by him (7):

(a) the reason and impact of the proposed Order.

(b) the outcomes that may take after on the off chance that he neglects to agree to the proposed Order or any necessity made by or under this Act or the controls in regard of the proposed Order; and

(c) that the proposed Order might be altered or disavowed

2 A court which makes the Community Service Order should, when practicable after the request is made , cause the Order to be decreased to writing in the recommended frame and serve duplicates to(8):

(a) the individual in regard of whom such Order is made:

(b) the doled out officer will's identity in charge of the organization of such Order; and

(c) the officer court which will direct court in regard to such Order if the Order is made by the High Court

2.8.3 Community Service Orders Programme

The precursor to the community Service Orders Act was a form of non- custodial work oriented service that was provided for in the Prisons Act Cap 90, Laws of Kenya called Extra Mural Penal Employment (EMPE). Since its management was under the Prisons Department, EMPE was supervised by prisons officers. It operated on the basis that an offender would be sentenced to work in a public institution for a period not exceeding six month and a prisons officer would follow him/ her for supervision. Due to the nature of prisons work which is institutions based, it was not possible for prisons officers to supervise these offenders effectively. The Provincial Administrators especially the chiefs were the custodians of the offenders in the respective regions, to the extent that EMPE became known as the sentence of the chief. The problem of poor or lack of supervision and lack of coordination worsened with time. It became virtually impossible to keep track of offenders, that is, where they were and what they were doing due to poor record and lack of follow up. This led the Attorney General to draft Community Service Orders (CSO)Bill which was later passed by parliament. It is today known as Group benefit Orders Act No. 10 of 1998 which now manages group benefit in Kenya today.

The command of the Community Service Orders Program is cherished in the Community Service Orders Act No. 10 of 1998 and in the other applicable statutes like the Probation of Offenders Act CAP 64 and the Penal Code CAP 63 of the Laws of Kenya.

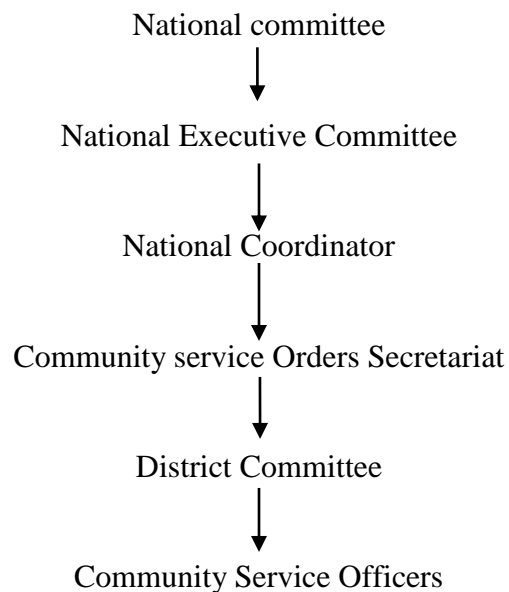
2.8.4 Benefits of CSO as a Non- custodial Sentence

The following are the expected benefits both at individual and collective level: rehabilitation of non serious offenders within the society, individual offender payback(reparation) for the injury done to the community, decongestion of prisons for first time and non serious offenders, saving tax payers money, avoid contamination of non serious offenders and first time offenders by hard core offenders, promotion of reconciliation the offender and the victim of crime, linking offender to potential employer, enable offender to maintain family ties and provide for his family while at the same time serving his sentence

2.8.5 Management of CSO

The management structure of CSO was designed to be inclusive. The rationale behind this was the realization that in order to achieve long term solutions, it was imperative to foster cooperation with many interest groups including reformers or actors in the criminal justice system so that all the parties are able to work together towards a common good. The management of CSO is comprised of six levels in order to afford adequate representation of all the stakeholders

The CSO programme has 117 stations and 650 probation officers rising from 294 in 2004 to 650 in 2011 UNAFRI and Gok (2011)



2.8.6 National Committee

The National Committee is the main policy organ, headed by the judge of the High court. Other members are Director of Public Prosecution, Permanent Secretary of Provincial Administration and Internal Security, The Commissioner of police, the Commissioner of Prisons, the Director of Probation, the Director of Children Services, LSK, two persons with training and experience in instructing of law and different judges of five star, both designated by the Minister two of which should be agents of NGOs required in social welfare work and enrolled under the NGO Coordination Act

2.8.7 Functions of the Committee on CSO

To counsel the Minister and Chief Justice on legitimate execution of the CSO Act, to organize, coordinate and administer the work of CSO, to gather information on the operation of the Act for reasons for enhancing national strategy on CSO.

2.8.8 Functions of the Executive Committee

Supervision of the everyday running of the secretariat, accumulation, stockpiling and dispersal of information identifying with usage of CSO, conveying and exhorting the CSO advisory groups on strategies planned by National council, undertaking instructive exercises went for sharpening individuals from people in general and different players in the criminal equity framework on the part and motivation behind CSO, organizing with different offices on matters identifying with and valuable to group benefit.

2.8.9 The National Coordinator

The National Coordinator is the Chief Executive of the CSO programme. The National Coordinator works under the direction and guidance of the National and Executive in the executing his/ her duties that may be delegated to his/her by either National Executive Community or the National Committee.

2.9 The Community Service Orders Secretariat

The Secretariat of CSO is the principal administrative unit of the CSOs. It is based at the Department of Probation Head office in Nairobi and is currently located at the 10th floor of the RE-Insurance Plaza building. It has nine members. The role of the secretariat are varied and comprise: take appropriate follow up and decisions reached in meetings of both National and Executive Committees, to work closely with the chairperson to organize and call the National and Executive Committee meetings which are intended to formulate administrative guidelines and/or policies for the programme, to work closely with the office of the Director of Probation and aftercare services in preparing budget for the secretariat and field stations for presentation to the Ministry of Home Affairs for the purpose of seeking funding from the treasury for the activities of CSO, on behalf of the National Committee to coordinate and carry out public awareness campaigns through print and electronic media, open days, e.t.c in order to ensure that presence and influence of CSO is felt

and, to generally supervise and coordinate all CSOs activities both at the national and station levels for and on behalf of the National committee

2.9.1 The District Committee

The District Committees are established through a notice in the Kenya gazette by the Minister of Home Affairs. The chairman of the District Committee is the magistrate in charge of the local area of jurisdiction whereas the Secretary is the District Probation/ CSO officer of the area. The functions of District Committee entail: examining and reviewing the work of community service orders programme, implementing the policies of the National Committee, submitting returns to the National Committee, sensitizing the local community on CSO matters, reviewing the progress of individual offenders, receiving and concurring reports for CSO officers, making recommendations concerning community service programme to the National Committee, assisting and assisting CSO officers in the execution of their duties and ensuring CSO officers perform their duties properly

2.9.2 Community Service Officers

Under the CSO Act, Probation Officers appointed under the Probation of Offenders Act have also been designated CSO officers for purposes of the Act. These officers are under the Director of Public Probation whose representation in both National Committee is a requirement under the law. The CSO officers are vital in providing Inquiry Reports to the court, placement of offenders, counseling, visiting projects, and providing a vital link between the court, community and the offender. They also identify work placements and sites.

2.10 Evaluation of the CSO Programme

UNAFRI and GOk (2011) observed that the CSO Programme remains a noble idea toward the treatment of petty offenders and a significant avenue towards the decongestion of prisons. It had handled thousands of offenders successfully. It had enormous potential for the future and would continue to play a leading role. The scope for its expansion also remained wide given that thousands of petty offenders found their way into prisons while they should be on the programme.

However, there are factors that put the sustainability of the programme into jeopardy, they are: Consistently declining public funding, decline of the supervisors system, failure by the judiciary to own the program and utilize it as a viable sentencing option, many offenders have reported having gained more empowerment through the program than before they joined it. They left as better persons than before they had joined. Decongestion was the most important justification for establishing the programme and this was identified by up to 60% of those interviewed. Not many victims felt comfortable with reconciliation. Level of sensitization to the community was still very low, only 45% agreed that the community had been sensitised on the programme. It was noted that the management was guided by a schedule and case load ledger, however, training of agency supervisors remained a challenge with limited resources.

Capacity building for offenders remained an important aspect of the rehabilitation process. It is quite commendable that up to 95% of the post trial supervisors embraced exercises went for building the limit of wrongdoers. These included business enterprise preparing, for example, tree nursery preparing, a forestation, poultry keeping auto wash and open days, e.t.c

Up to 90.5% of offenders had confidence on CSO as it spared them incarceration. On the other hand, while many victims had a favourite attitude towards the programme, they had the following observations:- the offenders needed to be assigned more strenuous tasks in order to serve as a lesson to others, strict orders pertaining to work had to be put in place, there was need to create awareness about the programme as well as well as the type of tasks performed by offenders and working hours should be increased.

Family members of offenders found CSO punishment appropriate largely because it enabled the offending relative to be in charge of his/ her family especially where such an offender was the sole bread winner. Hence the programme spared them (the family members) the burden of taking over responsibility for an additional family.

The program confronted both systemic and operational/automatic difficulties which incorporates slipping off results from poor supervision, guilty parties giving false data and migration among others. In urban zones the circumstance was more terrible: the test extended from trouble in social-

reintegration because of absence of mindfulness among group individuals, deficient offices for rebuilding of significant worth lost to casualties, lacking mindfulness among judges and cops on the significance and reason for the program, defilement, insufficient subsidizing of the program prompting to poor supervision and lacking work force especially probation and group benefit officers for development and supervision. It was likewise noticed that there was lacking method for transport for officers to do development, field visits and standard supervision among others.

2.11. Probation department and after care services

The role of the bureau of remedies is to secure people in general, give sheltered and compassionate environment to staff and guilty parties, manage wrongdoers at a level of group comparable with the risks they show (Florida Department of corrections,1992). For some people who have been sentenced a wrongdoing, post trial agents are likely the worst thing about their reality: the general population who keep them from leaving the city or state, determining the status of them almost consistently. In any case, post trial supervisors are a vital piece of our criminal equity framework and restore numerous guilty parties.

There are distinctive types of discipline for hoodlums, each relying upon the degree of their wrongdoing. Discouragement, recovery, retributivism, and reprobation are the four which criminal law centers upon, every which are intended to better serve society. Post trial supervisors are a piece of restoration which still rebuffs hoodlums by taking without end some of their rights, however permits them the opportunity to stay out of prison for wrongdoing violations. Also, numerous individuals on post trial supervision or parole have as of late been discharged from prison, and should be managed by another type of criminal equity. This can likewise cover into discouragement, since different hoodlums might be stopped from submitting a similar offense in the event that they know it will bring about probation.

