THE BARRIERS AFFECTING UTILIZATION OF COMMUNITY SERVICE ORDERS PROGRAMME IN KENYA: A STUDY OF MAKADARA LAW COURT

BY

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A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENT FOR THE AWARD OF A MASTERS OF ARTS DEGREE IN SOCIOLOGY OF THE UNIVERSITY OF NAIROBI WITH SPECIALIZATION IN CRIMINOLOGY.
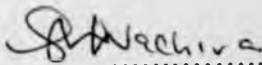
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DECLARATION

I the undersigned, declare that this project is my original work and that it has not been presented in any other university or institution for academic accreditation.
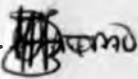
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This research project has been submitted for examination with my approval as University Supervisor.

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DEDICATION

This research project is dedicated to my family, friends and all who gave me moral support.

ACKNOWLEDGMENT

First and foremost is to thank the Almighty God for Grace that enabled me to undertake and submit this research work.

Special acknowledgement goes to my supervisor Dr. Kiemo for his guidance up to the successful completion of this study.

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LIST OF ABBREVIATIONS

CSO   -   Community Service Order

EMPE   -   Extra Mural Penal Employment

GOK   -   Government of Kenya

NAPO   -   National Association of Probation Officers

NGO   -   Non Governmental Organization

ABSTRACT

The main objective of this study was to find out the barrier affecting utilization of Community Service Orders programme in Kenya. It has been observed that community service law has been utilised to some degree but it has not gained popularity as a sentencing option and thousands of convicted petty offenders continues to be sentenced to jail. One of the challenges facing authorities developing the use of alternatives such as community service orders is to ensure that they are utilized and a key feature in community service orders in Kenya has been to expand its use following its introduction.

The study had three specific objectives which included finding out; the extent to which community service law is utilised, the views of actors on effectiveness of community service orders and the factors influencing its utilization. The research questions were derived from the specific objectives.

The study adopted a qualitative approach that aimed to explore the impediments affecting the use of community service law. The target population were the magistrate, probation officers and prosecutors working at the Makadara Law Court. The interviewees were selected on basis of availability and Questionnaires were used to collect data. Interview guides were also used to interview the key informants. The data was coded and analysed both quantitatively and qualitatively and summarized in frequencies, percentages and then presented in tables and pie charts. The interpretation depended on the content of the interviews carried out in the field. The finding revealed that the programme is beset by numerous challenges which limits its application and concluded that the level of utilisation is low. The study made several recommendations based on the finding which included challenges such as inadequate resources which affect administration of the programme must be addressed and awareness should be created through public forums to stimulate public support and participation in the application of Community Service Law.

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CHAPTER ONE

INTRODUCTION

1.1 Background

Community service order programme was developed as an alternative to imprisonment after imprisonment was seen to present many problems both in the developed and the developing countries. It was also in response to recognition that incarceration was not working and that the problem of crime cannot be solved by incarceration alone (Kenya national CSO practice guideline 2000). Use of alternatives as a reform measure has therefore become a worldwide tread in many jurisdictions of the world.

Community service orders is a program through which convicted offenders are placed on unpaid community service programme where the convicted offenders are placed on unpaid positions with non-profit or tax supported agencies, to serve within a given time limit as sentencing option or condition (Pease, 1985). This was an early definition used in the United Kingdom. The orders can be defined simply as non custodial sentence whereby an offender is ordered to perform unpaid work instead of being sent to prison for a period specified by court which varies according to the severity of the offence. The work must be for the community and beneficial to the public. The program is individually designed and the offender is placed at a site as an individual (Galaway, 1988). The assumption is that, on the judge's perspective, the offender receives a sentence that involves sufficient control, punishment and rehabilitative opportunities (Howard, 1998). Some criminal justice practitioners and scholars contend that the intrinsic value of community service orders is found in the work experience, job skills and socialization

gained by the participants (MacDonard, 1988). Others while acknowledging the possibility of rehabilitative benefit regard community service orders as a mechanism to fulfil functions of reparation and deterrence (Nidorf, 1988).

Patrick (1989) outlines 7 models related to how justice is administered to offenders. The Due process model requires the state to prove the guilt of a defendant beyond reasonable doubt in a public trial as the condition for the imposition of a sentence. The model imposes checks and balances so that the state and its agents cannot misuse power in the application of criminal laws. There is presumption of innocence until proven guilty and the right to a fair trial, equality before the law and justice being seen to be done. The crime control model centres on swift prosecution and early punishment but places great faith in the police and prosecution that whoever is arrested and prosecuted must also be guilty. Thus it is less respectful of legal controls to protect individuals. The primary aim of the model is to punish the guilty and deter crime hence reduce crime and create a safer society.

The bureaucratic model's intention is the management of both crime and criminals by means such as standardization of procedures, political neutrality, precision and efficiency. Success of the system is tested by how well it achieves internally set targets such as response times for incidents, percentage of cases with a guilty plea or time taken to finalize a case. The Denunciation and Degradation models involve stigmatization and reinforcement of social cohesion as the central features. The power model attacks criminal laws and the criminal justice system for maintaining the position of the powerful

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in society. The system is seen as aimed at maintaining the status quo rather than enforcing laws to protect the whole society. The rehabilitative model in which community service orders programme falls under, sees offenders as in need of being treated and helped since their free will and responsibility are seen to be limited. Offenders may not be wholly responsible for their acts due to individual or social factors.

Ordering of offenders to perform unpaid community service as an alternative to prison began in Britain in the late 1960 (Bergman, 1985) and it was first formalized in the USA in 1966 in Alameda California where female traffic offenders who could not pay a fine and whom jail sentence would have created hardship were sentenced to community service (MacDonard, 1998). Many states of the world have since adopted legislation that authorizes ordering of offenders to participate in community service orders in lieu of imprisonment. In Africa, community service orders programme has been adopted by a number of countries like Zimbabwe, Kenya, Rwanda, and Uganda (Stern, 2002). This study focused on Community Service Orders programme in Kenya.

The precursor to community service orders in Kenya was a form of a non custodial work-oriented sentence which was provided for in the prisons Act Cap 90 of laws of Kenya known as Extra Mural Penal Employment (EMPE). It was also commonly referred to as chief's sentence or the sentence of the chief and managed by the prison department. The ineffectiveness of EMPE in reducing prison population and the rampant abuse of the programme had prompted the public and judicial officers to resent it as it grew from bad to worse. Reluctance to sentence people under the programme resulted to congested

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prisons characterised by widespread of unrest and incidents of disease outbreaks. The government in response to concerns raised by the public, human rights organizations and international community over poor state of prisons introduced Community Service Orders programme as a non-custodial measure to help in addressing the problem of high prison population and identified the main objectives of the programme as rehabilitation, reparation and reintegration of offenders who can safely be punished in the community.

It was envisaged that use of community service orders would help reduce inflow of petty offenders to prisons, improve human rights, allow petty offenders to continue with ordinary life, atone crime committed by performing un paid work for society, reduce contamination through contact between hardcore criminals and first offenders, make savings by reducing government expenditure on maintenance of inmates and that the programme would initiate development projects in the society (CSO publication, 01:2007).

The orders commenced in the country in 1999, after becoming a law on 31st December 1998. They are regulated by Act No.10 of 1998 of the laws of Kenya which expressly defines the order under section 3 of the Act and sets out the criteria applicable in determining persons suitable for community service and also outline the administrative and implementation structure, defining clearly the roles assigned at each level. The stake holders include the judges/magistrates who have the discretion to determine who should be sentenced to community service, the community service officers whose responsibilities is to provide to the court reports on the suitability of the offender,

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prosecutors, the prison and the community supervisors whose role is to provide work and to undertake daily supervision of offenders on the programme.

Previous research on Community Service Orders programme as a new penal innovation in criminal justice systems varies considerably with some societies demonstrating draw backs and others demonstrating successful experience with the programme. In Scotland for example, the experience of the programme is shown to be promising. The inception in 1978 has seen the programme grow to be a well-established credible sentencing option, growing annually, representing 4% of the main penalties. The use rose markedly following introduction of central government funding and legistration that encouraged the court to use community service orders only in cases where the offender would otherwise be imprisoned.(Scottish government 2009). There was also from the onset a widespread support for community service among sentencers who appeared to value the tangible nature of community service (Carnie, 1990). In the USA a research finding ascertained that the community service orders diverted 50% of offenders from jail (Umbiert, 1981).

Malawi is regarded as one of the country in Africa that has successful Community Service Orders programme which has succeeded in reducing overcrowding in its prisons and has helped the government make saving. The success of the programme is attributed to tangible and beneficial offender's contributions to the community. Offenders in the programme are made to work on permanent projects like building schools and government buildings and as a result the programme gained confidence both from the public and the judiciary (Stern, 2002).

On the contrary there are countries where community service orders programme have demonstrated minimal impact as a reform measure. A survey conducted in England found that the programme which represents 10% of the probation caseload failed to make reduction in the prison population due to high rate of non compliance and re-offending of the offenders on the programme (NAPO; England 1991). A study of community service orders programme in Uganda established that lack of adequate funding and human resources contributed to slow and poor implementation of the programme and that the programme benefited only a small proportion of offenders leaving out many (Burungi, 2005).

Growth and development of community service orders programme is dependent on its utilization by the courts, the participation of the stake holders and the public confidence on the programme (CSO Publication, 2007). Successful implementation requires a plentiful supply of work and support of all relevant justice professionals (Alberercht and Schadler, 1996). Judges as the key players in the use of the sentence must exercises discretion to impose community service orders whenever possible. If they do not regard the sentence as realistic option there is a risk of them responding to crime by imposing other sentencing options. The key players in the programme; judiciary, the police, the prison, probation need also have a collaborative approach, as a way of evaluating their practices with view of improving and maintaining use of the programme.(probation bi-annual issue, 2011). Public acceptance of community service as a sufficient punishment is also important as a way of ensuring that the programme is widely implemented. Where the public does not rank the programme highly as way of reducing crime and favours

prison and where the public knows little about the sentencing option, community service law might not work very well (Stern, 2002).

