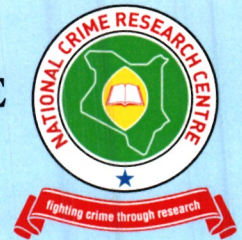




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THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN KENYA



Stephen Masango Muteti

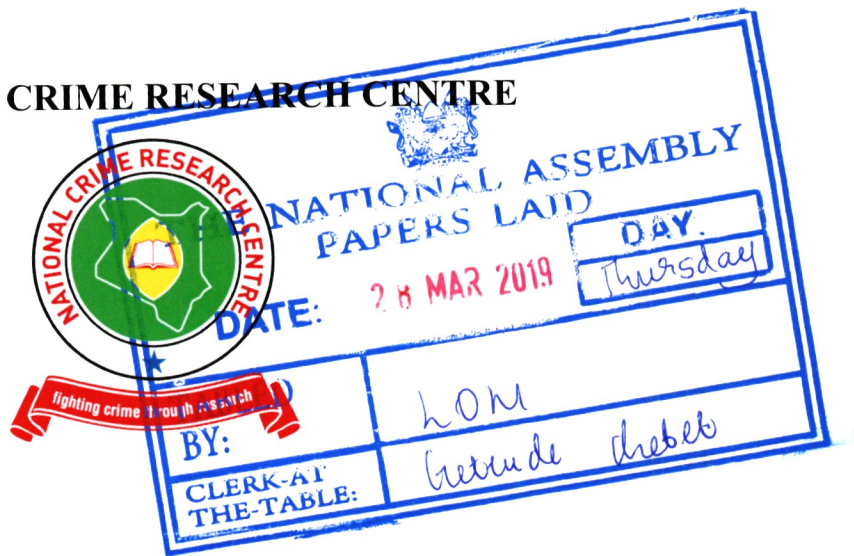
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NATIONAL CRIME RESEARCH CENTRE



**THE DELIVERY OF COMMUNITY-BASED SENTENCES:
THE CASE OF COMMUNITY SERVICE
ORDERS IN KENYA**



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FOREWORD

The provision of public safety is one of the leading functions of public service and successful performance in this role requires a strategic approach that demands concerted efforts by all the stakeholder institutions with an aspect of security functions in their mandates. The National Crime Research Centre (NCRC) has the overriding objective and role of carrying out research into the causes of crime and its prevention and to disseminate such research findings to relevant government agencies tasked with the responsibilities of administration of criminal justice. This is with a view that such information passed over to them will be of great assistance in their policy formulation and planning. Understanding and managing crime in terms of specific crime prevention approaches becomes a practical way of appreciating and tackling it.

Worldwide, penologists have appreciated the critical role of non-custodial approaches of rehabilitation and supervision of petty offenders in crime prevention and management as a better alternative to imprisonment of such offenders. The latter approach has been considered expensive to governments in a number of ways including: the economic costs of maintaining prisoners; prison congestion; hardening of petty offenders to become hardcore offenders and recidivists; and contributing to the breakdown of families and the delinquency of the dependent minors.

The study on Community Service Orders (CSO) was given impetus by the continued use of prison sentences on petty offenders in spite of the criminal justice system in the country having the option of CSO sentences which have to a large extent been proven to be beneficial in the socio-economic development of the country. In the light of its potential to contribute meaningfully toward the effective administration of criminal justice in the country, the study focused on the: extent of utilization of Community Service Orders in Kenya; factors influencing the utilization of Community Service Orders by the courts in Kenya; factors affecting the levels of compliance with Community Service Orders by offenders; factors shaping public attitudes toward Community Service Orders; challenges facing the delivery of Community Service Orders in Kenya; and the interventions towards strengthening Community Service Orders Programme in Kenya. Information was gathered from 58 Magistrates, 138 Community Service/Probation Officers, 515 CSO Supervisees/offenders, 34 victims and 507 members of the public drawn from the local community surrounding the sampled CSO stations, Key Informants and participants in Focus Group Discussions.

This publication brings to fore milestone findings and pertinent issues which if properly utilized and rightly adopted offer good advisory framework in policy formulations and programmatic actions essential to strengthen the utilization of the Community Service Orders Programme in the administration of criminal justice and crime prevention in the country. I therefore call upon all players in the Governance, Justice, Law and Order Sector and the other agencies represented in the National Council on the Administration of Justice to support the CSO Programme in order to realize its full potential. Finally, I wish to thank all state and non-state agencies and individuals that supported the study; NCRC Governing Council members and management who guided the finalization of this report.



**PROF. GITHU MUIGAI, EGH, SC.
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The study on Community Service Orders in Kenya, a timely response to the problem of criminality in the country in general and prison congestion in particular, involved many participants who made tremendously contributions. The National Crime Research Centre (NCRC) would like to acknowledge and thank all the individuals and institutions that made the study a success. First, we thank the Government of Kenya for the financial support without which the study would not have been accomplished.

The Centre would like to thank the members of the Governing Council of NCRC in general and the Research and Development Committee in particular for their strategic leadership and professional guidance in the implementation of the study. In a special way, we thank Dr. Robinson M. Ocharo, a member of the Council and Committee, who supervised the writing of the report and reviewed it.

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The Centre expresses its utmost gratitude to the Research Supervisors and Assistants who did a commendable job in ensuring that quality and authentic data was collected, cleaned, coded and entered into the analysis platform ready for analysis and report writing by Centre's staff.

NCRC equally thanks Mr. Jackson O. Ouma who peer-reviewed and edited the report. To the other individuals who through their generous comments helped to enrich the final report the Centre applauds your contributions.

Finally, I convey my sincere appreciation to the NCRC's Head of Research Mr. Stephen M. Muteti who was the lead researcher and who authored this report, as well as Mr. Isaiah N. Ndege, a Research Officer, who assisted in the report writing, for their tremendous contributions in the finalization of the report.



GERARD E. WANDERA
DIRECTOR/CEO
NATIONAL CRIME RESEARCH CENTRE

ABBREVIATIONS/ACRONYMS

CSO	Community Service Orders
EMPE	Extra Mural Penal Employment
FGD	Focus Group Discussion
GJLOS	Governance, Justice, Law and Order Sector
KNBS	Kenya National Bureau of Statistics
NCAJ	National Council on the Administration of Justice
NCRC	National Crime Research Centre
O.D.T	Organizational Development Theory
PRI	Penal Reform International
SWOT	Strengths, Weaknesses, Opportunities and Threats
UNAFRI	United Nations African Institute for the Prevention of Crime and Treatment of Offenders
UNODC	United Nations Office on Drugs and Crime
USA	United States of America

OPERATIONAL DEFINITION OF TERMS

Challenges facing the delivery of Community Service Orders

These were the difficulties, hindrances or obstacles facing the effective implementation of the CSO Programme. The challenges included: lack of support and negative attitude by relevant stakeholders; non-compliance and reoffending; corruption; lack of knowledge and training on CSO; limited resources for the CSO Programme; and poor supervision of CSO offenders.

Community Service Orders Sentence

This referred to a non-custodial sentence handed to an offender by a Law Court to perform unpaid community work and undergo criminal behavior rehabilitation under the overall supervision and rehabilitation of a Community Service Orders/Probation Officer for a period of between one day and three years.

Community Service Orders Supervisee

Community Service Orders Supervisee referred to an offender sentenced by a Law Court to serve a Community Service Orders sentence. The terms 'Community Service Orders Supervisee' and 'Community Service Orders Offender' have been used interchangeably.

Compliance with Community Service Orders

This referred to offenders' adherence to the provisions of the Community Service Orders. The general CSO compliance requirements are that the offender should: not commit another offence during the period of the order; report to a Community Service Officer on admission and thereafter report to, and receive visits as directed; perform community service in a satisfactory way, as directed; notify any change of residence or employment within a stipulated number of days; and comply with every reasonable direction of a Community Service Officer.

Factors influencing the utilization of Community Service Orders

These referred to the positive aspects which informed the Sentencing Officers (Magistrates and Judges) to commit offenders to CSO and the negative issues which discouraged them from committing offenders to CSO. The positive aspects included: petty nature of crime/type of offender; prison decongestion benefits; community's positive attitude towards the CSO Programme; proper coordination among stakeholders; and committed, efficient and competent CSO officers. The negative aspects included: inadequacy/lack of stakeholders' sensitization about the benefits of CSO Programme; lack of stakeholder/community support to CSO Programme with some having negative attitude; difficulty in reaching placement work agencies by CSO Supervisees; the serious nature of the offences; and Sentencing Officers' perception that CSO Supervisees were poorly supervised

Factors shaping public attitudes towards Community Service Orders

These were the positive and negative aspects which influenced the attitude of members of public towards CSO. The positive aspects included: improved community sensitization on the Programme; enhanced rehabilitation of CSO offenders; the fact that offenders do not suffer imprisonment; promotion of family

unity; enablement of the offender to continue with other socio-economic activities; and provision of free labour by offenders. The negative aspects included: perception of CSO as a lenient form of punishment; lack of sensitization on the Programme; absconding/ non-compliance of offenders; and high rates of reoffending.

Interventions towards strengthening Community Service Orders Programme

These referred to a set of actions and/or strategies required to improve the delivery and results of the CSO Programme. These included: trainings, sensitization and awareness creation of the relevant stakeholders on the CSO Programme; provision of adequate resources to the CSO Programme; and strict and close supervision of CSO offenders.

EXECUTIVE SUMMARY

The continued use of prison sentences on petty offenders in spite of the criminal justice system in the country having the option of CSO sentences which have to a large extent been proven to be beneficial in the socio-economic development of the country gave impetus to the National Crime Research Centre to study the different aspects in the delivery of the CSO Sentence in Kenya. Specific emphasis was given to the: extent of utilization of Community Service Orders in Kenya; factors influencing the utilization of Community Service Orders by the courts in Kenya; factors affecting the levels of compliance with Community Service Orders by offenders; factors shaping public attitudes towards Community Service Orders; challenges facing the delivery of Community Service Orders in Kenya; and the interventions towards strengthening Community Service Orders Programme in Kenya.

The study was anchored on the Retribution Theory, Rehabilitation Theory and Organizational Development Theory. These theories provided a fundamental theoretical framework upon which this study's overall methodology was based.

This study was based on a descriptive cross-sectional survey design. This was deliberately chosen in order to help generate relevant information on the key concern of effective delivery of Community Service Orders. Data was obtained from primary and secondary sources. The survey utilized both probability and non-probability sampling techniques. The study sites were 24 counties which were selected using simple random sampling out of the 47 Counties in Kenya. The selected counties were: Meru, Tharaka Nithi, Isiolo, Bungoma, Kakamega, Vihiga, Taita Taveta, Makueni, Bomet, Nyandarua, Kisumu, Kajiado, Nyeri, Mombasa, Kilifi, Homabay, Nairobi, Kiambu, Machakos, Nakuru, Baringo, Kisii, Nyamira and Siaya. Being a national study, the justification for this sampling method was to ensure a true picture of the nationwide perception and the overall generalizability of the study. Thirty-seven (37) specific Sub-County CSO/Probation Stations (which also had a similar number of Law Court stations) were selected purposively for the study from these 24 sampled counties. The main aim for purposive selection of these specific sites from the sampled counties was in considerations of only those areas that had experienced sizable cases of non-custodial regimes.

The sample respondents for the survey were 1252 and consisted of 58 Magistrates, 138 Community Service/Probation Officers, 515 CSO Supervisees/offenders, 34 victims and 507 members of the public drawn from the local community surrounding the sampled CSO stations.

All the Magistrates and Community Service/Probation Officers in the Thirty-seven (37) specific Sub-county CSO/Probation Stations were purposively targeted for interviews because they were the key pillars of the CSO Programme hence very knowledgeable about the study. The small number size of the Magistrates and Community Service/Probation Officers did not warrant any probability sampling (since most rural Court stations had an average of 3 Magistrates each while CSO offices had an average of 3-5 Community Service/Probation Officers).

The population of CSO offenders in any CSO office/station could not be easily determined prior to the study because it was prone to change at any given day due to one day placements and daily completions of the sentence. Therefore, a predetermined sample of 15 CSO supervisees in each of the 37 sampled Sub-county CSO/Probation Stations was targeted (to make 555 offenders). The visited stations had a stratum for males and females. Therefore, using the Caseload Registers of placed male and female CSO offenders, stratified random sampling and availability sampling was used to select the CSO offenders.

The CSO offenders were reached using directions and contacts provided by Community Service Officers. Only CSO offenders who were traced and were available for the study were interviewed in places of their comfort.

The CSO Programme activities are undertaken in the nearest communities surrounding particular CSO/ Probation Stations. The total population of members of the community/public in the communities surrounding the 37 Sub-county CSO/Probation Stations was not established. The study however targeted a pre-determined number of 15 community members who were randomly selected and reached in their households (that is, one adult per household who was the available household head at the time of the interviews) around each of the stations. Availability sampling was also utilized since some targeted households did not have members present for interviews.

Victims are a rare category. This is because most crimes that qualify for CSOs are minor offenses usually without victims (for example being drunk and disorderly and possession of illicit brews) making the number of victims small. Victims of offences committed by CSO offenders are also hard to reach because most CSO/Probation Stations do not keep their up-to date records or are in many instances not in constant contact (like they are with the offenders) during supervision and rehabilitation of the offenders. Availability sampling of the victims was therefore undertaken and only two (2) victims per CSO/Probation were targeted for interview based on their availability since some victims were not available for interviews.

The Key Informants for the study were Judges, County Directors of Probation and Aftercare Service, Police Commanders, Prison Commanders, Prosecutors, Interior and Coordination of National Government Officers and CSO Work Agency Supervisors/representatives. These respondents were selected purposively because of their small number and knowledge about the administration of criminal justice with regard to crime, sentencing and corrections. Availability sampling was also utilized in selecting and interviewing those who were available as at the time of the survey (since some respondents were not available for interviews).

The CSO Programme, among others, receives guidance and advice on implementation from CSO Case Committees established through Kenya Gazette notices issued by the Minister (Cabinet Secretary) responsible for corrections. Focus Group Discussions were therefore conducted with participants who included members of CSO Case Committees and other key local community members and institutional players in order to capture their perspectives on effective service delivery of CSO. Six Focus Group Discussions (FGDs) were held in the following six (6) CSO/Probation Sub-county offices: Limuru (Kiambu West), Kianjai (Tigania West), Mombasa, Naivasha, Ukwala (in Ugenya, Siaya) and Webuye (Bungoma East, Bungoma). The composition of the FGDs included at least: 2 Victims (male and female); 2 offenders (male and female); 2 CSO Case Committee members; 2 members of public/community (male and female); and 2 Community Service/Probation Officers (that is, Sub-county/District Community Service/Probation Officer and County Director of Community/Probation Service).

The study utilized an interview schedule with both open and closed ended questions administered by way of face-to-face interviews to the members of the public, CSO Supervisees/offenders and victims to collect both quantitative and qualitative data from them on their general knowledge, perceptions, opinions and experiences about the delivery of CSO in Kenya. Self-administered questionnaires with both closed

ended and open ended questions were also used to collect data from the Magistrates and Community Service/Probation Officers. Key Informant Guides and Focus Group Discussion Guides were used to collect data from Key Informants (who included Work Agency Supervisors) and participants of Focus Group Discussions respectively.

