

**FACTORS INFLUENCING SUCCESS OF NON
CUSTODIAL SENTENCE IN KENYA: A CASE OF
KILIFI DISTRICT IN KILIFI COUNTY**

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DECLARATION.

This research project report is my original work and has not been presented for any award or credit in any university.

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DEDICATION

I dedicate this research project to my late parents Raphael Mbemebe Adenya and Matilda Ashikuku who during my childhood ignited in me the candle of knowledge and provided immense inspiration in pursuit of academic excellence.

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LIST OF ABBREVIATIONS AND ACRONYMS

CICP; Centre for international crime Prevention

DCO: District children's officer

DDO: District development Officer

DV: Dependent Variable.

FREQ: Frequency

IV: Independent Variable

KDDP: Kilifi District Development Plan.

KNBS: Kenya National Bureau of statistics.

NCS; Non-Custodial sentence

NEST. National Economic Social Forum

NICRO: National institute for crime prevention-South Africa.

NISD: National institute of social defense

OASys: Offender Assessment Systems

OVP-MOHA: Office of the Vice –President and Ministry for home affairs.

SACCO: Co-operative savings and Credit Company.

SPSS: Statistical Package for Social Scientists.

SRM. Senior Resident Magistrate

U.S.A. United States of America.

UNODC: United Nations Office on Drugs and Crime

ABSTRACT

Prison population around the world is increasingly placing enormous financial burdens on governments. There is growing recognition that imprisonment does not achieve some of its most important stated objectives, as well as being harmful to offenders, families and in the long term to the community (UNODC, 2006). UN resolution A/RES/45/110 encourages global courts to shift their sentencing options towards non-custodial punishment following failure of the prison system due to overcrowding and high cost of operation. The modern theorists of crime emphasize community rehabilitation and re-integration. (Lumumba, 2008). UN survey on crime indicates that of 82 countries sampled, 64 million people were convicted (CICP, 2002). Canada on the other hand places 81,000 people on non-custodial sentence every year. This study seeks to establish factors influencing the success of Non-custodial sentence in Kenya. The study seeks to answer three research questions; How does financial commitment affect success of non custodial sentence? What is the role of supervision? And finally the contribution of the community in the success of community based correction. The study is significant to the criminal justice stakeholders. The research design used was across section survey and the researcher used interviews and open ended questionnaire to collect data from 56 respondents sampled from a target of over 140 probationers. The response rate towards this study was 85% as contained in chapter three of the study. Chapter four of the study established that there are factors influencing the success to non-custodial sentence in Kenya specifically Kilifi district. The department receives less than 250 million shillings towards re-integration and rehabilitation of offenders and received less than 30 million for supervision of offenders. The community accounted for 31% of cause of re-offending as despise form the community and 27% financial constrains. Probations officers at 60% level stated that they lacked resources. Supervision was rated at 95% level where officers and probationers had good relationship. The community equally was rated at 40% level in reforming offenders and supported offenders with financial and advisory services. In chapter five the study recommends that the government establishes an independent authority to manage, and co-ordinate Non-custodial sentence with establishment of a sentencing commission in each county. Further research is suggested to be conducted in juvenile justice through longitudinal study, after care, pre-bail supervision and community sentence across the country.

CHAPTER ONE

INTRODUCTION

1.1. Background of the study.

Magistrates' courts in the world pass sentences in over two million cases they handle yearly and choose between imprisonment and non-custodial sentence which is supervised or un-supervised. Non-custodial sentence which is also referred as community based correction includes fines, probation orders, community service orders, and attendance centers. (Devin, 1970).The former British prime minister Tony Blair in his foreword message while addressing the social exclusion unit conference on reducing re-offending by ex-prisoners in July 2002 noted that crime has a devastating impact on the lives of the victims and the entire communities and the cost to society was huge. The national economic and social forum report No.22 underscores non-custodial option as one of the best methods in the re-integration of prisoners in the society (NESF, 1990).

The department of justice, equality and law reform contained in the report White paper on crime, discussion paper No 2, Feb 2010 on criminal sanctions highlights penalties applied mostly by the Irish courts involving non-custodial sanctions which is supervised by the probation service as- probation order, community service order and suspended sentence. Those that do not require supervision of the probation service are-Fines, dismissed probation of offenders act, compensation orders, court poor box and binding to keep peace. Kenyan courts also exercise supervised and non-supervised non-custodial sanctions. The main arguments for non custodial sentence it that it is cheaper than prisons, more effective in re-integrating offenders into the community and ultimately more successful because it can help lower crime rate permanently. However there is a school of thought against such sanctions.

Sentencing has been applied in society to enhance social control and order from historical times. Different societies based on diverse philosophies applied different methods to attain morality and crime control and prevention. Western and African societies today have some common methods of punishment though with different historical background. The choice is between custodial sentence and non-custodial with its merits and demerits to society.

Issues of criminal justice are of major concern in the world today with the global courts

Shifting their sentencing options towards non-custodial and rehabilitative approach in

offender management. The United Nations standard minimum Rules for Non-custodial measures (Tokyo Rules, A/RES/45/110), call on members countries to promote and incorporate alternatives to incarceration in the management of offenders.

Crime trends in the world have continued to project an upward trend. In Africa especially East and Central Africa, crime ranks second to poverty as an enemy of the people (Mushanga, 1976). In Canada, crime has for many years exhibited a pattern where crime

rates are increasing (Canadian Journal of Criminology and Criminal Justice, Vol. 51.No. 1 Jan 2009). The theological-biological school of crime contents that all descendants of Adam are sinners. Man chose to engage his free will in sin or criminal activity hence today there are eight billion potential criminals in the world (Mushanga, 1976).

The eight United Nations survey on crime trends indicate that of the eighty two (82) countries of the world sampled, there were almost sixty four million criminals convicted with the USA leading with eleven million,UK, six million, Germany six million, France three million, Russia three million, Japan three million and India two million(Centre for International Crime Prevention 2002)

In 2007, Seven Hundred and fifty thousand (750,000) cases were brought before various magistrates' courts in Kenya, while in 2006 eight hundred thousand (800,000) cases had not been arbitrated by December (Kenya National Bureau of Statistics 2008).

The judicial system has experienced historical challenges where the mode of disposing off sentences was through imprisonment. With exploding prison population, humanitarian judges in England and United States of America began to rethink other modes of punishment. Probation emerged as a guiding principle measure generated out of the relationships between the social class hence the evolution of parole system of justice (British Journal of Law and society).

In 1895 the American government started constructing prisons and they became overcrowded, the question of legal release came to the attention of congress. On June 25th 1910, the Federal

parole act was passed. In 1915 the act was reviewed to allow people who have served a sentence of fifteen years to serve on parole and each prison was allowed to establish its own parole board. In 1840 while at the Boston police court, John Augustus pleaded with the judge to allow him sponsor an offender who was about to be sent to prison. In 1841, John Augustus, a cobbler and resident of Boston, Massachusetts –USA, pleaded again with the court on behalf of the juvenile drug addicts to allow him rehabilitate them while staying in their own communities. His efforts were accompanied with successful outcomes where the addicts were rehabilitated and integrated in society hence the father of probation service in the world. Courts before then were considering all matters for incarceration and fine (Journal of criminal law, criminology. and police science., Vol 42, No 6, 1952).

In 1925, the Federal probation Act was enacted and in 1927 eight probation officers were recruited supervising 4281 probationers. By 1951 the number of probation officers had increased to 311 overseeing 30,000 probationers. In England the probation of offenders act was enacted in 1907 it contained provisions and principles that the court could commit criminals for non-custodial sentence. In 1967 the Act was transformed into Probation and After Care Act. Over 20,000 people visited the probation office, 33,000 cases were referred to probation and 26,000 requests were made seeking help in domestic matters. (King F S J, 1969). Countries in Latin America, Holland, Scandinavian and Japan are increasingly adopting probation as a better alternative to incarceration

In Kenya it was not until 1943 when probation service was introduced by the British

Government after the passing of the probation ordinance which applied in all its

protectorates. In its formative stages the service was confined in Nairobi municipality dealing with juvenile and women offenders. Kenya is divided into 47 administrative counties.(Constitution of Kenya, 2010). Kilifi county has a population of 1,109,743 Plus(Kenya Education Directory, 2011).The district has 27 locations, 86 sub locations and 7 divisions- Bahari,Kikambala,Chonyi,Ganze, Jaribuni,Bamba and Vitengeni.The coverage in square kilometers is 3,870.2.Sq.Km(KDDP, 2008-2012) .The district projects in 2012 to have a total population of 519,622 with 272,836 females and 246,786 males (KDDP, 2008-2012)

Today the department of probation and after care services is a major stakeholder in criminal justice system. It falls under the public Safety, Law and order sector review constituted to promote security in the country. It is established in the office of the Vice President and Ministry of home affairs and it is mandated to implement probation orders act, community service orders and after care services for long term offenders. Probation officers who by the respective acts are professional men and women with responsibilities of submitting social enquiry /pre-sentence reports to judicial courts, reconcile, supervise, rehabilitate and re-integrate offenders into the community.

Table 1.1; Prison population, 2000-2007.

	2000	2001	2002	2003	2004	2005	2006	2007
Number of persons committed for imprisonment	252,366	272,275	284,160	321,173	395,322	359,042	327,470	371,976
Two years or more sentence	10,304	9,998	10,900	10,238	10,170	9,377	9,800	10,597
One month to Two years.	45,759	49254	50,645	66,968	68,170	66710	66643	70,725
Less than 1 month sentence	9,305	9,861	18,589	27,013	17,032	24,794	29,615	32,555
Number previously convicted	20,573	20,991	20,179	26,026	24,069	32,517	39,794	34,524
Daily average in prison.	38,231	36,962	38,931	41,713	68,251	44,982	46,493	26,263
Deaths(excluding executions)	769	728	594	651	707	584	516	475

Source: KNBS .Table 210, 2008.

The Kenyan prison population in 2009 was 108,032 inmates and in 2010 the population had declined to 88, 631. (KNBS, 2011), compared to the world population of 10.65 million of the 218 world independent countries and dependant territories. (Walmsley R, 2010).

1.2 Statement of the problem

Crime incidence has continued to rise and become complex with time. The courts, Magistrates and judges have held different principles and made hard choices between sentencing options of committing convicts to incarceration and disposing matters through non-custodial sentence. Over crowding, high costs and recidism of convicts has left imprisonment undesirable. Society now is rethinking on how to combat crime through non-custodial sentence (Griffiths C and Jones NS, 1989).