1.2 Problem Statement

Community service law is relatively new innovation in the criminal justice system of Kenya. Its inception as an alternative to imprisonment ten years ago was taken seriously as part of reforms in the administration of justice. The successful enactment of the Act No 10 of 1998 was an achievement towards its implementation in the country. However, despite having been accepted and incorporated as a reform measure in the criminal justice system and having been available as a sentencing option in the last ten years, it has been utilised to some degree but it has not gained popularity as a sentencing option.

Annual publications in probation department show treads in growth of the programme from the year of its inception up to year 2006 but a decline in the use of this behavioural science principle is observed as from year 2007. From the records in probation department numbers of offenders on the programme grew from 3000 to 67000 (CSO publication, 2007) but as at the end of year 2009 there were only 15000 offenders serving on the programme countrywide (Kass, 2010).

Evidence from bi annual reports of community service orders review committees and the probation monthly statistical records in Nairobi County show that the magistrates and the probation officers are not in favour of the programme and only use it for a small proportion of offenders sentenced to perform one day community service. Placements of

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offenders on long term basis in Nairobi county have therefore continued to decline since year 2007 to as low as 100 placements in year 2011. A key feature in the programme has been to expand its use to achieve benefits envisaged upon its implementation. In a paper presented to judges/ magistrates and probation officers in Mombasa by the permanent secretary ministry of home affairs, participants were urged to utilise the programme to decongest the prisons and to attain standards of accommodation recommended by the United Nations. The permanent Secretary recommended the use of community service orders citing that the programme is 'within the ministry for petty offenders and that it can be used to decongest prisons' and noted that the prisons institutions exceeded their carrying capacity to optimum (Nation Newspaper, 29th June 2011).

As a relatively new penal innovation in the criminal justice system of Kenya there are no studies done to investigate the extent to which community service orders programme are utilised and the factors influencing utilization. The Probation annual publications on community service orders gives information on the programme history and accounts for the numbers that have been placed alongside the development projects initiated, and a preview of the planned activities. This study examined the extent to which community service orders programme is utilised and investigated factors influencing levels of utilisation related to the facilitator's knowledge of the programme, effects of collaboration and the influence of funds.

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Research questions

The study was guided by following research question;

1) To what extent is Community Service Orders Programme utilised?

2) What are the stakeholder's views on the effectiveness of Community Service Orders programme?

3) What are the factors influencing utilization of community service orders?

1.3 Objectives of the Study

1.3.1 The General Objective

To determine the barriers affecting utilization of community service orders programme.

1.3.2 Specific Objectives

1) To determine the extent to which Community Service Orders programme is utilised.

2) To examine the stakeholder's views on the effectiveness of Community Service Orders programme.

3) To establish factors influencing utilization of community service orders programme.

1.4 Significance of the Study

The study contributes to knowledge and deeper understanding of community service orders programme. By generating and documenting the outcome, valuable information about this law is provided. Lessons that can help accelerate the use of the orders as a reform measure in the criminal justice of Kenya can be drawn by policy makers,

legislation and the law reformer from some of the recommendations that emerged out of the study. Relevant background information on the programme provided in the study would benefit other researchers who intend to carry out similar or related research.

1.5 Scope and Limitation of the study

The study sought to establish the barriers affecting utilisation of Community Service Orders Programme in Kenya. It examined the trend, practice, and frequency of use of the programme in Makadara Law Court. Placements made between (2007- 2011) were analysed. The study examined facilitator's, views on effectiveness of the programme and focussed specifically on views related to effectiveness in crime prevention, reduction of prison population and the programme as an alternative to imprisonment. It also explored on the perceived benefits of the programme.

Factors influencing utilisation of the programme were investigated. In particular the study investigated factors related to facilitator's knowledge of the programme, collaboration of stake holders and the availability of funds. The limitation of this study is that it did not investigate factors related to the facilitator's circumstantial and demographic characteristic influencing utilisation of the programme.

1.6 Definition of Key Terms

Community Service Orders (CSO): - means an order made under section 3 of the Community Service Orders Act no 10 of 1998 and includes persons convicted of an offence punishable with imprisonment for a term not exceeding 3 years or less without the option of fine, being made to perform community service.

Community Service: - refers to unpaid public work within a community for the benefit of that community.

Community Service Officer: - probation officer appointed under the probation offender's Act whose responsibility is to provide to the courts on request reports on the suitability of offender and oversee the administration of community service orders.

Court: the court which made a community service order and includes a court within the jurisdiction where an offender may be residing while serving under community service order.

Public work: refers to work of any nature that benefits community and not an individual.

Reparation- refers to un-paid public work done by supervisees as a way of paying back the community for the offence committed.

Supervisee: refers to an offender undergoing community service orders.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter presents theoretical review, conceptual framework and a review of literature regarding community service orders. The purpose of this chapter was to set the subject of the study in a broader context through the existing relevant literature, other studies and theories. The chapter helps to appreciate contributions of other studies and possibly assess what needs to be further studied. The literature review is organized based on the objectives of the study and covers in details literature review on the development of Community Service Orders programme, perception of community service law, influence of training, collaboration and availability of funds on community service orders utilisation. The theories used in the study are Realism theory, Rogers Diffusion of innovation theory and Restorative Justice Theory.

2.2. Development of Community Service Order Programme.

The recognition that imprisonment is expensive and of little value to society provided an incentive for governments to experiment with alternative sentencing schemes (Young, 1979, Flacks, 2006). Formal Community service programme began in the United States of America with establishment of Alamada California programme in 1966. This programme focussed on female traffic offenders who could not pay fine and whom a jail sentence would have created hardship. The growing reputation of Alamada programme led to other court referrals programme developing across America with the feature of

voluntary participation by offenders as an alternative to fine or in some cases imprisonment. At least 26 cities in the United States have implemented or are in the process of developing community service sentencing programs, and some estimate that this number is much higher (Flacks, 2006). Research finding suggests that the US court use community service sentencing as a mean of reducing jail population and as an individual sanction for persons not incarcerated (Umbeirt, 1982). Non-violent offenders who would otherwise go to prison were given opportunity to provide community service in lieu of incarceration. (Haris and Lo, 2002) claims that the adoption of community service law in the USA has been localised and patchy and not seen as a realistic option for serious offenders.

According to Mclovor 1998, Hudson and Galaway (1990) community service was more enthusiastically embraced in Britain proving to be a more popular measure with the court. Sentencing of offenders to community service began in 1973, when the country implemented a national community service sentencing program (Flacks, 2006) by the late 70s the Community Service Orders programmes were throughout the UK. In 1982 more than 30000 orders were imposed, 8% of offenders sentenced for serious offences. In England, an offender can receive a Community Service Orders upon the recommendation of a probation officer for almost any crime that would normally carry a prison sentence. This includes violent crimes, but excludes murder and sexual offenses other than prostitution (NAPO UK, 2002). In the country the concerns were being expressed about the levels of overcrowding in prison, the increased cost of incarceration, the recognition that imprisonment did not lead to less offending and that it had detrimental effects on

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individual offenders and their families (Home Office 1969).

The British experience served as a model for schemes that were subsequently developed across Western Europe. More than a dozen European countries have adopted and implemented Community Service Orders (Albrecht and Schandler, 1986). France incorporated the use of Community Service Orders in 1983 after borrowing a leaf from Canadian experience. In Italy Community Service Orders was introduced in 1980, Portugal in1983 Norway and Denmark in 1984.Community Service Orders is widely available as an alternative option in sanctioning criminals in Korea after the amendments of the juvenile Act in 1988 and the prescription of the probation Act. The revision of criminal law in 1995 enabled the courts to extend Community Service Orders to both adults and juvenile. The orders have become distinct and independent sanctioning device in the criminal justice system (Chung Ding-ki, 1997).

Nine domestic justice systems in Africa have experimented with community service sentencing (Penal Reform International, 2006) In Kenya more than 67,000 offenders were serving community service sentences in 2002 alone (U.S. Department of State, 2003). But by end of 2009, there were only 15,000 offenders serving community service sentences (Kass, 2010). Community Service Orders programme was initiated in 1992 in Zimbabwe and by the year 2000, 17500 offenders had benefited from the programme with 90% of those placed successfully completing their punishment (Mukemo, 2000).

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The Government of Uganda introduced the Community Service program in November 2001 owing to the commitment to undertake reforms in the justice system through innovative approaches that increase communication and coordination among stakeholders and contributes to the ongoing reform process to improve the administration of Justice and maintenance of Law and Order in Uganda (Ministry of Internal Affairs, 2010).

As originally devised, the community service option was seen as a humane and compassionate alternative to traditional punishments. As the system developed in the United States and Europe, it began to be used to strengthen sentences that would otherwise consist only of probation or other minor sanctions. Now, where Community Service Orders are employed they are handed down in roughly equal proportion to replace jail time and probation. The crimes eligible for community service sentencing vary from system to system. In other European systems Community Service Orders are generally granted in response to acts falling into the middle level of criminality, which would also normally carry a jail sentence. These are generally, though not exclusively, property offenses, and some particular offenses are excluded. In Norway, for example, those charged with sexual, drug-related, or firearm offenses are not eligible for community service (Flacks, 2006).

Many research studies have addressed facets of community service programme and in many countries the wide spread appeal of this sanction lay in the possibility that it could fulfil many sentencing aims; punishment without cost of incarceration, the offender being more accountable to the community and also rehabilitation of offenders in order to reduce future re-offending.

Malawi is regarded as one of the countries in Africa that has a successful community service programme that has succeeded in reducing overcrowding in its prison and in saving government cost. This is despite the relatively high prevalent crime rates as described by Sekhonyanne 2005: 9. The introduction and implementation programme started in year 2000 on pilot basis and within six month of it inception the programme was rolled out to the rest of the country. Kamya (2003:15) indicates that by June 2003 different magistrates had issued over 3150 community service orders and had saved the government 5.5 million Kwacha (Malawian currency). The success of the programme is attributed to the way the programme is organised and run. The offenders are made to work on tangible projects that are beneficial to the community like building of permanent government houses and schools. Where in most cases offenders are sentenced to undertake cleaning work in market places or slash the school compound effect of such types of punishment will show almost no impact once the offenders complete the sentence. Further the role played by the mass media including electronics and print in creating awareness in Malawi contributed to attitude change among the community who have fully embraced the programme. Involvement of the community greatly contributed to successful implementation process and made the programme more sustainable (Stern, 2002).