Qualitative and quantitative methods of data analysis were employed. Quantitative data were analysed through descriptive statistics using the Statistical Package for Social Sciences. Qualitative data were analyzed mainly by way of interpretation of responses obtained from the Key Informants and Work Agency Supervisors. All information from the analyzed data was presented thematically based on the research objectives.

Key Findings

Extent of utilization of Community Service Orders in Kenya

It was established that Law Courts in Kenya are utilizing CSO in dealing with petty offenders. Being drunk and disorderly was the most common crime/offense reported to have been committed by the CSO supervisees followed by general stealing, assault by causing actual bodily harm, creating disturbance, and finally possession of illicit/illegal brew and drugs. The average monthly CSO placement per Magistrate was 16 offenders.

CSO sentences were found to be majorly beneficial to a large extent and in many specific ways. The most popular benefits included: decongesting prisons; assisting offenders in maintaining family ties; enabling offenders to continue with their economic activities; reducing stigmatization of offenders; rehabilitation of offenders; providing free labour/saving institutions money/funds; reconciliation and reintegration of offenders, victims and the community; crime deterrence; preventing hardening of petty offenders; imparting skills to offenders; and providing alternative to imprisonment and fines for offenders who can't afford. Results of the study indicated that CSO offenders had been empowered in a number of ways, the most prominent forms of empowerment being: acquisition and transfer of skills; guidance and counseling; and financial support and/or provision of working tools and equipment.

Tangible projects such as afforestation/tree planting; construction of public utilities such as toilets; and farming, for example, fish and poultry keeping had been realized through the CSO sentence.

Most respondents believed that CSO was adequately utilized. However, this finding appeared to be a contradiction because the overall prison population in 2016 was more than double the CSO placements for similar petty offences in the same year (that is, 80,614 prisoners against 37,729 CSO offenders).

Factors influencing the utilization of Community Service Orders by the courts in Kenya

Factors contributing to adequate utilization of CSO were found to be: petty nature of crime/type of offender; prison decongestion benefits; community's positive attitude towards the CSO Programme; proper co-ordination among stakeholders; and committed, efficient and competent CSO officers. However, the few respondents who argued that CSO was inadequately utilized mentioned factors which included: inadequacy/lack of stakeholders' sensitization about the benefits of CSO Programme; lack of stakeholder/community support for CSO Programme with some having negative attitude; difficulty in reaching placement work agencies by CSO Supervisees; and most offences committed in the locality did not qualify for CSO mainly because they were serious offences.

Factors affecting the levels of compliance with Community Service Orders by offenders

Compliance with CSO by CSO supervisees was found to be generally satisfactory. The main reasons given by Magistrates and Community Service/Probation Officers for the satisfaction were: low levels of absconding by the CSO offenders and strict supervision of the CSO offenders by CSO Officers. Findings from majority of the Magistrates, Community Service/Probation Officers, CSO Supervisees/offenders and community members showed that CSO Supervisees reported to CSO offices for supervision and rehabilitation as instructed by the CSO Officers. Of the community members, majority reported that CSO offenders reported to CSO Officers often.

Based on the number of actual placements of CSO offenders in Kenya, the analysis of the actual rate of successful CSO sentence completions for the years between 2012 and 2016 was over 96.0%. This rate of compliance was in agreement with the perceptions of most (46.4%) of the Community Service Officers who had estimated the successful completions at 75.0% and above. The key factors influencing compliance with the requirements of a Community Service Orders sentence were established to be: the level of supervision by CSO Officers; fear of incarceration for breach of CSO; and, a clear understanding and attitude of the offender towards CSO.

Factors shaping public attitudes towards Community Service Orders

The findings from most Magistrates, Community Service/Probation Officers, community members, CSO Supervisees and victims showed that the public's attitude towards CSO sentence was generally favourable. Improved community sensitization on the Programme, enhanced rehabilitation of CSO offenders, the fact that offenders do not suffer imprisonment, promotion of family unity, enablement of the offender to continue with other socio-economic activities and provision of free labour by offenders were the major factors shaping this attitude. The few sample respondents who argued that public attitude towards CSO was generally unfavourable reported such factors as: perception of CSO as a lenient form of punishment; lack of sensitization on the Programme; absconding/ non-compliance of offenders; and high rates of re-offending. Some of the actions proposed for improving positive public attitude towards the CSO sentence included: public awareness and sensitization; close and strict supervision of the offenders; initiation of tangible projects through the CSO Programme; enforcing compliance with CSO; offering trainings to new and existing stakeholders; and allocation of adequate resources to CSO Programme.

Challenges facing the effective delivery of Community Service Orders in Kenya

The most prominent challenges affecting the effective delivery of CSO that were cited were: lack of adequate support and negative attitude by relevant stakeholders; high rate of non-compliance and reoffending; corruption; lack of knowledge and training on CSO; limited resources for the CSO Programme; and poor supervision of CSO offenders. The proposed key possible solutions to these challenges were: public awareness and sensitization on CSO Programme; provision of adequate resources for CSO Programme; strict and close supervision of offenders; and encouraging integrity and fighting corruption.

Interventions towards strengthening Community Service Orders Programme in Kenya

The key intervention measures that needed to be put in place in order to strengthen the CSO Programme include: trainings, sensitization and awareness creation among the relevant stakeholders on the CSO Programme; provision of adequate resources to the CSO Programme; strict and close supervision of CSO offenders; establishment of effective rehabilitation programmes for offenders; guidance and counseling of offenders; and proper co-ordination among relevant stakeholders.

On the basis of the key findings, this study concludes that: CSO sentences are not adequately utilized for petty offences in Kenya judging by the lower number of CSO placements against the higher number of short prison sentences especially for similar offences according to the actual statistical government records. The perceptions of most respondents that CSO sentences are adequately utilized appears to be apparent contradiction; CSO stakeholders are generally satisfied with the level of compliance with Community Service Orders; public attitude towards CSO is generally favourable; CSO sentences are generally effective; the CSO Programme faces some major challenges which need to be addressed towards the effective delivery of the Programme; and that there are key interventions that need to be put in place towards strengthening Community Service Orders Programme in Kenya.

Key Recommendations

This study recommends:

- i. That the National Council on the Administration of Justice (NCAJ) puts in place sentencing guidelines requiring Law Courts to issue CSO sentences as a first option for petty offences whose prison sentences would have been three (3) years and below.
- ii. That the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) and its partners institute mechanisms: to eradicate the production, trafficking and consumption of illicit/illegal brews and drugs; and for proper regulations on the consumption of legal brews.
- iii. That the Judiciary and the Probation and Aftercare Services Department undertake to decongest prisons of all petty offenders through the CSO Programme in order for the country to save on public resources spent on petty offenders in prisons and reap the full benefits of the Programme.
- iv. That the Probation and Aftercare Services Department, working with other National and County Government agencies, mainstream and make a good consideration of the contribution of the CSO Programme in the key Government agenda in the areas of food security, housing, health, manufacturing, education and other communities' prioritized projects which have a direct impact on the lives of the community members.
- v. That the Judiciary improves on its supervision, monitoring and evaluation of the CSO Programme, and be proactive in its innovativeness in the efficient delivery, utilization and compliance with the CSO sentence.
- vi. An all-inclusive public participation in the implementation of the CSO Programme.
- vii. That the National Council on the Administration of Justice (NCAJ), spearheaded by the Judiciary and Probation and Aftercare Services Department, aggressively undertake sensitization and awareness creation among relevant stakeholders on the CSO Programme.
- viii. Adequate allocation of resources to the Judiciary and Probation and Aftercare Services Department in general and the CSO Programme in particular by the National and County Governments and development partners.
- ix. That the Judiciary, the National Police Service and the Probation and Aftercare Services Department sufficiently address (to reduce) the confidence of CSO Supervisees to deliberately abscond their sentences by ensuring timely execution of warrants of arrest and meting out of punitive yet guaranteed non-custodial graduated fines to those who abscond the sentence.

- x. That the Ethics and Anti-Corruption Commission, the National Police Service, the Office of the Director of Public Prosecutions, the Judiciary and the Probation and Aftercare Service Department address any forms of corruption in the CSO Programme.
- xi. Providing resources to the National Crime Research Centre (by the National Treasury and development partners) to conduct periodical evaluation of the CSO Programme and maintain a CSO crime data bank which can form advisory framework for appropriate policy and programme review and interventions.

CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

1.1.1 General context of Community Service Orders

Around the world over, many countries are witnessing increased crime rates. This social misdemeanour is causing serious concern among nations. It comes with a consequence of high rate of imprisonments and other forms of sentencing. Throughout history, imprisonment or incarceration has been the most popular form of punishment for those found guilty of committing crimes. A number of factors influence sentencing or punishing of offenders. Some of these factors include: the seriousness of the offence/crime, the objective of the sentence being meted out (that is, whether to rehabilitate, punish or both), attitudes of the sentencing officers, the mass media publicity of the offence/crime, and the general perceptions of crime (Coyle, 2004).

In recent years, imprisonment as a form of offender punishment and reformation has come under criticism. Smykla (1981) notes that "Imprisonment has been increasingly questioned as a rehabilitative technique for juvenile and adult offenders". Research has shown that prison experience is often stigmatizing as "the prisoner finds himself/herself labelled by the society as an undesirable or untrustworthy person despite the fact that s/he has been 'rehabilitated'" (Tomasic & Dobinson, 1979). One of the widely and recently advocated options of dealing with this failure of prisons to reform offenders and the need to address the ever present challenge of prison overcrowding is to fast track and promote the use of community-based sentence options. One of these options is that of the Community Service Orders (CSO) Programme. Some governments such as Denmark and Scotland have capitalized on this with the belief that it has a potential to reduce and prevent crime in the final end (McIvor, 1993; Storgaard, 2014).

Community Service Orders is a way for the offender to pay back to the community and help them become more responsible. A CSO sentence has sometimes been made as an alternative to a custodial sentence. It has been designed as a penalty, with the offender "paying" back to the community for their crime. In jurisdictions such as the USA, CSO offenders are involved in local community service projects. Over the years, they have helped to maintain and improve sporting venues, cemeteries and parks; sort recyclable items for resale by charities; and assist in food preparation and laundry services for residential care establishments. Community service projects are undertaken at approved organizations such as local councils, ambulance services, schools and environmental groups. The agencies organize both work and provide on-site supervision of the projects. Offenders attend community service from one to five days per week including weekends (Andrew & Howells, 1999; Evans, 2006; Robinson, 2008).

1.1.2 Global context of Community Service Orders

The origins of community sanctions can be traced way back to England in the 1600s when convicted offenders were required to serve the Queen's army with material supplies (Pease and Mc Williams, 1980). This was followed with the introduction of CSO sentences as one of the sentencing options available to the English Judges in 1973. Despite this serious attempt to endorse CSO on a national scale, its implementation and configuration substantially failed to address the three core attributes of the programme which included: punishment, reparation and rehabilitation. There was a great disparity in the application of each of these attributes in different parts of the country making it a weaker sentencing option (Harding, 1980).

CSO sentences have also been utilized by the Netherlands since 1981 with tremendous success. For instance, the number of CSO committals increased from 213 in 1981 to 12,137 in 1995. By the end of 1989, CSO had become the third most often used penalty in the Netherlands. However, just like many other countries around the globe, the utilization of CSO in the Netherlands is not devoid of challenges. It has severally been considered as an alternative to other non-custodial sanctions at the expense of imprisonment; which, in fact, is the proper essence of CSO in the first place. The end result of this is that the programme has not substantially addressed the rate of imprisonment in the Netherlands (Spaans, 1998).

CSO as a sentencing option has equally been successfully used in Scotland. Being less costly to prisons, it was effectively applied across a varied range of offenders with high completion rates. Unfortunately, most judges have abused the sanction by imposing it for relatively minor offenses that would have attracted only a fine or any other lesser sentence (McIvor, 1993).

Denmark introduced CSO in 1982 as an experiment but took 10 years to officially accept it into the Danish Penal Code (Lutz, 1993). Until recently, Denmark has been regarded as one of the success stories in regards to CSO globally (Storgaad, 2014). Currently, a diverse array of nations such as France, Norway, Finland, Australia, New Zealand, Canada, Portugal, USA and Wales are also using community service in varying degrees as an alternative to incarceration (Klaus, 1998; Bray, 1990; Lutz, 1993; McIvor, 1990; McIvor, 2010; Pease & McWilliams, 1980; Shneider, 2001; Spaans, 1998; Takala 1993).

1.1.3 The African Perspective on Community Service Orders

In Africa, the concept of alternative sentencing, and in particular CSO, is relatively a new phenomenon; and presently, many penal systems in Africa have not adapted it unlike her counterparts, Europe and North America. This has been attributed to the long history and popularization of imprisonment by colonialists and neo-colonialists as a 'better option' for dealing with African offenders. In some instances, the public has not come to embrace the CSO concept because the sentence is taken to be a soft-landing for offenders who should be behind bars for the wrong they did to the community (Muntingh, 2005; O'Kubasu, 1996; Solomon, 2009).

According to Muntingh (2005), the adoption and application of CSO in Africa for the last three decades was influenced by four major thrusts. The first thrust was the success achieved in Zimbabwe in the 1990s with regards to CSO that made the programme to be officially incorporated into Zimbabwe's penal system in August 1992 as a sentencing option by a legislative amendment by Parliament. An assessment of the programme between 1992 and 1997 saw impressive results with a total of 16,000 petty offenders receiving the sentence (Stern, 1999). This development gave an informative influence on the strategy pursued by other African countries in their quest to expand alternative sentencing.

The second thrust influencing the adoption and application of CSO in Africa was the Kampala Declaration of 1996 on the penal and prison reform. The Declaration drew representation from 40 African countries. Largely, it endorsed alternative sentencing, and in particular CSO, as a critical approach towards reducing prison overcrowding in Africa.

The third was the Kadoma Declaration on Community Service Orders of 1997. This Declaration was as a result of a conference jointly co-hosted by Penal Reform International (PRI) and the Zimbabwe's National Committee on Community Service at Kadoma, Zimbabwe, in November 1997. The conference had representation from 15 African countries. Among others, it was resolved that: prison overcrowding required positive action through the introduction of CSO; CSO sentences were in conformity with the

African traditions; and the African countries that had not embraced the programme were to do so without hesitation.

The fourth instrument that propelled the utilization of CSO in Africa was the Ouagadougou Declaration on Accelerating the Penal and Prison Reform of 2002. This was a product of the second Pan African Conference held in Ouagadougou, Burkina Faso from 18th to 20th September 2002. The plan acknowledged the slow pace of penal and prison reforms in Africa and proposed an action plan that stressed prison decongestion through an increased usage of proven non-custodial alternatives such as community service (Muntingh, 2005).