In the year 2007, Seven Hundred and fourty nine thousand cases were pending in various judicial courts in Kenya (749,000).In the same period 371,976 were imprisoned with 113,877serving a sentence between one month and three years.(KNBS, 2008). In 2008 the Kilifi courts handled 42,945 matters while in 2009 the court handled 16,736 cases. (SRMC Annual Returns, 2008, 2009).The number sentenced to imprisonment at Bofa GK Prison Kilifi was nine hundred and five (905) in 2008 and Seven Hundred and thirty eight (738) in 2009. Those placed on probation were (202) two hundred and two in 2009(Department of probation returns Kilifi, 2009).the Kilifi prison is designed with the capacity of one hundred and fifty people but today it hosts Four Hundred and Four prisoners and one hundred and seventy eight remandees. (In charge of prisons report to access to justice forum held on 11/5/2010 Law court Library-Kilifi).

The number of people previously convicted rose to the high of thirty-nine thousand country wide (KNBS, 2008), and the daily cost per prisoner is over above five hundred shilling per day from fuel ratio, food, and round the clock security. The daily average in prison has been on the high side of fourty-six thousand people in 2006.This has stretched the prison facility and hence contributed to non-rehabilitation of offenders.

Institutions that were designed to host 100 suspects' carries a capacity of 2000 offenders.

A number of these cases are later placed on probation service on its pillars of

reconciliation, rehabilitation, empowerment and re-integration into the community. The probation officers are supposed to prepare home background reports and supervise this personal until he successfully completes his sentence which ranges between a period of one day and three years where the offender is expected to have reformed and been reintegrated back to society. Despite that requirement very little has been done to establish the challenges facing non custodial sentences.

1.3 Purpose of the study

The main purpose of this study was to establish the factors influencing success of non-custodial sentence in Kenya.

1.4 Objectives of the study.

The objectives of this study were three fold:-

1. To determine the influence of financial commitment on success of non custodial sentences.
2. To establish the role of supervision of probationers on the success of non-custodial sentences.
3. To assess the role of the community in the success of non custodial sentences.

1.5 Research questions.

This study sought to answer the following questions:-

- 1 What is the role of financial commitment on the success of non-custodial sentence in Kenya?
- 2 How does supervision of offenders influence success of non-custodial sentence in Kenya?
- 3 What is the role of community in success of non custodial sentences in Kenya?

1.6 Basic assumptions of the study

The study assumed that the people under non custodial sentences were able to provide the relevant information without fear and favor.

The probation officers were able to provide all the data on non custodial sentences and funding levels. The offenders were going to be readily available and not sparsely placed.

The study further assumed that the sample of the probationers and community service supervisees selected would be representative of the entire population characteristics within the study area.

1.7. Significance of the study.

1.7.1. Judiciary.

Is the source and referral point of all criminal proceeding for non-custodial sentence. This report will provide highlights on current state of conformity or non-conformity to its orders so that it can review its cause and adopt other better options pertinent to realizing crime reduction and social control

1.7.2. The police and law enforcement establishment.

The police are duty bound to monitoring crime trends and through this study they will be informed of crime trends in the society thus come up with new ways of combating.

1.7.3. Prosecutions and Investigation department

The study would be able to identify areas where people re commit crimes thus target them against non custodial sentences.

1.7.4. Prisons and correctional institutions

The level of success of non custodial sentences and challenges would be able to make the prisons and correctional institutions review their decisions on whether more offenders to be put under non custodial sentences or not.

1.7.5. The community at large.

The community would be able to identify the effect of their role and contribution towards success of non custodial

1.7.6. The department of probation.

These findings are of value to the department of probation which is directly charged with the management of offenders on non-custodial sentence, prepare workable rehabilitation and

treatment plans and ensure compliance to the court orders. The department will be informed of its efforts to control crime through participatory criminal rehabilitation in the community and how it could be improved or enhanced.

1.8 .Delimitations of the study

This study was limited to the administrative district of Kilifi under the jurisdiction of the Kilifi senior resident and resident magistrate's court being the centre handling a wider area of the district whose jurisdiction covers 3,870.2 KMS square areas (Sq.Kms.)

1.9. Limitations of the study

Due to financial and logistical constraints the researcher collected the data personally with partial assistance from one intern on probation and correctional studies.

The researcher engaged ethics and diplomacy while dealing with the community and the offenders so as to gather relevant information since offenders were reluctant to participate in the study. The researcher used community change agents to reach out to the community in a language that they understand

To avoid repeat visits since the area to be covered was large the researcher relayed information in advance to the offenders which was sometimes time consuming. The offenders were notified of their next reporting.

1.10: Definitions of significant terms.

Community service order

A statutory provision that in appropriate cases, offenders are required to engage in unpaid community work to a person aged above 17 years.

Criminal

A person who violates the law, persistent or habitual offender, recidivist

Custody

A confinement or place where violators of the law are kept/ imprisoned (prison)

Non-custodial sentence.

It is a suspended sentence where the offender is placed under supervision of a probation officer and is subjected to conditions

Probation

It is trial or test subjected to an offender supervised by the probation officer.

Community-Parents, relatives, friends, members of the larger society.

Probation officer

A person gazette by law to implement cap 64, and act 10, 1998 to

Success of non custodial sentence-Compliance to probation and community service orders.

Compliance- Following all the instructions provided by probation officers as contained in the court order or Non reconviction

supervise offenders committed to non-custodial sentence or social worker of the court.

Probation service order

Are a form of binding over of offenders, subject to conditions of supervision by a

Probation officer as stipulated in cap 64 laws of Kenya

1.11: Organization of the study.

Chapter one has presented the background information of the study, problem statement, research questions, significance of the study, limitations of the study, delimitation of the study, definition of significant terms and operational definitions of variables.

Chapter two contains a review of the literature related to the three objectives.

Chapter three highlights the methodology and procedures used in data collection and methods used for data analysis.

The results of analyses and findings from the study are presented in chapter four while chapter five gives the summary, conclusion, discussions and recommendations of the study.

CHAPTER TWO

LITERATURE REVIEW

2.1. Introduction

In this chapter, a review of literature on the level of financial commitment, role of supervision and the role of the community in the success of non-custodial sentence is presented.

2.2 Financial commitment and the success of non-custodial sentence.

The world over is experiencing an alarming increase of crime .This has forced the international community to re-think and explore measures to safe the public at large from criminals. In pursuit of public safety, different effective measures and models for rehabilitation of offenders and their reintegration into society is required. Criminal justice institutions-the police,prosectution,courts,correctional institutions-prisons and probation, are facing a number of challenges and problems such as corruption, courts overburdened , financial limitation and understaffed, overcrowding and a poor police public ratio.(135 international senior seminar)

The incarceration rate in America is 762/100,000.It is estimated that the national corrections institutions cost is 50 billion dollars a year. Canada records a placement of 81,000 people on non-custodial sentence every year (Gairdner, 1990). In the last five years (2006-2010), 2010 offenders have been placed on probation and community sentence in Kilifi as shown under table 2.3 below.

Table 2.1. NSC sentence referral and orders made.

PROBATION AND AFTER CARE SERVICES- KILIFI				
YEAR	REFERRALS	PROBATION ORDERS	STAFF LEVEL	ESTIMATED COST KSHS.
2010	145	119	3.OFFICERS	113,835.
2009	96	71	4.OFFICERS	63,876.
2008	63	72	4.OFFICER	67,099.
2007	90	127	4.OFFICERS	620,087.
2006	33	79	2.OFFICERS	122,334.
TOTALS	580	468		987,231
COMMUNITY SERVICE ORDERS-KILIFI				
2010	328	207	3. OFFICERS	614,734
2009	139	133	4. OFFICERS	138,804
2008	89	136	4. OFFICERS	197,497
2007	777	742	4. OFFICERS	213,152
2006	151	324	2. OFFICERS	176,990
TOTALS	1484	1542		1,341,177
GRAND TOTALS	2064	2010		2328408

(Computed from Probation and Community service registers. 2006-2010.Kilifi)

The district under study received a total of Kshs 987,231 as recurrent and development expenditure for probation orders supervision and another Kshs 1,341,408 for community service in the past five years leading to gross expenditure of Kshs2,328,408 to benefit 4074 probationers and community service supervisees in the period 2006-2010. The prison department –Kilifi GK prison during the first quarter in the financial year 2010-2011 received 3 million shillings as recurrent and development expenditure. Nationally as contained in Table 2.2 below, the departments strategic budget stood at Kshs 1,136,500 Million.

Table 2.2; Strategic objectives and Budget Requirement.

	Strategic Objectives	Budget in Kshs.
1	Improve on rehabilitation and re-integration of offenders.	250 Million
2	Generation of information for dispensation of justice	200 Million
3	Enhancement of offender supervision	30 Million
4	Crime prevention	50 Million.
5	Administration and capacity	300Million.
6	Research and information management	90 Million.
7	Inter-agency collaboration	6.5 Million
8	Government policy framework, reforms and implementation.	30 Million
9	Publicity	100 Million
10	Monitoring and evaluation	80 Million
11	Totals	1,136.5 Billion

(Adapted from Table 9.1; OVP-MOHA; Probation service strategic plan 2008-2012)

The table above shows that there is little resource allocation to supervision, crime prevention and further research. The department requires more than two billion shillings to run effectively.

Table 2.3. Five year Level of Funding

Programme	Estimates 2007/2008	Estimates 2008/2009	Estimates 2009/2010	Estimates 2010/2011	Estimates 2011/2012
Aftercare service orders	8,520,000	6,474,000	6,524,000	8,390,000	9,150,000
Community service orders.	37,843,772.	25,697,963	24,457,963.	30,795,000	36,110,000
Operations and maintenance.	143,246,178	118,992,590.	127,242,830.	149,299,424.	167,763,000
Total recurrent	365,586,226	458,134,214	545,451,709.	568,291,537.	592,532,150.
Total development	94,250,000	152,825,000	244,600,000	110,605,555	114,650,000
Grand Total	459,836,226	610,959,214.	790,051,709.	678,897,092	707,182,150.

(Adapted from Table 9.2; OVP-MOHA; Probation service strategic plan 2008-2012,)

The five year funding schedule above shows that there has been a persistent increase in expenditure in the community service orders expected at Ksks 36 million. Operations and maintenance is sharply expected to be at the high of 168 Million

2.2. Role of supervision in success of non custodial sentence.

Supervision is an essential component of community based correction with the primary objective of enforcing compliance with the conditions of release to minimize risk to the public and to re-integrate the offender into the law abiding lifestyle. Lax supervision and failure to deal firmly with those who persistently violate the terms of release can bring an entire system into disrepute in criminal justice. (Killinger GG and Cromwell P.F, 1990)

Probation is both an agency and a sanction to further the goals of community correctional service. It is a court oriented sanction where an adjudicated offender is placed under the control, supervision and care of a probation officer in lieu of imprisonment so long as the offender or probationer fulfils certain standards of conduct. In discharge of its judicial function, it is today based on careful assessment and differential supervision taking into consideration;-court services, case management, correctional services,community supervision, cognitive behaviour programming, conflict resolution,collaboaration and partnership construction, community safety –safe re-integration. (International Centre for Criminal Law Reform and criminal justice policy, 2006).