Post trial supervisors are important to guarantee their officers stay regulated by the law and keep the peace. This is a vital part of the criminal equity framework since it requires the officer to stay carried out to the guilty party and guarantee they don't carry out further offense once more. While probation just endures a brief period, there is still an enduring impact that numerous lawbreakers have as aftereffect of probation which remains with them for the duration of their life. Post trial

agents basically help with the move from criminal back to national, permitting numerous wrongdoers another opportunity at life, as opposed to detainment.

2.12 Theoretical Framework

This study will be guided by the following theories:-

2.12.1 Social Control Theory

According to Williams (2001) Social Control Theory posits that individuals develop deviant tendencies when they are not attached to the society. The scholar further, explains that the extent of an individual's social bond in his or her society for instance, attachment to other people determines his or her chances to deviate. In this case a family man with a wife and children, parents and other dependents will refrain from committing crime for fear of going to jail and leaving his dependents suffer.

This theory also explains that the extent of one's social and self-control will dictate whether s/he will break the laws and regulations or not. Self-control refers to an individual's ability to resist bad influences. A persons' low social and self-control may lead to being easily swayed by friends and peers to get involved in deviant behavior, and vice versa. However, social bonds (attachment) to parents and family members can counter the effects of negative peer influences. Siegel (1983) further explains that lack of commitment to conventional values may precipitate a condition in which risk taking behavior such as engagement in criminal activities becomes a reasonable alternative.

He also argues that heavy involvement in conventional activities of one's society leaves little time for illicit conduct. It is trusted that association protects a man from the potential bait of criminal or degenerate conduct, while inertness improves it.

Again individuals who live in a similar social setting regularly share normal good convictions, for example, adherence to the legitimate code. In the event that the convictions are missing or debilitated, people will probably take an interest in hostile to social acts while individuals who are profoundly dedicated to the traditional demonstrations and convictions will not be involved in

actions that are against rules and regulations of their society. This study argues that the offenders on probation may have committed crimes due to lack of social and or self-control, may not be properly attached to their respective societies and are not involved in the activities of their society thus they do not share common moral beliefs with the law abiding members.

Toby (1957) contends that the uncommitted juvenile is a possibility for pack socialization. Recognizing "pack socialization" as a major aspect of the easygoing motivational element prompting to misconduct. This study tries to bring out some of the strategies that can be employed by probation officers to rehabilitate and re-integrate such offenders back to the society. If society keeps its members busy and are constantly reminded on the do's and don'ts then its members will not deviate from the norms as Siegel (1983).

This theory brings out clearly that the problem lies with the society and not the individual. Probation officers try to correct where society has failed by trying to reconcile the offender and the community by trying to correct relationships, commitments, values and norms. (Hobbes 1961)

2.12.2 Social Learning Theory

According to Bandura (1986), one of the early proponents of this theory, behavior; bad or good is learnt and unlearnt through observation and imitation and modeling. This implies that the people who commit crimes learn the behavior from friends and relatives or from the significant others.

This theory assumes that when a role model to an individual is a criminal, then there is a high likelihood that s/he will also become a criminal. This begins with observation and imitation of crime specific behaviours, followed by social reinforcements such as instruction, encouragement, to commit crimes that culminate into positive social and psychological consequence for future criminal behaviour, this might have applied to the offenders committed to probation before their arrests, trial and conviction. The criminal behaviour can also be unlearnt through the same processes, as re-enforced by counseling and awareness creation on the dangers of crime to the individuals, and the society in general. This is normally done by the probation officers among others.

Vygotsky, (1978) argues that human beings utilize devices that create from a culture, for example, discourse and composing to intervene their social surroundings. This is one of the challenges that probation officers face as they try to rehabilitate offenders because as much as they try to make them better, they will still be contaminated by the environment they are released into.

2.13 Conceptual Framework

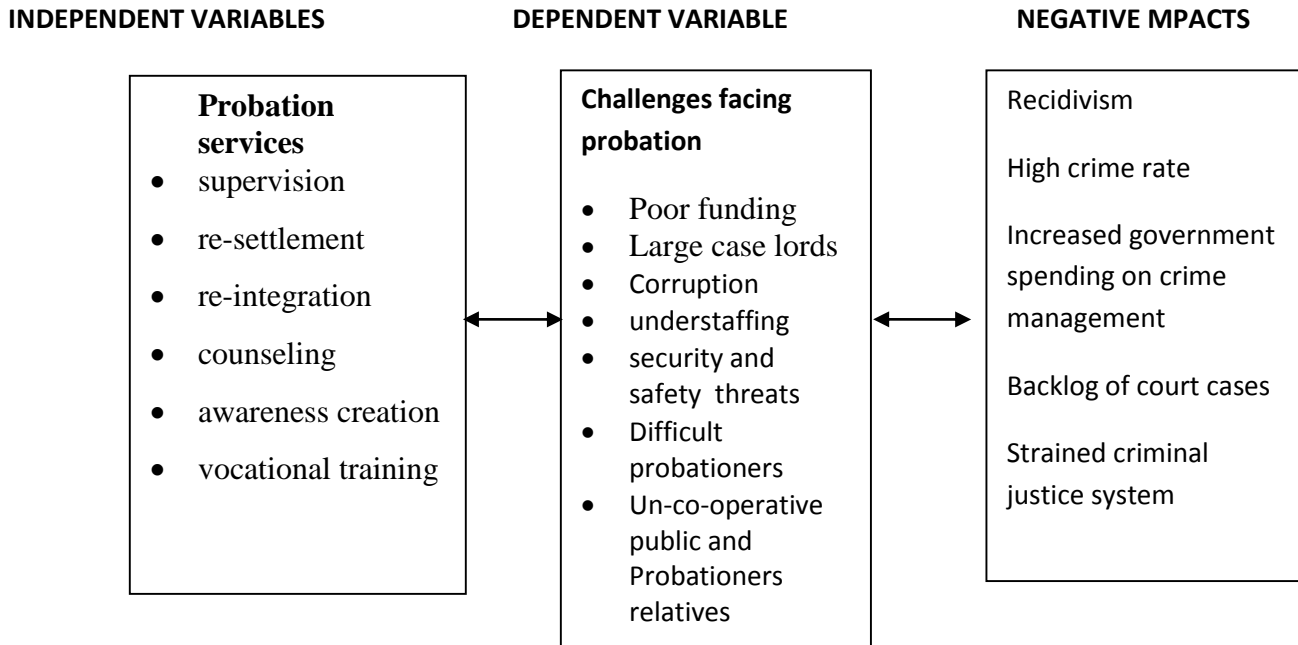
The conceptual framework of this study leads to an understanding of the factors impeding rehabilitation of ex-prisoners through probation in Kenya. The Probation Service rehabilitate the offenders through, supervision, re-settlement and re-integration, counseling, awareness creation, vocational training, among others.

The factors that hinder rehabilitation through probation include, poor funding by the government, large case loads that are handled by individual probation officers, corruption among the probation staff, the police and within the judiciary, understaffing of the probation department in Kenya , security and safety threats faced by the probation personnel because they handle offenders in the community, difficult probationers who do not abide by the probation terms and conditions, un-co-operative public and probationers relatives who do not assist the probation officers in their work, among others (Munne 2008).

When the probationers are not rehabilitated as expected the negative impacts include: recidivism, high crime rate, increased government spending on crime management, backlog of court cases, strained criminal justice system, among others

Figure 1: The Conceptual Model

This model explains the problem of crime in the society, and its’ control through probation.



The probation service in Kenya focuses on rehabilitation of offenders through supervision, re-settlement back to the community, re- integration, counseling, awareness creation of the existence of probation service and vocational training, but these are met by challenges like poor funding, large case loads, corruption, understaffing, security and safety threats , difficult probationers, unco-operative public and probationers relatives. When probation programme does not run well as intended, then problems like recidivism, high crime rates, increased government spending on crime management, backlog of court cases, and strained criminal justice system.

Negative impacts are correlated to the Independent variable because if there is poor supervision there will be high rates of crime, and recidivism. If probationers are not re-integrated and re-settled in the society, then there will be increased government spending on crime management. If the community is not aware of the probation service as an alternative to imprisonment, then there will be backlog of cases, and strained criminal justice system.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Site selection and Description

This study was undertaken in Machakos County which is located in Eastern region of Kenya. The researcher met the probation officers and probationers at the District Probation offices for the study. Ex- prisoners were from Machakos Main G.K prison, Machakos Women Prison and Athi River G.K prisons. The site was chosen because it was accessible to the researcher. Probation officers identified some ex- prisoners who assisted the researcher to identify other ex-prisoners for the research. The Probation Department is under the director of probation and After Care Services. Probation and After Care Services is one of the departments in the Ministry of Interior and Co-ordination of National Government. Probation Service in Machakos is headed by District probation officer who oversees the work of probation officers under him/her.

3.2 Target Population

The objective populace of this study were the probationers and probation officers in Machakos County.

3.3 Unit of Analysis

Unit of analysis for this study was the rehabilitative challenges of ex-prisoners through probation.

3.4 Unit of Observation

These are points from which data were gathered, for example District probation officers who are most experienced in probation as a field. Probation officers have a lot of report that they have collected for so many years for many probationers assigned to them.

Rehabilitation programmes are some of the strategies used to correct behavior of probationers so that they can fit back to the society as good citizens. These programmes are well documents in the probation officers schedule and documents. Community service locations are geographical areas where probationers perform their duties.

3.5 Sampling Procedure

The researcher used non-probability sampling method to arrive at the sample size of 60 ex-prisoners on probation, and 10 probation officers. Non-probability is the use of sampling that helps a researcher to select units from a population that they are interested in studying. This was carried out in the following way; purposive sampling method was employed to identify a probation officer at Machakos District probation office. Snow-ball; a non-probability method was then employed in requesting the identified probation officers who handle ex-prisoners on probation to link the researcher with fellow probation officers, and the other ex-prisoners on probation. The offenders on probation identified were requested by the researcher to link her with their colleagues on probation who were ex-prisoners. Snow-ball was chosen because one study subject recruited others from among their acquaintances.

3.6 Sample Size

The researcher took 40% of the total sample for the study. Five (5) probation officers were selected for the study, and they were the ones who lead me to 5 other probation officers. Ten probation officers were engaged in the study because one probation officer is often in charge of several offenders.

3.7 Types of Data

The study collected both primary data and secondary data. Primary data was collected directly from the probationers and the probation officers. Secondary data was retrieved from the probation reports, probationers schedule on the offenders.

3.8 Methods of Data Collection

The researcher used survey, observations and interviews as the main methods of data collection supplemented by Qualitative method. The quantitative method used was the use of questionnaires which was filled by the respondents, while the qualitative methods employed were use of key informant interviews and document review. These methods are discussed in detail below;

3.8.1 Survey

The researcher used questionnaires that were administered in a systematic way to respondents to collect information that was useful for the research.