So far, CSO sentences have been used with different levels of success in some African countries. A notable example of success is Zimbabwe where reports indicate that it reduced the total prison population which stood at 22,000 in 1992 to 18,000 in 1997 (Muntingh, 2005c). In Uganda, the legal framework for the operationalization of CSO was brought forth through the enactment of the Uganda Community Service Act of 2000. Similarly, Tanzania officially incorporated CSO into their sentencing repertoire through the Tanzania Community Service Act, No. 6 of 2002 (PRI, 2015).

1.1.4 Community Service Orders in Kenya

In Kenya, CSO is one of the two types of community-based sentences (the other being Probation Orders) utilized by courts to punish and rehabilitate non-serious offenders. Its origin is traced to the Extra Mural Penal Employment (EMPE) Programme which operated on the basis that a non-serious offender would be sentenced to work in a public institution for a period not exceeding six months under the supervision of a Prison Officer as provided for by the Prisons Act Cap 90, Laws of Kenya. The then Provincial Administrators and especially the Chiefs were custodians of the offenders in their regions. This arrangement however experienced challenges in its implementation such as poor or lack of supervision and coordination by Prison Officers because of their nature of custodial duties. It was later moved to the Department of Probation and Aftercare Services as CSO (UNODC, 2012).

The CSO sentence in Kenya became operational in 1999 following the enactment of the Community Service Orders Act No. 10 of 1998, which provided its legal framework. Since then, the sentence has been utilized variedly by Kenyan courts with some courts embracing it more than others. The Orders are issued by Magistrates and Judges but they are supervised by Probation Officers who also double up as Community Service Officers. The CSO Act provides that a Community Service Officer shall be a Probation Officer appointed under the Probation of Offenders Act CAP 64 Laws of Kenya.¹ It is today commonly known as the CSO Programme. Under the Programme, the offender is required to perform unpaid work that benefits the community. The length of a CSO varies from one day to three years in public educational, health and environmental projects within the community. The sentence is designed as a penalty, with the offender paying back the community for their crime committed. Through the Programme, many offenders develop new skills and benefit from the experience (PRI, 2012).

The emphasis on the CSO Programme emanates from its conceived benefits which include: rehabilitation of petty offenders within the community they were drawn from and most of who are poor and marginalized and cannot afford imposed court fines; individual offenders pay back to the community for the wrong they committed by providing free labour and sometimes their expertise (for those who already have skills and expertise) in education, health and environment projects; prevention of hardening of petty and first offenders by the hardened ones; enabling the offender to maintain familial ties while at the same time serving the sentence which helps in guarding against the delinquency of dependant minors; promoting

1 Community Service Orders Act No. 10 of 1998

reconciliation between the offender, the actual victim of the offence and the community at large for harmonious existence; acquisition of useful survival and/or life skills and linking offenders to potential employers which improves the socio-economic status of community members (UNAFRI, 2011).

The economic benefits of the CSO Programme in the general administration of criminal justice cannot be overemphasised. The Programme is credited for saving the tax payers money which would have otherwise been spent on the petty offenders in prisons. The Government has been able to raise revenue through the CSO projects and contributed to environmental conservation for example through planting over 1.5 million tree seedlings since the CSO National Afforestation Programme was started (PRI, 2012; UNODC, 2012).

The CSO Programme in Kenya has had its challenges. Most of these challenges are organizational/institutional and community-related. Within the Judiciary, most Magistrates and Judges are overwhelmed by the many court cases and their small personnel number such that they are not able to undertake effective monitoring of the Programme's projects in the CSO Work Stations. Some sentencing officers do not have accurate and up to date information while others have negative opinion on CSO. Some Court Stations do not have transport facilities to enable them conduct regular visits. The same problems face Community Service Officers most of who have no skills and training in project planning and management. Most CSO Officers lack marketing skills and products from the projects are little known to the potential consumers. Some Supervisors in Work Stations have not been trained and sensitized on how to handle offenders and manage projects implemented within their facilities. Some public institutions lack modern and sufficient equipment for use by the offenders leading to minimal impact of the unpaid CSO labour. Support from the benefiting community has not always been forthcoming with some members of the public harbouring negative attitude on the Programme and implementers drawn from the Criminal Justice System (UNAFRI, 2011; NCRC, 2015).

Most CSO projects have been faced with economic difficulties. They are underfunded in seed capital and supervision costs. This has occasionally led to their collapse before their maturity. Publicity of the successful projects has been minimal due to lack of advertising funds. Offenders who have acquired useful skills through the projects cannot be able to transfer the same for their self-employment because of prevailing poverty in their families and the community (Kenya Probation Service, 2014; PRI, 2012).

One of the pillars of CSO all over the world is its utilization. According to the Kenya 2014 Human Rights Report by the United States Department of State, the level of utilization of CSO in Kenya is a matter of serious concern. Specifically, it was noted that most inmates in the Kenyan prisons were petty offenders whose pretrial detention usually exceeded the punishment prescribed for their crimes. The report equally lamented the use of disproportionately heavy sentences for petty offenders (United States Department of State, 2014).

The above contestations notwithstanding, official statistics from the Kenya Department of Probation and Aftercare Services indicate a fairly upward trend in terms of committals to CSO. In 2014 alone, 34,031 offenders were placed on the CSO Programme. This number significantly rose to 43,380 in 2015 (KNBS, 2016; 2017). However, this should not be construed to mean that the use of CSO is currently optimal. According to the World Prison Brief, Kenya's prison population stood at 54,579 in 2014. This is more than double Kenya's official prison's capacity of 26,757. More worrying, however, is the large number of pretrial detainees and first-time petty offenders held in custody. This is corroborated by the findings of a survey done by the National Crime Research Centre on the lower eastern region in 2015. The study showed that 94 percent of prisoners were serving jail terms of less than three years for petty offenses like

causing disturbance in public, hawking and general stealing/theft (NCRC, 2015). According to Article 49 (2) of the Constitution of Kenya 2010, a person shall not be remanded in custody if the offence committed is punishable by a fine only or by imprisonment for not more than six months (National Council for Law Reporting, 2010), 2010). Therefore, the criteria used to hold petty pretrial offenders in custody for long periods are broadly questionable.

The success in the delivery of CSO also lies in the compliance with the orders by the offenders placed on the Programme. The general requirements of CSO stipulate that: the offender must not commit another offence during the period of the order; report to a Community Service Officer on admission and thereafter report to, and receive visits as directed; perform community service in a satisfactory way, as directed; notify any change of residence or employment within a stipulated number of days; and comply with every reasonable direction of a Community Service Officer. Supervision whilst under a CSO sentence includes: initial induction, including workplace health and safety induction; assessment as to the offender's capacity to complete community service (including any physical or psychological conditions which may impede performance); allocation to community service project; and monitoring of order compliance (National Council for Law Reporting, 2012). Between 2005 and 2010, 97% of the CSO sentences were completed successfully (PRI, 2012). Overall, the Department of Probation and Aftercare Services currently suffers a shortfall of about 9000 officers (Kiarie, 2015). In the wake of this reality, the Department's ability to effectively supervise Probation Orders and CSO has equally been put into question.

1.2 Problem Statement

Prison institutions in most parts of the country continue to be congested with non-serious offenders when this category of offenders could be dealt with using the non-custodial approaches that include CSO (NCRC, 2015; UNAFRI, 2011). The consequences of the prison sentences for non-serious offenders have included worsened prison overcrowding with subsequent strain on the prison resources used in maintaining inmates and deaths of inmates especially during disease outbreaks in the prisons (Muteti, 2008; UNAFRI, 2011). The question that begs is: What are the factors that influence the utilization of CSO by the Law Courts?

Community Service Orders Supervisees/offenders are required to comply with the issued court orders by reporting to CSO Work Stations and satisfactorily performing assigned public work for the stipulated duration of the sentence. Among other requirements, they are expected to report to the Community Service Officer for rehabilitation sessions and to avoid committing further offences during the period of the sentence and supervision. However, there are reports of CSO Supervisees absconding CSO work and engaging in further crime during the period of serving the sentence. Therefore, establishing the factors influencing compliance with CSO remains paramount.

Being a community-based sentence, the success of the CSO Programme is largely dependent on the positive attitude of community members towards the Programme. The extent to which community members have a positive attitude towards the Programme and the factors influencing their attitude remains largely unknown.

The CSO Programme has been assumed to be beneficial to the offenders in particular and the community in general. The Supervisees are expected to provide supervised unpaid labour, for instance, in education, health and environmental projects in their communities. During the performance of the public work, it is assumed that they learn/acquire beneficial skills which can be used in improving their economic opportunities during and after the sentence. Through the labour, the community is expected to benefit

from the outcomes of the projects in general and to make savings in the costs which would otherwise have been incurred had the work been contracted out. Whether or not most offenders feel that they benefit from CSO is not clear. Whether or not community members perceive CSO projects as beneficial to them and hence their attitude toward the projects was again an issue to be established. Establishing whether or not there were challenges affecting the delivery of the CSO Programme was also necessary.

1.3 Objectives of the Study

1.3.1 General Objective

The general objective of this survey was to examine the factors influencing the delivery of Community Service Orders in Kenya with a view to strengthening community-based alternatives to imprisonment.

1.3.2 Specific Objectives

The specific objectives of the study were to:

1. Establish the extent of utilization of Community Service Orders in Kenya.
2. Establish the factors influencing the utilization of Community Service Orders by the courts.
3. Identify factors that affect the levels of compliance with Community Service Orders by offenders.
4. Identify the factors shaping public attitudes towards Community Service Orders.
5. Identify challenges facing the delivery of Community Service Orders.
6. Suggest appropriate and effective interventions towards strengthening Community Service Orders Programme in Kenya.

1.4 Justification of the study

A number of reasons justified the survey. First, the Government of Kenya continues to invest heavily in crime prevention and reduction as it adversely affects the socio-economic development of a country. Any attempt thereof aimed at understanding any of the many aspects of administration of criminal justice and crime reduction through the CSO approach is justified.

Law Courts in Kenya have continued to favour prison sentences for petty offenders at the expense of effective rehabilitation of these offenders. Negative influence on non-serious offenders by the hardened offenders in the prison settings is thought to contribute to increased recidivism rates in Kenya. Decongesting of prisons of these non-serious offenders through the CSO is perceived to contribute to reduced crime rates in society. Therefore, the effective supervision and rehabilitation of offenders under CSOs to ensure that they comply with the conditions of the Orders is a milestone in reducing the incidences of crime.

The resource allocations to the Kenya Prisons Service are inadequate for the effective confinement and custodial rehabilitation of offenders. Non-serious offenders who continue to form the bulk of prison inmate population can be regarded to wastefully drain these public resources. Any improvement in the use of CSO by the Law Courts might translate to the much-needed saving of these scarce public resources to be used in other development priorities.

The community breeds offenders and the offenders are also community members. Effective rehabilitation of offenders within the community happens where there is community support. The principles of

sustainable community development demand that the community participates and gets involved in addressing issues affecting its members. One of the intended outcomes of the study is to inform the design and testing of an evidence-based model for the effective delivery of community-based sentences which shall as well improve the members of the community positive attitude toward the CSO.

The concept of CSO is relatively new in Kenya. CSO became operational in 1999 following the enactment of the Act in 1998. The study established the extent of utilization of Community Service Orders and the factors influencing the utilization of Community Service Orders by the Law Courts. It also identified factors that affect the levels of compliance with Community Service Orders by offenders, the factors shaping public attitudes towards Community Service Orders and the challenges facing the delivery of Community Service Orders and made suggestions on the appropriate and effective interventions towards strengthening Community Service Orders Programme in Kenya. Such an attempt had been given very little (if any) attention in the past by previous researches especially in the field of criminology. The study therefore narrowed this gap in the knowledge matter by providing the essential data on the subject.

Furthermore, the findings of this study can be applied by the Probation and Aftercare Services and the Judiciary in Kenya in evaluating their performance and put corrective measures to strengthen their service delivery as far as CSO is concerned.

The policy makers, planners and implementers would find the findings of this study helpful in formulating appropriate policies and programs to ameliorate the problems inherent among the key players in the CSO Programme for greater improvement and successful rehabilitation of offenders for the good of the society.

Finally, there was need to carry out the study on the delivery of community-based sentences in Kenya because non-custodial community sentencing options are increasingly taking centre stage in our penal system both in the eyes of the general public and the penologists. Understanding the progress and challenges of the CSO Programme is vital for future crime and criminal rehabilitation interventions.

1.5 Assumptions of the Study

The following assumptions were made, that:

1. Individual CSO Supervisees would report their own experiences with the CSO Programme despite their feelings of being offenders.
2. Officials in public agencies including the Judiciary, Probation, Police and CSO' benefiting institutions would be knowledgeable about the CSO Programme and would be permitted and willing to share such needed information without fear and/or hesitations.
3. The CSO Programme correlated with organizational and community factors and hence a stable pattern would be obtained.

1.6 Scope of the Study

The survey was primarily concerned with the investigation of the factors influencing the delivery of Community Service Orders in Kenya. Specifically, the study was confined to: the extent of utilization of Community Service Orders in Kenya; factors influencing the utilization of Community Service by the courts in Kenya; factors affecting the levels of compliance with Community Service by offenders; factors shaping public attitudes towards Community Service Orders; challenges facing the delivery of Community Service Orders in Kenya; and interventions towards strengthening Community Service Orders Programme in Kenya.

Field data collection in this study was undertaken in 24 counties in Kenya. These counties were: Meru, Tharaka Nithi, Isiolo, Bungoma, Kakamega, Vihiga, Taita Taveta, Makueni, Bomet, Nyandarua, Kisumu, Kajiado, Nyeri, Mombasa, Kilifi, Homabay, Nairobi, Kiambu, Machakos, Nakuru, Baringo, Kisii Nyamira and Siaya.

1.7 Theoretical Framework

This study was anchored on Retribution Theory and Rehabilitation Theory in the examination of the factors influencing the delivery of Community Service Orders in Kenya.

1.7.1 Retribution Theory

According to this theory, criminal behavior constitutes a violation of moral and/or natural order and as such those found culpable of this violation should be tasked with some form of “payment”. Therefore, an offender is punished because he/she ‘deserves’ it. This justification for punishment is what Starkweather (1992) refer to as the principle of ‘just deserts’. In other words, the offender is paying for the harm his or her criminal act caused. The theory suggests that offenders should experience a punishment that induces the same or even more pain than what their victims went through. By so doing, it is believed that the injustice that was caused by their offences is removed.

Retribution Theory opines that the community is held together through the existence of “right” relationships among individuals and between the individuals and the community. It also presupposes that when a crime is committed, these “right” relationships are destroyed. Hence, the main goal of retribution is the restoration of these broken relationships. This is accomplished by making the offender “pay” for the disturbance his/her criminal acts caused (Van Ness, 1986).