The concept of supervision has evolved over time with different models starting from case work model (traditional) whose strategy the probation officer was to serve primarily as a counselor dispensing treatment to clients, then brokerage model whose strategy the probation officer attempted to determine the needs of the probationer or parolee and referred him or her to the appropriate agency for services also known as community resource model. There after came community resource management team model where the individual probation develop skills and linkages with community agencies in one or two areas only. The justice model is anew supervision philosophy and it repudiated the idea that probation is a sanction that is designed to rehabilitate offenders in the community and instead regards the sentence of probation as a punishment proportionate to the harm committed. It is geared to helping offenders comply with conditions of their release. (Killinger GG and Cromwell PF 1990)

Resolution 45/110 of the united nations adopted by the eight congress on non-custodial sentence define the purpose of non-custodial sentence as promoting greater community involvement in the administration of criminal justice and promote among offenders a sense of responsibility towards society. The resolution underscores professionalism and adequate compensation for the

staff recruited in fostering non-custodial sentence. It identifies offender treatment for rehabilitation to be conducted by a professional with suitable training and experience.

Supervision is the element that differentiates probation from suspended sentence and parole from other forms of early release. It is the oversight that an officer exercises over those who are under his custody with the purpose of rehabilitating them and restoring the victim's position to that of pre-offence status (Killinger GG and Cromwell PF 1990)

As prisons became over crowded, courts relied on probation as a disposition for greater numbers for people who committed offence. Probation officers have faced a crisis of quantity and quality. There were too many probationers and too few officers for the supervision to be effective. The efficacy and viability of probation and parole as community based sanctions is subject to debate whether it protects the public from further harm by offenders or has a rehabilitative value.(Killinger, 2009)

In 1925, United States of America enacted the Federal probation Act and in 1927 eight probation officers were recruited supervising 4,281 probationers. By 1951 the number of probation officers had increased to 311 overseeing 30,000 probationers, and as at 1990 more than 2.7 million people were being supervised by probation, parole and other community based correctional programmes. (Killinger.G.G and Cromwell P.F, 1990) In England the probation of offenders act was enacted in 1907 it contained provisions and principles that the court could commit criminals for non-custodial sentence. In 1967 the Act was transformed into Probation and After Care Act. Over 20,000 people visited the probation office, 33,000 cases were referred to probation and 26,000 requests were made seeking help in domestic matters. (King F S J, 1969).

In England and Wales probation officers are charged with;-supervising offenders individually, working with groups, supporting volunteers on probation, maintain proper case files, help to prepare court reports, work with victims, undertake assessment and offender management by international offender assessment system (OASys). (National offender Management service, 2007).

In the United States of America federal probation officers are supposed to discharge statutory duties, protect the community and address relevant problems of offenders as specified under

section 3603, U.S.C- i.e. instruct the persons under supervision as to the conditions specified by the sentencing court, keep informed concerning compliance, report the conduct of the supervisee, aid a person under supervision, maintain records, establish supervision plan, use risk control supervision activities, assess relevant problems of the offender likely to be associated with criminal behaviour, use community resources to aid the offender change. The officers provide control requirement, treatment needs and administrative categorization of offenders on risk levels-low, medium and high.

In Kenya the department of probation and after care services derives its mandates from legal statutes passed by parliament and other by laws reviewed from time to time. It implements Cap 64 probation of offenders Act, Community service orders act, No 10 1998, Cap 90 the prisons act, Cap 92 the borstal institutions act, The children's act no.8 2001, Mental health act Cap 248 of the laws of Kenya, provisions made in the constitution and directions made by respective courts of various jurisdiction in Kenya hence the department undertakes; To Conduct social enquiry and provide social reports to courts and other penal review ,supervision of non-custodial court orders under relevant acts and ensures compliance to the orders and provides community safety, Rehabilitation and reintegration of offenders, Strengthen the implementation of CSO programme through placement and ensuring community work is performed, Crime prevention-help identify factors that put the individual at risk of offending or re-offending and undertake research on criminal trends. (Probation service strategic plan 2008-2012)

The district under review as shown on Table 2.1 with a total of 4074probationers and community service supervisees on non-custodial sentence in the last five years, there were only four officers at most. In the year 2007 with the highest orders made in the five year period with 1400 orders, an officer supervised 350 probationers. This is a strain to the existing human resource.

2.3: Role of the community in the success of non-custodial sentence.

Sir John Salmond a classical jurist defines a state as a society of men established for the maintenance of order and justice within a determined territory by way of force and stipulates that one of its essential functions is the administration of justice and that law is the instrument of justice .In every modern state we find authoritative rules formulated for the guidance of those to whom the state has entrusted its judicial functions. Courts of justice are also courts of law for justice has to be rendered according to law. He once stated that "The law is without doubt a

remedy for great evils, yet it brings with it evils of its own". (Subbarao V.C.G. 1993). There are three primary gateways in the criminal justice. The first is at the police at the initial stage of apprehension, the second is at the court after the determination of guilt and passing of a sentence and the third is the gateway to the community at the conclusion of the sentence (Johson R, 2003).

The world community is gravely concerned about the baneful effect of crime on the peace, progress and prosperity of nations. Many countries have seen as to how crime thwarts the development process, undermines human dignity and disrupts the well-being and welfare of the people. If the development process is not well monitored it tends to become criminogenic. (Singh, NISD Vision 2020).

Community Sentencing is anew governmental initiatives that recognizes the limitations of westernized correctional measures of incarceration and adopts traditional cultural responses of community based responses to handling misdemeanors. It has potential to making substantial impact on the justice system and is associated with making improvement to civil order, public safety and a wide human development to Belizean families and communities- not just those directly affected by the committal of offences(custody victims and their families and offenders and their families) to ensure that community sentencing operates successfully. The support of the community in community sentencing ought also to deliver benefits to the community in return including value of community service work, the opportunity to maintain the offender within the family, the reduced likelihood of the offender re-offending and reduced public cost of punishment and detention.(Johson.R, 2003).

Unbridled economic growth is liable to push the poor, the weaker and the disadvantaged into further marginalization and vulnerability to abuse and exploitation and to their eventual induction into crime, both as offenders and victims.(Singh, NSDI,2020)

There are several global challenges that affect the effectiveness of non custodial sentence, among them are-HIV/AIDS pandemic, Terrorism, global warming, trade imbalances, drug trafficking, global economic melt down, human trafficking,trans- national crime and technology .(Probation service strategic plan, 2008-2012).

In South Africa stakeholders conference on non-custodial sentence held in February 2009 identified key challenges to non-custodial sentence as per group presentation- the court level,

prosecution and probation officers. This include lack of clarity on the difference between diversion and alternative sentence, lack of awareness, lack of paradigm shift, non-compliance to the sentence, staff shortage, victims non-involvement. (NICRO, 2010).

At the country level the department faces various challenges ranging from inadequate resources, weak operational legal instruments, poverty, illiteracy, insecurity, drug and substance abuse and unemployment (Probation service strategic plan 2008-2012).Crime is asocial phenomena, no system for its prevention and control could be conceived without an active participation of the public. Public or the community is an inseparable ingredient of the process that defines behavior as a crime and strives to tackle it (Singh, NISD vision 2020)

Resolution 45/110 of the united nations adopted by the eight congress on non-custodial sentence define the purpose of non-custodial sentence as promoting greater community involvement in the administration of criminal justice and promote among offenders a sense of responsibility towards society. The resolution underscores professionalism and adequate compensation for the staff recruited in fostering non-custodial sentence. It identifies offender treatment for rehabilitation to be conducted by a professional with suitable training and experience. The officers provide control requirement, treatment needs and administrative categorization of offenders on risk levels-low, medium and high.

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Rule 8.2 of the Tokyo rules on non-custodial sentence affirm that courts or sentencing authorities may dispose off cases in any of the following ways-verbal sanctions, admonitions, reprimands and warning, conditional discharge, status penalty, economic sanctions and monetary restitution, restitution to the victim or compensation order, confiscation or expropriation, suspended or deferred sentence, probation and judicial supervision, community service order, house arrest and any other non-institutional treatment.

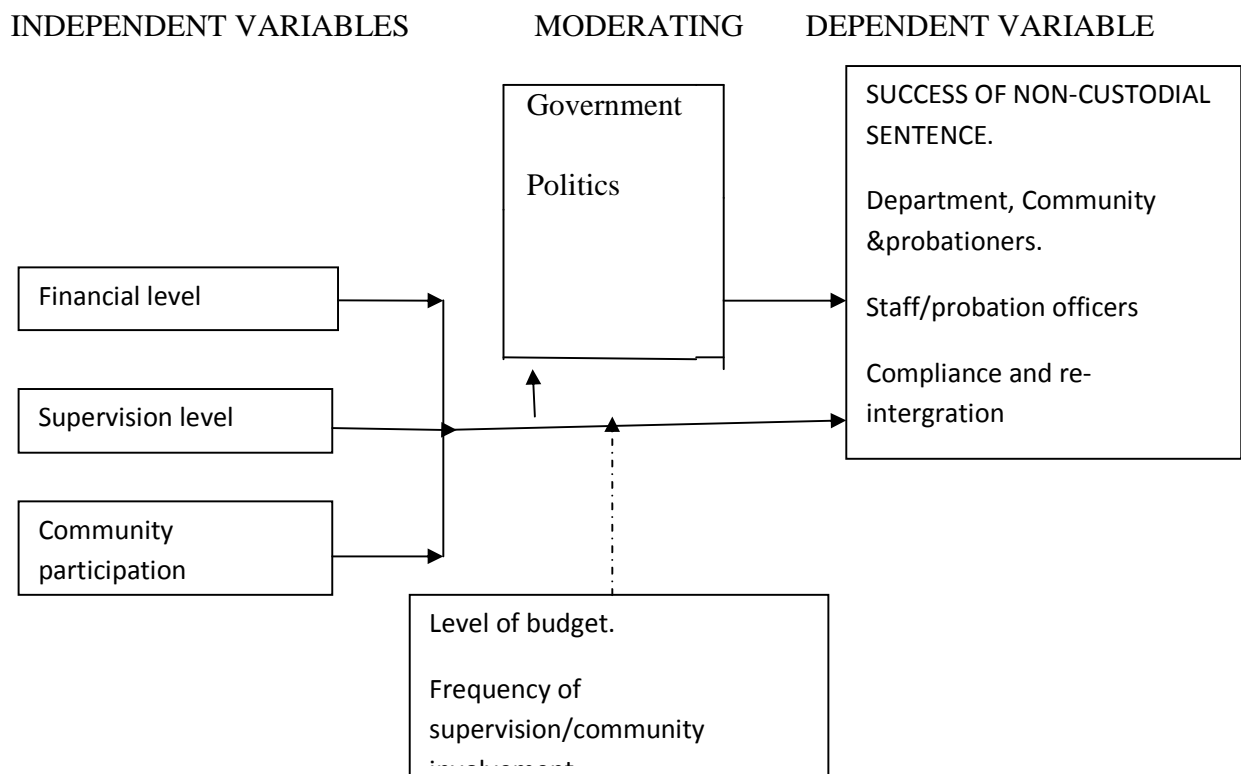
Research in Nigeria and other African countries show that there is along tradition of paying compensation to victims in lieu of other punishment for even the most serious of offence. Often such compensation is paid outside the formal legal process and the criminal law is not evoked at all. The handbook on justice for victims elaborates on the general value of restitution and compensation pointing out that this is a socially constructive sentence that also offers the greatest possible scope of rehabilitation. The courts in this matter must pay specific attention to the victim's loss when imposing restitution directly or by formal compensation order to which the state must contribute. (Hand book of justice for victims)