2.3 Views on effectiveness of Community Service Orders

Houghton (1991) states that probation officers in Australia felt that though they were afforded a wide discretion in the areas of assessment, placement, and breach of offenders of the CSO scheme, the responsibilities attached to the discretion were generally

underestimated by the judiciary. This included a desire for more support from the court in breach proceedings and in considering limits on the suitability of offenders for CSO's. Most of the officers also reported that the CSO program did not have sufficient resources.

Pease (1985) reports in a study that both magistrates and probation officers were of the view that community service should not be used solely as an alternative to custodial sentences. They wished to see community service used more often for offenders who now end up in prison. Community service benefits local communities, reduces public expenditure on prison services and requires convicted offenders to make recompense for their crimes. According to Allen (1990), the public tends to perceive the order as a lenient sanction that allows offenders to escape a deserved punishment.

It is clear from Thorvaldson's work that attitudes toward the community service sentence itself are very favourable in comparison with attitudes toward the other sentences concerned. Attitudes toward magistrates and court procedure are more favourable among those given community service than among those given fines, but not more than among those given probation. Wider social attitudes, Thorvaldson found, were not related to receiving community service. Thus, it appears that reconciliation between offenders and society, at least in the perception of offenders, is achieved only insofar as the receipt of the sentence itself is concerned, with little generalization to the perception of the criminal justice system more generally.

The Kenya government has identified a number challenges facing the CSO programme. They include lack of adequate funding and lack of sensitization among the public on the CSO programme. More publicity of the programme could enable the public to appreciate the socio- economic benefits such as the savings realized by the work agencies and social benefits accrued by the offender's families and the community. Another challenge is inadequate training and inadequate transport. Lack of adequate vehicles in most field stations hinders the implementation of the programme (GoK, 2012).

Findings by Birungi (2005) indicated that though community service has been accepted and some have benefited from it, the public still has misconceptions or a poor attitude about it and continues to perceive it as a 'soft' punishment and not as punitive enough. As one chief magistrate in the study noted 'there is reluctance when sentencing offenders to community service. I feel that this approach still needs some time.' It is submitted that such an opinion from an officer who is supposed to be spearheading the enforcement and implementation of this law can be perceived as one of the factors which adds to the slow implementation process overall.

Rogers (2003) asserts that one of the major factors affecting individual attitude towards innovation is the attributes of the technology. In order to address the innovation difference he identified five perceived attributes of innovation 1) relative advantage 2) compatibility 3) complexity 4) trial ability and 5) observability. Therefore a new technology will be increasingly diffused if the adopter perceives that the innovation has an advantage over previous innovation, is in agreement with the existing practices, not

complex to understand and adopt, shows observable results and can be experimented with a limited basis before adoption.

Using Roger diffusion theory, Isleem (2003) examined the level of computer use for instructional purposes by technology education teachers in Ohio school. He studied the relationship between the level of computer use and selected factors; expertise, access, attitude, support and teachers characteristic. He discovered that technology education teachers use more mainstream computers than computer specialized application. He found teachers perceived expertise, perceived access and perceived attitude towards computers as the significant predictor of the level of computer use.

In a similar study on teacher's perception of computer technology, Albirini (2006) noted that participant's perception of computer technology attributes was the largest factor in predicting their attitude towards computer technology. Zhang Qi (2007) found in her study that teacher's perception of computer technology attributes i.e. relative knowledge, compatibility, simplicity and observerbility explained the major differences in teacher's perception towards it and its use.

2.4 Factors influencing utilization of community service orders

2.4.1 Effects of Training

The term training refers to the acquisition of knowledge, skills, and competencies as a result of the teaching of vocational or practical skills and knowledge that relate to specific useful competencies. It forms the core of apprenticeships and provides the backbone of

content at institutes of technology (also known as technical colleges or polytechnics). The need to continue training beyond initial qualifications in addition to the basic training required for a trade, occupation or profession as observed is to: to maintain, upgrade and update skills throughout working life. People within many professions and occupations may refer to this sort of training as professional development (Stern, 2002).

In order for any organization to meet its goal and to achieve sustainable innovation, proper training and coaching is essential and it should not stop after the initial phase Continuity is key (Robert, 2010). From top to bottom everyone must be included in training programme for the innovation process to go as smoothly as possible. In the implementation of an organization innovation managers are usually presumed to influence the extent to which innovation is adopted and used by the subordinate.

Judges, magistrate and probation officers are considered the key facilitators in the effort to infuse Community Service Orders sanctioning option into the criminal justice system; therefore training for them on the programme is crucial. No matter how much training other Community Service Orders stakeholders receive, most will not successfully employ that training without the leadership of the judicial officers.

A study similar to the present on user's acceptance of E-learning technologies in New Zealand revealed that the degree of knowledge and skill in online content design and development would strongly impact on the decision of academic staff to embrace this technology. 60% of respondent indicated that they felt they lacked knowledge needed to

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develop and deliver content despite the fact they had been on a training course. This result signified the need for adequate training and support during the system implementation stage. The study indicated that the failure to provide extensive training will result in high level of user's apprehension in accepting technology (Robert 2010).

Birungi (2005) established that misinterpretation of the law governing the implementation of the community service programme is a problem. Findings revealed that some stakeholders, especially those with no legal background, find it difficult to interpret the Community Service Act, No: 5/2000, rendering its practice and applicability almost impossible. Those that were mostly singled out are the local council officials, some of whom not only lack a legal base but also have never been to school.

In a similar study using quantitative research method Surenda (2001) examined the diffusion factor proposed by Roger (1995) and other sources to predict on acceptance of web technology by professors and administrators of a college. He reviewed the training factor among the type of access. Access in general and training in particular were found to be the best predictor in the diffusion process of web technology-based education innovation. Relationship was found between computer knowledge and the adoption of innovation.

2.4.2. Effects of Collaboration

It is a recursive process where two or more people or organizations work together to realise shared goals. For example, an intellectual endeavour that is creative in nature-by

sharing knowledge, learning and building consensus. Most collaboration requires leadership, although the form of leadership can be social within a decentralized and egalitarian group. In particular, teams that work collaboratively can obtain greater resources, recognition and reward when facing competition for finite resources. Collaboration is also present in opposing goals exhibiting the notion of adversarial collaboration, though this is not a common case for using the word. (Roger, 1995).

Structured methods of collaboration encourage introspection of behaviour and communication. These methods specifically aim to increase the success of teams as they engage in collaborative problem solving. Co-occurring substance use and mental disorders associated with deviant behaviour and harsh sanctions for drug-related offences are principal factors driving criminal involvement among persons with mental illness. However, the inattention of the mental health community to risk assessments and the over-reliance of the criminal justice system on such measures have created disconnects in care. In the last two decades, these two systems have formed new relationships where accommodation and antagonism have given way to joint efforts to find shared solutions. These newer arrangements integrate roles, rules, and relationships between the two systems in ways that appear to allow the needs of criminal justice system to be addressed without undermining public safety goals. Three collaborative models (crisis intervention teams, mental health courts, and mental health probation and parole personnel) have received the most attention from practitioners and policy makers in both adult and juvenile systems (Birungi, 2005).

Crisis intervention teams are police-based interventions situated at the front end of the justice system. Current efforts at both the federal and state levels provide ample occasions for policy research to address research questions about criminal justice community service order collaborations. For the most part, however, these initiatives do not have a formal research component. Growing a firm evidence base will require well-designed multisite and multistate longitudinal studies. Without knowing whether the actual performance of these collaborative arrangements is consistent with the enthusiasm of their proponents, it is difficult to say whether they should continue to be expanded across the country or curtailed and abandoned (Surenda, 2001).

2.4.3. Influence of Funds

Money and other resources in terms of adequate funding until project completion and availability of resources are obvious imperatives to carry out projects. Availability of funds/resources has also been ranked highest in recent researches (Belassi and Tukel, 1996; White and Fortune, 2002).

Nguyen et al., (2004) did a study on project success factors in large construction projects in Vietnam. Factor analysis was employed to categorize these success factors perceived by 109 respondents from 42 construction-related organizations. Factor analysis uncovered that these success factors can be grouped under four categories titled the four COMs: comfort, competence, commitment, and communication. The comfort factors included adequate funding and resources for projects.

A study by Knapp and Robertson (2009) examined the costs of community service orders, and compared them with the costs of alternative custodial sentences. Twelve Scottish community service schemes were studied. Costs were disaggregated to component activities (assessment, matching, placement supervision and breaches), and average costs per offender calculated and compared. It was found that, while cheaper than custody, community service was not as cheap as recent central government figures suggested and on the average, community service cost the same as about six weeks of custody.

In a study on community service orders in Korea by Chung (2002) it was observed that lack of funding from the government due to the government having set certain policies in terms of recruiting government officers affected implementation of the programme in Korea as only a few staffs each year were are allowed to be incremented in the department.

In a similar study by Birungi (2005) in Uganda, it was noted that one of the challenges that faced the Community Service Orders programme was inadequate funding by the government which largely depends on borrowing funding from donors for its development programmes, which includes improvement of prison conditions. The study established that in year 2004 most community service offices remained closed most of the time which was a big blow to the programme in which a lot of funding had been invested. The study also established that community service orders only benefits a very small proportion of offenders leaving out many others due to lack of government funding

and lack of human resources. The results indicated that government had not been very supportive in the implementation of the programme and that the financial contributions made were insufficient to sustain the activities of the programme and to cater for salaries of the personnel employed which contributed greatly to the slow and poor implementation of the project

The initial support for the Community Service Orders programme in Zimbabwe regarding funding between 1994 and 1997 was from the European Union and the British government till July 1997, when the Zimbabwean government took over the responsibility for the programme Stern (1999). The example reiterates the funds importance for the success of Community Service Orders programmes in Africa.

2.5 Theoretical Review

All empirical studies should be grounded in theory (Singleton et al 1988.40). A theory is a body of knowledge that attempt to explain a given reality. It is a way of making sense of situations that are disturbing. It specifies the relationship between variables with the purpose of explaining the problem in question.

2.5.1 Realism theory

Realism theory is used for its explanation benefits. It aims to analyse the position in ways which lead to a more effective solutions. It is probably one of the theories that can be used to provide theoretical base for explaining barriers affecting utilisation of Community Service Orders programme. The focus of the theory is on ex-post

explanations as opposed to ex-ante prediction. There are three strata according to the theory, domain of real, actual, and empirical. Domains of empirical includes observable experiences, domain of actual includes actual events which have been generated by mechanism while domain of real includes mechanism that have generated the actual events.