One of the tenets of Retribution Theory relevant to the study of Community Service Orders in Kenya is the principle of proportionality. Von Hirsch (1976) states that, “Severity of punishment should be commensurate with the seriousness of the wrong committed. Only grave wrongs merit severe penalties; minor misdeeds deserve lenient punishments”. In Kenya, CSO only applies to misdemeanors or crimes punishable with imprisonment for a term not exceeding three years, with or without an option of a fine; and/or imprisonment for a term exceeding three years but for which the court determines a term of imprisonment for three years or less, with or without the option of a fine, to be appropriate (Community Service Orders Act, 1998). To this end, CSO serves as an alternative to imprisonment for the less serious crimes. Ideally, proportionality in sentencing is achieved when minor offenders are placed on CSO, which is a relatively lenient sentence. Another proposition of Retribution Theory applicable to this study is the argument that offenders should “pay” for their crimes. Community service comprises of unpaid public work within a community, for the benefit of that community, for a period not exceeding the term of imprisonment for which the court would have sentenced the offender. This unpaid service is a form of “payment” the offender is giving back to the community for the damage he/she caused. The offender’s charitable services may serve two functions: first, as a deterrent to other potential offenders in the community, and second, as a symbolic form of restitution for the harm he/she caused to the community.

1.7.2 Rehabilitation Theory

According to Rehabilitation Theory, crime commission is a product of the conflict that ensues between character and motive of the offender. Put in a different way, it is the character flaws on the part of the offender that predisposes him/her towards criminal propensities. This theory, therefore, considers punishment as “curative”; it intervenes on the criminal’s “character flaws” with a view of reforming him/her into a law abiding member of the community once again (Snyman, 1989).

Rehabilitation Theory postulates that the main objective of punishment should be influencing the offender's personality towards conformity with the law. For instance, an offender whose criminal behavior is as a result of drug and/or alcohol dependency is unlikely to repeat that criminal behavior if the drug/alcohol dependency is successfully addressed.

Community service provides the perfect platform for the rehabilitation of offenders. In fact, offender rehabilitation is one of the main objectives of the CSO Programme. Strict supervision of those under the CSO Programme by the Community Service Officers to ensure compliance is one such contest that has been advanced towards personality reformation. Offenders are required to comply with the conditions of the CSO throughout their sentence period. Moreover, other rehabilitative services such as counseling and offender-community reconciliation are made available to the offender through the Community Service Officers.

1.7.3 Organizational Development Theory (O.D.T)

The object of this theory is to expand the knowledge and effectiveness of people to accomplish more successful organizational change and performance. There are several models of O.D.T but this study specifically used the model developed by Ralph Kilmann in 1989 (Kilmann, 1989).

Kilmann's theoretical model is based on a total system change and it perceives organizational change in the context of a complex social system. He starts by endorsing five critical stages that propel a successful organizational change. These include: initiating a programme, diagnosing the problem, setting a course of action which includes any necessary interventions, implementing the course of action and finally evaluating the results. He argues that the process of initiating a programme must involve the organization's top management/leadership. Diagnosing the problem requires a thorough Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis in order to ascertain the organization's needs. This in turn generates targets to be acted upon. The course of action and its implementation are dependent on five key variables; namely: cultural dimension, managerial abilities, team building, strategy-structure dimension and the reward system. The interventions may include, among others: trainings, critical analysis of the present procedures and practices, and problem solving programs.

Kilmann (1989) further expounded the five key variables and indicated that in:

"The cultural dimension increases trust, communication, sharing information, and availability to accept change – conditions that must precede any effort of change that is to be successful. Managerial abilities offer to the human resource management new ways of solving complex problems and of "uncovering" hidden prejudice of organization members. Building working teams inserts the new culture and managerial skills and attitudes in each working group, thus insuring cooperation at the level of the whole organization – a very necessary premise for complex problem solving. The strategy-structure dimension means creating a new strategic plan for the organization (or improving the current one) and aligning the departments, offices, working groups and individual positions in support of the new strategic orientation. As for the reward system, it sets a merit classification based on rewarding performances, which supports change and new methods by giving (officially) legitimacy to the new culture, to the new management practices and to the new working group system".

The last stage in Kilmann's model is the evaluation stage. Here, a critical assessment is done to gauge the extent and degree of success (if any) of the interventions effected. The CSO Programme, having been incorporated into Kenya's penal system in 1998, can be considered as still a budding concept. Therefore, this theory is at the very core of the study's general understanding of the dynamics that surround the Programme's configuration and implementation; and by extension, the current push and pull factors

up and about the CSO Programme. For instance, the theory sets forth certain pre-requisites that are necessary for any successful implementation and/or adoption of a new programme. Among others, the approach should be systematic and systemic. In other words, it should be methodical and all inclusive. All relevant stakeholders in the criminal justice system involved with aspects of crime prevention and management must be involved. Also, measures should be put in place to address pertinent issues that are likely to emerge in the implementation of the Programme. Similarly, an action plan should be developed towards achieving the objectives of the Programme. The main objective of this study was to examine the factors influencing the delivery of CSO in Kenya with a view to strengthening community-based alternatives to prison. As such, this theoretical framework provides a very fundamental blueprint and/or a marking scheme for examination of these factors.

CHAPTER TWO: METHODOLOGY OF THE STUDY

2.1 Introduction

This chapter deals with research design, methods and tools of data collection, data collection and management, methods of data analysis and ethical considerations.

2.2 Research Design

This study was based on a descriptive cross-sectional survey design in order to generate relevant information on the subject of effective delivery of Community Service Orders. This design was considered as would be instrumental in articulating: the extent of utilization of Community Service Orders in Kenya; factors influencing the utilization of Community Service by the courts in Kenya; factors affecting the levels of compliance with Community Service by offenders; and factors shaping public attitudes towards Community Service Orders. The survey design was also to assist in identifying challenges facing the effective delivery of Community Service Orders and generate recommendations on interventions towards strengthening Community Service Orders Programme in Kenya.

The survey utilized both probability and non-probability sampling techniques. The study counties were twenty-four (24). They were selected using simple random sampling of the 47 Counties in Kenya. Being a nationwide study, the justification for this sampling method was to ensure proper national representation as well as the overall generalizability of the study. From the 24 sampled counties, thirty-seven (37) specific Sub-County CSO/Probation Stations (which also had a similar number of Law Court stations) were selected purposively for the study as shown in Table 2.1 below. Purposive sampling was appropriate to ensure that only those areas with sizable non-custodial sentencing regimes were considered.

Table 2.1 Sampling of Counties and CSO Stations

County	CSO/Probation Sub-County Station
Meru	Imenti South (Nkubu)
	Imenti North (Meru)
	Igembe South (Maua)
	Tigania West (Kianjai)
Tharaka Nithi	Meru South (Chuka)
	Tharaka South (Marimanti)
Isiolo	Isiolo
Bungoma	Bungoma East (Webuye)
Kakamega	Mumias
Vihiga	Vihiga
Taita Taveta	Voi
	Wundanyi
Makueni	Makindu
	Kilungu

County	CSO/Probation Sub-County Station
Bomet	Sotik
	Bomet Central
Kisumu	Muhoroni
	Kisumu West (Maseno)
Kajiado	Kajiado Central
Nyeri	Nyeri South
	Mukurweini
Mombasa	Mvita/Mombasa
	Kisauni
Kilifi	Kaloleni (Mariakani)
Nairobi	Lang'ata (Kibera)
	Makadara
Kiambu	Kiambu East (Kiambaa)
	Kiambu West (Limuru)
Machakos	Athi River
Nakuru	Molo
	Naivasha
Homabay	Mbita
Baringo	Koibatek (Eldama Ravine)
Kisii	Gucha
Nyamira	Nyamira South
Siaya	Ugenya
Nyandarua	Nyandarua North

The sample respondents for the survey were Magistrates, Community Service/Probation Officers, CSO Supervisees/offenders (herein referred to as CSO offenders), Victims and members of the public from the local community surrounding the sampled CSO station.

All Magistrates and Community Service/Probation Officers in the thirty-seven (37) specific Sub-county CSO/Probation Stations were purposively targeted for interviews because they were the drivers of the CSO Programme and hence very knowledgeable about the subject. Their small number size (since most rural Court stations had an average of three (3) Magistrates each while CSO offices had an average of 3-5 Community Service/Probation Officers) did not warrant any probability sampling.

The population of CSO offenders in a particular CSO office/station could not be easily determined prior to the study because it is prone to situational changes such as one day placements and daily completions of the sentence. Therefore, a predetermined sample of fifteen (15) CSO supervisees in each of the thirty-seven (37) sampled Sub-county CSO/Probation Stations was targeted (to make 555 offenders). The visited stations had a stratum for males and females. Using the Caseload Registers of placed male and female CSO offenders, stratified random sampling and availability sampling was used to select the CSO offenders. The CSO offenders were reached using directions and contacts provided by Community Service Officers. Only CSO offenders who were traced and were available for the study were interviewed in places of their comfort.

The CSO Programme activities are undertaken in the nearest communities surrounding particular CSO/Probation Stations. The total population of members of the community surrounding the 37 Sub-county CSO/Probation Stations was however not considered. Instead the study targeted a pre-determined number

of fifteen (15) community members who were randomly selected and reached in their households (that is, one adult per household who was mainly the available household head at the time of the interviews) around the stations. Availability sampling was also utilized since some targeted households did not have members present for interviews as at the time of visit.

Victims were a rare category and constructing a complete sampling frame of them for the purposes of probability sampling was not easy. This could be attributed to most crimes that qualify for CSOs are minor offenses usually without victims (for example being drunk and disorderly and possession of illicit brews) making the number of victims small. Victims of offences committed by CSO offenders are also hard to reach because most CSO/Probation Stations do not keep their up-to date records or are in many instances not in constant contact (like they are with the offenders) during supervision and rehabilitation period of the offenders. Availability sampling of the victims was therefore undertaken and only two (2) victims per CSO/Probation were targeted for interview based on their availability.

The Key Informants for the study were Judges, County Directors of Probation and Aftercare Service, Police Commanders, Prison Commanders, Prosecutors, Interior and Co-ordination of National Government Officers and CSO Work Stations Supervisors/representatives. These respondents were selected purposively because of their small number and knowledge about the administration of criminal justice with regard to crime, sentencing and corrections. Availability sampling was also utilized in selecting and interviewing those who were available at the time of the survey.

The CSO Programme, among others, receives guidance and advice on implementation from CSO Case Committees established through Kenya Gazette notices issued by the Minister (Cabinet Secretary) responsible for corrections. Focus Group Discussions were therefore conducted with participants who included members of CSO Case Committees and other key local community members and institutional players in order to capture their perspectives on effective service delivery of CSO. Six Focus Group Discussions (FGDs) were held in the following six (6) CSO/Probation Sub-county offices: Limuru (Kiambu West), Kianjai (Tigania West), Mombasa, Naivasha, Ukwala (in Ugenya, Siaya) and Webuye (Bungoma East, Bungoma). The composition of the FGDs included at least: 2 victims (male and female); 2 offenders (male and female); 2 CSO Case Committee members; 2 members of the local community (male and female); and 2 Community Service/Probation Officers (that is, Sub-county/District Community Service/Probation Officer and County Director of Community/Probation Service).

Overall, the study was able to reach the sample respondents who included fifty-eight (58) Magistrates, 138 Community Service/Probation Officers, 507 community members, 515 CSO Supervisees/ Offenders and thirty-four (34) victims as summarized in Table 2.1 below.

Table 2.2 Study Locations and Sampling of Respondents

County	Magistrates		Community Service/ Probation Officers		Community members		CSO Supervisees/ Offenders		Victims	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Meru	3(50.0%)	3(50.0%)	10(52.6%)	9(47.4%)	35(57.4%)	26(42.6%)	33(54.1%)	28(45.9%)	6(85.7%)	1(14.3%)
Tharaka Nithi	3(60.0%)	2(40.0%)	4(50.0%)	4(50.0%)	12(54.5%)	10(45.5%)	22(64.7%)	12(35.3%)	1(33.3%)	2(66.7%)
Isiolo	-	-	1(50.0%)	1(50.0%)	8(53.3%)	7(46.7%)	3(60.0%)	2(40.0%)	-	-
Bungoma	2(66.7%)	1(33.3%)	3(100.0%)	0(0.0%)	7(50.0%)	7(50.0%)	8(61.5%)	5(38.5%)	-	-
Kakamega	1(50.0%)	1(50.0%)	2(50.0%)	2(50.0%)	6(42.9%)	8(57.1%)	14(73.7%)	5(26.3%)	1(100.0%)	0(0.0%)
Vihiga	0(0.0%)	1(100.0%)	4(80.0%)	1(20.0%)	7(53.8%)	6(46.2%)	12(66.7%)	6(33.3%)	-	-
Taita Taveta	1(100.0%)	0(0.0%)	5(55.6%)	4(44.4%)	18(60.0%)	12(40.0%)	28(90.3%)	3(9.7%)	1(100.0%)	0(0.0%)
Makueni	2(50.0%)	2(50.0%)	5(83.3%)	1(16.7%)	12(42.9%)	16(57.1%)	17(81.0%)	4(19.0%)	1(50.0%)	1(50.0%)
Bomet	1(50.0%)	1(50.0%)	4(57.1%)	3(42.9%)	26(65.0%)	14(35.0%)	29(76.3%)	9(23.7%)	2(40.0%)	3(60.0%)
Nyandarua	2(66.7%)	1(33.3%)	2(50.0%)	2(50.0%)	8(57.1%)	6(42.9%)	10(62.5%)	6(37.5%)	1(100.0%)	0(0.0%)
Kisumu	1(50.0%)	1(50.0%)	5(83.3%)	1(16.7%)	6(42.9%)	8(57.1%)	8(80.0%)	2(20.0%)	-	-
Kajiado	1(50.0%)	1(50.0%)	3(60.0%)	2(40.0%)	5(71.4%)	2(28.6%)	12(92.3%)	1(7.7%)	-	-
Nyeri	1(100.0%)	0(0.0%)	4(80.0%)	1(20.0%)	16(59.3%)	11(40.7%)	23(85.2%)	4(14.8%)	2(33.3%)	4(66.7%)
Mombasa	2(50.0%)	2(50.0%)	2(25.0%)	6(75.0%)	12(42.9%)	16(57.1%)	20(51.3%)	19(48.7%)	1(50.0%)	1(50.0%)
Kilifi	1(100.0%)	0(0.0%)	2(66.7%)	1(33.3%)	6(50.0%)	6(50.0%)	8(57.1%)	6(42.9%)	1(50.0%)	1(50.0%)
Homabay	1(50.0%)	1(50.0%)	2(100.0%)	0(0.0%)	11(73.3%)	4(26.7%)	8(72.7%)	3(27.3%)	1(100.0%)	0(0.0%)
Nairobi	5(45.5%)	6(54.5%)	7(70.0%)	3(30.0%)	14(45.2%)	17(54.8%)	20(69.0%)	9(31.0%)	0(0.0%)	1(100.0%)
Kiambu	0(0.0%)	3(100.0%)	3(30.0%)	7(70.0%)	15(45.5%)	18(54.5%)	18(75.0%)	6(25.0%)	-	-
Machakos	1(33.3%)	2(66.7%)	3(75.0%)	1(25.0%)	10(50.0%)	10(50.0%)	4(57.1%)	3(42.9%)	-	-
Nakuru	2(100.0%)	0(0.0%)	1(20.0%)	4(80.0%)	19(73.1%)	7(26.9%)	20(71.4%)	8(28.6%)	0(0.0%)	1(100.0%)
Baringo	-	-	2(50.0%)	2(50.0%)	5(35.7%)	9(64.3%)	10(52.6%)	9(47.4%)	-	-
Kisii	-	-	3(75.0%)	1(25.0%)	8(57.1%)	6(42.9%)	10(83.3%)	2(16.7%)	-	-
Nyamira	-	-	1(50.0%)	1(50.0%)	9(81.8%)	2(18.2%)	13(68.4%)	6(31.6%)	0(0.0%)	1(100.0%)
Siaya	-	-	2(66.7%)	1(33.3%)	4(100.0%)	0(0.0%)	59(71.4%)	2(28.6%)	-	-
Sub-total	30	28	80	58	279	228	355	160	18	16
Totals	58 (100.0%)	(48.3%)	(58.0%)	(42.0%)	(55.0%)	(45.0%)	(68.9%)	(31.1%)	(52.9%)	(47.1%)
					507 (100.0%)		515 (100.0%)		34 (100.0%)	

2.3 Sources of Data and Methods of Data Collection

2.3.1 Sources of Data

The survey utilized both primary and secondary sources of data. Primary data was collected from the sample respondents, Key Informants and Focus Group Discussions. Secondary data materials that were used to supplement primary data included CSO statistics obtained from the Community Service Secretariat Office, Probation and Aftercare Services Department, the Judiciary and the Kenya National Bureau of Statistics (KNBS). Literature review to gain background understanding of Community Service Orders in Kenya included review of CSO documents, reports and publications.