In England, 288,300 persons were remanded by the magistrates court ,while the police bailed 544,300 in 1980.(Poole andWalsh,1983).In the year 2007 and beyond in England and whales over 250,000 offenders are placed on community sentence each year(National Offender Management,2007) In the year 2008, 5 million notifiable offences were committed. Five thousand and six hundred offenders are sentenced each day with 375 entering prison and 65,000 being supervised in prison remands. The prison discharges between70, 000-83,000 offender each year with after two years sentence. It costs sterling pounds 37,500 to maintain prisoners.(Uglow 2002).In America there were 5.1 million people on the community sentence by 2008 while in 2009 ,7.1 million people were under custody and community supervision, 1.5 million being prisoners. The incarceration rate is 762/100,000.It is estimated that the national corrections institutions cost is 50 billion dollars a year. Canada records a placement of 81,000 people on non-custodial sentence every year (Gairdner, 1990). In the last five years (2006-2010), 2010 offenders have been placed on probation and community sentence in Kilifi as shown under table 2.3 below. As at December 2010, an individual officer was having a caseload of between 50-100 probationers to supervise. The main objective of community service orders is to rehabilitate and reintegrate the offender into the community (Kenya National Community Orders Programme-Practice Guidelines.).

The 11th UN Congress on crime prevention and handling of criminals approved the community based crime prevention through decree. Majority of prisoner and offenders come from economically and socially disadvantaged backgrounds. Poverty, unemployment, lack of housing, broken families, history of psychological problems and mental illness, drug and alcohol abuse, domestic violence are realities to be found in most offenders lives. The implementation of penal sanctions through the community offers better safety. (UNODC, 2006)

2.4: Conceptual framework

Figure 1.1 conceptual framework



The researcher identified Three IV and DV. There are various factors that affect the successful implementation of non-custodial sentence especially probation and community service orders made by the courts in administration of justice. Financial commitment towards compliance of the sentence is determined through indicators defined as level of funding. The department has placed budgetary expectation to a tune of one billion shillings per year to finance recurrent and

development expenditure to enhance compliance with the sentence leading to satisfactory completions. (Probation service strategic plan; 2008-2012)

Supervision is critical in realization of sentencing objectives. This is operationalised as poor and lax supervision leads to reconviction and abscondism. The quality and number of contacts between the offender and the officer are key in reforming, re-integrating the offender. The caseload per officer and the frequency of contacts between the officer and the probationer determines the level of intensity of supervision based on the risk category of the probationer.

The Community plays key role in having offenders change. Community attitude, home environment is deterministic of offender's potential to change. Chandler. C. et al (2008), in his definition of psychology includes how thoughts, feelings and behaviour of individuals are influenced by actual, imagined or implied presence of others. Community support and participation is vital in achieving sentencing objectives through behaviour change mechanisms embedded in the community.

Success of non-custodial sentence is moderated by the government policy and legislation. The government may develop a deliberate policy towards decongestion of prisons or have restraint of certain offences not to be placed on community sentence on grounds of community or public safety. The political climate dictates the success of and adoption of non-custodial sentence. During a period of peace governments are keen to apply NCS unlike during periods of political anarchy and instability

2.4: Summary of literature

In this chapter review of related literature indicated that there are factors that influence the success of non-custodial. The researcher noted that there were challenges affecting operations of offenders placed on non-custodial sentences as a judicial punishment. (Probation service strategic plan, 2008-2012).

The second variable that is deterministic of success of community based sentence is quality and level of supervision. It was noted staff level and relationship between the officers and the probationers was useful assisting them reform. Probationers are closely monitored and their progress report accordingly.

The community played a vital role in successful integration of the offenders. Community attitude influences behaviour change. Those who were reported to have problems with the sentence were influenced by bad company. It was also evident that most of the probationers progressing well with the sentence had community support. The implementation of penal sanctions through the community rather than through a process of isolation, offers in the long term better protection of the society. (UNODC, 2006)

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction.

The focus of this chapter is a presentation of research design, target population, sample size , sampling procedure, methods of data analysis and presentation and instruments are highlighted. The chapter further gives an operational definition of variables.

3.2 Research design

A descriptive survey design for data collection was used. Sampling design, statistical design and operational design on the area of study were used to enhance collection, measurement and analysis of data. The nature of research was qualitative with a quantitative approach in data collection and analysis. It involved description of the probationers (Kombo& Tromp, 2006)

The population characteristic under study was random sampled and the findings subjected to scientific analysis through the SPSS programme.

3.3 Target population

The research targeted a total population of 176 probationers and community service orders supervisees who were serving their sentence at that time. It targeted men and women of all ages within the jurisdiction of the senior resident magistrates' court which covers Kilifi and Ganze districts .Respondents were from both the urban and rural part of Kilifi. The probation central register was used to identify the interviewees and sample study.

3.4: Sample size and sampling procedure.

The following sampling procedure was used so as to come up with a representative sample size as indicated below.

3.4.1: Sample size

The study had a target frame of 176 offenders under non custodial sentence. drawn from Kilifi district. The fishers et al Formula for calculating sample size was used as below;.

$$Z^2 * (p) * (1-p)$$

$$\text{Sample size} = \frac{\text{_____}}{c^2}$$

Where:

Z= Z value (1.96 for 95% confidence level)

p = percentage picking a choice, expressed as decimal
(.5 used for sample size needed)

c = confidence interval, expressed as decimal
(.13 = ±13)

Therefore Sample size = $(1.96 * 1.96) * (0.5) * (1 - 0.5) / 0.12 * 0.12 = 0.9604 / 0.0169 = 56.8 = 57$.

A sample of 56 probationers was selected.

The researcher used purposive sampling to gain information from probation officers and the probationers on the progress on non-custodial sentence. The researcher has chosen probation offenders as opposed to community sentence because of the representation. There are fifty five offenders on the caseload as at the end of the year 2009, while probation had one hundred and seventy six. Out of this caseload one hundred and twenty will be studied representing sixty eight percent of the population dating those placed on probation from the year 2007 sentenced to three years probation, then in 2008 sentences lasting two years then in 2009 sentences from one year onwards. This cases have has been captured in the central

3.4.2: Sampling Procedure

Probabilistic random sampling was used in the study so as to come up with the representative sample. Systematic Stratified random sampling was used for fair representation of the probationers, community service supervises.

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seventy six. Out of this caseload one hundred and twenty will be studied representing sixty eight percent of the population dating those placed on probation from the year 2007 sentenced to three years probation, then in 2008 sentences lasting two years then in 2009 sentences from one year onwards. This cases have has been captured in the central ledger.

3.5 Data collection instruments

In realization of this study, data was collected through field study and use of primary methods of data collection. A structured questionnaire was administered to the probationers, and the probation officers. The researcher also made observations and verification of available documents. This entailed examining performance of non-custodial sentence and the relationship with crime levels in society.

3.6.1: Questionnaires

Questionnaire was the main data collection instrument for collection of primary data. A structured questionnaire with both open ended and close ended questions was used for ease of interpretation and also gathering a wide range of data. Two different questionnaires were administered one targeting those serving probation and community service orders sentence and the other the probation officers who are charged with the supervision and entire co-ordination of the sentence to individual supervisees.

3.6.2: Document analysis.

The researcher verified offenders' documents and supervision records at the disposal of the probation officers and took note of field home comments in the course of his interviews.

3.7: Data collection procedures.

Interview Schedule was used as a method of data collection and the data collected by the researcher rather was through a self-administered questionnaire. The Researcher read the questions exactly as they appeared on the survey questionnaire, however clarification was provided where respondents misunderstood the question .The data collection procedure was chosen as recommended by (Mugenda, O. M and Mugenda, A. G 2003) for respondents who are not able to read and easily understand the questions.

3.8: Data analysis techniques.

Data collected was scrutinized, coded and analyzed using Statistical package for social scientists (SPSS). Descriptive statistics was used to describe the socio-economic characteristics of the respondents where computation of means was the main analytical tool used in this exercise.

The various factors influencing success of non custodial sentences were identified and ranked where success was the non reconviction of probationers as used by (Mwamuye M K 2010)

3.9. Validity and reliability of research instruments.

3.9.1 Validity of the study

Validity is defined as the strength of our conclusions, inferences or propositions. The data collection instruments were given to colleagues doing the same course and supervisors to go through and check if they were valid. (Onen D.and Oso W.Y, 2005)

3.9.2 Reliability

Reliability which is the degree of consistency that an instrument or procedure demonstrates was tested through the test and pre-test of the study. The pre-test was done in Malindi and re-test in other parts of the country which gave similar responses.

3.10 Operational definition of variables

Table;3.1 Defination of Variables

Dependent variables	Indicator	Measurement	Scale	Tools of analysis
Success of non custodial sentences	Compliance to orders	Non reconviction	Ordinal	Frequency Means
Independent variables	Indicator	Measurement	Scale	Tools of analysis
Financial input	Level of expenditure and budgetary requirement	-Compliance -Individual expenditure	Ordinal	Frequency Means
Supervision Level and nature	Number of contacts with officers	Number of visits	Ordinal	Frequency Means
Community support	Areas of support	Number of people supported and nature of support	Ordinal	Frequency Means

3.10: Ethical issues in the study

The probation Officers, probationers and community service orders supervisees consent was sought and an explanation rendered for the same. With their permission their views were collected with assurance that they will be held in confidentiality and that they were to serve academic purpose. No name of the subjects was provided on the data analysed.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION.

4.1: Introduction.