The theory belief is that many and most cognitive biases are not errors but instead logical and practical reasoning method of dealing with the real world and inherent in it is the assumption that subjects include more information than cognitive experimenters want them to in their thought processes. Key actors practical reasoning, reality, and experience could influence decision to use or not to use community service orders. Critical realism theory states that the theory of knowledge is different from the theory of being and postulates that there is reality which exists independently of its human conception. Critical realist believes that there are unobservable events which cause the observable ones. For example the social world can be understood only if people understand the structures that generate such unobservable events. It focuses on the existence of real mechanism which shapes the events and postulates that unlike natural law, rules of culture and society are not universal but applicable only in certain location and time. The theory requires a deep understanding of any situation going beyond the observable and investigating the mechanism behind any event. According to the theory an individual conducting an experiment creates the conditions necessary for the experiment (observable events) but the results are caused by the underlying law and mechanism (unobservable event).

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2.5.2 Diffusion of Innovation Theory

Rogers's diffusion of innovation theory seeks to explain how new ideas or innovation such as the Community Service Orders are adopted. He defines diffusion as the "process in which an innovation is communicated through certain channel over time among members of a social system." and describes the innovation-decision process as "an information–seeking and information processing activity where an individual is motivated to reduce uncertainty about the advantages and disadvantages of an innovation".

The innovation adoption according to him involves five stages awareness, persuasion, decision, implementation and confirmation. Awareness represents the knowledge of the innovation existence and can motivate the individual to learn about the innovation and eventually to adopt it while in persuasion, an individual or other decision making unit forms a favourable or an unfavourable attitude towards the innovation. In the decision stage, an individual engages in activities that lead to choice to adopt or reject the innovation and in the implementation stage an individual puts a new idea into use and finally makes confirmation. Adoption is a decision of "full use of an innovation as the best course of action (Rogers, 2003). The decision to utilise community service orders could be determined by key facilitators perception and knowledge of the programme. Favourable attitude and degree of knowledge may lead to intensive application of the sanction.

2.5.3 Restorative Justice Theory

The theory operates on the premise that conflict, even criminal conflict inflicts harm therefore individuals must accept responsibility for repairing the harm. Communities are empowered to choose their response to conflict. Victims, offenders and communities actively participate in devising mutual benefits, solutions and implementing those solutions. Conflicts are resolved in a way that restores harmony in the community members, relationships and allows people to continue to live together in a safer, healthy environment. Bazemore, 1998 sees reparation as an opportunity for offenders to be actively engaged in roles that allow them to gain useful competent. The primary objectives of restorative justice are to attend fully the victims' need, to prevent reoffending by integrating offenders into the community, to enable offenders to assume active responsibility for their action, to create a working community that support the rehabilitation of offenders and victim and to provide a means of avoiding escalation of legal justice and the associated cost and delays (Mashall 1998).

Raynor (2001; 195) suggest that community service is already a conspicuously reparative and restoration penalty and that the combination of visible reparation and effective programmes could bring together the community safety and community justice agendas

2.6 Conceptual Framework

The conceptualization of this study led to an understanding of the factors influencing use of community service orders programme in Kenya. The researcher aimed to establish the barriers affecting the levels of utilisation.

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The model below explains the effects of knowledge, perception, collaboration and funds availability on levels of utilisation of community service law and the impact of the programme on the society at large.

Figure 2.1: Conceptual Model

Independent variable		Dependant variable
Knowledge of CSO Programme.		-Decongested prisons
Collaboration of stake holders	Utilization of community Service Orders Programme in Kenya	-Reduced government expenditure
Influence of funding on CSO Utilization		-Development projects
Facilitators' perception of CSO		-United families
		-Reduced crime levels

Independent variable   **Dependant variable**

Usage of an innovation may be determined by the user's perceptions, beliefs and attitude towards the new innovation. They can be a barrier or an enabler towards adoption of a new technology. Favourable perception of key facilitators in the Community Service Orders programme would be a requirement for intensive and successful application of the programme.

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It is difficult to support an innovation about which one has little knowledge about. A degree of knowledge on the Community Service Orders programme would impact on the key facilitators to embrace and utilize the programme. Training provides knowledge and thus plays an important role in influencing perception towards a new innovation. Training of the key facilitators in the Community Service Orders programme, the magistrates, prosecutors and probation officer is essential for them to understand their roles and the Community Service Orders procedure and to foster constant utilization of the programme. Lack of training and the failure to provide adequate training may result to user's apprehension of the programme.

Many organization operate together to form the criminal justice system and it is imperative that all agencies work together towards enhancing the use of CSO. The principal agencies in the utilization of the CSO programme, the prosecutors, the courts, and probation need to communicate by sharing knowledge, experience, learning, insights and building consensus so as to move in the same direction in the use of the programme. Each agency has unique mandate and to ensure the permanency of the programme collaborative partnership is essential.

Adequate funding and availability of other resources are obvious imperatives for utilization and success of Community Service Orders programme. Government support in providing adequate financial support, human resource and other resources is essential to sustainability of activities of the Community Service Orders programme as well as its growth.

CHAPTER THREE
RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents a research methodology that was used in the study and explains the strategy used to implement the study. The research design, site selection, target population, the sampling procedures and data collection methods and analysis are all highlighted and discussed.

3.2 Site Selection and Description

The study focused on the key facilitators of community service orders programme in Makadara Law Courts which is situated in one of the eight constituencies of Nairobi County. Nairobi is the capital city of Kenya and the principal administrative, political and economic centre of the country. It has an area of 696.1 square kilometers with a current estimated population of 3 million people. It is a cosmopolitan and multicultural city with a wide variety regarding standard of living. Most wealthy Kenyans live in Nairobi but the majority of Nairobians are average and poor. Half of the population has been estimated to live in the slums. The Eastern part of Nairobi houses the city low and middle classes living in Embakasi, Buruburu, Komorock, Umoja, Dohnholm and others Estates. Nairobi County is served by four law courts Nairobi, Milimani, Kibera and Makadara. Makadara Law court is about five kilometers east of the Central Business District and it is accessible mainly through Landies- Jogooh Road. The jurisdiction consists part of the central, south and the eastern parts of Nairobi County. The court is served by eight

magistrates, eight prosecutors and ten probation officers among other judicial officers and handles categories of cases failing under chief magistrate's jurisdiction. Annually it handles over three thousand cases emanating from an estimated population of about one million people. The institution was selected because it was accessible to the researcher who resides in Nairobi and at the time of the study, it had the highest numbers of offenders, placed on community service orders programme in Nairobi County.

3.3 Research Design

According to Cooper and Shindler (2000) and Schutt (1996), research design is the blueprint for the collection, measurement and analysis of data. It is the plan and structure of investigation conceived to obtain answers to research questions. It guides in collection, analyzing and interpretation of data.

The study was largely based on qualitative methods emphasizing on a participatory approach. Qualitative research refers to the procedures that produce descriptive data from respondents/participants, expressed by their own writings or verbal words and their observable behaviours. As put by Koul (1984), qualitative studies provide three types of information: first, of what exists with respect to variables or conditions in a situation; secondly, of what we want by identifying standards of norms with which to compare the present conditions or what experts consider to be desirable, and thirdly, of how to achieve goals by exploring possible ways and means on the basis of the experience of others or the opinions of experts. This method was appropriate as it is more focused.

The researcher went to the population of interest and they described what existed before enactment of community service law, the barriers affecting the use of the law and explored on how to strengthen the law. It is also a flexible method and could easily be applied in situation that necessitated the changing of the question to suit both the interviewer and the interviewee. Cresswell (1998) notes that qualitative techniques are enable the researcher to interpret respondent's views there and then. The design employed involved collection of answers to questions that respondents were asked in questionnaires and interviews.

3.4. Target Population

According to Koul (1984), a population is the total collection of elements about which we wish to make inferences. The target population for this study was in two folds. The first fold was made up of facilitators of community service orders programme i.e. The magistrates, the probation officers, and the prosecutors, while the second fold comprised of the beneficiaries of the programme i.e. the offenders processed by court and sentenced to community service orders and agency supervisors who are the recipient of offenders on the programme. They were 8 magistrates, 10 probation officer and 8 prosecutors. The study targeted all the offenders that were currently serving and the agency supervisors of the institutions where the offenders were serving. There were 5 offenders serving at 5 different institutions.

3.5 Unit of Analysis

A unit of analysis is an element or aggregation of elements from which information is to be analyzed. It is the entity about whom or which the researcher gathers information. There are times when the unit of analysis is different from the observation unit, that is, the element from which information is collected (Singleton, 1993). In the case of this study, the unit of analysis was the community service programme. The researcher analysed the way petty offenders were dealt with before enactment of community service law, the trend in use of community service law and factors influencing application. The researcher also analysed the facilitators and beneficiary's accounts on the effectiveness of community service law. Unit of observation were the magistrates, probation officers, prosecutors, offenders on programme, agency supervisors and records.

3.6 Sampling technique

Sampling techniques are the strategies applied by researchers during the statistical sampling process. The study utilized non-probability sampling technique. Availability sampling was used to sample both the facilitators and beneficiaries of the programme.

3.6.1 Sample Size

In this study the sample size targeted was the total population of each category of the respondents. 8 magistrates, 10 probation officers, 8 prosecutors 5 offenders and 5 agent supervisors making a total, of 36 respondents. The reason for targeting the total population is that the researcher felt that the target population was small.

3.7 Data Collection Procedures

This study used both primary and secondary sources of data. Primary data was collected through both open and close ended questions and face to face interviews with the respondents. Secondary data was retrieved from statistical records found in Makadara Law Court and the Probation office.

3.7.1 Methods and Tools of Data Collection

Methods of data collection according to Koul (1984) are ways to obtain relevant qualitative or quantitative data for a particular study from the relevant sources. The researcher in this study employed qualitative method as the main method of data collection supplemented by quantitative method.

3.7.2 The use of Questionnaires

The researcher used both open and close ended questions in three different questionnaires designed for three categories of respondents. All the facilitators and the beneficiaries of community service orders programme selected for the study were subjected to close and open ended questions. The questions covered the back ground information of the respondents; sex, level of education and years of service and detailed community service orders issues.