3.8.2 Key Informant Interviews

Face to face interviews was carried out between the researcher and the key informants who were 10 probation officers on the factors impeding rehabilitation of ex-prisoners on probation, and on the improvements necessary for a successful rehabilitation, involvement of community in rehabilitation of offenders, activities probationers are engaged in, strategies used in probation among others.

3.8.3 Documentation Review

Documents to be reviewed on factors impeding rehabilitation of probationers through probation was the probation officers reports to the court: these documents were well detailed as they entailed the probationers history, his family background and nature of crime., Probationers reporting schedule was used to monitor how often a probationer reports to his work station and how committed he or she is to the programme. Probationers' files allows the probation officers to document data about a probationer without mixing them up with that of another. They are used to monitor a probationers and write a report concerning his change of behavior. These files allow a probation officer to keep truck of probationers and they can know whether an offender is a first time offener or a habitual offender.

3.9 Data Collection Tools

To collect the data, the researcher used questionnaires with structured and semi-structured questions; an interview schedule was also developed and used to assist in the personal interviews. The researcher also used key informants interview guide, all those tools were used as follows;

3.9.1 Questionnaire

The researcher administered seventy (70) questionnaires to respondents who were selected using snow- ball technique. This technique was chosen because the existing study subjects recruited future subjects from among their acquaintances.

3.9.2 Key Informant Guide

This involved in-depth discussion on the factors affecting rehabilitation through probation, role of the community in rehabilitation, strategies employed in rehabilitation of probationers among others. The key informant guide had topics for discussions that enabled the researcher to collect data accordingly.

3.9.3 Document checklist

Probationers reporting schedule. This was used to check how probation officers monitor probationers under them report on duty.

Probation officers reports to court. This is used by the court so as to know exactly who to place on probation. These are presented by probation officers so as to know exactly who to place and who not to place on probation depending on the nature of the offence.

Probationers' files. These are files that are opened for every probationer so that they can easily be monitored.

3.10 Ethics to observe

The researcher treated all the information received from respondents with confidentiality.

Each respondent was given enough time to express themselves without any form of pressure from the researcher

Informed consent

Potentially incriminating information

Unwillingness to share information or to continue

Inducements

3.11 Data Analysis

The results were interpreted using descriptive and inferential statistics. The data were then analyzed using statistical package for social sciences and presented in tables, percentages and diagrams.

CHAPTER FOUR: DATA ANALYSIS, PRESENTATION AND INTERPRATATION

4.0 Introduction

This chapter presents the results of the study which are presented in terms of the demographic data and the specific objectives of the study. The results are presented in tables and figures and complimented by the researchers own interpretation.

4.1 Response Rate

The sample size of the study was 60 offenders and 10 probation officers who were under the probation programme. The researcher was able to gather 68 fully complete questionnaires which indicate a 90.6 % response rate which adequate for research. Two questionnaires were not returned to the researcher which were treated as missing respondents.

4.2 Social and Demographic Characteristics of respondents

4.2.1. Age

The results show that 39.7 % of the respondents were 18-25 years of age, this shows that majority of offenders in prisons are very young, which means that the younger a person is, the more likely they are capable of engaging in crime. The older an individual, the lower the rates of crime which can be justified by 25.0% which represented 26- 35 years of age the respondents, 23.5 % were 36-45 and 11.8 % were 46 and above, this percentage shows us that very few offenders are of old age as most are tired and are tied to societal norms and values which they want the younger generations to emulate.

Probation officers who were of the age of 18-25 and 26-35 were 20% which shows that young officers are not well utilized on the ground. Probation officers of age 36-45 and 46 and above were so many on the ground compared to the young ones, one can assume that there is low employment rates on the part of probation.” The government takes a long time before employing officers and the few that are employed are not equitably deployed. So we end up with older officers on the ground” says a probation officer

Table 4.1: Percentage Distribution for Age of Respondents

Age group	Frequency	Percent
Offenders		
18-25	21	39.7
26-35	13	25.0
36-45	11	23.5
46 and above	8	11.8
Total	53	100.0
Missing respondents	7	
Probation Officers		
18-25	1	20.0
26-35	2	20.0
36-45	4	40.0
46 and above	3	30.0
Total	10	100.0

4.2.2 Gender

Majority of the probationers 69.2% were male and 30.8 % were females. The results show that the majority of offenders are male. The population of men was 200 and women were 60. Probation officers are well represented in terms of gender as their percentage is 50% for men and 50% for women

Table 4.2: Percentage Distribution of Gender of respondents

Gender	Frequency	Percent
Offenders		
Male	37	69.2
Female	16	30.8
Total	53	100.0
Probation officers		
Male	5	50.0
Female	5	50.0
Total	10	100.0

4.2.3 Religion

The study findings show that 66.2 % were Christians. This shows that majority of the offenders are Christians. Machakos County is inhabited by Christians who are the majority. 32.4 % were Muslim, this shows that they represent a big number of offenders in the county. Hindu inhabit a very small percentage of the population as only 1.5% are found among ex- prisoners. Findings for the probation officers for Christians were 10%, 40% for Muslims, Hindus were 30% and Pagans were 10%.

Table 4.3: Percentage Distribution of Religion of respondents

Religion	Frequency	Percent
Offenders		
Christian	31	58.8
Muslim	18	32.4
Hindu	1	1.5
Lejoh Maria	3	7.4
Total	53	100.0
Probation Officers		
Christian	1	10.0
Muslim	4	40.0
Hindu	3	30.0
Pagan	1	10.0
Budhist	1	10.0
Total	10	100.0

4.2.4 Education

In terms of their education, the study found that 26.5 % had no formal education, with no formal education, it is so hard for an individual to get a good paying job in any organization, this leads to high crime rates because they have no proper source of income that can enable them sustain a good lifestyle.

Offenders with primary education comprised of 23.5 %. Most offenders had attained secondary education which was represented by 38.2%. This shows that majority of the offenders have attained secondary education and instead of pursuing higher education, they engage in crime instead. Some offenders would wish to pursue further education but due to lack of school fees, and their poor performance in schools shutters their dreams. Mulligan (1997).

According to the research, 5.9 % of the offenders had college and university education. This means that the more an individual is educated the less chances he is to engage in crime. According to Arrow (1997) an individual’s exposure to education affects their tastes for crime by directly affecting the psychic costs of breaking the law. This explains why very few offenders have college and University education because they have better chances of getting good and well paid jobs. “The country needs to focus money and efforts on reforming school climates to keep students engaged in ways that will lead them towards college and a career away from crime and prison” said a probation officer.

Most probation officers had attained education as the study found out that 40% had University degrees, some had Secondary education 40% and Primary education was 20%.

Table 4.4: Percentage Distribution of Education Level of Respondents

Education level	Frequency	Percent
Offenders		
None	14	26.5
Primary	11	23.5
Secondary	20	38.2
College	4	7.5
University	4	7.5
Total	53	100.0
Probation officers		
Primary	2	20.0
Secondary	4	40.0
University	4	40.0
Total	10	100.0

4.2.5 Marital Status

Table 4.1 shows the marital status of the offenders indicating that the majority were married (44.1 %) this shows how much they are struggling to make ends meet and provide for their families even if it means engaging in crime. This shows us that majority of the offenders are engaged in low paying jobs like bodaboda operators and touts, while others are unemployed forcing them to engage in crime to meet their families needs like school fees, rent, food, clothing, entertainment, medical bills etc as they are the sole bread winners.

Offenders who were single were (22.1 %). Most of these offenders are young and come from very poor families. Most of them ran away from home and lived in the streets and while there, they engaged in crime to survive and this led them to prison, Wright and Younts (2009) .This clearly indicates that they lack any commitment to their own families and lack any form of family values to refrain them from engaging in crime.

Offenders who are widowed comprise (10.3 %), separated (13.2 %) and divorced were 10.3 %). Offenders who are divorced, widowed and separated engage in crime due to alienation of affection. African societies do not approve of divorce and as a result, very few individuals engage in divorce. These findings suggest that majority of offenders are married which are similar to the Government of Kenya and the United Nations African Institute For The Prevention of Crime and the Treatment of Offenders [UNAFRI] (2011) report on the assessment of the community service orders which found that Majority of the offenders /ex-offenders were married (57%), 35.1% single, 5.5% divorced while 2.4% were widows/ widowers

Table 4.5: Percent Distribution of Respondents by Marital Status

Marital status	Frequency	Percent
Single	15	22.1
Married	30	44.1
Widowed	7	10.3
Separated	9	13.2
Divorced	7	10.3
Total	68	100.0

4.2.6 Offences with which Probationers were Charged

The findings show that 27.9 % were convicted on the account of selling alcohol without a license, 27.9 % were toutting, 2.9% obstruction offences, 25.0 % were creating disturbance, 4.4 % were child negligence offences, 2.9 % were conducting a business without a license, 4.4 % were assault and 2.9 % were stealing offences, 4.4% were toutting. The findings show that most of the criminals had committed petty offences. This shows that most offenders are from the poor social background in the society and engage in any sort of activities that can bring them quick money as following the proper way is time consuming and expensive to them. From the results we can also observe that the rich are not imprisoned for petty offences indicating that they have a way of playing around with the legal system and get away with any offence they commit before they are imprisoned.

In an assessment of probation service in Kenya on Tum (2012) found that the type of crimes for offenders on probation services ranged from theft to rape, selling illegal brew or possessing illegal drugs. The research found that a more significant proportion of the offences for which they were sentenced related to alcohol brewing and consumption, theft, breach of public peace, assault, possession of bhang and illegal tree cutting in protected forests.

Table4.6: Percentage Distribution of the Types of Offence Committed among Respondents

Offence	Frequency	Percent
Selling Alcohol Without License	23	27.9
Obstruction	1	2.9
Toutting	23	27.9
Creating Disturbance	14	25.0
Child Negligence	2	4.4
Conducting Business Without a License	1	2.9
Murder	1	2.9
Rape	2	4.4
Stealing	1	2.9
Total	68	100.0

4.3 Offenders Perception of probation

The results show that 20.6 % were happy because they were reunited by their families after serving part of their sentence in prison. Being away from prison was also a relief to them because they were no longer behind bars. 52.9 % were satisfied with the probation program because they felt their offences were petty. After counseling and interactions with the probation officers, they realized that they had made a mistake and many were remorseful especially after getting a second chance in the society 22.1 % were disappointed because they had very big expectations like getting employment which did not happen. 2.9 % were angry because they were not accepted back to their communities. They complained of not getting enough attention from the probation officers who they only met once in a while due to work loads. They also complained that they had an easy time in prison than when they were serving an outside sentence as life was pretty harsh on them. Some were open to complain that in prison they were sure they would get a free meal as well as shelter. 1,5 % were surprised because they did not have any expectations. It took a while for them to adjust to the new environment because they thought they were completely free and they were not answerable to anyone after leaving prisons but that was not what they experienced as presented in Table 4.7.