This study investigated factors influencing success of non-custodial sentence in Kenya, a case of Kilifi district in Kilifi County. The chapter deals with presentation, analysis and interpretation of the study findings. The study used a cross sectional survey research design and the findings analyzed by use of SPSS and presented using descriptive statistics in the form of frequency tables, mean scores, percentages and cross tabulations, The chapter is comprised of response rate, demographic characteristics, identified research areas-Level of financial funding and implication to success of non-custodial sentence, role of supervision and impact of the community in the success of non-custodial sentence.

4.2: Response rate

The researcher sampled 56 probationers and community service supervisees out of the targeted 176 on supervision and was able to realize 48 respondents out of the sample population. The researcher dispatched 56 questionnaires for the probation and community staff supervisees and 48 were dully filled and returned,14 questionnaires were not returned out of the 56 administered This constituted 85.71% and 14.29% of the target sample for response and non-response associated with distance in the delivery of returns.

The high response rate was achieved as a result of the researcher adopting to use reporting schedule and dates with appointments with the probationers who could gather as a group at once at the office or field reporting stations. The researcher gathered data himself and was available to clarify any section of the question that was not well understood and further engage translation of the same in the local language of Giriama and Kiswahili. The research made consistent follow up though some respondents due to commitments and distance could not respond, others were due to lack of interest.

4.3: Demographic Characteristics of Respondents.

A demographic characteristic by location and sex, age, education, employment/occupation, marital status, length of service, and offences is provided in this section. The study focused on

these characteristics to create an understanding of how various cadres of people cope with the sentence.

4.3.1: Demographic characteristics by Location.

Table 4.1. Locational samples of probationers.

Locatn	Kikambala	Mtwapa	Tezo	Roka	Kilifi	Bamba	Ganze	Rabai	Gede	Matsgn	Total
Freq	8	10	5	5	5	2	3	2	1	7	48
percen tage	16.6%	20.8%	10.4%	10.4%	10.4%	4.2%	6.2%	4.2%	2.1%	14.6%	99.9%
Cumul ative	16.6%	37.4%	47.8%	58.2%	68.6%	72.8%	79.0%	83.2%	85.32%	99.9%	

Most of the probationers under supervision by the Kilifi district probation office are resident in Mtwapa and Kikambala areas, then Kilifi Township. These areas are characterized by high dominance of urban population. Bamba; Ganze, Rabai and Gede represent rural population with few offenders under supervision. The urban areas reported high incidence of crime as opposed to the rural areas thus the high representative percentages in offender supervision.

Mtwapa region was the leading with 20.8% respondents, then Kikakambala, 16.6%, Matsangoni 14.6% Tezo, Roka, Kilifi 10.4% each, Ganze 6.2%, Rabai 4.2% and Gede 2.1%. The Kilifi senior residents courts receives clients from far regions more than 70 Kms -90 Kms furthest

4.3.2; Demographic characteristics by sex.

Table 4.2; Number of offenders under non custodial sentence by Sex.

Sex	Freq	Percent	Valid	Cumulative
			Percent	Percent
male	46	95.8	95.8	95.8
female	2	4.2	4.2	100
Total	48	100	100	

The males constituted 95.8% of the respondents received while the women accounted for 4.2% of the respondents received. As shown in table 4.1 above. This has an implication that majority of the people who commit crime are males as opposed to females. There were only two females in the sampled population as opposed to 48 of the returned questionnaires.

4.3.3; Demographic characteristics by age on sentence.

Table: 4.3: Characteristics by average age.

Age	Frequency	Percent	Valid	Cumulative
			Percent	Percent
<18 years	3	6.3	6.3	6.3
18 to 35 years	35	72.9	72.9	79.2
Above 35 years	10	20.8	20.8	100
Total	48	100	100	

Most of the respondents were between ages 18-35 years bracket accounting for 72.9%.The age bracket above 35 years were 20.8% while below 18 years constituted 6.3% of the received respondents as shown in table 4.3 above. The youth who fall in the age bracket of 17-35 are at the high risk of committing crime. This could be associated with majority of them who are unemployed, idle and have completed various levels of formal education.This age group is most attracted to urban areas in search of employment and better opportunities claimed to be offered by the urban set-up, there by falling victim of criminal occurrences.

4.3.4: Demographic characteristics by education level

Table; 4.4; Information by education level.

Level	Frequency	Percent	Valid Percent	Cumulative Percent
primary	27	56.3	56.3	56.3
secondary	12	25	25	81.3
above secondary	3	6.3	6.3	87.5
can read and write but never went to school	2	4.2	4.2	91.7
Illiterate	4	8.3	8.3	100
Total	48	100	100	

Table 4.4 above shows that 56.3% of the probationers interviewed had primary school level education. The secondary level education and above constituted 25% of the interviewed population, then followed by the illiterate group 8.3%, those who can read and write account for 6.3% and those who never went to school account for 4.23%. Low educational levels contribute to high prevalence of blue collar crimes in the area. Those above secondary level of education constitute 6.35% of NCS convicts most of them become career men and women hence not vulnerable to blue collar crimes. The higher the level of education the lower the rate of involvement in crime. Those who had primary level education were majority under community sentence supervision, while those who never went to school were very few in the community sentence supervision.

4.3.5: Demographic information by marital status of offenders under non custodial sentences.

Table.4.5; Information by marital status.

Status	Frequency	Percent	Valid Percent	Cumulative Percent
married	16	33.3	33.3	33.3
single	24	50	50	83.3
divorced	5	10.4	10.4	93.8
widowed	3	6.3	6.3	100
Total	48	100	100	

Majority of the probationers interviewed were single people accounting for 50% of respondents then, followed by married people 33.3%, divorced 10.4%, and lastly the widowed 6.3%. as shown in the table above. The widowed and divorced are list involved in crime whereas single men and women were found to be highly prone to commit crime. This could be associated with lack of responsibility whereas the married would be associated with competing needs to fend for the families and find justification to crime.

4.3.6.: Demographic characteristics by occupation.

Table. 4.6. Occupation of offenders under non- custodial sentence

Occupation	Frequency	Percent	Valid Percent	Cumulative Percent
self employed	4	8.3	8.3	8.3
farmer	9	18.8	18.8	27.1
formal employment	6	12.5	12.5	39.6
casual labor	15	31.3	31.3	70.8
business	11	22.9	22.9	93.8
student	3	6.3	6.3	100
Total	48	100	100	

Majority of the probationers interviewed were casual labourers constituting of 31.3% followed by business class 22.9%, farmers 18.8%, formal employment 12.5% and student were 6.3% as shown in the table above. This is associated with lack of formal education and skills to be hired as industrial workers in the professional class. The business class is involved in running of small enterprises. The students are few in the sense that most of them spend their productive time in class and few are under influence of bad company or peer pressure. Issues of finance are critical as majority of probationers are linked to some source of income generating activity.

4.4.0. Financial commitment and impact on success of non-custodial sentence.

Table .4.7

Period/Cost	Ksks 0- 150	150-300	1000 and Over
Weekly	NA	N/A	N/A
Monthly	45.83%	27.08%	10.41
Others	N/A	N/A	N/A

The first objective of this study was to determine the level of financial commitment on the success of non-custodial sentence in Kenya, a survey of Kilifi district. The researcher sought to answer the question on what is the role of financial commitment on the success of non-custodial sentence in Kenya? The probationers and probation officers were asked to react through a questionnaire which they were asked to fill. Ninety three percent (93.32%) of the probationers responded that they spend at least monthly towards the sentence i.e. they incur some financial expenditure during the period or term of their sentence .Six percent (6.68%) indicated that they did not spend any cost i.e. no financial expenditure while on or during the term of their sentence . The amounts spend during the month ranges from Kshs 0 to Kshs 1000. Fifty four percent (54.83%) of the probationers responded that they spend between Kshs 0-150 per month , while 27.1% of respondents probationers stated that they spend up to Kshs 150-300 and another10.41% of probationers respondents spent over Kshs 1000 per month on bus fares to keep appointments with their supervising officers. The probation officers (100%) on the other hand responded that they all spend or incurred some expenditure during the period which they are supervising

probationers on field or home visits, offender refunds and transport support and rehabilitation cost

Table .4.8.Challenges in serving non custodial sentence-probationers.

Challenge	Frequency	Percent	Valid Percent	Cumulative Percent
Financial constraint	13	27.1	27.1	27.1
Despise from society	15	31.3	31.3	58.3
Probation officers need bribe	5	10.4	10.4	68.8
Peer pressure	12	25	25	93.8
Other	3	6.3	6.3	100
Total	48	100	100	

To establish whether there was any financial implication on non- custodial sentence as defined under objective one of the study, the researcher received responses from the probationers with despise from society at a high of 31.3%, followed by financial constrains while on sentence at 27.1%, peer pressure 25%, probation officers who need bribes at 10.4% and other factors accounting for 6.3% as shown in the above table. Financial related factors accounted for 37.5% from the respondents as a challenge or constrain while on sentence which included financial constrain and demand for bribes.

4.4.1. Challenges faced by probation officers in supervision process.

Results reflect that probation officer experienced certain challenges in successful realization of the sentence.60% of the officers indicated inadequate resources as a key challenge, 20% reported lack of co-operation from the offenders and another 20% lack of rehabilitation canthers for drug related victims.

Table 4.9. Challenges faced by probation officers in supervising offenders in non custodial sentences

	Frequency	Percent	Valid Percent	Cumulative Percent
Inadequate drugs in rehabilitation centers	1	20	20	20
Inadequate cooperation from offenders	1	20	20	40
Inadequate resources for supervision	3	60	60	100
Total	5	100	100	

Sixty percent (60%) of probation officers responded that the key challenge that they faced was lack of adequate resources for supervision of probationers, another twenty percent stated lack of drugs in rehabilitation centres. Non co-operation from the offenders was stated as another challenge where 20% of probation officers responded with the same answer.

4.4.2: Offences leading to non -custodial sentence.

Table: 4.10. Offences for placement on NCS.

Offence	Frequency	Percent	Valid Percent	Cumulative Percent
Stealing	18	37.5	37.5	37.5
Assault	15	31.3	31.3	68.8
False accusations	3	6.3	6.3	75.1
Peddling of drugs	7	14.6	14.6	89.7
Defilement	3	6.3	6.3	96.0
Other	2	4.2	4.2	100
Total	48	100	100	

Stealing was the most frequent offence with 37.5% of the respondents having committed the vice, then assault 31.3%, Drug peddling 14.6%, Defilement 6.3%, False accusation 6.3% and others accounting for 4.2%..Stealing is the most frequently committed offence followed by assault.This is related to poverty levels and poor employment. The strategic location of the district makes it to be vulnerable to drug trafficking since it is along the coastal line. Through the influence of drugs, crime on morality i.e. defilement and witchcraft are characterized.