2.3.2 Data Collection Methods and Tools

The survey used both quantitative and qualitative methodologies in obtaining data from the sources.

2.3.2.1 Primary data collection methods and tools

Primary data from community members, CSO Supervisees and victims was collected through face to face interviews after rapport had been established between a researcher and the respondent. English and/or Kiswahili languages were used depending on the language a particular respondent was comfortable with. Interviews were conducted in venues of comfort to the respondents and an Interview Schedule with both open and closed ended questions was used to collect data.

Primary data from Magistrates and Community Service/Probation Officers was collected self-administered questionnaires containing both open and closed ended questions. Self-administered questionnaires were found convenient owing to their busy schedule and/or nature of their work. Key Informant Guides containing open ended questions were used to collect data from the Key Informants who included CSO Work Agency Supervisors/representatives while a Focus Group Discussion Guide was used during the six Focus Group Discussions that were conducted.

2.3.2.2 Secondary data collection methods and tools

Secondary data was collected by way of collating, recording and analyzing national CSO statistics.

2.4 Data Collection and Management

The National Crime Research Centre (NCRC) worked closely with relevant institutions in its effort to realize the objective of the study. This included obtaining authority for the study and consent of key institutions and their staff to participate in the study.

Draft interview schedules, questionnaires and a Key Informant Guide based on the objectives of the study were prepared. The researchers at the Centre conducted a pre-test of the draft interview schedules with members of public in parts of Nairobi County which did not form part of the study sites for the actual data collection. The purpose was to identify any bias and ambiguities in the tools. Respondents in the pre-test survey were requested to highlight any ambiguous or biased questions and to point out if the questions would be able to measure the key issues of the study's objectives. This greatly enabled the correct preparation of the final instruments prior to their actual administration to the target sample respondents.

Qualified researchers were identified and trained. They were then allocated study sites and facilitated with required resources for the exercise (that is, funds, data collection tools and authority letters). Supervision of externally sourced researchers (that is, those who were not part of NCRC regular employees) and quality control of the exercise was done by the NCRC's researchers. After collecting data within the time interval for the field work, interviews were stopped to enable the commencement of data organization and analysis.

All data collected from the field was then organized and analyzed at the NCRC offices. A draft report of the study was compiled and reviewed by the NCRC's Research and Development Committee of the Governing Council and the full Governing Council. A final report was prepared after the draft was validated by stakeholders and peer-reviewed and edited.

2.5 Methods of Data Analysis

This study utilized both qualitative and quantitative data analysis methods. The filled interview schedules and questionnaires were first coded and the Statistical Package for Social Sciences used to analyze the data. Quantitative data were analyzed through descriptive statistics and the information presented in distribution frequency and percentage tables and figures (bar graphs, pie charts and picture charts) in order to give a clear picture of the findings at a glance. The qualitative data was analyzed through interpretation of responses of the Key Informants and Focus Group Discussions. All information from the analyzed data was presented in themes guided by the research objectives.

2.6 Ethical Considerations

Ethical considerations observed in the survey included the following:

1. Authority to collect data was sought from the relevant institutions before the actual commencement of the study.
2. Consent of the respondents was sought before the commencement of the interviews.
3. Respondents were allowed not to answer questions they were uncomfortable with.
4. Due to the sensitive nature of the study on issues of crime, sentencing and rehabilitation, the language used when administering the questions was respectful.
5. Confidentiality of the respondents' identity and information was safeguarded.

CHAPTER THREE: RESULTS AND DISCUSSIONS

3.1 Introduction

This chapter is organized into sections on: socio-demographic characteristics of sample respondents; extent of utilization of Community Service Orders in Kenya; factors influencing utilization of Community Service Orders by courts in Kenya; factors influencing compliance with Community Service Orders by offenders; factors shaping public attitudes towards Community Service Orders; challenges facing the delivery of Community Service Orders in Kenya; and interventions towards strengthening Community Service Orders Programme in Kenya.

3.2 Socio-demographic characteristics of Sample Respondents

This survey utilized five (5) categories of sample respondents namely; Magistrates, Community Service/ Probation Officers, community members, CSO victims and Community Service Orders Supervisees/ offenders.

The results of this study showed that the majority of sample respondents were Kenyans aged between 26-49 years. Most CSO offenders were married persons. This aspect in regard to crime prevention, CSO sentence should be structured in a way that it contributes to the offenders' rehabilitation and their socio-economic stability and that of their families. Most sample respondents were Christians. The implication of this finding is that religious institutions are key stakeholders in crime prevention and reduction. Therefore, there is a need to sensitize them to take up a more active role in inculcating good morals and character among their adherents.

From the findings, it was evident that all Magistrates and majority of Community Service/Probation Officers were University Degree holders. However, the majority of sample respondents in the other categories were holders of Primary and Secondary School education. This finding on education status of community members, Community Service Orders Supervisees/offenders and victims relates to the finding that most of them were engaged in small business and peasant farming (and not formal employment which mostly required educational qualifications higher than secondary level). In 2014, the formal sector had only 2.37 million or 17 per cent of workers with the informal sector remaining by far the largest employer (KNBS, 2016).

Most of the male (48.8%) and female (46.6%) Community Service/Probation Officers had served for periods of 1-5 years. Most (43.3%) of the male and majority (53.6%) of the female Magistrates had also served for periods of 1-5 years. This implied that Magistrates and Community Service/Probation Officers had served for relatively adequate periods to enable them understand the requirements of the CSO Programme. Table 3.1 below shows the distribution of all categories of sample respondents across socio-demographic variables.

Table 3.1 Socio-demographic characteristics of sample respondents by gender

Variable	Category	Males					Females				
		Community Service/ Probation Officers	Community Members	Offenders	CSO Victims	Magistrates	Community Service/ Probation Officers	Community Members	Offenders	CSO Victims	Magistrates
Age (in years)	Below 18	-	0 (0.0%)	0 (0.0%)	0 (0.0%)	-	-	0 (0.0%)	0 (0.0%)	0 (0.0%)	-
	18-25	-	46 (16.5%)	7 (2.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	39 (17.1%)	0 (0.0%)	1 (6.2%)	0 (0.0%)
	26-33	19 (23.8%)	68 (24.4%)	85 (23.9%)	1 (5.6%)	6 (20.0%)	17 (29.3%)	55 (24.1%)	28 (17.5%)	1 (6.2%)	14 (50.0%)
	34-41	16 (20.0%)	64 (22.9%)	95 (26.8%)	2 (11.1%)	17 (56.7%)	15 (25.9%)	72 (31.6%)	50 (31.2%)	6 (37.5%)	9 (32.1%)
	42-49	33 (41.2%)	57 (20.4%)	94 (26.5%)	7 (38.9%)	6 (20.0%)	21 (36.2%)	44 (19.3%)	51 (31.9%)	5 (31.2%)	4 (14.3%)
	50-57	9 (11.2%)	39 (14.0%)	47 (13.2%)	2 (11.1%)	1 (3.3%)	5 (8.6%)	11 (4.8%)	17 (10.6%)	2 (12.5%)	1 (3.6%)
	58-65	3 (3.8%)	3 (1.1%)	17 (4.8%)	1 (5.6%)	0 (0.0%)	0 (0.0%)	7 (3.1%)	13 (8.1%)	0 (0.0%)	0 (0.0%)
	66 and above	0 (0.0%)	2 (0.7%)	10 (2.8%)	5 (27.8%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	1 (0.6%)	1 (6.2%)	0 (0.0%)
Marital Status	Total	80 (100.0%)	279 (100.0%)	355 (100.0%)	18 (100.0%)	30 (100.0%)	58 (100.0%)	228 (100.0%)	160 (100.0%)	16 (100.0%)	28 (100.0%)
	Single/Never married	4 (5.0%)	63 (22.6%)	113 (31.8%)	1 (5.6%)	0 (0.0%)	16 (27.6%)	61 (26.8%)	36 (22.5%)	4 (25.0%)	10 (35.7%)
	Married	75 (93.8%)	204 (73.1%)	221 (62.3%)	13 (72.2%)	29 (96.7%)	38 (65.5%)	141 (61.8%)	80 (50.0%)	10 (62.5%)	18 (64.3%)
	Separated	0 (0.0%)	7 (2.5%)	17 (4.8%)	2 (11.1%)	1 (3.3%)	4 (6.9%)	16 (7.0%)	21 (13.1%)	1 (6.2%)	0 (0.0%)
	Divorced	0 (0.0%)	3 (1.1%)	3 (0.8%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	2 (0.9%)	9 (5.6%)	0 (0.0%)	0 (0.0%)
	Widowed	1 (1.2%)	2 (0.7%)	1 (0.3%)	2 (11.1%)	0 (0.0%)	0 (0.0%)	8 (3.5%)	14 (8.8%)	1 (6.2%)	0 (0.0%)
	Total	80 (100.0%)	279 (100.0%)	355 (100.0%)	18 (100.0%)	30 (100.0%)	58 (100.0%)	228 (100.0%)	160 (100.0%)	16 (100.0%)	28 (100.0%)
	None	-	0 (0.0%)	14 (3.9%)	1 (5.6%)	-	-	2 (0.9%)	10 (6.2%)	1 (6.2%)	-
Highest Level of Education	Pre-primary	-	2 (0.7%)	10 (2.8%)	1 (5.6%)	-	-	3 (1.3%)	9 (5.6%)	1 (6.2%)	-
	Primary	-	53 (19.0%)	188 (53.0%)	11 (61.1%)	-	-	41 (18.0%)	81 (50.6%)	8 (50.0%)	-
	Secondary	0 (0.0%)	111 (39.8%)	118 (33.2%)	4 (22.2%)	0 (0.0%)	0 (0.0%)	101 (44.3%)	57 (35.6%)	2 (12.5%)	0 (0.0%)
	Middle Level College	5 (6.2%)	58 (20.8%)	19 (5.4%)	0 (0.0%)	0 (0.0%)	4 (6.9%)	50 (21.9%)	3 (1.9%)	2 (12.5%)	0 (0.0%)
	University	75 (93.8%)	55 (19.7%)	5 (1.4%)	1 (5.6%)	30 (100.0%)	54 (93.1%)	31 (13.6%)	0 (0.0%)	2 (12.5%)	28 (100.0%)
	Other	0 (0.0%)	0 (0.0%)	1 (0.3%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
	Total	80 (100.0%)	279 (100.0%)	355 (100.0%)	18 (100.0%)	30 (100.0%)	58 (100.0%)	228 (100.0%)	160 (100.0%)	16 (100.0%)	28 (100.0%)

Variable	Category	Males					Females				
		Community Service/ Probation Officers	Community members	Offenders	CSO Victims	Magistrates	Community Service/ Probation Officers	Community members	Offenders	CSO Victims	Magistrates
Religion	Traditional	1 (1.2%)	0 (0.0%)	2 (0.6%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	2 (0.9%)	0 (0.0%)	0 (0.0%)	1 (3.6%)
	Christian	79 (98.8%)	262(93.9%)	328(92.4%)	18(100.0%)	30(100.0%)	57 (98.3%)	213(93.4%)	149 (93.1%)	15(93.8%)	27(96.4%)
	Islam	0 (0.0%)	17 (6.1%)	23 (6.5%)	0 (0.0%)	0 (0.0%)	1 (1.7%)	13 (5.7%)	11(6.9%)	1 (6.2%)	0 (0.0%)
	Other	0 (0.0%)	0 (0.0%)	2 (0.6%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
	Total	80 (100.0%)	279 (100.0%)	355 (100.0%)	18 (100.0%)	30 (100.0%)	58 (100.0%)	228 (100.0%)	160 (100.0%)	16 (100.0%)	28 (100.0%)
Nationality	Kenyan	-	278(99.6%)	353(99.4%)	18(100.0%)	-	-	227(99.6%)	160(100.0%)	18(100.0%)	-
	Non-Kenyan	-	1 (0.4%)	2 (0.6%)	0 (0.0%)	-	-	1 (0.4%)	0 (0.0%)	0 (0.0%)	-
	Total	-	279 (100.0%)	355 (100.0%)	18 (100.0%)	-	-	228 (100.0%)	160 (100.0%)	16 (100.0%)	-
Occupation	Permanent employment in Private Sector	-	21 (7.5%)	8 (2.3%)	0 (0.0%)	-	-	22 (9.6%)	1 (0.6%)	1 (6.2%)	-
	Permanent employment in Public Sector	-	85 (30.5%)	7 (2.0%)	2 (11.1%)	-	-	54 (23.7%)	1 (0.6%)	3 (18.8%)	-
	Casual/temporary employment in Public or Private Sector	-	66 (23.7%)	181(51.0%)	3 (16.7%)	-	-	48 (21.1%)	47 (29.4%)	6 (37.5%)	-
	Business and farming	-	91 (32.6%)	139(39.2%)	13 (72.2%)	-	-	81 (35.5%)	86 (53.8%)	5 (31.2%)	-
	Other Occupation	-	16 (5.7%)	20 (5.6%)	0 (0.0%)	-	-	23 (10.1%)	25 (15.6%)	1 (6.2%)	-
	Total	-	279 (100.0%)	355 (100.0%)	18 (100.0%)	-	-	228 (100.0%)	160 (100.0%)	16 (100.0%)	-
	Below 1 year	-	-	-	-	3 (10.0%)	-	-	-	-	4 (14.3%)
Length of Service	1-5 years	39 (48.8%)	-	-	-	13 (43.3%)	27 (46.6%)	-	-	15(53.6%)	
	6-10 years	22 (27.5%)	-	-	-	9 (30.0%)	16 (27.6%)	-	-	5 (17.9%)	
	11-15 years	4 (5.0%)	-	-	-	2 (6.7%)	0 (0.0%)	-	-	1 (3.6%)	
	16-20 years	4 (5.0%)	-	-	-	1 (3.3%)	6 (10.3%)	-	-	1 (3.6%)	
	21-25 years	5 (6.2%)	-	-	-	1 (3.3%)	5 (8.6%)	-	-	1 (3.6%)	
	26+	6 (7.5%)	-	-	-	1 (3.3%)	4 (6.9%)	-	-	1 (3.6%)	
	Total	80 (100.0%)	-	-	-	30 (100.0%)	58 (100.0%)	-	-	28 (100.0%)	

3.3 Extent of Utilization of Community Service Orders

3.3.1 Courts' utilization of CSO

All Magistrates and Community Service/Probation Officers who were interviewed reported that Law Courts in their localities utilized Community Service Orders (CSO) in sentencing offenders. These findings were supported by the assertions of majority (88.2%) of the victims who also confirmed that they were aware that their offenders (the person who had committed an offence/crime against them) were serving CSO sentences. The rest of the victims reported that they were not aware. Further, among the victims who had reported that their offenders were serving CSO sentences, most (96.7%) of them said that they knew where the offenders were serving the sentences thus confirming that Law Courts in the localities were utilizing CSO sentences.