Table 4.7:Percent Distribution of Respondent’s Reaction to Probation

Reaction	Frequency	Percent
Happy	14	20.6
Satisfied	36	52.9
Disappointed	15	22.1
I Was Angry	2	2.9
Surprised	1	1.5
Total	68	100.0

The study sought to establish the methods used to ensure rehabilitation and reintegration of offenders back to society. Counseling as indicated among 63.2 % of respondents was perceived by many probationers as being very effective as it was a continuous process and many of them felt that they had someone who understood and cared for them as they felt a heavy burden had been taken off their shoulders. Counseling is a continuous process that continues all through while the

probationers are on probation. Through counseling, the offender is able to know his weaknesses and his strength. This will enable him to know why he is engaging in crime and what solutions he has to that problem. Being away from prison by itself is an eye opener and gives an offender time to clear their minds and have a big picture about their future and what they want in life.

Offenders who were represented by 29.4 % cited that threats from police, probation officers explained that some offenders were just too stubborn and were not cooperating and as a result, they used the police to enforce law and order. This came in form of threats as they felt this would bring some sort of change to the offenders as many are afraid of going back to the prison. This method seemed to work very well as most of the offenders complied and from experience, the probation officers reported that this prevented recidivism.

Financial empowerment from NGOs was supported by 5.9% of the offenders who felt that that strategy was an effective of rehabilitation as many of them were from poor backgrounds and their main cause of crime was lack of finance. Some offenders reported that they had wanted to be jailed because in prisons they were sure they would get certificates for trade tests for free and upon release, they would get attached to an organization like Father Growls Foundation that offers tools and equipments to them to start a life with upon completion of sentence.

A small number of offenders which was 1.5 % explained that they were afraid of being taken back to prison to complete their sentence due to their lack of being rehabilitated while on probation. This brought a big difference as these offenders were rehabilitated due to the fact that they still shared a bond with their families and that social contact enabled them to change for the better because they did not want to be seen as losers especially after getting a second chance to make things right.

These findings agree with Aben (2011) study which found that counseling and advisory services, job provision, financial support and other support from the community were the best methods for encouraging rehabilitation and reintegration back to the society.

Table 4.8: Probation Strategies Employed by Authorities

Strategy	Frequency	Percent
Counseling	43	63.2
threats from police	20	29.4
financial empowerment from NGOs	4	5.9
Fear of going back to prison	1	1.5
Total	68	100.0

4.3.1 Relevance of the methods used in rehabilitation to Probationers

In regard to the methods used in rehabilitation of offenders by probation officers, the researcher asked the respondents to indicate to what extent they perceived it to be relevant to them. Figure 1 shows that 79.4 % were positive that the methods which were counseling, financial empowerment and threats from police of being taken back to prison were very relevant to them as they saw the need to change as this brought a clear picture to them on the disadvantages of engaging in crime. Being out on probation allows the offenders to re- think about their lives and obey the law instead of living a life of incarceration and running away from the police out of guilt for an offence that has not yet been reported or no one knows about except the offender himself.

Counseling of offenders is very effective as it tends to correct certain thinking errors which can protect an individual from engaging in further crimes. Probation officers uses group counseling to strengthen the offenders intellectual abilities including, self direction and motivation control, social data handling, future introduction, moral duty and struggle determination, (Harms, 2013)

"Probation does not defame a guilty party forever but rather will make it workable for him to instantly re-set up himself as a helpful national under the direction of a post trial agent. You can't transport a man from a cell of steel into society and expect a supernatural occurrence over night," says a probation n officer. Financial empowerment is good as it acts as a stepping stone for the offenders and it also acts as a second chance for the offender to start a new life.

People have put a great deal on the ability of police to control crime. There is a whole logic of detection, arrest and punishment. Police is supposed to catch most of the serious offenders who are fined or put away behind bars as a deterrent or warning to others who are contemplating committing a similar crime, (Bowden, 1978).

“People are afraid of police and have a bad attitude towards them. This has really helped in reducing crime and forcing rehabilitation on offenders who would do anything to avoid the police at any cost”, says a probation officer. “One can observe that crime rates have reduced on the streets of Nairobi ever since police were deployed to offer security and patrol. This is a clear indication that the police contribute greatly to crime control and offer some kind of deterrence which is good for rehabilitation of offenders,” she continues.

According to Lutz (1935) social reforms never keep pace with the modern developments especially because the government have neglected to give the essential scaffold that leads probationers from their lives behind jail dividers into some legitimate specialty into group life. Giving a guilty party a couple coins and goodbye dangers isn't all that society owes to one who has abused the law, and endured disciplines gave by the law. The legislature ought to think of new recovery programs for the individuals who demonstrate propensities to wind up helpful natives. It might include extra consumption, however a wrongdoing cost does not end when the guilty party deserts jail dividers him.

"I trust a wrongdoer needs consolation to fit him into group life unendingly more than he needs preparing behind jail dividers, which are close to the lodgings for loners in the public arena. We send beyond any reasonable amount to detainment facilities. Detainment facilities are not by any stretch of the imagination loaded with unsafe, awful, fierce brute. I have conversed with an excessive number of them. They are men who have some fine saving graces, and these men ought to be allowed to restore their lives along lines that will legitimize their places in the public arena," says a probation officer

Offenders who were 20.6 % of the respondents felt that the methods used were not relevant to them, because they felt their needs were not met. Some expected a lot of money from the NGO's who were only willing to give them enough to help them rise on their feet and this financial assistance was only given once and they were expected to generate more income from what they were given. Organizations like COPE give financial assistance to those on probation and expect them to be independent. When they don't see any improvement on the ex offenders they feel discouraged and give up. Some of the offenders also felt that they were accused falsely for offences they did not commit and as a result they felt that those strategies were irrelevant to them.

As much as probation officers try their best to rehabilitate offenders outside the prison, it becomes tricky even for them especially with the changing trends of crime. What was done last month can be very different from what is done this month. This can be another cause of irrelevance in the program for some offenders. For example, if an offender was arrested for obstruction and he is assigned a duty of digging trenches or cleaning of school compounds, then this kind of punishment will not be of much help to me because it does not correspond with the offence he committed.

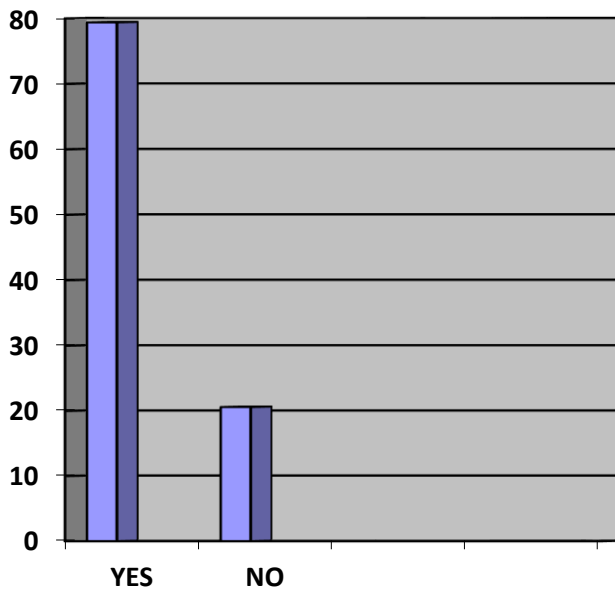


Figure 1: Relevance of the Methods used in Rehabilitation to Probationers

“Some of the methods we use in rehabilitation such as counseling, financial empowerment tend to have a positive impact on the offenders as we can see change in behavior as we make our reports and do follow ups,” says Christine a probation officer.

4.3.2 Duration of rehabilitation

In reference to the duration of rehabilitation among the sampled offender, 67.6 % indicated 6 months which was the shortest sentence. During the six months, the offender is assigned duties that he has to perform. He will have to report to his place of duty without fail. During probation, the probation officers interact with the probationers once a month, where they offer counseling and give progressive reports.

The probation officers asserted that 14.7 % were sentenced for 12 months on probation to give them a longer time to rehabilitate, 4.4 % indicated 18 months and 13.2 % cited for more than 2 years. The sentence is determined by the type of offence committed. But interaction with the probation officers are all similar unless the offender looks disturbed then the counseling is offered twice a month in order to enhance rehabilitation. Counseling mostly entails the importance of living a better life that is in accordance to the law. The probation officers give the offenders an opportunity to come up with their own ideas on how they can engage in other activities that can generate income and at the same time does not break any law.

The longer an offender is committed to the program the more likely he is to change due to constant contact with the supervisor and living a life in accordance to the law brings conformity than one who is given a shorter sentence like the ones given on community service order.

One of the problems that is usually experienced is lack of enough supervision. A probation officer is usually allocated 30-40 probationers to supervise. This number is too big for one person considering they have to interact once a month and offer counseling to each of them. This work is so tiring and with very few supervisors on the ground, many abscond their duties and as a result, do not report for offenders assigned to them. This makes it very hard for the offender to be rehabilitated because no one is there to remind them of their sentence or offer enough counseling to them. Counseling is a continuous process which cannot be enough if only offered once a month.

Table 4.9 Duration of Rehabilitation

Duration of sentence	frequency	Percentage
Six months	48	67.6
Twelve months	10	14.7
Eighteen months	2	4.4
Two years	8	13.2
TOTAL	68	100

4.4 Role of community members in rehabilitation of offenders

According to Aben (2011) the Community plays key role in having offenders change. Community attitude, home environment is deterministic of offender's potential to change. Chandler, Fletcher and Volkow (2008), agree that community support and participation is vital in achieving sentencing objectives through behavior change mechanisms embedded in the community. Enabling an offender to maintain their jobs without being stigmatized and at the same time maintaining ties with their families and the community at large deters offenders from engaging in criminal activities because they know that as much as they have to show the probation officers that they can live according to the law of the land, they have a very big responsibility of proofing to the community that they have really change and that they deserve to be given a second chance and respect in that community.

For petty offenders, it is very easy for them to blend in the community as compared to hard core criminals who prefer prison sentence because they know that they cannot abide by the probation laws and definitely will be taken back to prison to complete their sentence.

Criminological writing give plenteous support to the idea that social bonds, (Hirschi, 1969) and social capital (Sampson and Laub, 1999) are effective hindrances against criminal culpable. Criminal bonds are associations (regularly enthusiastic in nature) to others and the social organization that advance star social conduct and dishearten withdrawn conduct. Social capital alludes to a store of positive relationship in informal communities whereupon the individual can draw for support.

Casualty guilty party compromise projects are intended to bring the wrongdoer and the casualty vis-à-vis with the goal that they can let some circulation into their disparities. Philemon Trust is an association in Kenya that is truly attempting to bring guilty parties and their casualties together intervened by a prepared in intervention so that a pleasing helpful arrangement is proposed and settled upon. (Champion, 2005).