4.5.0. Role of supervision in the success of non-custodial sentence.

Under this research objective, it was established that probation officers who responded to have had support in the forms; - advisory assistance at a high of 29.2%, followed by counseling and reconciliation at a tie of 22.9%, financial aid at 6.3% and 18.8% stated other forms of assistance. As shown in Table 4.8 below.

4.5.1. Support received by probationers.

Table; 4.11: Support received by probationers.

Support received by offenders on non custodial sentences from probation officers

Support	Frequency	Percent	Valid Percent	Cumulative Percent
Financial	3	6.3	6.3	6.3
Counseling	11	22.9	22.9	29.2
Reconciled me with family	11	22.9	22.9	52.1
Advisory	14	29.2	29.2	81.3
Other	9	18.8	18.8	100
Total	48	100	100	

Probation officer rendered immense support to the probationers mainly through advisory services where 29.2% of benefited from the service, 22.9% stated that they were reconciled with their families and another 22.9% benefited from counseling services from the probation officers

during the term of their sentence. These varied support aid probationers in compliance with the orders or terms of their sentence.

4.5.2. Caseload supervision.

Table.4.12.Number of offenders under supervision of individual probation officer.

	Frequency	Percent	Valid Percent	Cumulative Percent
<50	2	40	40	40
50-100	3	60	60	100
Total	5	100	100	

The above table provides a summary indicating 60% of an individual probation officer had caseload of between 50-100 probationers.40percent of the officers stated to have a caseload below 50 probationers.This strains the officers in undertaking proper rehabilitation and effective supervision to enhance compliance to the orders.

Table. 4.13; Relationship between Probation officers and offenders under non custodial sentences.

Relationship	Frequency	Percent	Valid Percent	Cumulative Percent
Good	37	77.1	77.1	77.1
Moderate	8	16.7	16.7	93.8
Bad	3	6.3	6.3	100
Total	48	100	100	

It emerged that the kind of relationship between the probationers and the probation officers was essential in the success of the sentence. Most respondents in Table 4.13 above stated up to 77.1% that they had good relationship with the probation officer, 16.75% had moderate relationship and 6.3% indicated they had bad relationship with officers who are their supervisors. Effective rehabilitation is a function of good relation which fosters successful completions of those on

sentence.77.1% of the offenders stated that they had good relationship with the officers.93% of those interviewed had no problems with the sentence implying that they were encouraged and empowered by the officers in their sentence.

4.6. Role of the community in the success of non-custodial sentence.

It was decoded from the response that 37.5 % of the respondents received counseling, 33.3% advisory services, 12.5% job provision, 6.3% received financial support, and 4.2% other support from the community. Only 6.3% stated that they received no support from the community while on sentence as shown under Table 4.10 below.

Table 4.14.Role of the community during non custodial sentence

Role	Frequency	Percent	Valid	Cumulative
			Percent	Percent
Financial support	3	6.3	6.3	6.3
Counseling	18	37.5	37.5	43.8
Job provision	6	12.5	12.5	56.3
Advisory	16	33.3	33.3	89.6
None	3	6.3	6.3	95.8
Other	2	4.2	4.2	100
Total	48	100	100	

Eighty five percent of the respondents serve probation supervised sentence while fifteen percent serve community service orders sentence as shown in the Table 4.10 below.

4.6.1. Types of non-custodial sentence

Table 4.15; Type of non custodial sentence offered to offenders

Sentence	Frequency	Percent	Valid	Cumulative
			Percent	Percent
Probation	41	85.41	85.41	85.41
community order	7	14.60	14.60	100
Total	48	100	100	

Out of the numbers of respondents received 58.3 stated that they serve a sentence ranging between one to two years. Only 22.9% serve a sentence below one year.18.8% of the respondents serve a sentence above two years.

4.6.2. Length of sentence

Table; 4.16. Length of period of sentence of NCS

Period	Frequency	Percent	Valid Percent	Cumulative
				Percent
<1 year	11	22.9	22.9	22.9
1-2 years	28	58.3	58.3	81.3
Above 2 years	9	18.8	18.8	100
Total	48	100	100	

The probation of offenders act Cap 64 and CSO act No.10.1998 provide that probation and community sentence take aduration of three years and below.Most of the probationers who were interviewed are serving asentence of 2 years and below (81%).Long sentence contribute to unsatisfactory completions.

4.6.3. Benefits of NCS

Table .4.17. Benefit of non custodial sentences to offenders.

Benefit	Frequency	Percent	Valid Percent	Cumulative
				Percent
Reformed	19	39.6	39.6	39.6
Acquired skills	6	12.5	12.5	52.1
Re-integrated with family	13	27.1	27.1	79.2
Got income generating activity	5	10.4	10.4	89.6
None	5	10.4	10.4	100
Total	48	100	100	

The offenders interviewed on sentence stated that there are benefits which they derived while on NCS facilitated by the community,39.6% stated that they are reformed, 27.1 % re-integrated with the families,12.5% acquired skills and 10.4% have had income generating activity. Another 10.4% of respondents said they have had nothing.These has contributed to probationers leading stable lives as productive members of society and contributed to peace and decline of crime as few have re-offended

CHAPTER FIVE

SUMMARY OF FINDINGS, DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS.

5.1: Introduction

This chapter presents the summary of findings from the study, discussions, to relate the study to the literature reviewed, conclusions, recommendations and offer suggestions for further research to the factors influencing the success of non-custodial sentence in Kenya.

5.2: Summary of findings.

The study sought to investigate factors influencing the success of non-custodial sentence in Kenya, the case of Kilifi district. The courts at global and local level exercise options in sentencing, more so as noted in The United Nations standard minimum Rules for Non-custodial measures (Tokyo Rules, A/RES/45/110), 1990, UN resolution No.56/261, 2002 .The concern has been drawn whether non-custodial sentence is functional and meeting judicial sentencing philosophy that is intended to achieve.

Therefore the study wanted to establish factors and challenges influencing successful implementation of non-custodial sentence. The researcher sought to answer three research questions as stated below.

1. What is the role of financial commitment on the success of non-custodial sentence?
2. How does supervision of offenders influence success of non-custodial sentence in Kenya?
3. What is the role of the community in the successful implementation of non-custodial sentence in Kenya?

Through the study, investigation revealed that finance is critical in the success of NCS at the individual probationers level, the probation agency or organization, the probation officers, members of the community and families of the offenders. Table 4.7 points out that probationers spend between Kshs 1-1000 in the area under study. Ten percent (10.41%) of the probationers spend up to Kshs 1000 per month to keep appointments with their supervisors; Twenty seven percent (27.08%) spend between Kshs 150-300 and Fourty five percent (45.83%) in a single

month on bus fares. An aggregate of ninety three percent (93.32%) of probationers respondents affirmed to incur and confirm there was a financial implication to the success of the sentence. Only six percent (6.68%) stated they do not incur any cost towards the sentence. Further 37% of probationers respondents that they experienced financial related challenges while serving their term of sentence. This was characterized by the number of respondents who occupationally were engaged in income related activities standing at 93.7% and students accounting for 6.3% as shown on Table 4.6. Probation officers on the other hand indicated they all spend towards the sentence especially in refunds and making field or home visits in rendering their obligatory duties.

Supervision was established to be an essential component of the sentence despite of the challenges faced by the probation officers. Many of the respondents were serving a sentence of between one to two years (81%), less than one year (22%) and 18% over two years but less than or up to three years. The officers each was reported to supervise between 50- 100 offenders on community sentence as contained in Table 4.12. Probation officers are said to have greatly supported probationers with 22.9% of probationers stating that they were reconciled with their families, 52.1% to have benefited from advisory and counseling services or psycho-social support and 6.3% received financial aid from the officers as reflected in Table 4.11. The degree of relationship between the probationers and their supervisors was found to be pivotal in the successful implementation of the sentence. Seventy seven (77.1%) of probationers reported that they had good relationship with their supervisors and 16.7% had moderate relationships. In terms of difficulty with the sentence 93.8% of probationers stated that they had no difficulty in serving their sentence. Only 6.3% who had bad relationship with their supervisors hence problems with the sentence as reflected under table 4.13.

The role of the community was another vital organ in the realization of successful community correctional goals and objectives of rehabilitation, re-integration and reconciliation with victims in the society. Most of the respondents stated that they benefited from the community through counseling and advisory services which they received accounting for 70.8% with counseling at 37.5%, community advice 33.3%, job provision was rated at 12.5% and financial support where 6.3% of respondents were supported by the community as shown by Table 4.14. Respondents on community correction stated that there were benefits they gained while on the sentence within

the community. Those who stated to have reformed were 39.6%, acquisition of life skills were 12.5%, those who were re-integrated in the community were 27.1%, and then those who were enabled to commence income generating projects were 10.45%.

The role of the community featured greatly with 81% of the probationers serving a sentence between one and two years, 85% being probationers, 72% in the ages 18-35 years, 6.3% below 18 years, 56% primary level education and 25% secondary education. Those interviewed 50% were single while 33% married. Those with employment 31%-casual labourer, 12% formal employment, 22% business persons and 6.3% were students. The most frequently committed offences were Stealing 37.5%, assault 31% and peddling of drugs at 14.6%. Defilement and witchcraft were at 6.5 % each. Most of the respondents acknowledged that they received advisory services from the community. Only 5% stated that they had no benefits at all while in the sentence.

5.3: Discussions of the study findings

This section of chapter five discusses the various findings on the factors influencing the success of non-custodial sentence in Kilifi District of Kilifi County.

The study established that there are challenges experienced in the successful implementation of NCS. Review of related literature at global level point out that the costs of operations affect correctional institutions. The USA spends over 50 billion dollars a year on imprisonment while in the UK 250,000 people are referred on community sentence yearly. The prison discharges another 70,000-80,000. It cost sterling pounds 37,500 to maintain a prisoner as opposed to the community sentence. (Uglow, 2002). In Kenya the governments estimated overall expenditure is Kshs 999.8 billion for the financial year 2010/2011. The stock of public central government outstanding debt increased by 19.5% from 889.9 billion in June 2009 to Kshs 1.1 trillion in June 2010. The ratio of total debt to GDP stood at 42.3% in 2010, compared to 37.6% in 2009. The social sector in the current budget has been allocated 259.9 billion 2010/2011 financial year of which education, health and water are estimated to consume 256.3 billion. The rest will be shared with other sectors and department (Kshs. 3.6 billion). This is a clear demonstration of underfunding by the exchequer. (KNBS, 2011). Table.2.2 of the report shows the departmental estimated expenditure of Kshs. 707,182,152 Million for the year 2011/2012 fiscal year for its

smooth operations. (Probation service strategic plan 2008-2012).The district under study received a gross of Kshs 2,328,408 for development and recurrent expenditure for the last five years -2006-2010 as opposed to an estimate of Kshs27 Million between 2008-2012(KDDP 2008-2012) .Probationers on the sentence have responded to face financial constraints.72.5% of the offenders spend less than Kshs 300 a month in terms of bus fares to keep their appointments with the probation officers, while 10.42% spend over Kshs 1000 in the same period. This indicates that the level of funding or finance at the department or agency level , individual probationers and officers affect the success of the sentence. The departments staffing level is affected, while the officers close supervision and contacts is limited. The probationers get strained in looking for livelihood and keeping appointments with their officers as required.