3.7.3 Interview Schedules

An interview schedule is a device consisting of a set of questions which are asked and filled in by an interviewer in a face to face situation with another person (Koul, 1984). It

is a method regarded as an effective technique of data collection. The researcher used the method to engage key respondents to in-depth interviews about issues affecting community service orders in general and particularly with reference to Makadara Law Court. The categories of key informants interviewed included two senior probation officers in charge of administration of community based programmes and one officer in the office of National Co-ordination of Community Service Orders Programme.

3.8 Data Processing and Analysis

The results were presented using descriptive statistics. The data was analysed and presented in tables and pie charts. Interpretation was then made based on the frequencies and percentages.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

4.1 Introduction

The purpose of analysis is to summarize the findings of the study in a way that they yield answers to the research questions in line with the main objective of the study which in this case was to determine the barriers affecting utilization of community service law. The chapter focuses on the findings of the study undertaken through various methods of data collection from the facilitators and stake holders of community service orders programme. A total of 35 questionnaires were issued to different categories of the respondents and the response rate was 80%.

4.2 Demographic Characteristics of the Respondents

The social demographic data of the respondents were categorized from facilitator's years of service, gender, the supervisee's level of education and employment status.

4.2.1 Facilitators' /Supervises Gender

The study sought to find out the gender of the key facilitators to determine participation in utilisation of community service orders programme. Out of the 18 facilitators who participated in the study, 12 were female and 6 were male. The gender of the supervisees was used determine whether they are sentenced to community service and out of the five respondents, 3 were female and 2 were male.

4.2.2 Facilitators years of service

The years of service were important as they were used to determine whether the facilitators had experience. Often experience can determine success or failure of a programme as it gets people more educated. The data indicated that majority of the facilitators had served in their career for more than five years an indicator that they had a lot of experience. The response is as shown in the figure 4.1 below

Figure 4.1: Years of service in the career
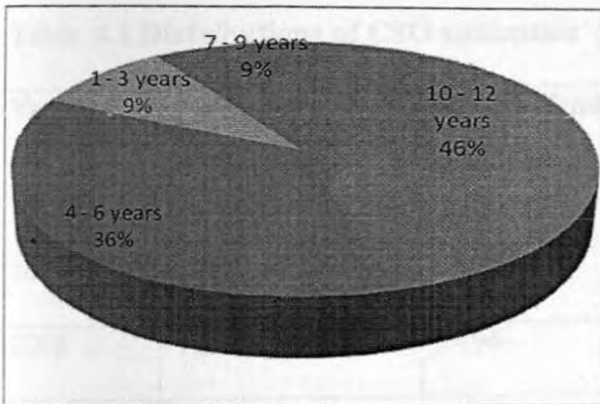
About 46% of the respondents had served in the career for between 10 and 12 years, 36% had served for 4 to 6 years while 9% each had served for 1-3 years and 7-9 years.

4.2.3 Supervisees's Level of Education

Education is an important human activity as it enhances one's level of understanding of new ideas. The level of education was used to determine whether offenders understand the programme. The study found out that 3 offenders had primary level education while 2 had secondary level of education, though none was in formal employment.

4.3 Utilization levels of community service orders

A potential barrier to use of community service law is judicial reluctance to impose the sanction. The records collected in the criminal registry in Makadara law court indicated low utilisation of community service law. Between years 2007-2011, there were 9722 convictions entered, 7695 qualified for CSO out of which only 1.9% were sentenced to undertake community service for a period exceeding a month. The distribution of the orders made over the period is as shown in table 4.1 below.

Table 4.1 Distributions of CSO utilization by year

Year	No of offenders convicted	No of offenders who qualified to be placed on CSO	No of offender placed on CSO	Percentage
2007	1925	1525	33	2
2008	1896	1496	27	1.8
2009	2015	1615	36	2
2010	1949	1549	30	1.9
2011	1937	1537	23	1.4
Total	9722	7695	149	1.9

When the study sought to know the facilitators rate of utilization of community service law, 70% mentioned that they were rare users, 20% were intermediate users while 10% indicated frequent users. This implied that 90% of the facilitators did not use the law frequently. However the records indicated that 12% of community service orders passed in year 2011 were imposed by different magistrate while the remaining was passed by a single magistrate.

4.3.1 Factors considered when sentencing one to community service law

The study sought to find out factors considered while sentencing one to Community Service. They included; abode , nature of offence, family status, attitude of offender, employment , public safety, economic gain, availability of institution, mitigation, enlightened behaviour and promotion of human rights. The response is illustrated in the table 4.2 below. Even after consideration of all these factors first offenders were more likely to be awarded Community Service Orders followed by women. Youths were the last even though they were the choice of agent supervisors because of their strength.

Table 4.2: Factors considered before sentencing one to Community Service Order.

Factors considered in administering CSO	Responses	
	N	Percent
Residence	7	20.0
Nature of offence	5	14.3
Family status	5	14.3
Attitude of offender	3	8.6
Employment	3	8.6
Public safety	3	8.6
Economic gain	2	5.7
Availability of institution	2	5.7
Mitigation	2	5.7
Enlightened behaviour	2	5.7
Promoting human rights	1	2.9
Total	35	100.0

Source: Survey Data (2012)

4.3.2 Crimes commonly committed by offenders on Community Service Orders programme

From records collected in probation department, 146 offenders were sentenced to undertake community service on long term basis in Makadara Law Court in the years 2007-2011. Figure 4.2 below shows the offences that were committed by these offenders. The offence of Stealing appeared the most committed offence (26.7%) by the offenders placed on the programme. Three ex-supervisees who were interviewed were also put on Community Service Orders for the crime of stealing. This was then followed by assault causing actual bodily harm (22.6%), loitering (19.9%), touting for passengers (17.8%), creating disturbance (7.5%) being in possession of bang (3.4%) and malicious damage to property (2.1%).

Figure 4.2: Crimes commonly committed by offenders on CSO programme 2007-2011
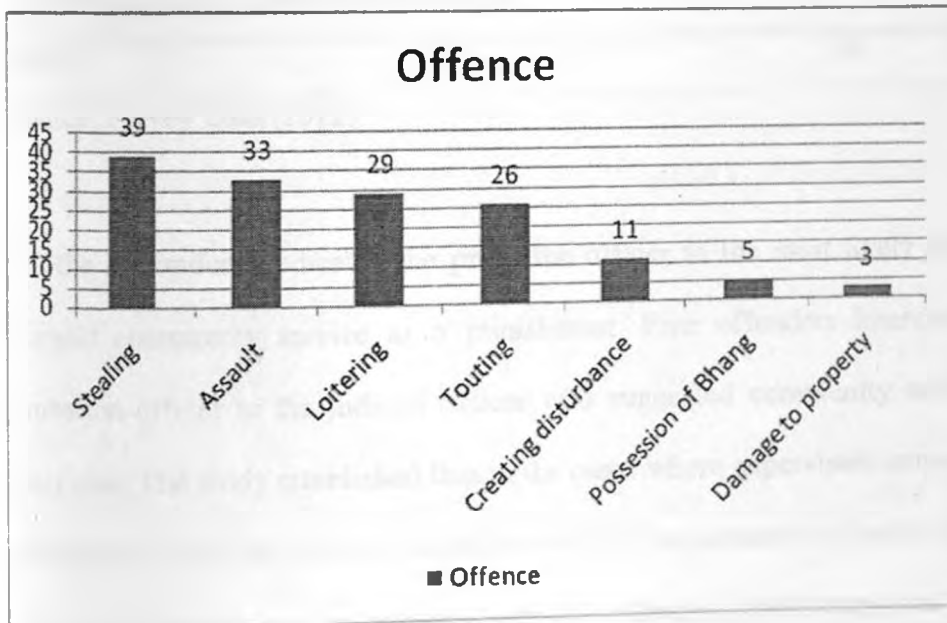
Source: Survey Data (2012)

4.3.3 Contribution towards execution of Community Service orders

On contribution towards the execution of community service orders, 12 facilitators who participated in the study mentioned that they help in identifying suitable offenders for placement and supervise the orders while 4 mentioned that they help in carrying out social enquires and providing information to court. Only 2 indicated that they assist supervisors understand their roles hence showing the benefit of the programme.

Table 4.3 Facilitators contributions towards execution of Community Service Orders

Contribution towards execution of Community Service orders	Frequency	Percentage
Help in identifying suitable offenders for placement and supervise the orders	12	65
Help in carrying out social enquires and providing information to court	4	20
Assist supervisors understand their roles	2	15
Total	**18**	**100**

Source: Survey Data (2012)

All the respondents indicated the probation officer as the most likely judicial officer to suggest community service as a punishment. Five offenders interviewed mentioned probation officer as the judicial officer who suggested community service sentence in their case. The study established that in the cases where supervisees commit crimes while doing community service work or fail to fulfil the requirements of order, the supervisee is counselled, warned, and in extreme cases, the offender is re arrested and the Community Service Orders revoked.

4.4 Views of Community Service Orders programme

4.4.1 Measures taken before the enactment of community service law

Information was sought from the respondents on how petty offenders were dealt with before the enactment of Community Service law. The respondents, 70% mentioned fine in default imprisonment, 20% indicated conditional discharge and 10% mentioned EMPE (Extra Mural Penal Employment). This implied that petty offender who could not raise fines ended up in prison.

4.4.2 Community service orders as a soft way of treating offenders

According to Allen (1990) the public tends to perceive community service law as a lenient sanction that allows offender to escape a deserved punishment. The study sought the views of facilitators on community service law as being regarded as a soft way of treating offenders. It established that 73% of the respondents that were majorly probation officers did not regard the law as a soft option but a form of punishment through execution of public work where by an offender spends time on unpaid public work thus limiting the time he/she got to do his/her own work and in the processes realises the cost of actions. The group, 27% who opined that this was a soft way of punishing the offenders argued that some offenders buy out their freedom while others abscond immediately after placement.