Great case administration in group redresses requires group inclusion. No people group amendment organization can convey the full scope of guilty parties needs (psychological well-being, substance manhandle, professional preparing welfare, e.t.c) without anyone else. Post trial agents ought survey the need of their charges, as well as have the capacity to find and system with the social administration offices.

Faraja Trust Fund has really tried its best to embrace ex prisoners and offer them employment so that they can be independent and avoid engaging in crime. Most offenders are offered counseling courses so that they can offer the same technique to criminals in prisons because having been in the same situation, it is much easier for them to reach out to them. Upon completing their sentences, Father Grol's Foundation offers tools and equipment for ex offenders so that they can have something to start with.

4.4.1 Community reaction to offenders after prison

The results show that 32.4 % were treated as criminals and whenever anything went wrong, they were the first suspects. "People guarded their properties like bags, phones, wallets whenever they saw me" says Mwathia a probationer. Stigma follows offenders everywhere they go and this is the largest contributor of crimes as offenders try to change but with the names accorded to them, they decide to live according to that name. 30.9 % indicated that some felt that probation couldn't help the offender as that was an easy sentence for the crimes they had committed. Some community members felt that by the offender being out of prison, they were no longer safe in their own homes or neighborhood. Some offenders felt that what they needed was financial assistance and nothing more for them to avoid crime. These were habitual criminals and they knew very well that they would always be released on probation. Offenders who were arrested for selling alcohol without license felt that they have achieved so much in selling the brew and that was their only source of

income because they lacked any skills to enable them get good jobs or a god father who would help them secure a good position in any organization as many had acquired only primary school education

Some offenders (16.2 %) cited that some community members felt that they were still members of the society. This was because they knew that anyone could be imprisoned whether innocent or guilty. The community members were receptive to them and this made the offenders really want to change because of the acceptance they got and they did not want to ruin that peaceful feeling that they had. Acceptance and love can really make someone to change for the better.

Every violation of the law must be sanctioned. This eliminates the perception of the probationer that some violations can be ignored or excused. There has to be consistency so that probationers may believe may know that in future no offence is ignored or excused. Such perceptions of procedural justice can enhance compliance and deter future criminal behavior, Rhine (1993).

A small number (8.8 %) were welcomed back to the community because their offenses were considered to be not so serious. Offenders who were jailed for offences like touting, creating disturbance and selling alcohol without license were considered to be very petty offences and the offenders were treated well because they were not considered as a threat to the community in any way. In fact many felt that being imprisoned would just contaminate them into being hardcore or worse criminals in the society. According to Rutz,(1935) there are so many people who go to prison for petty offences. Such an attitude would prohibit the intimate association of first time offenders with habitual criminals in penal institutions.

In (1.5%) of the cases reported being pushed from society because the offences they committed were not forgivable. Women who were accused of child negligence were pushed away from society and were considered out casts upon being released from prison. In fact many found that their husbands had remarried and as a result, they did not have any where to go back to everyone had turned their backs on them.

According to 2.9% of the offenders, the community felt sorry for them because there was no way they could be helped because they lacked formal education that could enable them to get a good job to better their lives. It was very hard to change the minds of people who were selling alcohol without license because that was the only source of income that they knew and have lived to do for the better parts of their lives.

According to Mustard (2001), increase in an individual's school attainment should cause a decrease in his subsequent probability of engaging in crime. Education opens up minds of people and changes their perceptions about things and people. A total of 4.4 % indicated that most people in the community could not believe that they were rehabilitated. Offenders who were arrested for touting and creating disturbance had a hard time convincing people that they had reformed. Touting in many cases was associated with robbery such that people treated them differently. People wished that they relocated to somewhere else so that they had peace in the community.

According to Lutz (1935), no individual can change instantly especially if they are constantly blackmailed by their friends and other ex- offenders who feel that he is doing better economically. This brings them down economically as they have to entice them.

These findings corroborate the GoK and UNAFRI (2011) a total of 33.9% of the offenders believed that they had been stigmatized as a result of the offence they had committed, while 69.1% felt they had not been stigmatized.

The findings imply that there was a negative attitude towards offenders. These findings support Obondi (2011) argument that there are corrective group states of mind bringing about demonization of wrongdoers; the group has a negative point of view towards wrongdoing and guilty parties and for the most part lean towards custodial types of discipline. As result, guilty parties are seen with much doubt and are slandered and frequently denied the social bolster which gives the structure to powerful restoration, reintegration and resettlement.

Table 4.10 Community Reaction to Probationers after Sentence

Community reactions	Frequency	Percent
some treated me like a criminal	24	32.4
some felt that probation couldn't help me	19	30.9
some felt that I was still a member of society	10	16.2
I was welcomed back because my offense was not serious	6	8.8
pushed me from society	2	2.9
they felt sorry for me	2	2.9
most could not believe I was rehabilitated	4	4.4
Missing responses	1	2.9
Total	68	100.0

4.4.2 Offenders reaction towards community

Respondents (44.1%) held no grudges against the community because they felt that the community had a right to do away with criminals. Although they were in prison for a while, they felt that they had learnt their lessons the hard way and were ready to go back to the community a better person. Offenders who were jailed for creating disturbance were remorseful and promised to change because some were under the influence of alcohol.

A good number (48.5%) who were arrested for stealing were remorseful to their victims. Although they could not repay them for the damage they had caused and the frustrations they put them through, they were willing to offer free labor to them or any kind of assistance to them to make up for their past mistakes. Although the victims did not want anything from them, they felt the need to apologize continuously because they felt guilty for their actions.

Ex- prisoners (2.9 %) appreciated more as they cared for their families while they were behind bars and that their properties were intact. They were happy they had a place to call home and that they had somewhere to go to after their sentence. This brought a sense of responsibility to them and knew the importance of family. Having social ties is very important in rehabilitation as an offender has affiliations that make them to adhere to the norms of the society.

Respondents (4.4 %) were glad to be part of the community again. Being taken away from the community made them to know the importance of appreciating whatever little that they have and how to utilize it. They compared prison life and life outside the walls and they were very happy to be free even though they were still under supervision.

Table 4.11 Offenders Reaction to Community

Reactions to community	Frequency	Percent
I held no grudges against them	23	44.1
I asked for forgiveness from those I had wronged	26	48.5
I appreciated more as they cared for my family	1	2.9
I was glad to be part of the community	3	4.4
Total	68	100.0

4.4.3 Suggestions to Communities on Treatment of Probationers

The researcher sought the probation officers advice to community members, and as shown in Table 4.9, 58.8 % cited that the community should forgive and accept the ex- prisoners because they are gone up against by a scope of social, monetary, and individual difficulties that have a tendency to end up snags to a wrongdoing free way of life (Borzycki and Baldry, 2003) some of these difficulties are an aftereffect of the ex-detainees past encounters and others all the more specifically connected with the results of imprisonment and the accompanying troublesome move back to the group.

Probation officers (8.8%) believed that the community should empower ex-prisoners by offering jobs and education as several offenders have had several collateral effects (Boryzcki 2005). They may have lost their work, their own assets, their capacity to keep up lodging for themselves and their family; they may have lost critical individual connections and detainment may have harmed their informal communities. “The community should have an open mind when dealing with ex-prisoners and offer help to them whenever they need it so that they can refrain from engaging in crime,” says Grace a probation officer.

Its observable that 4.4 % were not all offenders and should be accepted back to the community as anyone can go to prison respectively. Some ex- prisoners were taken to prisons for offences they

did not commit due to mistaken identity or being in the wrong place at the wrong time. Probation officers 4.4% reported that the community members felt that the ex- prisoners should not be accepted back into the society because of the offences they had committed. Those who were not accepted back were mostly accused of assault which the community felt was committed to very close family members and friends. Some of these challenges were as a result of the ex- prisoners past experiences. They may have a history of social isolation and marginalization, physical or emotional abuse, unemployment or poor employment (Coggeshall, 2005). The probation officer advised the community members to accept and show as much support to the offender because they were suffering from mental instability which they could not control or share their pain with anyone and as a result they let it out the wrong way through violence which they thought was the solution to their problem but in the real sense it was only creating rifts between them and the community.

Table 4.12: Suggestions on Treatment of Probationers

	Frequency	Percent
they should forgive and accept them back	40	58.8
community should empower ex-prisoners	6	8.8
not all offenders should be accepted back	3	4.4
community should receptive be as anyone can go to prison	3	4.4
Missing responses	16	23.5
Total	68	100.0

4.5 Factors hindering rehabilitation through probation

Absconding of duties by probationers was a factor hindering rehabilitation as indicated among 19.1 % this is due to lack of proper supervision as most supervisors are overworked with each assigned an average of 30 to 40 probationers, so it is easy for an offender to abscond and absent themselves from work without permission. Many probationers know when their supervisors will be away from work thus they do not report to their stations without permission. This lowers discipline thus affecting rehabilitation.

A big number of ex- prisoners (51.5 %) cited that others performed duties for others as a hindering factor for effective rehabilitations because that pain and punishment that was to be felt by the ex-prisoner to make them change was not felt at all, thus, losing meaning of the program. Whenever work was given, the ex- prisoner would pay someone else to do the work for them as they did other things that they felt were of more importance to them. “A major challenge that we faced was that ex- prisoners looked for jobs during their time on probation and prioritized their jobs because they were paid for them unlike the ones assigned to them which was free. Offenders who have gone through the probation program before prefer being incarcerated rather than reporting and intensive supervision (Crouch, 1993). When supervisors are very few to handle the probationers, rehabilitation is impossible because there is no close supervision.

Ex- prisoners colluding with their supervisors (19.1%) so that they can be placed on probation yet in they do not qualify for probation. This is a form of corruption and it starts from inside the prison when prison officers are asked by the courts to prepare a detailed list of offenders who qualify for probation. You will observe that some names are added to the list yet in the real sense, it is not supposed to be there, but since money exchanged hands, they are included and probation officers who also benefit approve and give false reports. While on probation, it feels like the offenders are free because no one supervises them. This contributes to the general public’s notion that probation sentence is getting away with an offence (Petersilla, 1998).

Probation officers lack resources which was cited by many (5.9%) to facilitate them to move around as they go to supervise the ex- prisoners assigned to them. Some of these resources are good transport system. Without good transport system a supervisor is unable to move around considering that these ex- prisoners do not come from the same region. It is so easy for a supervisor to be compromised because if a probationer pays him to write a good report for them, he or she will do it gladly because he will feel that his or her work load has been reduced. It is not easy dealing with difficult human beings on a daily basis, often without support needed for doing the job (Wesley Johnson, 2003).