Rule 10.1 and 10.3 of UN Minimum standard rules on NCS underscore the purpose of supervision and its importance as to reduce re-offending and assist offenders integrate in the society to minimize the relapse to crime. The philosophy of supervision was oriented towards casework and providing services to the probationers in assisting them to live positively in the community. It is the most vital process in criminal justice system. (Killinger, 1990).The study established that offenders who had good relationship with the supervisors did not have problems with the sentence. It further established that most officers handle a caseload between 50-100.Good probation service is not easily accomplished when officers have too many cases. The officers deal with the offender's life and that of the community (Killinger, 1990).NICRO in its report on challenges, risks and obstacles on NCS, identified lack of structured supervision, accountability and responsibility of probation officers for success of non-custodial sentence. This study has established that frequency of contacts, good relationship and officer support to probationers enhances their performance on the sentence.

The community plays host role to the probationers and the victims of the offence. At all times the probation officer whenever possible must endeavor to secure the co-operation of the community agencies and facilities (Killinger, 1990).The study has found out that the respondents received 70% community support with 37.5% counseling, 33% advisory services. Other community contribution were financial support 6.3% of respondents and job provision at 12.5%.In terms of reform while on sentence which is a key sentencing objective, 39.6% of the probationers stated that they were reformed, 27.1% had been re-integrated with their families and 10.4% had been

assisted to acquire income generating activities. The research points out that 89.6% of the probationers were positively engaged and had benefited from the sentence. These findings are similar to the approach used in New Zealand family group conferencing which has been useful in managing juvenile offenders, (Zernova M, 2007). NICRO in its report identifies lack of community buy in as an obstacle towards realization of the objectives of NCS.

5.4: Conclusions

The study confirmed that the level of funding highly influenced the success of NCS. Therefore it is necessary that the level of funding to the department and the probation officers be enhanced. It would be good to consider also facilitating offenders or probationers to keep appointments with their officers through establishment of attendance centers' and setting up of a special fund for offender support for the success of the sentence.

Supervision has been identified to play a critical role in NCS. However the staff level has to be enhanced for meaningful supervision. Further there is need to improve on the transport system to enhance regular contacts with the probationers and members of the community.

The community plays a pivotal role in the success of non-custodial sentence. It is important that a clear programme of capacity building and awareness' creation be conducted to the community, probationers and members of their families.

5.5: Recommendations of the study.

This section provides recommendation for the study in terms of practice and further recommendation for the study.

The following are recommended based on practice.

1. The level of funding at the agency and officers level is established to be limited to meet full operationalisation of non-custodial sentence. It is recommended that the level of financial funding be enhanced and diversification of sources of financing community correctional processes to enable the department and the officers to meet their budgetary requirements.

2. In order to bridge the high cost probationers are incurring to keep to appointment with their supervising officers, it is proposed that more attendance centres be opened at the sub- locational level and introduce mobile offices with aid from special support fund to probationers who are assessed to be of low risk .
3. The department is advised to introduce electronic monitoring to enhance the quality of supervision while taking account of cost implication in offender management and rehabilitation to warrant timely action.
4. To manage the critical contribution of supervision component in the success of the sentence, it is recommended that in line with rule 10.1 and 10.3 of Tokyo regulations on NCS, more probation officers be recruited to bring the caseload to a manageable level of fifty and below. The officers to be considered for specialized professional development to enhance their competence in managing public safety, and further tap on the benefits and develop Volunteer probation officers from the community(VPOs) .
5. To meet further supervision and cost challenges, it is recommended that private service providers be licensed to complement on government efforts in the rehabilitation, and re-integration of offenders to up hold public safety.
6. The community plays host to the victims of offences and their offenders. Its duty towards reform is vital as many people commit crime and as many as over 80,000 people are discharged from prisons back to the community. It is recommended that out of this noble role intensive awareness creation be made to step up positive community attitude towards offenders. Further a sentencing commission on NCS to enhance reconciliation, rehabilitation and restorative justice on victim-offender-community ties be established.

5.6: Recommendations for further study.

It is recommended that longitudinal studies be conducted in future to assess critical factors influencing successful implementation of non-custodial sentence in the entire country and each for each county in the new administrative structure following the promulgation of the new constitution on 27th August 2010.

It is also proposed that an independent study be extended for the juveniles on NCS in Kilifi County as they constitute a large proportion of offenders and factors influencing their commission of offences and rehabilitation and therapeutic intervention.

Further and more research is proposed to be undertaken in supervision of specific areas of supervised non-custodial sentence- Pre-Bail placements, after care services, community service and probation sentence.

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APPENDIX 1

LETTER OF TRANSMITAL-PROBATIONERS

The University of Nairobi

P.o.box 83732

GPO 80100

Mombasa.

Dear respondent,

I am currently a student at the University of Nairobi in my final term of studies pursuing MA degree in project planning and management .You have been identified as a participant in this research survey whose theme is Factors influencing success of Non-custodial sentence in Kenya: A case of Kilifi Dstrict in Kilifi County. You are kindly advised to fill this questionnaire all sections and questions giving your opinion as freely and, honestly as possible.

Your views and contributions are vital and shall be held in strict confidence .Please return dully filled questionnaire to the sender. The information gathered will be strictly used for academic purpose and in fulfillment of the requirements of the university of Nairobi graduate qualifications in Project planning and Management.

Thank you for taking time to respond.

Chrispinus Adenya Aben.

Would like to participate in this survey? (Tick as appropriate)

Yes () No ()

If yes, continue below.

SECTION 1; GENERAL INFORMATION

1 NAME.....(Optional)

2 Date.....

3 AGE..... 4 Gender 1 Male () 2 Female ()

5 Highest education

None () Pre-primary () Primary () Secondary () Tertiary () University () Post graduate ()

6 Occupation.....7...Profession.....

8 Marital Status.(Tick as appropriate)

Single () Married () Separated () Divorced () Widowed.()

9 Place of residence..... 10 Location.....11.

Division.....

12 Current contact 13

District.....

Tel.....P.O.BOX.....

.....

14 Probation () CSO () After care () serial number.....(Optional)

SECTION B: PROBATIONERS;

1 Challenges facing non-custodial sentence.

a) Have you been at any time been a subject of enquiry by the court to be considered for non-custodial sentence? (Tick as appropriate)

Yes () No. ()

b) If the answer to the above is YES which sentence were you subjected to? (Tick as appropriate)

Fine () Bond to keep peace () Probation () Community orders () Combination order. ()

c) If YES, how long was the period?

1day-6 months () 7months-1 year.() 1 – 2 years.() Over 2 years.()

d) Others. (Specify)

.....
.....

e))What offence(s) did you commit to be placed on non-custodial sentence?

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

f) What was the cause of you committing the said offence?

.....
.....

4.....
.....

5.....
.....

i) Did you or have you been able to follow/comply with the conditions which you were meant to abide by?

Yes () No ()

j) If the answer is NO, what is the major cause of you not complying?

1.....
.....

2.....
.....

3.....
.....

4.....
.....

5.....
.....

K) Have you experienced any challenges while on non-custodial sentence? (Tick as appropriate)

Yes () No ()

l) If Yes, Which ones? (Tick as many as they apply)

Finance () Attitude () Lack of support () probation officer () community ()

Others specify and explain.

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.....
.....

2 Role of supervision in combating crime

a) How is your relationship with the probation officer/Office?

Poor () Moderate () Good ()

b) How regular do you interact? (Tick as appropriate)

Not at all () Weekly () Monthly () Quarterly () after six months () One year ()

c) Do you find the probation officer being supportive to you?

Yes () No. ()

d) If yes, what support or benefits do you get from the probation officer?

1.....
.....
2.....
.....
3.....
.....

4.....
.....

If NO

Explain.....
.....
.....
.....
.....
.....
.....

e) From the time you commenced your sentence do you feel you have experienced any of the following? (Tick as many as applicable)

Reformed () Acquired skills/technical and non-technical.()

Re-integrated into society () Revocation of order ()

Re-offended ()

Empowered ()

Progressed ()

f) Were you taken through a rehabilitation plan? (Tick as appropriate)

Yes () No ()

g) If Yes, How was your reform plan made (Tick as appropriate)?

Yourself () Probation officer () Consultation with relatives/Family () None ()

h) Has your supervisor assisted you to comply with the requirements of your sentence?

Yes () No ()

If No.

Explain.....
.....
.....
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.....
.....

3 Role of community attitude in combating crime

a) What was the community or family attitude towards you ,on placement to non-custodial sentence? (Tick as appropriate)

Positive () Negative () Luke warm ()

b) Do you feel the community was useful in assisting you reform in the process of your sentence?

(Tick as appropriate)

Yes () No ()

b) If yes explain.

1.....
.....
2.....
.....
3.....
.....
4.....

c) Are there any challenges and constrains that you might have faced in the course of your sentence in relation to community attitude?(Tick as appropriate)

Yes ()

No ()

d) If Yes what is the nature? (Tick as it applies)

ACTION	None	Average	High	Very high
Discussion				
Frequent arrests				
Reports to security machinery				
Mob action				
Exclusion				

d) Is there any incident where the community is the cause of your criminal history? (Tick as appropriate)

Yes () No ()

e) If Yes

Explain.....

g) in your opinion and suggestions provide issues for consideration that community attitude has been a cause or force to crime increase or decrease

.....

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

4 Counseling of offenders in relation to crime

a) Have you once been referred to a counselor? (Tick as appropriate)

Yes NO

b) If yes, what was the nature of the offence?

Explain.....
.....
.....
.....

c) How regular do you go for psychosocial support? (Tick as appropriate)

Weekly () Monthly () Quarterly () six months () one year ()

d) Have you found it useful in assisting you desist from crime commission? (Tick as it applies)

Yes () No ()

e) How would you rate your performance on the sentence? (Tick as appropriate)

In progress () satisfactory () unsatisfactory () absconded ()

f) In your opinion, how has counseling influence crime position in your locality? (Tick as appropriate)

Increased crime () Reduced crime () Social control () None ()

g) If, the above is increase or decrease, how?

Explain.....