The findings of the sample respondents on utilization of CSO sentences were validated by Key Informants. For instance, a Prisons Officer based at the Nyahururu Prison in Nyandarua County at the time of study said that:

"Courts in this area utilize CSO sentences to rehabilitate and punish offenders found to have committed minor offences such as Child negligence, Creating Disturbance within the family, Assault, Being Drunk and Disorderly and minor stealing"

A Police Officer who had worked for 27 years in the National Police Service and who was based at Maragoli Central Location in Vihiga County at the time of the study observed that:

"Law Courts in this county utilize CSO sentences on petty offenders who are found to have committed offences such as loitering for prostitution, selling illicit brews and Being Drunk and Disorderly"

The findings from sample respondents and Key Informants affirm that CSO sentences are utilized by Law Courts in addressing criminality in the country.

Primary data on the utilization of CSO sentences was supplemented by secondary data on actual CSO enquiries and placements in Kenya. Table 3.2 below captures enquiries and placements made between 1st January, 2012 and 31st December, 2016. These statistics indicate a general upward trend in both the enquiries and placements made during the period and therefore confirm that Law Courts in Kenya utilize CSO sentences.

Table 3.2 CSO Enquiries and Placements in Kenya: 01/01/2012 – 31/12/2016

Year	Totals	Community Service Orders Enquiries				Community Service Orders placements			
		Males		Females		Males		Females	
		Adult	Juvenile	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile
2012	Sub-total	11708	32	1880	3	11633	39	1873	15
	Total	11,740		1883		11,672		1888	
	Grand Total	13,623				13,560			
2013	Sub-total	25749	131	4541	83	25018	143	4411	289
	Total	25880		4624		25161		4700	
	Grand Total	30504				29861			
2014	Sub-total	35849	112	6873	47	34502	182	6561	93
	Total	35,961		6,920		34,684		6,654	
	Grand Total	42,881				41,338			
2015	Sub-total	37701	169	7329	18	37371	153	7072	40
	Total	37,870		7,347		37,524		7,112	
	Grand Total	45,217				44,636			
2016	Sub-total	31291	120	5870	65	30330	54	5698	80
	Total	31411		5935		30384		5778	
	Grand Total	37,346				36,162			

Source: CSO statistics at CSO Secretariat/Probation and Aftercare Services Department Headquarters, 2017

This study further examined the utilization of CSO sentences against prison sentences with a view to establishing the sentencing option mostly utilized by Sentencing Officers with regard to petty offenders. This was done by comparing the population of offenders under CSO supervision (which lasts a maximum of three (3) years) and the population of prisoners sentenced to below two (2) years who are normally non-serious offenders² (see KNBS, 2013; 2015; 2016; 2017). From the findings captured in Figure 1 below, it was evident that Law Courts utilized prison sentencing more than CSO sentencing for offences attracting short prison sentences of less than 2 years.

² The Prisons Department classifies prisoners in terms of those sentenced to: less than 1 month; 1 month to below 2 years; 2 years or more; Life imprisonment; Death sentence; and Committed for debt.

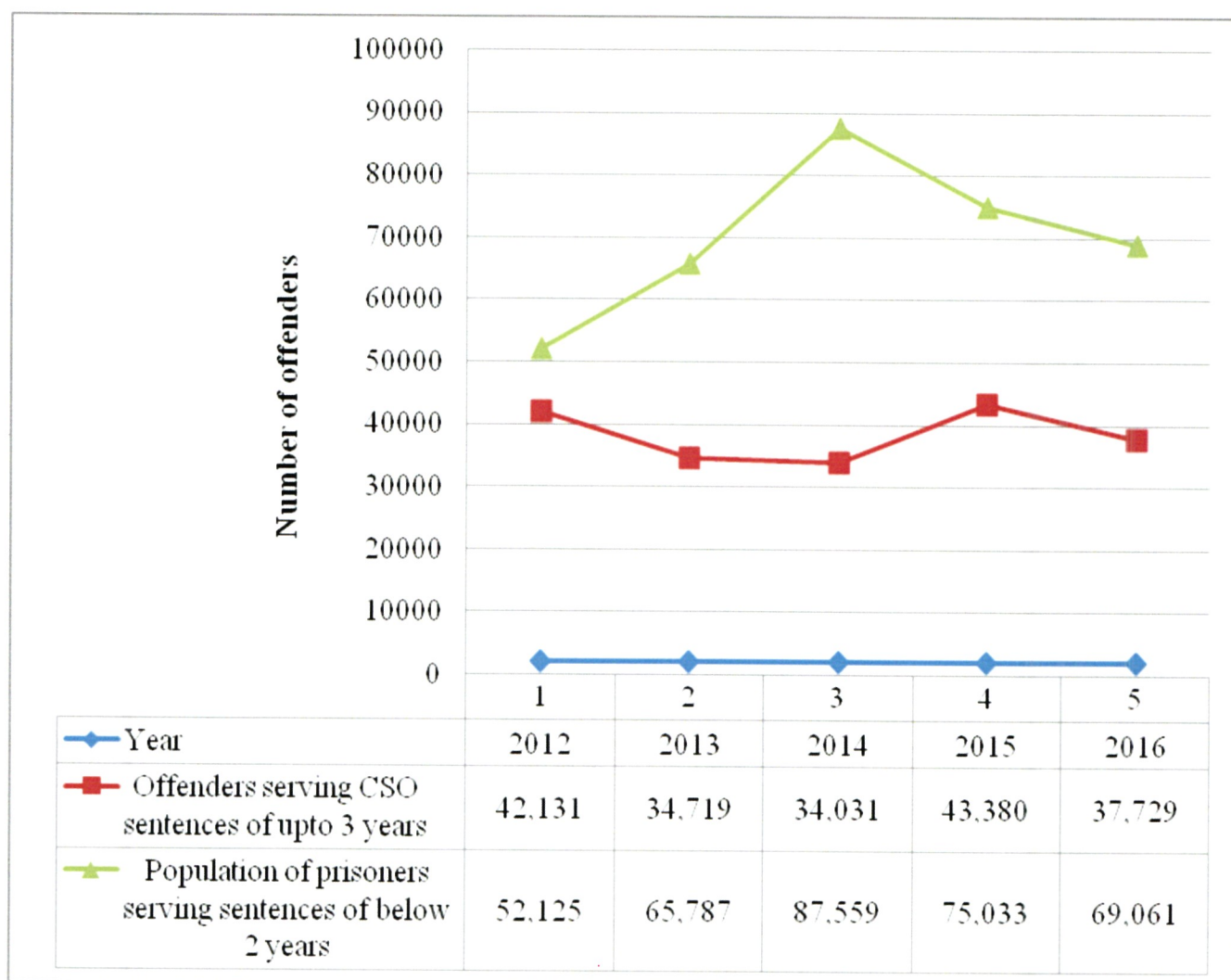


Figure 1: Actual number of Offenders serving up to 3 years CSO sentences and less than 2 years prison sentences between 2012 and 2016

The implication of the above findings is that Sentencing Officers were contributing to prison congestion by committing to prison non-serious offenders who would have qualified for CSO sentences.

3.3.2 Categorization of CSO Offenders and Crimes/Offences

3.3.2.1 Categorization of CSO Offenders

The survey showed that most of the offenders serving CSO sentences were petty offenders. All Magistrates and Community Service/Probation Officers interviewed reported that majority of the offenders serving CSO sentences are petty offenders. Almost all community members (99.2%), CSO offenders (98.3%) and victims (97.1%) also indicated that offenders serving CSO sentences were petty offenders.

Findings on categorization of CSO offenders and offences were confirmed by Key Informants. A Magistrate based in Bungoma East Sub-County of Bungoma County and who had served in the locality for 5 years and in the Judiciary for 10 years observed that:

“Offenders placed on Community Service Orders in this county are majorly petty offenders who have committed misdemeanors like stealing, assaults and other offences that carry a sentence of less than three years”

A Deputy County Commissioner in one of the sub-counties in Nyeri County reported that:

“Persons found fighting, manufacturing illegal local brews, drunk and disorderly and those involved in petty traffic offences are committed to serve a Community Service Orders sentence for rehabilitation. The CSO offenders undertake unpaid work such as cleaning public offices and serve under a Probation Officer”

3.3.2.2 Types of crimes/offences committed by CSO Offenders/Supervisees

The survey shows that the most common offences/crimes for which offenders were placed on CSO sentences (as reported by at least a third of sample respondents in almost all of the sample categories) were: Being Drunk and Disorderly; Possession of illicit/illegal brew and drugs; Creating Disturbance; Assault Causing Actual Bodily Harm; and General Stealing. There, however, were several other crimes/offences mentioned as summarized in Table 3.3 below.

Majority of the Magistrates and Community Service/Probation Officers (75.9% and 66.2%, respectively) mentioned being drunk and disorderly as the most common crime/offence committed by the CSO offenders/ supervisees. A greater proportion of the offenders, on the other hand, broadly mentioned two offences/crimes, that is, Being Drunk and Disorderly (46.5%) and Possession of illicit/illegal brew and drugs (38.4%). Over 58.0% of the victims indicated that Assault Causing Actual Bodily Harm; and General Stealing were the common offences/crimes. Over two-fifths of the community members pointed out that offences/crimes such as Being Drunk and Disorderly and General Stealing were quite common petty offences (47.8% and 47.6% respectively).

Table 3.3 Types of crimes/offences committed by CSO Offenders/Supervisees as reported by Sample Respondents

Crime/Offence	Frequency and Percentage				
	Magistrates	Community Service/ Probation Officers	Community members	CSO Offenders	Victims
Possession of illicit/illegal brew and drugs	18(33.3%)	95(69.9%)	161(31.8%)	195(38.4%)	5 (14.7%)
Being Drunk and Disorderly	41(75.9%)	90(66.2%)	242(47.8%)	236(46.5%)	13(38.2%)
Creating Disturbance	36(66.7%)	58(42.6%)	195(38.5%)	98(19.3%)	11(32.4%)
Assault Causing Actual Bodily Harm	31(57.4%)	59(43.4%)	170(33.6%)	154(30.3%)	20(58.8%)
General Stealing	25(46.3%)	70(51.5%)	241(47.6%)	191(37.6%)	20(58.8%)
Malicious damage to property	3(5.6%)	39(28.7%)	45(8.9%)	32(6.3%)	1(2.9%)
Gambling without a licence	2(3.7%)	11(8.1%)	4(0.8%)	9(1.8%)	-
Possession of stolen property	2(1.2%)	8(5.9%)	5(1.0%)	5(1.0%)	-
Neglecting a Child	-	6(4.4%)	24(4.7%)	12(2.4%)	2(5.9%)
Attempted Defilement	-	3(2.2%)	10(2.0%)	17(3.3%)	-
Trespassing	6(11.1%)	11(8.1%)	29(5.7%)	27(5.3%)	2(5.9%)

Crime/Offence	Frequency and Percentage				
	Magistrates	Community Service/ Probation Officers	Community members	CSO Offenders	Victims
Domestic Violence	-	-	-	47(9.3%)	-
Loitering for purposes of prostitution	1(1.9%)	5(3.7%)	41(8.1%)	43(8.5%)	3(8.8%)
Traffic offences (especially touting)	2(3.7%)	6(4.4%)	7(1.4%)	10(2.0%)	-
Public Health Offences (such as Handling foodstuff without a medical certificate)	1(1.9%)	1(0.7%)	4(0.8%)	2(0.4%)	1(2.9%)
Giving False Testimony/ Perjury	-	-	2(0.4%)	2(0.4%)	-
Manslaughter	-	-	-	-	4(11.8%)

The above findings were confirmed by a Focus Group Discussion participant in Kiambu County:

*“CSO offenders in this area of Limuru are serving sentences for committing crimes such Being Drunk and Disorderly, illegal removal of forest produce, theft of farm produce, stealing and being in possession of narcotic drugs”
(Participant in a CSO Case Committee Focus Group Discussion held at Limuru Probation Office, Kiambu County).*

Types of crimes/offences for which offenders were placed on CSO sentences were further probed by asking each victim interviewee to indicate the offences/crimes committed against them. They reported General Stealing (44.1%), Assault Causing Actual Bodily Harm (41.2%), Creating Disturbance (5.9%), Trespassing (5.9%) and Malicious damage to property (2.9%). Each CSO offender interviewee was also asked to indicate the crime/offence he/she had committed and for which he/she was placed on CSO. As shown in Figure 2 below, the five most common offences/crimes CSO offenders pointed out were: Possession of illicit/illegal brew and drugs (27.4%), Being Drunk and Disorderly (26.0%), Assault Causing Actual Bodily Harm (11.3%), General Stealing (10.1%) and Creating Disturbance (5.0%). The findings corroborate with those of the other sample respondents when asked on the types of crimes/offences committed by CSO supervisees/offenders.