The community is hostile towards ex- prisoners and many have rejected them despite being rehabilitated. The probation officers have a hard time trying to convince the community especially the ex- prisoner’s families to accept them back to the community as they serve their sentences

outside bars. “Nothing is frustrating as having to deal with the families of ex- offenders who do not want them back to the community. It is so hard and it takes a lot of convincing and counseling to convince them that the ex- prisoner has really reformed, if they were only given a chance then they would appreciate them, says Grace a probation officer. This kills the moral of probationers as they feel their effort to change for the better is not noticed by anyone. When the community refuses to offer these offenders jobs after completing their sentences, they are left with no choice but to go back to the life of crime where they feel they belong and are accepted by other criminals (Jamieson, 2006)

These findings corroborate those of the Administration of Kenya and The United Nations African Institute for the Prevention of Crime and the Treatment of Offenders [UNAFRI] (2011) report that found that a portion of the systemic difficulties of the group benefit arrange program included slipping off and defenselessness of officers to pay off from guilty parties.

The report likewise highlighted that Supervisors were vulnerable to being traded off because of poor assistance or absence of it through the solid degenerate allurements by the guilty parties or their families. Despite the highlighted challenges, there are other challenges facing the rehabilitation program in Kenya. According to Njoroge (2015) despite several youth probation centers around the country the government has not dedicated special facilities for the treatment and rehabilitation of drug users. “It is expensive for the ex- prisoners who are desperate for rehabilitation especially drug addicts as there is no allocation set aside by the government to cater for such expenses. Many cannot afford this treatment so they end up not being rehabilitated,” says Christine a probation officer

Table 4.13 Factors Hindering Rehabilitation through Probation

Factors	Frequency	Percent
Absconding of duties	19	19.1
others performing duties for others	42	51.5
offenders colluding with their supervisors	10	19.1
Lack of resources to enable movement	4	5.9
Missing responses	3	4.4
Total	68	100.0

4.5.1 Perception on Positive Outcomes of Probation

A total of (76.5 %) of the respondents felt that the program was very effective and these were some of the reasons they gave:

They were able to provide and support their families while at the same time, serve their sentence. As much as some ex- prisoners fail the probation program, many complete it successfully. It enables the offenders to have a good relationship with his family thus preventing high rates of broken families (Glaze & Bonczar, 2009). while serving the community, they provide free labor especially to odd jobs that people do not want to do e.g clearing trenches that is filled with mud, stones, and garbage that contribute to flooding around estates and the central business centre. Many ex- prisoners have been used to clear market places and bus stops enhancing a clean environment in Machakos.

“I have observed over the years that many ex- prisoners tend to reform when they are in constant contact with their families. It’s a big step in rehabilitation because the ex- prisoners feel accepted and they see the need to change, unlike those offenders who are rejected back home such that when they are told that they will be placed on probation, they refuse and prefer to complete their sentence in prison because they have no where or no one to go back to,” says Kelvin the founder of Philemon trust fund.

Ex- prisoners are able to be reintegrated back into the community with ease without waiting for them to complete their sentences in prison. By working in the community as punishment, the

offender gets familiarized with his or her community members such that he is no stranger to them. When the community members see one of them serving in the community, they get used to them easily and the ex- prisoner upon completing the sentence is not stigmatized. There are no major changes that can occur such that the offender will get a culture shock. He participates in the changes and is well acquainted to what goes on in the community.

There is behavior change as the offender is free from contamination from hardcore criminals Rutz (1935). This enables him to change his behavior as he interacts with his family instead of mingling with habitual and hardcore criminals. When an ex- prisoner is free from prison he is not exposed to other criminals or criminal activities. He is able to reform and get rehabilitated. When an ex-prisoner serves an outside sentence, the community feels safe unlike when they are locked away in prison. Everyone has their own notion about criminals and jail and the more a member of society is kept under confines, they lose trust in them and in return, they are not taken seriously even in the community

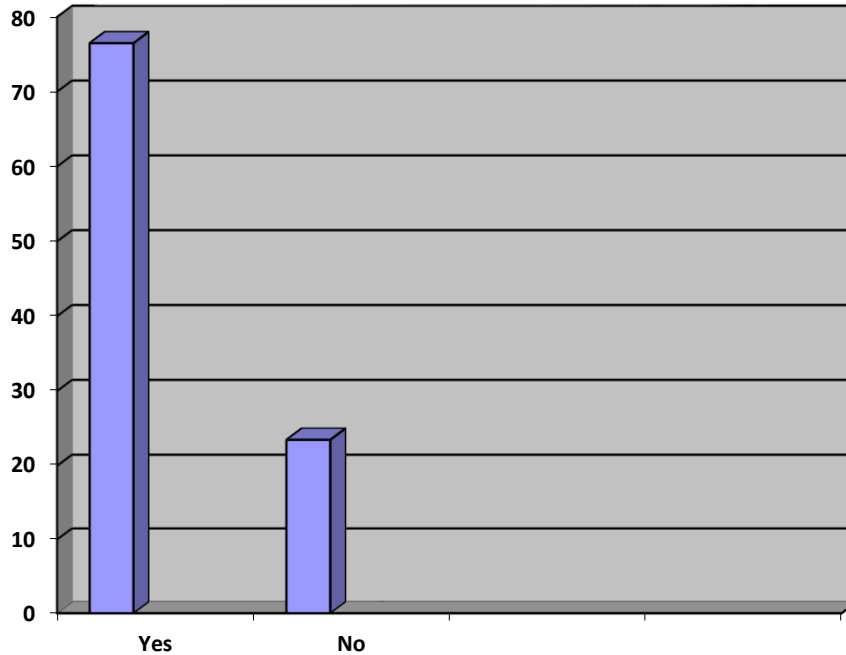
On the other hand, 23.5 % felt it was not effective because they were stigmatized as they were placed on probation and they felt that that would be another cause of recidivism as they thought no one understood them at all. This implies that rehabilitation through probation for the sampled offenders had a positive outcome. According to data from the GoK and UNAFRI (2011) report, those in administration right now and who had not outraged before demonstrated that they were currently more watchful in their associations, lead and stayed away from conceivably trading off circumstances, companions or conditions.

Some ex- prisoners get lucky and are employed in non- governmental organizations where they are paid and have a source of livelihood. Faraja Trust Fund has employed so many ex-offenders to offer counseling to inmates so that they can see the need to change. They felt it was easier if an ex- offender reached out to them because they had same experience and understanding than employing someone else.

“Some of the skills learnt in prisons like carpentry have really helped offenders a lot as most of them started their own business which enabled them to generate more money that enabled them to provide for their families. Many ex- prisoners have their own workshops, this has brought a lot of hope to the community as they feel safe as most ex- prisoners have their own sources of money and at the same time, they have created jobs for some community members who were jobless,” agrees madam Khaemba a social welfare officer at the prisons department.

Organizations like Philemon Trust have taken it upon themselves to empower ex- prisoners. They have employed ex- prisoner to participate in the reintegration programs so that offenders have an easy time upon release. They have taken the initiative of travelling across Machakos County to talk to families and the communities that the ex- prisoner comes from so that they can accept them back after completing their sentences. This is done by the help of church leaders who are able to reach out to the community and convince them about accepting one of their own

Figure 1: Perception on Positive Outcomes of Probation



4.5.2 Nature of Contact between Probation Staff and Probationers

Table 4.5 shows that 17.6 % only met their supervisors once during their sentence on probation. Naturally, the ex-prisoner should meet his supervisor once a month so that the probation officer can offer him counseling and make a progressive report. This can be attributed to over working. Supervising 30-40 probationers in a month is not an easy task. This means that he has to supervise around 4 probationers per day who do not live in the same area. Transport cost is expensive as there are not enough vehicles to transport all probation officers to wherever they want in order to supervise. This hinders rehabilitation because there is no follow up. Probationers feel neglected because 35.3 % of them only interacted with the probation officer twice, 26.5 % were thrice and 20.6 % never interacted at all. The employment of probation is to guarantee that a guilty party is rebuffed just to a degree, forced, not more, and to encourage his/her restored investment in the general public (Shapiro 1990)

“The work becomes overwhelming especially when it involves supervising an offender who is in another county. This is because some offenders were arrested when they had travelled to visit their relatives and it is the duty of the probation officer to travel to where the probationer is in order to supervise. Such an offender can be forgotten and finish his sentence even without being supervised even once,” says Grace a probation officer

These findings support the GoK and UNAFRI (2011) report which found that out of 632 offenders, 245 (38.8 %) were visited by their probation officer during performance of the tasks compared to 387 (61.2 %) who were not visited.

Table 4.14: Frequency of Interaction with Probation Officer

Frequency	Frequency	Percent
Once	12	17.6
Twice	24	35.3
Thrice	18	26.5
never ever	14	20.6
Total	68	100.0

4.6 Probationers Preference to the Probation Program

In regards as to whether the sampled respondents preferred being placed on the probation program, the study results showed that 80.9% were happy as they continued providing for their families and importantly maintained their employment. The ex- prisoners preferred to serve part of their sentence behind bars then serve the remaining part outside as they considered it to be less punitive (Travis, 2011) many were demotivated by the course like carpentry, metal work, farming, animal husbandry, e.t.c that were offered in prison. Many ex- prisoners reported that they were upset at the damaging impact of imprisonment especially where they had lost homes or jobs which led to family breakdown.

“The church is the best avenue where an ex- prisoner can be reconciled with ease with his/ her community members. By involving them in activities such as the choir, cleaning and arranging of church furniture, makes people change their mind about the offence that was committed and accept the ex- prisoner” says Jackson a probation officer.

“If only people could embrace the Malachi Dad’s programme seriously then ex-prisoners would see the need of living a crime free life as some prisons hold members of the same family who commit different offences. This can only be understood as lack of a stable person in the family to give proper direction to its members to avoid engaging in crime and do something constructive with their lives,” says Esther a probation officer

A small number 17.7 % were not happy with the probation sentence as they considered it to be boring, tiring, and pointless. They indicated that the community sentencing was hard to finish than short jail sentence in view of the need to keep arrangements and the time allotment that group sentences are finished. Some expressed that they needed to deal with their day-to - day lives and the variables that had regularly driven them to annoy (most usually medication utilize). Some expressed that they had poor associations with post trial agents which was too simple to be broken on a group sentence. This drove numerous detainees to state inclination for a short jail sentence over a group sentence on the premise that they are less demanding to finish (crook, 2011). 1.4 % was missing responses.

Table 4.15 Probationers Preference to the Probation Program

Preference of programme	Frequency	Percentage
Happy	50	80.9
Not happy	17	17.7
Missing respondents	1	1.4
TOTAL	68	100

4.6 Ex- prisoners preferred sentence

The respondents were asked to indicate the preferred punishment for their offences if given a chance Table 4.11 shows that 55.9 % preferred being placed on probation because they were able to continue with their day to day activities and at the same time, serve their sentence some ex-prisoners 8.8 % preferred incarceration because that way, they did not have to report to anyone and the time that was spent on the prison cells was less than that spent on probation. Andrew (2010) in prisons someone was free to move around and no one made follow ups as long as no prisons rules were broken. 22.1 % preferred fines as this was less time consuming and they did not have to commit to any one after clearing with the courts or authority. 4.4 % preferred to be given jobs because most of their crimes were money related. Glaze (2006) they believed that if they got jobs to keep them busy and a chance to provide for their needs, then they will completely end their activities in crime. 7.4 % preferred to get a warning and forgiveness as that was their first time to engage in crime and promised not to break the law ever again as they already know the repercussions.