5 Financial commitments in relation to crime

a) Do you incur any financial cost while in the course of your sentence? (Tick as appropriate)

Yes () No ()

b) If Yes to above, how much per week, month, six months, one year? (Tick as appropriate)

PREIOD/COST KSHS	0- 150	150-300	300-500	500-1500	Over 2000.
WEEK					
MONTH					
THREE MONTHS					
SIX MONTHS					
ONE YEAR.					

c) Where does your greatest expenditure go to in terms of serving a sentence? (Tick as appropriate)

Personal up keep () Bus fare () Bribes to supervisors () Meeting requirements as per court order () Entertainment ()

d) Have you ever breached conditions spelt in your sentence? (Tick as appropriate)

Yes () No ()

e) If yes, what was the cause of breach?

Explain.....
.....
.....

f) How do you meet your financial needs? (Tick as appropriate)

Self employment () sponsor () Relatives () Employer ()

g) In your opinion, has financial position influenced crime incidence in your community? (Tick as appropriate)

Yes () No ()

h) If Yes, How?

Explain.....
.....
.....
.....

Return Address.

Chrispinus Adenya Aben

Kilifi District probation Office.

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OR

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APPENDIX 2

LETTER OF TRANSMITTAL.-PROBATION OFFICERS.

Dear respondent,

I am currently a student at the University of Nairobi in my final term of studies pursuing MA degree in project planning and management .You have been identified as a participant in this research survey whose theme is *An assessment of challenges facing non-custodial sentence in Combating crime in Kenya* .You are kindly advised to fill this questionnaire all sections and question giving your opinion as freely and, honestly as possible.

Your views and contributions are vital and shall be held in strict confidence .Please return dully filled questionnaire to the sender. The information gathered will be strictly used for academic purpose and in fulfillment of the requirements of the university of Nairobi graduate qualifications in Project planning and Management.

Thank you for taking time to respond.

Chrispinus Adenya Aben.

L50/71414/2008

Would you like to participate in this survey? (Tick as appropriate)

Yes () No ()

If Yes, continue below.

SECTION 1; GENERAL INFORMATION

1 NAME.....(Optional) 2 Date.....

3 Age.....4 Gender Male () Female ()

5 Highest education

None () Pre-primary () Primary () Secondary () Tertiary () University () Post graduate ()

6 Occupation.....

7 Profession.....

8 Professional membership/ Affiliation.....

9.Workplace/Station..... 10 .Department.....

11 Marital Status.(Tick as appropriate)

Single () Married () Separated () Divorced () Widowed.()

12 Place of residence..... 13 Location.....

14. Division.....

15 Current contacts

16 District.....

Tel

(m).....P.O.BOX.....

.....

SECTION 2: PROBATION OFFICERS AND EXECUTIVES

1 Challenges facing non-custodial sentence.

a) Are you a probation officer by circumstances or profession? (Select as it applies)

Circumstances () Profession ()

b) For how long have you served as a probation officer? (Tick as it appropriate)

0-6 months () 1-2 years () 3-5 years () 5-10 years over 15 years ()

c) Do you possess any skills that enable you to discharge your duties as a probation officer? (Tick as appropriate) Yes () No ()

b) If Yes, what are they?

List:

- 1.....
.....
.....
- 2.....
.....
.....
- 3.....
.....
.....

c) How often do you undergo skills improvement? (Tick as appropriate)

After six months () Every year () After two years () no training plan at all ()

d)What are your duties and responsibilities as a probation officer?

List.

- 1.....
- 2.....
- 3.....
- 4.....

e) In your professional opinion, would you recommend offenders to be placed on non custodial sentence? (Tick as appropriate)

f) If yes, do you understand the functions and roles of a probation officer?

Yes () No ()

g) If the is Yes, what are they?

List:

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

h) Do you experience any challenges in relation to combating crime in your responsibilities?

(Tick as appropriate)

Yes () No ()

i) If yes, state.

- 1.....
- 2.....
- 3.....
- 4.....

j) Rate and describe the extend the challenges below affect your service delivery.

s/no.	CHALLENGES	DESCRIPTION OF CHALLENGES	Rate impact to service delivery LOW	HIGH	VERY HIGH
1	Global				
2	Regional				
3	Departmental				
4	Individual				
5	Internal				
6	External				

2 Role of supervision of offenders on non-custodial sentence in relation to crime rate.

a) In the course of your responsibilities, how is your service delivery determined?

Explain.....

.....b) How often do you meet with your probationers? (Tick as appropriate)

Weekly () two weeks () Monthly () Quarterly () six months () Annually ()

3.....
.....

i) In your opinion, does quality of supervision of offenders have any impact on crime levels in society? (Tick as appropriate) Yes () No ()

j) If Yes, How?

Explain.....
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k) What are some of the supervisory decisions or encounters have you made before?

Explain.....
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l) Do you experience any supervisory challenges in your work as a probation officer? (Tick as applicable) Yes () No ()

m) If yes, what are they? List.

1.....
2.....

3.....

4.....

3 Role of community attitude towards offenders on non-custodial sentence and its impact on crime.

a) Does the community play any role in determine offenders to be placed on non-custodial sentence? (Tick as appropriate)

Yes () No ()

b) If Yes, how?

Explain.....
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.....

c) In your opinion, has community psycho-social support had any impact on offender rehabilitation and crime control? (Tick as appropriate)

Yes () No ()

d) If yes,

Explain.....
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e) What has been the impact of community attitude on offenders to crime and social order in this region?

Explain.....
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f) What challenges does attitude pose in realization of full offender rehabilitation and re-integration in your work environment?

Explain.....
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5 Role of counseling of offenders on non-custodial sentence and relationship with crime and social order.

a) Do you undertake offender counseling in your practice as a probation officer? (Tick as appropriate) Yes () No ()

b) If Yes, what nature of offences and offenders?

Offences;

- 1.....
- 2.....
- 3.....
- 4.....

Offenders;

- 1.....
- 2.....
- 3.....

c) How regular do you do counseling of your offenders? (Tick as appropriate)

Weekly () monthly () Quarterly () Six months () Annually () None ()

d) What have been the results of your counseling process to the community?

Explain.....
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e) How is counseling needs determined? (Tick as appropriate)

Offender driven (voluntary) () Probation officer driven ()

f) In your opinion, what are the main challenges facing offenders on non-custodial sentence in relation to counseling ,crime and social order in this region?

Explain.....
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5 Role of financial funding and impact to crime and social order.

a) Is there any financial involvement or cost in placing offenders on non-custodial sentence?(tick as appropriate) Yes () No ()

b) If Yes, in what areas? (Tick as appropriate)

Field visits (), Allowances (), Offender refunds () Rehabilitation cost () personal upkeep ()

Others.

- 1.....
- 2.....
- 3.....

c) What is your average cost of maintaining an offender on non-custodial sentence?

Explain.....
.....
.....
.....
.....
.....
.....

d) In your opinion, what financial challenges do you experience in relation to crime and social order?

Explain.....
.....
.....

Return Address.

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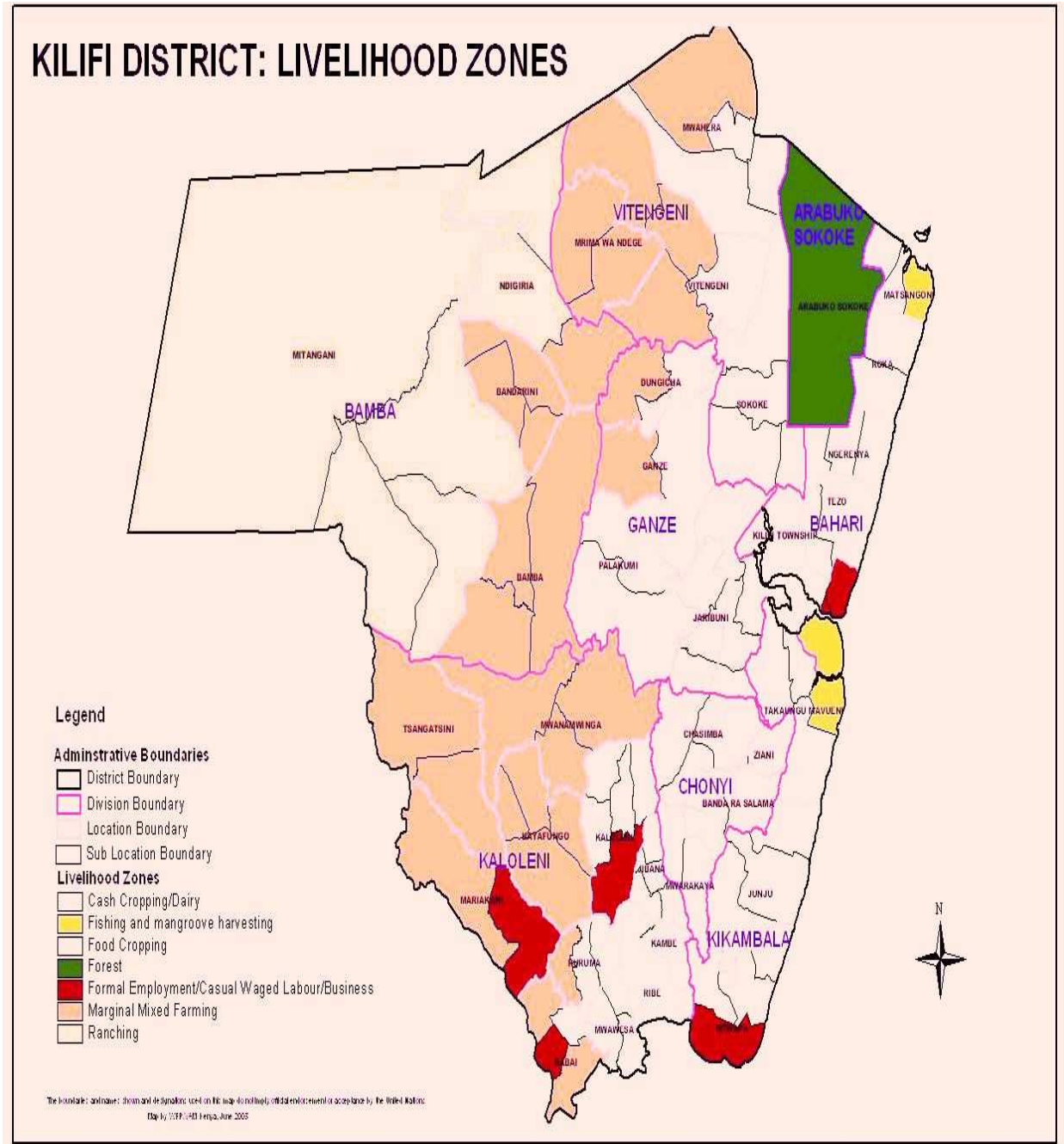
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APENDIX 3

MAP OF STUDY AREA-KILIFI DISTRICT



Source: Kilifi District Development Plan 2008-2012