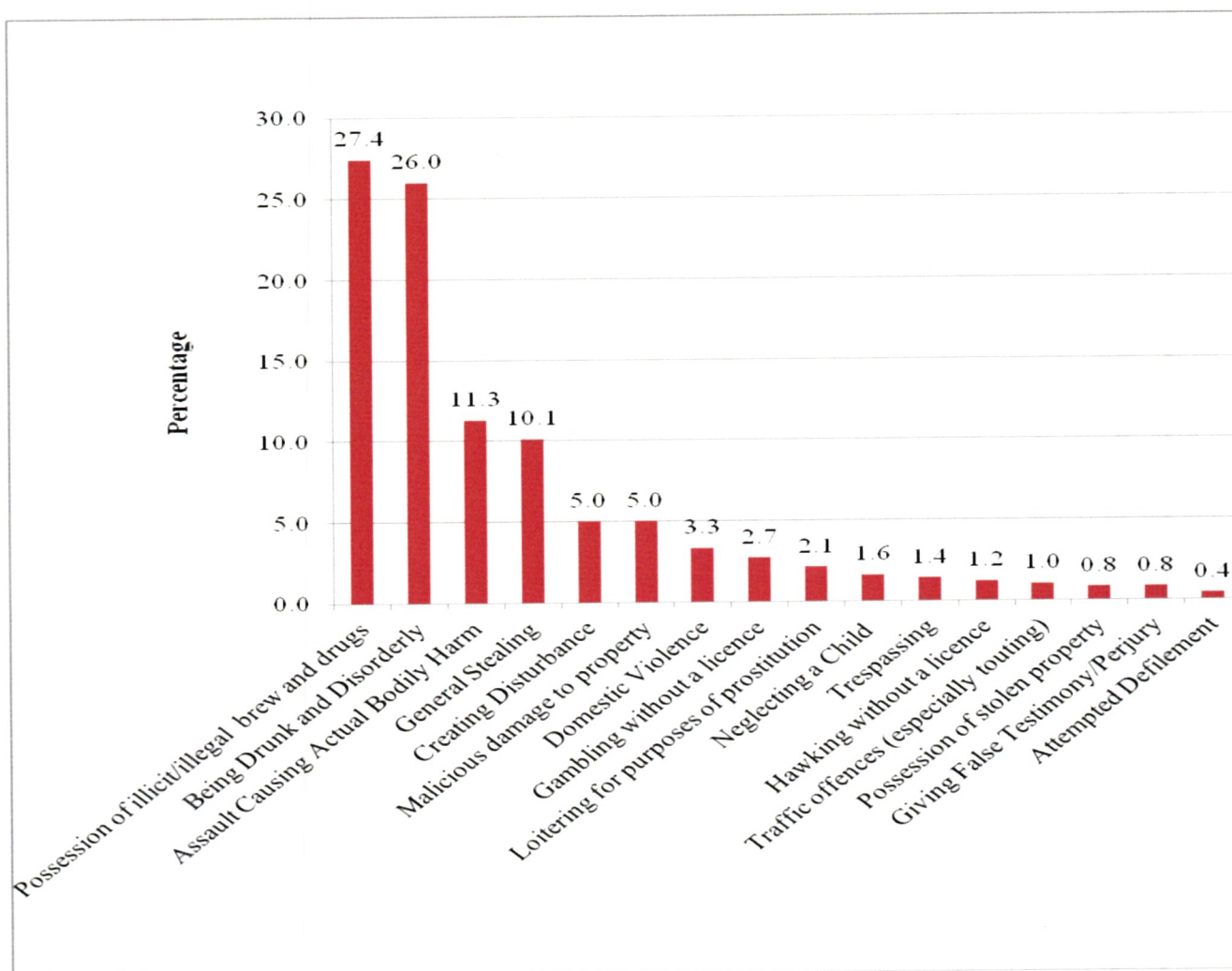


Figure 2: Crimes/Offences of conviction stated by CSO Offender/Supervisee interviewees

Actual secondary data sources on crimes committed by CSO offenders supported the findings and perceptions of respondents from the field. Table 3.4 below indicates that the most common crimes/offences in Kenya between 2012 and 2016 for which CSO offenders were placed included: General Stealing; Assault Causing Actual Bodily Harm; Dangerous drugs; and all other penal code offences (such as Being Drunk and Disorderly).

Table 3.4 Actual Number of Offenders Serving Community Service Orders by Sex and Type of Offence, 2012 - 2016

Offences	2012			2013			2014			2015			2016 (Provisional)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Attempted Murder	0	0	0	1	0	1	0	0	0	0	0	0	3	2	5
Manslaughter	11	0	11	38	0	38	1	0	1	16	1	17	5	15	20
Attempted Rape	13	0	13	21	11	32	15	2	17	18	0	18	118	8	126
Assault	1,632	299	1,931	1,556	377	1,933	656	149	805	525	118	643	431	75	506
Other offences against persons	1201	230	1,431	900	142	1,042	757	151	908	421	80	501	440	84	524
Robbery and Allied offences	339	0	339	8	0	8	84	1	85	13	1	14	19	3	22
Breakings	1,092	27	1,119	213	48	261	136	55	191	330	28	358	256	16	272
Theft of stock	638	2	640	719	10	729	366	4	370	199	16	215	181	24	205
General stealing	4,321	564	4,885	2,343	591	2,934	1,460	187	1,647	1532	179	1,711	885	67	952
Theft of M/vehicles	16	0	16	66	12	78	15	0	15	23	0	23	4	0	4
Theft of M/vehicles parts	557	5	562	30	0	30	20	0	20	4	0	4	4	0	4
Theft from M/vehicles	329	17	346	250	0	250	281	14	295	11	0	11	40	1	41
Theft of bicycles	365	0	365	428	0	428	317	3	320	214	0	214	56	1	57
Theft by servants	1,154	230	1,384	865	319	1,184	600	100	700	624	33	657	78	36	114
Dangerous drugs	2,229	434	2,663	1,909	396	2,305	1,481	419	1,900	2,613	1,002	3,615	2,073	703	2,776
Handling stolen property	1,279	164	1,443	159	46	205	392	41	433	85	15	100	216	75	291
Corruption	21	0	21	51	0	51	157	18	175	1	3	4	3	0	3
Causing death by dangerous driving	2	0	2	89	14	103	55	38	93	8	0	8	9	2	11
Other offences against property	2,679	673	3,352	1,031	198	1,229	1,005	195	1,200	636	181	817	583	112	695
All other penal code offences	17,637	3,971	21,608	19,111	2,767	21,878	21,328	3,528	24,856	29,341	5,109	34,450	26,507	4,594	31,101
Total	35,515	6,616	42,131	29,788	4,931	34,719	39,126	4,905	34,031	36,614	6,766	43,380	31,911	5,818	37,729

Source: KNBS Economic Survey Data, 2013, 2015, 2016 & 2017

The study further examined the number of offenders committed to CSO and prison sentences in 2016 by type of offence to establish the sentencing option mainly utilized by Sentencing Officers. The findings presented in Table 3.5 below indicate that all offences except the one on Dangerous drugs (for which most offenders (54.5%) were placed on CSO) were mainly dispensed with through prison sentences. Overall, only 31.9% of the offenders were committed to CSO in comparison to 68.1% committed to prison sentencing of less than two (2) years for similar offences. This further showed that Sentencing Officers utilized custodial prison sentences more than the non-custodial CSO sentence for similar offences.

Table 3.5 Actual number of Offenders serving up to 3 years CSO sentences and less than 2 years prison sentences in 2016 by type of offence

Offence	Actual number of Offenders serving up to 3 years CSO sentences in 2016 ³	Actual number of Offenders serving less than 2 years prison sentences in 2016 ⁴	Total
Attempted Murder	5 (0.8%)	601 (99.2%)	606 (100.0%)
Manslaughter	20 (3.9%)	495 (96.1%)	515 (100.0%)
Attempted Rape	126 (11.8%)	944 (88.2%)	1,070 (100.0%)
Assault	506 (12.4%)	3,577 (87.6%)	4,083 (100.0%)
Other offences against persons	524 (12.5%)	3,673 (87.5%)	4,197 (100.0%)
Robbery and Allied offences	22 (1.6%)	1,385 (98.4%)	1,407 (100.0%)
Breakings	272 (8.0%)	3,122 (92.0%)	3,394 (100.0%)
Theft of stock	205 (11.3%)	1,615 (88.7%)	1,820 (100.0%)
General stealing	952 (17.4%)	4,512 (82.6%)	5,464 (100.0%)
Theft of M/vehicles	4 (0.9%)	462 (99.1%)	466 (100.0%)
Theft of M/vehicles parts	4 (0.8%)	514 (99.2%)	518 (100.0%)
Theft from M/vehicles	41 (10.8%)	340 (89.2%)	381 (100.0%)
Theft of bicycles	57 (28.6%)	142 (71.4%)	199 (100.0%)
Theft by servants	114 (7.6%)	1,383 (92.4%)	1,497 (100.0%)
Dangerous drugs	2,776 (54.5%)	2,317 (45.5%)	5,093 (100.0%)
Handling stolen property	291 (16.6%)	1,467 (83.4%)	1,758 (100.0%)
Corruption	3 (2.8%)	105 (97.2%)	108 (100.0%)
Causing death by dangerous driving	11 (7.2%)	142 (92.8%)	153 (100.0%)
Other offences against property	695 (10.0%)	6,235 (90.0%)	6,930 (100.0%)
All other penal code offences	31,101 (39.5%)	47,583 (60.5%)	78,684 (100.0%)
Total	37,729 (31.9%)	80,614 (68.1%)	118,343 (100.0%)

³ KNBS Economic Survey, 2017

⁴ Kenya Prisons Service, 2017

The findings from sample respondents and actual recorded data on crimes were upheld by some Key Informants. For instance, in Kajiado Central Sub-county of Kajiado County, a Police Officer said that:

“CSO sentences in this area are for petty offenders who are arrested for offences such as Being Drunk and Disorderly and Trespassing”

Similar sentiments were echoed by a Police Officer who had served in Athi River Sub-County of Machakos County for 8 months at the time of the study. The Officer commented that:

“Most CSO offenders here had been convicted for petty offences such as Affray, Being Drunk and Disorderly, traffic offences such as excess passengers in public transport vehicles, minor theft and selling illicit brews such as Chang’aa”

These statements from Key Informants confirm that most CSO Supervisees are petty offenders. Further, they highlight the need for relevant agencies especially in the criminal justice system and especially the Judiciary, to prioritize and focus their attention in addressing, through the use of CSO sentences, the most common offences/crimes in the country which most likely consume the bulk of the resources allocated to the Governance, Justice, Law and Order Sector (GJLOS). Based on the findings on types of crimes committed by CSO offenders, it can be concluded that the most prevalent crimes are related with alcohol and drugs. It is therefore important that community members in general and CSO offenders in particular are assisted to avoid alcohol and drugs. CSO Officers need to be properly trained and facilitated to offer proper counseling and rehabilitation programmes on alcohol and drug use.

3.3.2.3 Number and Duration of CSO Sentences

1. Average Monthly CSO Placements and Caseloads

In further establishment of utilization of CSO sentences, the survey examined the estimates by Magistrates and Community Service/Probation Officers interviewees on the average monthly CSO placements by Magistrates and the average monthly CSO caseload of the Community Service/Probation Officers. Nearly two-thirds of the Magistrates estimated the average monthly placement to be between 0-15 offenders while 24.1% others estimated an average monthly placement of between 16 and 30 offenders (that is, a minimum of 16 offenders). Most (47.1%) of the Community Service/Probation Officers estimated that each officer was supervising between 0 to 15 CSO Supervisees per month. Over 20.0% other Community Service/Probation Officers reported supervising a minimum of 16 and a maximum of 30 CSO Supervisees in a month. Table 3.6 below captures the raw estimate of the average monthly CSO placements and caseloads while Table 3.7 below captures the tabulated estimate of the average monthly CSO placements and caseloads in the study area as reported by Magistrate and Community Service/Probation Officer sample respondents.

Table 3.6 Raw estimate of average monthly CSO placements and caseloads

Average monthly placements/caseload	Frequency and Percentage	
	Magistrates' Placements	Community Service/Probation Officers' Caseload
0-15	37(63.8%)	65(47.1)
16-30	14(24.1%)	28(20.3)
31-45	5(8.6%)	11(8.0)
46-60	1(1.7%)	18(13.0)
61-75	0(0.0%)	5(3.6)
76-90	0(0.0%)	3(2.2)
91-105	1 (1.7%)	8(5.8)
Total	58 (99.9%)	138(100.0%)

Table 3.7 Tabulated estimate of average monthly CSO placements and caseloads

Average monthly placements/caseload	Mid-point (x)	Frequency and Percentage			
		Magistrates' Placements		Community Service/Probation Officers' Caseload	
		Frequency (f)	Total of fx	Frequency (f)	Total of fx
0-15	7.5	37	277.5	65	487.5
16-30	23	14	322	28	644
31-45	38	5	190	11	418
46-60	53	1	53	18	954
61-75	68	0	0	5	340
76-90	83	0	0	3	249
91-105	98	1	98	8	784
Total		N=58	Σfx=940.5	N=138	Σfx=3,876.5

From Table 3.6 above, the tabulated average monthly CSO placement by each Magistrate was found to be 16 offenders (that is, Σfx divided by N). This estimate confirms the NCRC's findings on Community Service Orders in the Meru High Court Administrative Jurisdiction which showed the average monthly placements by Magistrates in the Meru region to be 16 offenders (NCRC, 2015).

From Table 3.7 above, the tabulated average monthly caseload of Community Service/Probation Officers is 28 offenders. This meant that the officers were supervising an average of 28 CSO Supervisees/offenders per month.

Primary data was further compared with secondary/actual data on placements and caseloads. Table 3.8 below indicates the estimated monthly CSO placements and caseloads in Kenya between 2012 and 2016 based on the actual number of CSO Offenders, Magistrates and CSO Officers.

Table 3.8 Estimated Monthly CSO Placements and Caseloads in Kenya between 2012 and 2016

Year	Magistrates				CSO Officers			
	Total Number of Offenders serving CSO ⁵	Total Number of Magistrates ⁶	Number of Magistrates likely to be involved directly and regularly in CSO placements ⁷	Average Monthly Caseload for Magistrates ⁸	Total Number of Offenders serving CSO	Total Number of CSO Officers ⁹	Number of CSO Officers likely to be involved directly and regularly in CSO supervision ¹⁰	Average Monthly Caseload for CSO Officers ¹¹
2012	42,131	455	333	11	42,131	624	369	10
2013	34,719	380	258	12	34,719	651	396	8
2014	34,031	458	336	9	34,031	544	289	10
2015	43,380	451	329	11	43,380	579	324	12
2016	37,729	438	316	10	37,729	554	299	11
Monthly Average over 5 years								
				11				11

⁵ These figures have been obtained from KNBS Economic Surveys of 2013, 2015, 2016 and 2017

⁶ These figures have been obtained from KNBS Economic Survey of 2017

⁷ This number is arrived at after deducting 122 Magistrates involved in the administration of the 122 Court Stations in the Country- See November, 2014 – Edition of: <http://www.judiciary.go.ke/portal/page/magistrates>

⁸ The Monthly Case load (estimated to the next whole number) is arrived at by dividing Total Number of Offenders serving CSO by Number of Magistrates likely to be involved directly and regularly in CSO placements by 12 months

⁹ Figures have been obtained from KNBS Economic Survey of 2017

¹⁰ This number is arrived at after deducting 255 Probation Officers, which is, 122 Sub-County Probation Officers, 9 Regional Coordinators of Probation Service, 94 County Directors and their deputies and 30 Probation Officers based at the Headquarters who are likely to be involved in administration duties.