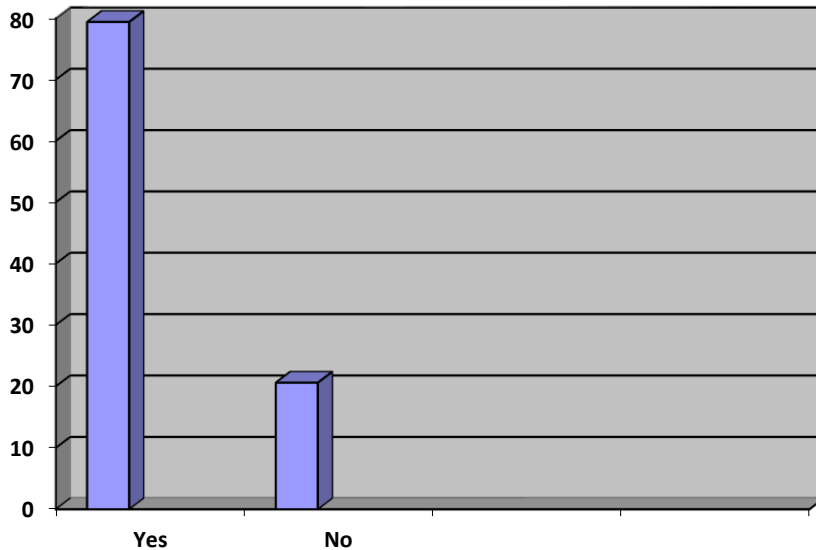
Table 4.16: Percentage Distribution for Preferred Sentence for Probationers

	Frequency	Percent
Community service order	38	55.9
Incarceration	6	8.8
Fines	15	22.1
A job	3	4.4
Warning& forgiveness	5	7.4
Missing Responses	1	1.5
Total	68	100.0

4.6.2 Behavior Change Among Probationers

Findings showed 79.4 % indicated that they were more than willing to change their behavior especially because they were first time ex- prisoners. They appreciated serving an outside sentence as they felt some kind of freedom. The fact that they were able to continue with their day to day activities made them change their behavior and see the need to abide by the law. Andrew (2010), with love from the family, an offender is most likely to change because of that feeling of acceptance and appreciation. 20.6 % of the respondents felt that the probation sentence was more punitive than prison sentence. Constant supervision and having to report to a supervisor was more tormenting than being behind bars where no one bothered about them as long as they did not violate any prison rules Glaze, (2006). Many offenders also reported having gained more empowerment through the programme than before they joined it. They left as better persons than they had joined. (GoK& UNAFRI, 2011).

Figure3: Percentage Distribution of Change of Behavior After Programme



4.6.3 Challenges Probationers face in the program

Probation is expected to help convicts incorporate themselves into society to wind up beneficial subjects. The issues encompassing this excellent objective are such a large number of. A couple

of wrongdoers (29.4 %) griped that the group did not need them back. (Lister, 1999) An ex-detainee who is on post trial supervision frequently confront unforgiving responses from individuals from his group, who may feel that convicts shouldn't be permitted over into society to possibly carry out different violations. This can put strain on a guilty party's home life as he endeavors to change in accordance with life outside of jail.

Probationers (20.6 %) feel that they were denied an open door for work. All individuals on post trial supervision must discover profitable work to meet money related desires. (Jonathan 2000) ex-detainees must reveal criminal record and probation status to potential bosses. Be that as it may, most potential bosses would rather not keep a worker with a criminal record on the finance, driving ex-detainees on post trial supervision to look for some kind of employment in low paying occupations. Most offenders were labeled as criminals and this denied them a chance of getting employed anywhere they went.

“In Kenya, most companies asked for a certificate of good conduct before they considered employing anyone. This hindered many ex-prisoners from getting employment because with the Kenyan criminal system, once you are on the list of criminals it is very hard for your name to be cleared as well as creating a new record for you”, reported Matthew a probation officer. At times Offenders (32.4%) had trouble changing in accordance with the controlled way of life that probation confinements requested. As indicated by Jrank site, (2000) guilty parties must be home at a specific time of night, must go to gatherings with post trial supervisors and may not participate in specific exercises like expending liquor. This can turn out to be a lot for a few people.

Probationers (17.6 %) felt that post trial agents have scope in deciding standards infringement, which prompts to irregularity. A post trial supervisor may decide that missing a treatment session is an infringement and send a guilty party back to prison, where as another officer may essentially request a clarification for the nonappearance. These findings support Tum (2012) who found that factors which contribute to poor performance of probation services include: lack of home visits before and after pre-sentence reports, lack of office space for confidentiality when dealing with probationers, limited financial allocation by the government, inadequate in-service training, urgency of probationer's immediate material needs after release, unreliability of probationers due

to limited supervision contact by probation staff and low morale among probation staff which often resulted to low supervision.

4.6.4 Beneficiaries of Probation Program

The study found that the government benefits more by (55.5 %) as the cost of feeding and catering for prisoners reduces. The government is able to decongest the prisons by encouraging outside sentences especially because they are not planning to build or expand their prison facilities in order to accommodate more offenders. Tax payers money is diverted into something else or other activities that benefit the country. Skinner (1966) by allowing the ex- prisoners to get employment, they contribute to paying tax to the country and the whole country benefits from that.

Some respondents (32.4 %) felt that the community benefited more as the ex- prisoners were giving back to the community by paying for their offence they had committed. This was a way of giving back to the community. The community benefited by getting odd jobs done, like cleaning school compounds, cleaning public toilets, building terraces like the ones that are built along Athi River to prevent soil erosion. These jobs are done well and the community is comfortable in their environment. Bonta (2010) work done by the offenders like cleaning of streets, digging of trenches and construction of terraces to prevent soil erosion, makes the society a better place as most of the work is done for them for free by people that are familiar to them.

A small number (7.4 %) of the respondents felt that the probation officers benefited more as they were paid to write a good report about an offender so that they can be placed on the probation program so that they can leave prison. All this is organized by an offender, who pays the probation officer a good amount of money, very few respondents (4.7%) felt that the offenders benefited because they were able to repair their lives and continue living a normal life while still serving their sentence. Ex- prisoners were able to take care of their families and maintain family ties which is very important in the society. Many ex- prisoners suffer from broken families when in prisons such that upon release they find that their families had either been thrown out on the streets by the community out of anger for the offence that was committed by their husbands or had just begun a new life somewhere else when they were in prison. Gendreau (1996) a first time offender benefits more because they are relieved from the shock that they face in prison. They are willing to change

their ways and not go back to crime or commit any offence that will take them back to prison. They benefit by maintaining social ties with their families thus reducing the number of broken families.

Table 4.17 Beneficiaries of Probation Programme

Beneficiaries of the programme	Frequency	Percentage
The Government	47	55
Community	17	32.4
Probation officer	3	7.4
Offender	1	4.7
Missing respondents	2	1.5
TOTAL	68	100

4.6.5 Alternatives for Probationers not Rehabilitated in the Programme

The alternatives for probationers not rehabilitated in probation program were (79.1 %) incarceration which was supported by probation officers who felt that some were already hardened help and leaving them to complete their sentence in prison was the best option they ever had. Kyckelhahn(2012) this would enable the ex- prisoner to face the punitive force of incarceration for the time they were sentenced in court. Some offenders feel that leaving prison is reason enough for them to re-offend or ignore the rehabilitation programs put for them. They think that they are free from the law and can do anything they please forgetting that they are still under s sentence that they need to serve and complete.

Preference for fines (22.1 %) so that the revenue would go back to the government. It feels good if someone pays for their crimes by paying for it. In fact if someone if fined double is better than taking someone to prison. The one who pays fines appreciate doing that because it is less time consuming and at the same time, they have escaped going to prison. Although they pay the fine, that is something they live to remember and would do anything to avoid paying further fines in future. Giving money from ones pocket to pay for courts is more painful than impulse buying. Pew Center on the States (2008) Making offenders responsible for their actions is the best thing a government can do. It makes individuals comply with the law, and conform to be better citizens to enhance rehabilitation.

Respondents (4.4%) preferred rehabilitation for the ex- prisoners whose offences were associated with drugs. Rehabilitation was the best option for them where they could get professional help that could lead to change in behavior that was deemed fit for the society. The only disadvantage that such offenders face was that they had to pay for their own treatment which was very expensive. Bureau of Justice statistics (1984) most rehabilitation centers in Kenya charge Kshs 35,000 per month and an individual is expected to undergo treatment for three months. This encourages re-offending as many cannot afford it, and instead of paying for the treatment, many prefer to divert the money to something else. This is presented in Table 4.7.

Table 4.18 Alternative Forms of Rehabilitation among Respondents

Alternatives	Frequency	Percent
Incarceration	48	79.1
Fines	15	22.1
Rehabilitation	3	4.4
Missing Responses	2	5.9
Total	68	100.0

CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

The chapter of the study presents the summary, conclusions and recommendations.

5.1 Summary of Findings

Education was pointed as one of the methods that reduce chances of engaging in crime as individual has high chances of employment. Most ex- prisoners are married and this can be attributed to the high living standards in the country and the increasing family demands that force men to engage in crime to provide for them. Probation was preferred by most offenders as that was a way of reconciling them with their communities and at the same time continue with their jobs. Counseling proved to be very effective on probationers as that was an eye opener as it allowed them to way different options in life other than engaging in crime offenders were able to come up with solutions in order to avoid engaging in crime and opt for other income generating sources. Ex- prisoners are usually placed on probation depending on the type of offence they commit. Petty offences are placed on probation for six months which was the shortest time to enable offenders to rehabilitate while some offenders are given a maximum of three years so that they can be rehabilitated

The community is responsible for offering a good environment for offenders to change by accepting them, offering them jobs and allowing them to keep retain their jobs without stigma and maintain ties with their families. Stigma follows offenders even after being rehabilitated and this affects their interactions in the community. Offenders on the other hand felt that they has offended the community and in return, they held no grudges, some wanted to be forgiven, some appreciated being part of the community after being behind bars and they appreciated whatever little they had. Some of the factors hindering effective rehabilitation were, lack of proper supervision, offenders performing duties for others, offenders colluding with supervisors to be placed on probation, lack of resources to enable movement of supervisors from one place to another and hostility of community towards offenders.

Most respondents felt that the government benefited as it was able to cut down on budget of feeding prisoners, some felt that the community benefited as offenders gave back to the community by offering free labor, some felt that the probation officers benefited as they were paid to write god

reports for offenders and very few felt that offenders benefited as they were able to repair their lives.