Table 4.4: Facilitators views of Community Service Law As A Soft Option

Facilitators' Views	Frequency	Percentage
Soft option	5	27
Not soft option	13	73
Total	18	100

Source: Survey Data (2012)

4.4.3. Effectiveness of community service orders in reducing prison population

Reduction in the use of prison sentences is a widespread aim of community service orders in many jurisdictions. When the study sought to know the views on effectiveness of community service law in reducing prison population, majority (54%) of the facilitator indicated that community service orders would be effective if well utilized as an alternative sentence for those serving 3 years and below. They believed that if the programme was fully embraced, well organised and supported by all the key player, majority of petty offenders would not end up in prison. The group (46%) who did not view it to be effective argued that most offenders keep on being re-arrested while still serving or even after serving and that several offenders do not take the programme seriously and even abscond a day after being sentenced .

Table 4.5: Facilitators views on effectiveness of CSO in reducing prison population

Effectiveness of CSOs	Frequency	Percentage
Effective	10	54
Not effective	8	46
Total	18	100

Source: Survey Data (2012)

4.4.4. Effectiveness of community service orders in crime prevention

On effectiveness of community service law in crime prevention, the study found out that (68%) of the facilitators did not view the programme as effective and argued that the offenders only work for a few hours in a week and that the objectives of deterrence and rehabilitation are not achieved. The group (32%) who perceived the law as effective way of crime prevention viewed the programme as a mechanism which allows offenders to change for the better, helps to confront the underlying causes of crime and to prevent the offender from re-offending. They also believed that programme provides structures where offenders can gain valuable training, opportunity to socialise and to understand about criminal justice.

Table 4.6: Facilitators views on effectiveness of community service orders in crime prevention

Effectiveness of community service orders	Frequency	Percentage
Effective	6	32
Not effective	12	68
Total	18	100

Source: Survey Data (2012)

4.4.5 Sustainability of Community Service Orders programme

On sustainability of community service orders programme majority of the respondents (80%) viewed the programme as sustainable in rural areas and not in major towns like Nairobi where most offenders keep on shifting from their places of abode. The other group (20%) who did not view it as sustainable mentioned that the programme needs to invest on continuous training of stake holders and in creation of awareness as a way of ensuring that it is embraced, widely implemented and sustained.

Table 4.7 Facilitators views on sustainability of Community Service Orders programme

Views on sustainability of CSO programme	Frequency	Percentage
Sustainable	15	80
Not sustainable	3	20
Total	18	100

Source: Survey Data (2012)

4.4.6 Views of effectiveness of community service orders as an alternative to imprisonment

On effectiveness of community service orders as an alternative to prison, 85% of the respondents rated the programme as effective if well implemented and opined that it would satisfy criminal justice objectives. They argued that offenders receive punishment, pay back to the community and also get rehabilitative opportunities. The other group (15%) who viewed it as ineffective cited that the programme lacks public support and acceptance as a sufficient punishment and a way of reducing crime. The response is as illustrated in table 4.8 below.

Table 4.8 Facilitators views on effectiveness of community service orders as an alternative to imprisonment

Effectiveness as alternative	Frequency	Percentage
Effective	15	85
Not effective	3	15
Total	**18**	**100**

Source survey data (2012)

When the study sought to know the effectiveness of the programme in bringing reconciliation between community / offender, and victim / offender all the supervisees and agent supervisors who participated in the study indicated it was not effective and cited minimal impact of the programme on the community and lack of follow up and interest by victims after sentence is passed.

4.4.7 Perceived benefits of Community Service Orders programme

All the respondents who participated in the study mentioned the following as benefits that can be derived from the programme;

Benefits to community; - that the community would derive benefits from service rendered that is not paid for and that community service is a form of payback for the wrongs done and a way of discouraging future crimes.

Benefits to victims; – the perceived benefit is that the victim would get the satisfaction that offender is punished. He/she would also get a chance to reconcile with the offender.

Benefits to offender; – the offender serves term, leads a normal life, and is given opportunity to re-examine him/herself (rehabilitation) and also gets the opportunity to acquire more development skills. A –supervisee said that 'Community Service Orders is the only way through which one can change behaviour by learning through doing unpaid manual work for the community. I have also learnt a lesson on how to deal with challenging issues without breaking the law'.

Benefits to family of offender – Offender is able to take care and live with the family, there is participatory rehabilitation and benefits from presence of supervisor.

One of the -supervisees said;

'I am satisfied with community service work as the kind of treatment I am given is more human and good' while another mentioned that 'I like community service because my supervisor treats me in a more humane manner. I am also together with my family members'.

Another -supervisees said;

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'Community service should be regarded as an alternative to imprisonment as I am free and I can do something for my benefit'.

4.5 Factors influencing use of Community Service Orders

4.5.1 General knowledge of Community Service Orders

All the respondents who participated in the study described community service orders in various ways that included:

'Sentence where convicted offenders are placed to perform unpaid public work; a non custodial community based sentence where offenders perform unpaid public work within community and a sentence for non-serious offenders and orders given by court to a probation officer to hold a convict on community service for period specified by court'. The responses were not off from the truth and indicated that the respondents had a general understanding of the concept.

4.5.2 Facilitator's knowledge of community service orders programme

It is difficult to support an innovation about which one has little knowledge about. In community service programme a degree of knowledge would impact on key actors to embrace and utilise the law. When the study sought to know the facilitators knowledge of the programme, (70%) of the respondents rated their knowledge as high while 30% rated it as medium. None considered his or her knowledge as low. All indicated that they knew about community service orders programme in their line of duty. The study also indicated that 82% of the respondents knew about the existence of community service orders guidelines that were available for use.

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Table 4.9 Facilitators rating on Knowledge of Community Service Orders programme

Knowledge of CSO programme	Frequency	Percentage
High	13	70
Medium	5	30
Total	**18**	**100**

Source: Survey Data (2012)

4.5.3 Views on relevance of training in utilization of Community Service Orders

The study indicated that the respondents believed that training was relevant (70%) indicating that it was very important while the rest (30%) mentioned that it was averagely important. The respondents opined that training would help change one's attitude of the programme; help in the implementation of the programme, sharpening of skills and identifying gaps and problematic areas. The respondents argued that the programme was not very effective because there were no updates on current work trends in enforcing the law and that officers have been trained but supervisors and agencies lack adequate training.

4.5.4 Facilitators formal training in the last three years

When the researcher sought to know the number of formal training received by the respondents, 55% mentioned less than three while 45% had not received any formal training in the last three years.

4.5.5 Collaboration with other stakeholders

The technological differences and changes demand that people working towards a similar goal work closely to realise their goals efficiently. In Community Service Orders, collaboration of stakeholders is key instruments to achieving desired results. In the last one year, 70% of the respondents mentioned they had been involved in a collaborative activity with other stake holders. The types of collaborations mentioned include: Sharing of experiences and insights, problem solving, monitoring and evaluation of the programme and training.

The respondents indicated sharing of insights and experience, having joint projects with agencies and monitoring of the programme as the most valuable collaboration in promoting the use of community service law and rated the importance of collaboration in the utilization of the orders as very high (34%), high (10%), medium (22%) and low (34%). The response is as shown in the table 4.11 below

Table 4.10 Facilitators rating on importance of collaboration of stakeholders

Rating	Frequency	Percentage
Very High	6	34
High	2	10
Medium	4	22
Low	6	34
Total	18	100

Source: Survey Data (2012)

Positive rating was due stakeholders input in the implementation of the programme and in finding solutions while negative ratings were as a result of lack of interest amongst stake holders, very few forums that facilitated for collaboration and inadequate involvement of stakeholders like police, provincial administration and human rights groups.

Among the liaisons mentioned as important but not established included; an office to be set aside for Community Service Orders specific duties whose role would include strategising CSO activities and facilitating better communication with stakeholders; liaison with NGO for training and promotion of the programme, liaison with Nairobi City Council as a department involved in cleaning and drainage maintenance; data centres linking the actors and incorporating provincial administration such as Chiefs and other local authorities in the administration of community service activities.

4.5.6 Availability of funds' influence on levels of CSO utilization

The success of any programme is partly attributed to its funding. The government has been funding Community Service Orders programme since its initiation even though the study revealed that the finances allocated to the programme are inadequate. The facilitators mentioned that adequate resources were needed to reach workplaces and that inadequate resources of funds were a hindrance to supervision and hence contributed to unsatisfactory follow ups, inadequate training of actors, inadequate tools and employment of staff to perform CSO duties. Agent supervisors also experienced problems of lack of tools, relevant skills and lack of first aid kits at work places.

They also said it was very difficult to monitor supervisees after the second day of the Community Service Orders To this end, the respondents recommended need for efficient transport, that is a vehicle with adequate fuel allocation, more awareness creation, more finance for the programme, enough tools and protective clothing and training of the stakeholders. Others are provision of airtime to enhance communication, provision of allowances and increase of manpower in the programme.

The respondents were of the view that adequate funding in the use of Community Service Orders was very important (70%), important (20%), medium (10%). They mentioned that adequate funding would accelerate utilization of the programme by helping in: Training supervisors and other stakeholders; facilitating supervision and general communication; motivation of the staff and stakeholders; improving networking, providing allowances, help in buying working tools and sustaining the projects initiated.

Table 4.11 Influence of funds availability on levels of CSO utilization

Influence of funds availability on levels of CSO utilization	Frequency	Percentage
Very important	13	70
Important	4	20
Medium	1	10
Total	18	100

Source: Survey Data (2012)

4.5.7 Facilitators Reaction to Opinion Statements

Respondents were also treated to opinion statements by the researcher. The statements touched on various issues. The data indicated respondents believed that developing a working relationship with other users of the programme and coordinating effort with others would maximise effectiveness of the programme. Table 4.12 below shows the number of respondents who agreed with each statement.

Table 4.12 Reaction to Opinion Statement

Opinion Statements	Frequency	Percentage
Need to develop a working relationship with other users	14	26
Need to coordinate effort with others to maximize effectiveness of the programme	13	24
Need to know the resources available if decided to use CSO	9	16
Concerned about ability to manage all that CSO programme requires	7	13
Want the programme modified based on the experience	5	9
To know how the programme was better than what they had	3	6
Not motivated to change	3	6
Total		100

Source: Survey Data (2012)

Most respondents (26 %) each expressed desire to develop a working relationship with other users and (24%) wanted to coordinate their effort with others to maximize effectiveness of the programme. Nine respondents (16%) each were of the opinion that they would like to know the resources available if decided to use CSO and seven (13%)were concerned about ability to manage all that CSO programme requires. Five respondents (9%) each were of the opinion that they would like the programme modified based on the experience while three (6%) wanted to know how the programme was better than what they had and stated that were not motivated to change.

4.5.8 The facilitators and key informant opinion on barriers that affect levels of utilization of Community Service Orders.

All the facilitators and key informant who participated in the study indicated that levels of utilization of the Community service law was affected by several barriers. These included;

Lack of fixed places of abode and high rates of non-compliance; the facilitators observed that most offenders who committed petty crime did not have permanent places of abode which is one of the pre-requisite for one to benefit from the programme and that those on the programme keep on shifting from one place to another making their supervision difficult.

Low public awareness; the key informant opined that low public awareness, lack of public understanding of the programme, lack of public confidence and appreciation, lack of informed agent supervisors contributed to lack of public support and participation in the programme, ingredients that are important for a successful implementation of a

community scheme.

Inadequate resources; the respondents opined that inadequate funding of the programme to improve efficiency contributed to low utilisation level. They observed that lack of resources such as adequate means of transport, adequate equipments, lack of tools and resources for training were a burden to implementers and a hindrance to utilisation.

Lack of partners in growth and development; the key informant indicated that the programme lacked partners to support the programmes activities such as training, empowerment of stake holders with skills, awareness creation, promoting positive attitude and improving on the running of the programme.

Poor attitude some facilitators as observed by the key informant are not motivated and have negative attitude towards the programme.

Corruption; the key informant observed that some corrupt facilitators and supervisors discouraged others from utilising the programme.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter focuses on the research questions as to what level is community service orders programme utilized, how actors view effectiveness of community service law and what factors are influencing utilization of community service law.

5.2 Summary of the Findings

5.2.1 Background information of community service orders facilitators and supervisees

Majority of the facilitators were female. This was revealed by 67% of the respondents sampled. Out of the five supervisees sampled three were female and three had primary level of education. The study found that facilitators had served in their career for more than five years as revealed by 55%, an indicator that they had a lot of experience.

5.2.2 Utilization of community service orders

On utilization of Community Service Orders Programme, the research finding indicated that the programme is not frequently used and very few community service orders are passed. Majority of the respondents 90% indicated that they were rare users of the programme. From the secondary data the findings revealed a meagre percentage of community service orders passed between years 2007-2011. The finding established that community service law was imposed on various types of offences and to diverse

categories of offenders. The offence of stealing emerged as the leading offence committed by the offenders on the programme. The study indicated that first offenders and women were more likely to be awarded community service sentence though the youth were the choice of agent supervisors. It further established that majority of the respondents 65% help to identify suitable offenders for placement and to supervise the order. Probation officer was found to be the most likely judicial officer to suggest community service as a punishment as revealed by 90% of the respondents. Several factors are considered while imposing Community Service Law and abode emerged as the leading factor considered.

The study found non compliance, low public awareness; inadequate training for implementers; inefficient transportation to work place; lack of motivation; corruption; few referrals from courts; poor attitude; lack of tools; inadequate funding and non soliciting of prosecutor's input as factors affecting administration of Community service orders.

5.2.3 Views on effectiveness of Community Service Orders Programme

On argument that community service law is a soft way of treating offenders, the finding showed mixed perception expressed by the respondents. Majority perceived the law as a better option and not a lenient option. This was indicated by 73% of the respondents who believed that the option allowed offenders to lead a normal life while undergoing punishment through execution of unpaid public work and in the process offenders realise cost of their action.

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Those who opined that it was a soft option argued that supervisees buy out their freedom. Mixed perception was expressed by the respondents on effectiveness of Community Service Order in reduction of prison population. Majority 54 % of the facilitators believed that the programme would be effective if well utilised as an alternative for those serving three years and below while 46% who perceived it as ineffective argued that the programme is not taken seriously, offenders abscond, re-offend and keep on being re arrested.

The study established that majority of the respondents did not perceive the programme as effective way of crime prevention as indicated by 68% of respondents who said that the programme does not achieve the objective of deterrence and rehabilitation as offenders only work for a few hours in a week.

The finding established that majority of respondents viewed community service order programmes to be an effective alternative to imprisonment if well implemented. This was indicated by 85% of respondents who believed that the programme has potential to satisfy criminal justice objectives. The finding further established that the programme is viewed as more sustainable in rural areas and not in major towns like Nairobi where offenders keep on shifting from their places of abode. This was indicated by 80% of the respondents. The supervisee and agent supervisors observed that the programme was not effective in bringing reconciliation between offender and the victim, and offender with the community due to victims lack of interest and due to minimal impact that the programme has on the community.

On the perceived benefits of Community Service Orders programme the respondents indicated the following; to the offenders; serving a term while leading a normal life, opportunity to re-examine oneself and opportunity to acquire more development skills. To the family of offenders; offender is able to take care of the family and to live with them as well as participatory rehabilitation.

5.2.4 Factors influencing utilization of community service orders

On the factors influencing utilisation of community service orders the study indicated that facilitator's knowledge of the programme was high. This was revealed by 70% of respondents who rated their knowledge as high while 30% rated medium and 82% knew about the existence of guidelines that are available for use. The study established that training in utilization of Community Service Law was relevant as indicated by 40.4% of respondents who said it was very important and 55.6 saying it was important. The facilitators believed that training would help to change one's attitude of the programme; help in implementation of the programme and help sharpen skills and identify gaps and problem areas. The major setback indicated affecting utilisation included lack of updates on current work trends in enforcing the law and that agent supervisor's lack adequate training.

Collaboration with other stakeholders is key instruments to achieving desired results in Community Service Orders Programme. The study established that sharing of experiences and insights, problem solving and monitoring and evaluation of the programme to be the type of collaborations the actors had been involved in. This was

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revealed by 70% of the respondents. It also indicated that in promoting the use of the programme, sharing of insights and experiences, having joint projects with agencies, involving the community, the non-governmental organisations and having trained supervisor were imperative. The study found that the programme was faced with challenges of lack of interest amongst stake holders; lack of follow ups on training and implementation; very few forums that facilitated for collaboration and that stakeholders like police, provincial administration and human rights groups are not adequately involved.

On how the availability of funds have influenced utilisation of community service orders, it was found out that adequate resources were needed to reach the work places and the community and that inadequate resources were a hindrance to supervision which contributed to unsatisfactory follow ups, high rates of non compliance, inadequate training of actors, inadequate equipments and personnel. Agent supervisors also experienced problems of lack of tools, relevant skills and lack of first aid kits at work places. The study established that adequate funding was very important in ensuring adequate working conditions for the actors and accelerating the use of community service order as revealed by 80% of the respondents

5.3 Conclusion

The purpose of the study was to establish the barriers affecting utilisation of community service law in Makadara Law Court. From the finding it can be concluded that there are numerous challenges that beset the programme which affect its application. It is

concluded that very few community service orders are passed and that the programme level of utilisation is low.

Based on views expressed by respondents on Community Service law, it can be concluded that the law is viewed to be an effective alternative to imprisonment, an effective way of reducing prison population and a better option if well implemented and not as a lenient option. It is further concluded that community service orders programme is perceived to be sustainable in rural areas and not in major towns like Nairobi.

On the factors influencing utilisation levels of community service law it can be concluded that knowledge of the law was high among the principle actors but lack of updates on current work trends in enforcing the law and inadequate training of other stakeholders affected administration of Community Service Programme. It is further concluded that regular and continuous training of stakeholders is relevant if the programme is to make impact.

The study concluded that sharing of experiences and insights, problem solving and monitoring and evaluation of the programme were the main types of collaborations in the programme and that stake holders developing working relationship and incorporating development partners in the programme would maximise effectiveness of the programme and accelerate utilisation. Finally from the finding it can be concluded that insufficient funding and lack of resources such as adequate means of transport for home visits and follow up, adequate tools, equipments for information retrieval, adequate provision of

allowance and adequate resources for awareness creation are great burden and hindrance to utilisation of community service programme.

5.4 Recommendations

The study came up with several recommendations which if implemented will promote the use of community service orders. These included;

i. Intensifying awareness campaign through electronic and print media and keeping the public informed and involved in activities of community service orders programme to help the programme become more significant aspect of the criminal justice.

ii. Conference, seminars and other activities should be organised regularly to stimulate facilitator's awareness on the need to use community service law.

iii. The government should invest in regular and continuous training aimed at promoting effectiveness and efficient supervision of offenders.

iv. It should also develop partnership and involve N.G.O to support the programme activities.

v. Cooperation of justice agencies at all levels and with various stakeholders should be enhanced and a net work system linking the stakeholders be established for effective implementation and sustainability of the programme.

vi. The government should also provide more resources, equipment, employ more personnel and motivate actors for efficient work.

5.5 Recommendation for Further Research

The researcher recommends that further research be conducted to establish the public perception of community service law and to determine whether the public understands the objectives of the programme. This will build on what this study has established and contribute to the existing knowledge of community service orders programme in Kenya.

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APPENDICES
Appendix 1: Letter of Introductory

Date

University of Nairobi

Faculty of Arts

Department of Sociology

Dear Sir/Madam,

My name is Joyce Kimemia and I am a postgraduate student at the University of Nairobi. I am conducting a study to determine the barriers affecting utilization of community service orders programme in Makadara district. This is a partial fulfillment for the award of Master of Arts degree in Criminology.

The study aims at revealing the effects of stakeholder's training, collaborations, networking and funding on utilization of the CSO programme. The study also seeks to establish the stakeholder's attitude towards the CSO programme.

Your response and opinions will be handled confidentially and will only be used for the purpose of this study. I shall not discuss the interview with any other person except the supervisor of this study. I would like you to answer all the questions but you can decide not to answer some or all of the questions. I wish to thank you for your voluntary and informed participation in this study.

Signed

Date

Organization:...

The questionnaire aims at examining the barriers affecting utilization of Community Service orders Programme in the criminal justice system in Makadara Law courts in Kenya.

Please tick the appropriate answer in the provided boxes with an × and where applicable write the required response in the spaces provided.

Respondent's sex   1. Male   ( )   2.   Female ( )

1. How long have you served in your career?

      1-3 years

      4-6 years

      7-9 years

      10- 12 years

Part A-questions on the utilization of community service orders

2. Generally, what is your understanding of community service orders?

....