5.2 Conclusion

The study found that ex- prisoners in the probation programme were charged with minor criminal infractions such as touting, selling alcohol without a licenses and creating disturbance. The study further concludes that ex- prisoners were satisfied with the sentence of community service orders. Counseling was the strategy commonly used by probation officers to rehabilitate offenders.

The duration of rehabilitation for most of the offenders was six months and the longest duration for rehabilitation was more than 2 years. The factors affecting rehabilitation program was absconding of duties, lack of supervision which led offenders to abscond duties, offenders working for other offenders thus reducing the effect of rehabilitation through community service orders. The study concludes that the lack of human and financial resource in the Probation department has led to this state of affairs. The alternative forms of punishment for offenders not rehabilitated through the probation should be incarcerated.

5.3 Recommendations

Based on the study findings, the researcher makes the following recommendations;

Funding of the probation department so that more probation officers can be employed to avoid overworking from 20-40 officers to a good number of 10-15 probationers per supervisor to enable the department to effectively and efficiently provide rehabilitation services, through probation to offenders. Education and awareness on the role of the community service orders and probation to the public in order to dispel negative attitudes towards the program. This would go a long way in the successful implementation of the program involving all stakeholders.

The government should build functional half way houses that will absorb ex- prisoners as they try to reconcile with community to avoid recidivism which is a result of rejection from the society

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APPENDICES

APPENDIX I: QUESTIONNAIRE TO PROBATION OFFICERS

Greetings

My name is Diana Owino, a student at the University of Nairobi in the faculty of Social Sciences. I am conducting a study on challenges of rehabilitation of ex-prisoners through probation services in Kenya, case of Machakos County. I request you to answer the following questions so that i can meet the objectives of my research. All the information you provide will be handled with confidentiality and will only be used for the purposes of my study. Please do not write your name.

DEMOGRAPHIC DATA

Age of respondent

- (a) 18-25
- (b) 26-35
- (c) 36-45
- (d) 46 and above

Gender of respondent

- (a) Male
- (b) Female

Religion

- (a) Christian
- (b) Muslim
- (c) Hindu
- (d) Others (specify)

Level of education

- (a) None
- (b) Primary
- (c) Secondary
- (d) College
- (e) University

Marital status

- (a) Single
- (b) Married
- (c) Widowed
- (d) Separated
- (e) divorced

1. Which type of ex- prisoners are normally rehabilitated through probation services

1 What factors do you consider when recommending a prisoner for probation?

- a) Age of the offender
- b) Type of offence
- c) Background of the offender
- d) Health

2 Which type of offenders do you consider for probation?

- (a) Petty offenders
- (b) First time offenders
- (c) Those remaining with a sentence of less than six months
- (d) Others,

specify.....
.....

2. Which effective strategies do the probation officers employ to rehabilitate such offenders, and ensure their re-settlement and reintegration in the community.

1 What strategies do you employ to ensure prisoners are rehabilitated when under your care?

- (a) Counselling
- (b) Other,

specify.....
.....

2 How often do you interact with prisoners to confirm there is behaviour change?

- (a) Daily
- (b) Weekly

- (c) Monthly
- (d) No interaction at all

3 What are some of the methods you use to facilitate reintegration of ex- prisoners into the society?

- (a) Counselling
- (b) Use of village elders
- (c) reconciliation

4 In your opinion, is probation an effective way of rehabilitation of offenders?

- a) Yes
- b) No

If Yes, why?

If No, why?

5 How long does it take for an ex- prisoner to be re-integration back in the society?

- (a) One week
- (b) One month
- (c) Two months
- (d) It depends on the offender

3. What role does the community members and civil society at large play in rehabilitation of such offenders?

1 How does the community respond to ex-prisoners when still under your care?

- a) Welcoming
- b) Repulsive
- c) Cooperative

2 Are the community members ready to interact with these ex- prisoners?

- (a) Yes
- (b) No

3 What role does the civil society play in the rehabilitation and re-integration of ex- prisoners?

- (a) Counselling
- (b) Provision of tools and equipment needed by offenders to perform their duties
- (c) Offering employment to offenders
- (d) Financial assistance
- (e) Other,

specify.....

.....

4 How often does the community and civil society check up on ex- prisoners to ensure they are really rehabilitated?

- (a) Daily
- (b) Weekly
- (c) Monthly
- (d) Others,

specify.....

.....

5 What programmes have the community and civil society put up to ensure ex- prisoners are reintegrated back to the community to avoid recidivism?

4. Which factors affect rehabilitation of ex- prisoners through probation?

1 What are some of the factors that affect rehabilitation of ex- prisoners under your care?

- (a) Corruption
- (b) Offenders do not work for the stipulated time
- (c) Offenders abscond
- (d) Limited numbers of probation officers

2 How do ex- prisoners/offenders react to some of the strategies you use for rehabilitation?

- (a) Positive
- (b) negative

3 What new strategy do you think will be effective when employed to ex- prisoners to ensure rehabilitation and re- integration in the community?

- (a) Financial assistance
- (b) Entrepreneurship training
- (c) Vocational training
- (d) Other,

specify.....

.....

4 How do you deal with these factors that affect rehabilitation to ensure ex- prisoners are really reformed?

5. Which challenges do probation officers face in the rehabilitation of ex- prisoners?

1 What type of challenges do you face when trying to rehabilitate ex- prisoners

- (a) Offenders absconding
- (b) Too much work load
- (c) Offenders report but do not do any meaningful work
- (d) Shortage of probation officers

2 How often do you interact with ex- prisoners under your care?

- (a) Daily
- (b) Weekly
- (c) Monthly
- (d) Never

3 What strategies do you use in case an ex- prisoner does not reform or is not rehabilitated?

- (a) Imprisonment
- (b) counselling
- (c) Others,

specify.....
.....
.....

4 How many ex- prisoners are put under your supervision at any given time?

- (a) 30
- (b) 40
- (c) 50
- (d) More than 60

6 What other alternative do you have for ex- offenders who do not reform through probation?

- (a) Imprisonment
- (b) None

APPENDIX II: QUESTIONNAIRE TO EX PRISONERS/ OFFENDERS

Greetings,

My name is Diana Owino, a student at the University of Nairobi in the faculty of Social Sciences. I am conducting a study on challenges of rehabilitation of ex-prisoners through probation services in Kenya, case of Machakos County. I request you to answer the following questions so that i can meet the objectives of my research. All the information you provide will be handled with confidentiality and will only be used for the purposes of my study. Please do not write your name.

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- (d) College
- (e) University

Marital status

- (a) Single
- (b) Married
- (c) Widowed

- (d) Separated
- (e) divorced

1. Which type of offence did you commit to be allowed to serve part of your sentence on probation?

- (a) Selling alcohol without licence
- (b) Obstruction
- (c) Tauting
- (d) Creating disturbance
- (e) Other,

specify.....
.....

2. What was your reaction when you were placed on probation?

- (a) happy
- (b) satisfied
- (c) disappointed
- (d) other,

specify.....
.....

2.Strategy employed

1) What strategy was used on you to ensure you were rehabilitated and reintegrated back to the society?

- (a) Counselling
- (b) Threats from police
- (c) Other,

specify.....
.....

Was it effective?

- (a) Yes
- (b) No

2) How long did it take for you to be rehabilitated?

- (a) a month
- (b) 2 months
- (c) more than 4 months
- (d) more than a year

3. Role of community members

(1) How did the community members react towards you when you left prison?

- (a) Some treated me as a criminal
- (b) Some felt that probation could not help me
- (c) Some felt that i was still a member of the society
- (d) Other,

specify.....
.....

(2) What was your reaction towards the community members when you were released from prison and placed on probation?

- (a) I held no grudges against them
- (b) I asked for forgiveness from those i had wronged
- (c) Other,

specify.....
.....

(3) In your own opinion, what is your advice to the community members in relation to probation of ex-prisoners?

- (a) They should forgive and accept them back

4. Factors affecting rehabilitation

- 1) What factors do you think hinders rehabilitation through probation?
 - (a) Absconding of duties
 - (b) Others performing duties for others
 - (c) Offenders colluding with their supervisors
 - (d) Other, specify

2 Do you feel you were rehabilitated through probation?

- (a) Yes
- (b) No

If yes, why?

If No, why?

3 How many times did you interact with the probation officer assigned to you?

- (a) Once
- (b) Twice
- (c) Thrice
- (d) Never ever

4 How did you handle some of these factors affecting rehabilitation

5 challenges faced during rehabilitation

1. Are you committed to this programme?

- (a) Yes
- (b) No

If yes, why?

If no, why?

2. What kind of sentence do you feel you should be given?

- (a) Community Service Order
- (b) Incarceration
- (c) Fine

3. Have you noticed change of behaviour from other offenders after discharge from the programme?

- (a) Yes
- (b) No

If yes, why?

If no, why?

4. What are some of the challenges you face in the programme?

- (a) Lack of supervision
- (b) Offenders report but do not do any meaningful work
- (c) Some offenders collude with supervisors not to work
- (d) Others working for offenders

5. Does the community accept you while you are in the programme?

- (a) Yes
- (b) No

6. Alternatives available to those who do not get rehabilitated.

(1) How relevant is the CSO and Probation in rehabilitation of offenders?

- (a) Very relevant
- (b) Relevant
- (c) Somewhat relevant
- (d) Not relevant
- (e) Completely irrelevant
- (f) Explain

(2) In your opinion, how appropriate is the programme

- (a) Very appropriate
- (b) Appropriate
- (c) Somewhat appropriate

- (d) Not appropriate
- (e) Completely inappropriate
- (f) Explain

(3) in your opinion, who do you think benefits from these programmes?

- (a) The government
- (b) The community
- (c) Private individual
- (d) Probation officers
- (e) The offender
- (f) The victims

(4) In your opinion, what alternative would you recommend to be given to those who do not get rehabilitated through the programmes?

- (a) Incarceration
- (b) Fines
- (c) Other,

specify.....
.....

APPENDIX III: KEY INFORMANT INTERVIEW

Probation Officers

1. Tell me about your involvement in the community

What activities do you engage ex- prisoners on probation?

What strategies do you use in rehabilitation of these ex-prisoners?

Who have you collaborate with, for example, nongovernmental agencies to absorb ex- prisoners?

Have you ever worked together?

2. From your knowledge and experience in probation, what are some of the most and least effective strategies or programmes you have heard of to reach?

What has really worked out and what mistakes have commonly been made? Why do you feel that way?

What do you think have been the keys to successful endeavours? Why do you feel that way?

3. What special challenges do you meet when trying to reach ex- prisoners?

What suggestions do you have in mind in terms of these challenges?

4. Do you have any thoughts or ideas about programmes that can be implemented during rehabilitation?

What organizations can we approach for sponsorship?

How could we work with the church?