....

....

3. What is your contribution as far as community service orders is concerned?

....

....

....

4. a) How would you rate the level of community service orders utilization in your area of jurisdiction? a) High   ( ) b) average ( ) c) low ( )

 b) In the use of Community Service Orders what do you consider yourself to be?

a) Non user   ( )

b) A rare user   ( )

c) Intermediate user   ( )

d) Frequent user   ( )

e) Past user   ( )

5) Approximately how many Community Sentence Orders have you imposed/recommended in the last six month?

    (a) Less than 10

    (b) Between 10-20

    (c) More than 20

b) Please indicate percentage of use

....

6. If your answer in question (4) is not (a) what factors do you rate highly when considering Community Service Orders Sentence

a) Nature of the offence ( )	h) Public safety	( )
b) Attitude of the offenders ( )	i) Mitigation	( )
c) Economic gain ( )	j) Promoting Human rights ( )	
d) Abode ( )	k) Enlightened behaviour ( )	
e) Availability of Institution ( )		
f) Employment ( )		
g) Family status ( )		

Others (State)...

....

7. In your experience what categories of offenders would you recommend/sentence to community service work?

    a) Women ☐ Men ☐ Pregnant women☐ First offenders☐ Youth ☐ If others please specify and give reasons

    ....

    ....

8. Who is mostly likely to suggest community service orders as a punishment?

a) Magistrate ( ) b) probation officers ( ) c) prosecutors ( ) d) others specify ( )

....

9) a)Do you think there are barriers affecting utilization of community service law?

Yes ( ) No ( )

b). List your top three barriers that affect your mandate as regard to utilization of community service orders programme and explain why they are so

....

....

....

....

11. Suggest recommendations for the barriers

....

....

....

Part B- questions on views of community service orders programme

12. Some people especially the victims have argued that community service is a soft way of treating offenders?

a) Agree ☐ Disagree ☐

b) Give reasons for your answer.

....

....

....

13)How were offenders especially those who committed minor offences, punished before the enactment of community service law?..

....

14). What do you think are the benefits of community service orders programme to?

a) The community?

....

b) Victims?

....

c) Offenders?

....

d) Families of offenders

....

15) Do you think community service orders programme is an effective way of reducing Prison population

a) Yes ☐ No☐

Give reasons...

a) How do you treat offenders who commit crimes while doing community service work...

b) What happens when an offender fails to fulfil the requirement of community service orders...

16) Do you think community service orders programme is an effective way of crime prevention ? a) Yes ☐ No☐

Give reasons...

17) How would you rate the effectiveness of community service programme as an alternative to imprisonment?

a) Very effective   b) effective   c) not effective at all

18) Do you think community service programme is sustainable?

a) Yes ☐ No☐

b). Explain your response..

19) Comment on the comparison between community service orders and other community corrections being used

Part-Questions on facilitator's knowledge and collaboration

20) How did you come to know about community service orders?

....

21). Are there Community Service Orders guidelines produced for you and for the use of court? Yes ( )   No ( )

22) How would you rate the level of your knowledge on community service law?

a) High   b) medium   c) low

23). How relevant is training in the use of Community Service Orders?

a) very ( )   b) average ( )   c) not relevant ( )

Give reasons..

....

....

a) Please explain how training or further training would accelerate utilization of Community Service Orders programme

....

....

....

24). During the last one year did you collaborate in any of the Community Service orders programme activities with other users?   Yes-( )   No ( )

If your answer is yes please indicate the type of collaboration

a) Problem solving

b) Monitoring and evaluation of the programme

c) Training

d) Sharing of experiences and insights

e) Others (state)

b) Please explain the type of collaboration you would   consider most valuable in promoting use of community service orders?

....

....

....

25). How would you rate the importance of collaboration and net working of stake holders in the use of Community Service Orders?

a) Very high   ( )   b) high   ( )   c) medium ( )   d) low ( )   e) not relevant ( )

26). What liaisons have your section not established but are important for Community Service Orders Programme utilization...

....

....

....

Influence of funds on utilization of community service orders

27. Are the resources for Community Service Orders Programme adequate?

Yes ( ) No ( )

b) If not how does the inadequacy affect your mandate as in regard to utilization of the programme?

....

....

....

c) What type of resources would you recommend?...

....

28) How would you rate the importance of adequate funding in the use of community service orders?

a) Very high   ( )   b) high   ( )   c) medium ( )   d) low ( )

B) Which key issues and obstacles concerning Community Service Orders Programme should fund seek to overcome?

....

....

29) List the challenges you encounter in effective implementation of Community Service Orders programme?

....

....

....

....

....

....

30). Give recommendation

....

....

....

31). Please respond to the following items on how you feel about the use of Community Service Orders Programme.   (Tick as applies)

a. I have very limited knowledge of the programme

b. I am concerned about revising my use of the programme

c. I would like to develop a working relationship with other users

d. I would like to know what resources are available if I decide to use Community Service Orders.

e. I am concerned about my inability to manage all that Community Service Orders programme requires

f. I would like the programme modified based on the experience

g. I would like to co ordinate my effort with others to maximize effectiveness of the programme

h. I would like to use feedback from other users to change my perception of Community Service Orders

i. I am not motivated to change

j. I would like to know how the programme is better than what we have

Appendix 3: Questionnaires for Community Supervisors.

The questionnaire aims at examining the barriers effecting utilization of Community Service Programme in the criminal justice system in Makadara Law Courts in Kenya.

The information attained will only be used for the purpose of this research study and therefore will be confidential.

Please tick the appropriate answer in the provided boxes with an × and where applicable write the required response in the spaces provided.

1) What do you understand by the term community service?

....

....

2) How many formal Community Service Orders training have you personally received in the last one years?

   a) None ( ) b) between 1-3 ( )   c) more than 3 ( )

3) How would you rate the relevance of training in the utilization of Community Service Orders?

   a) Most   b) quite c) average d) not very e) least

Please explain your response...

4) How do you feel towards an offender who is doing community service work as a form of punishment?

Very friendly □ Friendly □ Afraid □ Unfriendly □ Others (please specify)

....

b) Give your reasons

....

5) Do you think that this form of punishment has helped in reducing crime rate in this community? □ Yes □ No

Please explain ....

b) Does the work benefit the community or is it perceived to benefit the community?

□ Yes □ No

c) If yes, in what way?

....

6) Are there any problems that you have encountered in the implementation of community service programme? ☐ Yes ☐ No

b) If yes, please mention them

....

....

....

Please explain how you addressed the problem...

7) How would you rate the importance of collaboration with the principal user of Community Service Orders?

a) Very high ( )   b) high ( )   c) medium ( )   d) low ( )   e) not relevant ( )

Explain your response

....

....

8) What role do you play as community supervisor for ensuring that this programme is effectively implemented?

....

....

....

9) What categories of offenders would you recommend for community work. Mention them. ☐ Women ☐ Disabled ☐ The sick ☐ Children ☐ Youth ☐ Others, specify

b).Give reasons ....

10) In your opinion, how effective is the community service programme as an alternative to imprisonment;

Very effective ☐ Effective ☐Not effective at all

11) In your own view would you recommend that the courts continue to apply community service instead of imprisonment as a way of sentencing offenders?

☐ Yes ☐ No

b) Give reasons

....

12) What are the advantages and disadvantages for using this form of punishment for;

a) Offender?

....

b) Community?

....

c) The victim?

....

d) Families of the offenders/victims?

....

13) Do you think Community service programmes has been effective in reconciling the offenders with the rest of the community?

a) Yes ☐ No ☐

b) Give reasons for your answer?

....

14). What are your suggestions and recommendations in regard to community service?

....

....

Appendix 4: Questionnaire for Offenders and Ex-offender

The questionnaire aims at examining the barriers affecting the utilization of Community Service Programme in the criminal justice system in Makadara Law Courts in Kenya.

The information attained will only be used for the purpose of this research study and therefore will be confidential.

Please tick the appropriate answer in the provided boxes with an × and where applicable write the required response in the spaces provided.

1. Age...

2. Gender: ☐ Male ☐Female

3. Educational Level: ☐ None ☐ Primary ☐ Secondary ☐ University ☐ Others (specify)

4. Employment ☐Yes ☐ No

b) If yes please specify

....

5) What kind of crime did you commit?

....

b) Do you think you would have received a prison sentence? ☐ Yes ☐ No

☐ Don't Know

6. What do you understand by the term community service?

....

7. Do you think community service can be regarded as an alternative to imprisonment?☐ Yes ☐ No

b) If yes, give reasons for your answer

....

c) If no, give reasons?

....

8. What kind of community service would you recommend?

☐ Digging ☐ slashing ☐ planting trees ☐ construction ☐ If others please specify)..

9. If you are currently doing community service what kind of work are you involved in?

....

b) If not, skip to question 12.

c) Are you satisfied with your work? ☐ Yes ☐☐ No

d) Give reasons for your answer.

....

10. How were /are you being treated by the community during the course of doing community service work? ☐☐ Very good ☐☐ Good ☐☐ Bad ☐☐ Very bad.

11. What do you think are the advantages of community service work to you?

....

....

....

b) What do you think are the disadvantages of community service work to you?

....

....

....

12. Do you think community service programme is a way of reconciliation between offender and the victim? ☐☐Yes ☐☐ No

b) Give reasons for your answer.

....

13. Have you spent time in prison? ☐☐ Yes ☐☐ No

a) Comment on the comparison between community service order and prison

....

b) Who suggested/recommended community services order as a sentence in your case?

a) Offender ☐☐ b) magistrate ☐   c) probation officer ☐ d) others state.............

14. What are your suggestions and recommendations in regard to community service?

Appendix 5: Interview Schedule for Key Informants

1. What is your name?

2. Which section/department do you belong to? What is the role of the section/department in relation to utilization of the CSO programme in Makadara district?p--

3. What is your position and duration of service?

4. What are your duties?

5. What is your understanding of the barriers affecting utilization of CSO programme in Makadara district?

6. What is your contribution as far as utilization of CSO programme is concerned?

7. What are the difficulties facing you and your section/department in executing your mandate as regards to utilization of CSO programme?

8. What action should be taken to address these difficulties?

9. Are the existing CSO programme utilization measures effective?

10. What needs to be done to make them effective and eventually sustain this position?

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