¹¹ The Monthly Case load (estimated to the next whole number) is arrived at by dividing Total Number of Offenders serving CSO by Number of CSO Officers likely to be involved directly and regularly in CSO supervision by 12 months

Findings in Table 3.8 above showed that the average monthly placement for Magistrates and the average monthly caseload for CSO Officers was 11. This was likely to be the position because CSO Officers supervised CSO offenders all placed by Law Courts. The figure of 11 placements for Magistrates is closer to the tabulated estimate of 16 bearing in mind that some Magistrates were likely to be away from duty at any particular time of the month for various reasons while others were involved in non-CSO sentencing assignments in higher courts and different sections of the Judiciary thus increasing the number of placements for those remaining and found at the Court Station during the time of the interviews. However, there was a huge variance between the CSO Officers' reported estimated monthly caseload of 28 CSO Supervisees and that of 11 CSO Supervisees arrived at using the actual number of CSO offenders and CSO Officers in Kenya between 2012 and 2016. The variance could be explained by a number of reasons such as: unsubstantiated estimate or exaggeration by the Officers; differences in the number of placements across Counties and Sub-counties such that the study locations had more placements than other areas in Kenya; and fluctuations in CSO placements such that the placements were high and the Officers present at the CSO Offices were fewer at the time of interviews in the particular study areas.

2. Duration of CSO Sentences

Law Courts in Kenya pass CSO sentences of between one day and three years.¹² The CSO offender interviewees were asked on their length of sentence. Most of them (47.7%) said that their sentences ranged between more than 3 months to one year. Similarly, the victims were asked to state the length of their offenders' sentence. Over 70.0% of the victims said that their offenders had been sentenced for a period spanning more than three months to one year. The Summaries of the different durations of CSO sentences are shown in Figures 3 and 4 below.

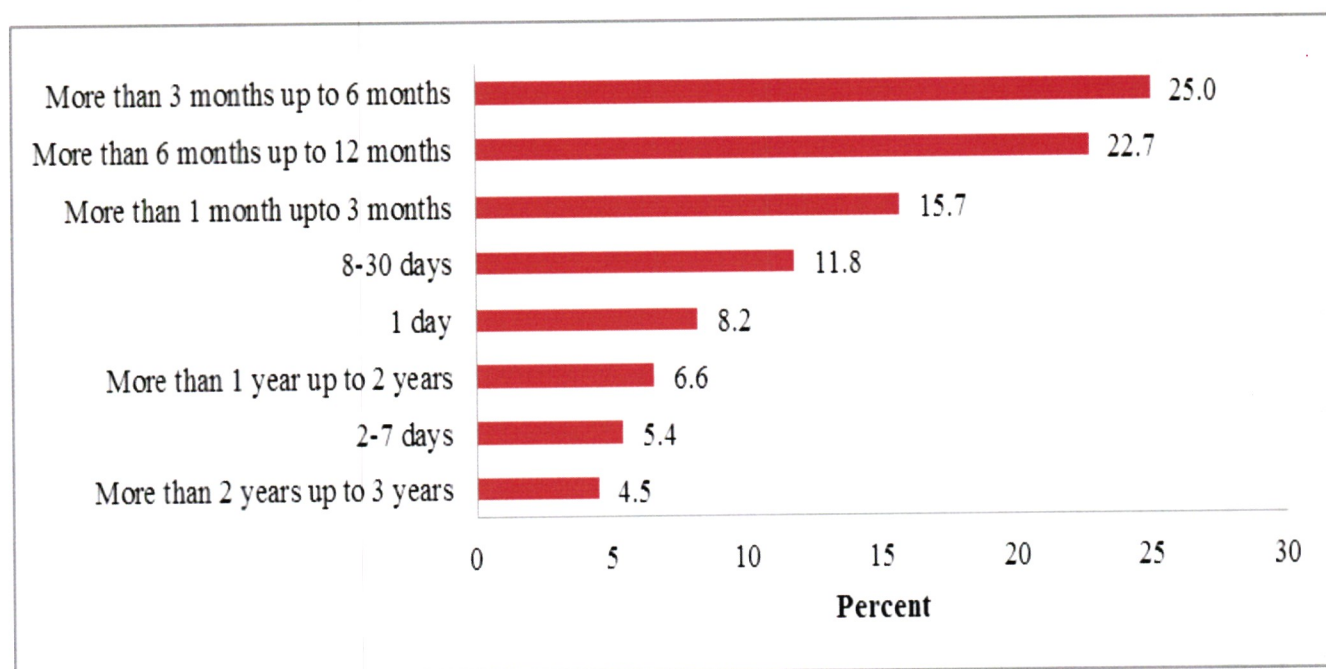


Figure 3: Length of CSO sentences as reported by CSO Supervisees/offenders

¹² Community Service Orders Act No. 10 of 1998

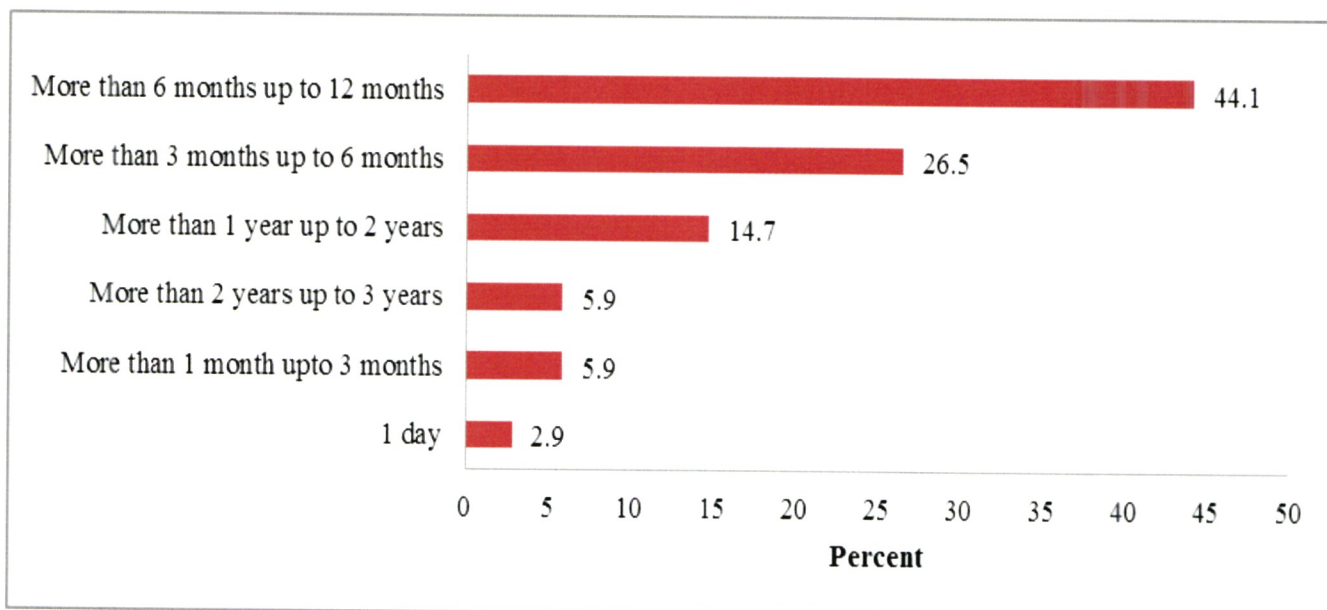


Figure 4: Length of CSO sentences as reported by victims

3.3.2.4 Benefits of CSO sentences

The survey sought to know whether there were benefits in the use of CSO sentences in dealing with petty offenders. Over 70.0% of all the various categories of sample respondents indicated that CSO sentences were beneficial as shown in Figure 5 below.

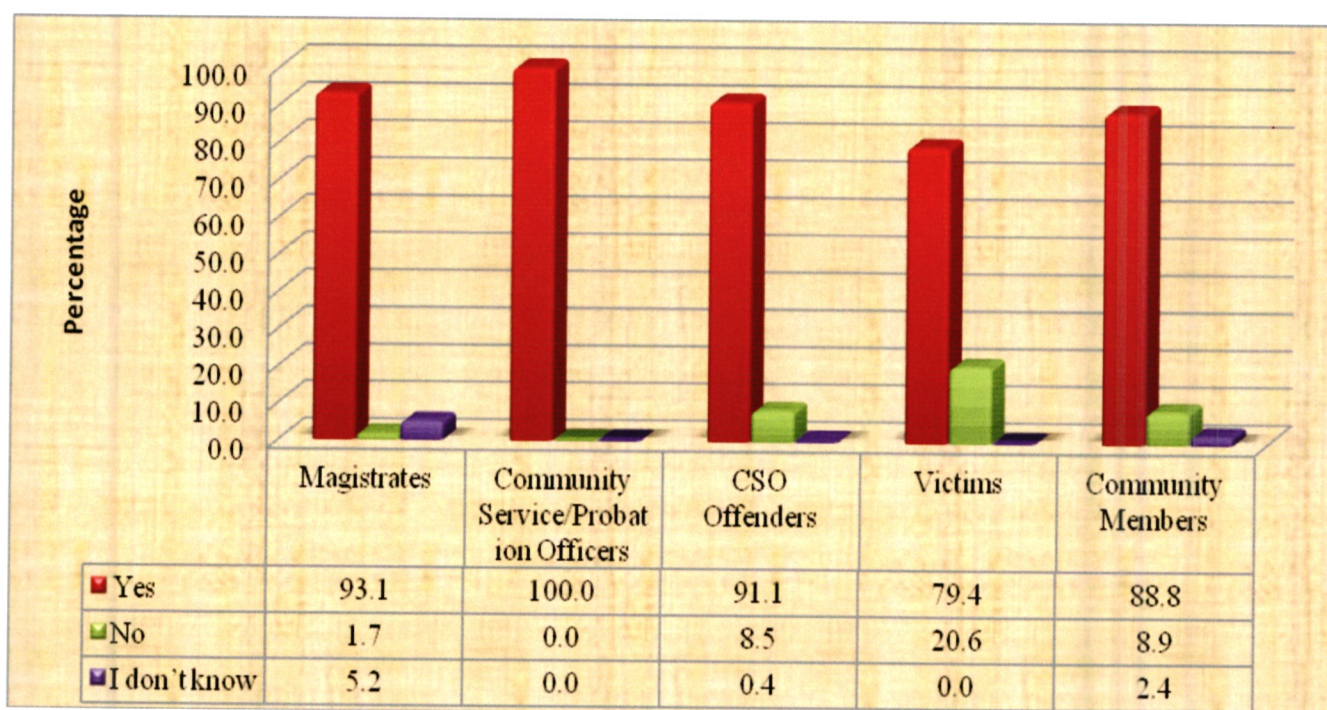


Figure 5: Responses on whether CSO sentences were beneficial

The few sample respondents who said that CSO was not beneficial argued that: offenders were prone to re-offending; CSO as a punishment was viewed as too lenient; and that offenders felt that the CSO sentence interfered with their health and economic status.

Sample respondents were further asked to list the benefits of CSO and to indicate the extent to which the benefits had been realized in their localities. The findings on Table 3.9 below showed that sample respondents perceived most of the listed benefits of CSO to have been realized to a large extent. These benefits and their average percentage realization (that is, the total percentage of realization to a large extent divided by five (5) categories of sample respondents) included: decongesting prisons (98.1%); assisting offenders in maintaining family ties (98.0%); enabling offenders to continue with their economic activities (97.0%); reducing stigmatization of offenders (94.0%); rehabilitation of offenders (88.2%); providing free labour/saving institutions money/funds (87.4%); reconciliation and re-integration of offenders, victims and the community (87.0%); crime deterrence (79.0%); preventing hardening of petty offenders (75.5%); impacting skills to offenders (66.4%); and providing alternative to imprisonment and fines for offenders who can't afford (59.0%).



CSO offenders providing free labour in a public institution in Kenya

Table 3.9 CSO benefits and the extent of their realization

Extent in Percentages															
CSO benefits	To a large extent						To a small extent						I don't know		
	Community Service/ Probation Officers	Magistrates	Community members	CSO Supervisees/ Offenders	Victims	Community Service/ Probation Officers	Magistrates	Community members	CSO Supervisees/ Offenders	Victims	Community Service/ Probation Officers	Magistrates	Community members	CSO Supervisees/ Offenders	Victims
Decongesting prisons	97.1	96.9	96.3	100.0	100.0	2.9	3.1	3.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Reconciliation and re-integration of offenders, victims and the community	73.8	85.0	79.6	96.4	100.0	26.2	15.0	20.4	3.6	0.0	0.0	0.0	0.0	0.0	0.0
Rehabilitation of offenders	90.7	75.0	89.1	97.1	88.9	9.3	25.0	10.9	2.9	11.1	0.0	0.0	0.0	0.0	0.0
Assisting in maintaining family ties	97.1	100.0	96.8	95.9	100.0	2.9	0.0	3.2	3.2	0.0	0.0	0.0	0.0	0.9	0.0
Impacting skills to offenders	87.5	55.6	92.9	96.0	-	12.5	44.4	7.1	4.0	-	0.0	0.0	0.0	0.0	-
Reducing stigmatization of offenders	87.0	100.0	92.9	90.0	100.0	13.0	0.0	7.1	10.0	0.0	0.0	0.0	0.0	0.0	0.0

The above findings were validated by participants in Focus Group Discussions.

A participant in a Focus Group Discussion in Siaya County observed that:

“The benefits of the Community Service Orders sentence are numerous; Government institutions get free CSO labour; offenders are reformed and also acquire useful skills during the rehabilitation process; an offender is able to look for school fees of his/her children; the sentence deters others from committing further crime; it contributes to reconciliation and family ties are maintained” (Participant in a CSO Case Committee Focus Group Discussion held at Ukwala Probation Office, Siaya County).

Similar sentiments were echoed by another Focus Group Discussion participant in Nakuru County who said that:

“The CSO sentence gives an alternative to poor people who cannot afford court fines. The sentence has helped some people get jobs and others avoid prison where they could contract diseases. CSO has helped women to continue with daily livelihood activities and has assisted in guarding against family breakdown” (Participant in a CSO Case Committee Focus Group Discussion held at Naivasha Probation Office, Nakuru County)

The findings on Table 3.9 above also revealed that a number of CSO benefits had relatively high scores of rating as having been realized to a large extent. One such benefit is that of crime deterrence (79.0%). The CSO Programme therefore needs to be structured in a way that it contributes more effectively in deterring crime in society. One way could be to fit CSO Supervisees with uniquely designed clothing for wearing while performing the unpaid work so that the public is able to identify them as CSO offenders. Other CSO benefits which require interventions for improvements: preventing hardening of petty offenders (75.5%) through improved supervision and counseling by Community Service/Probation Officers; impacting skills to offenders (66.4%) by ensuring that CSO Supervisees are exposed to life and economic survival skills; and providing alternative to imprisonment and fines for offenders who can't afford (59.0%) by encouraging a sentencing policy which makes it mandatory to Judges and Magistrates to commit all deserving petty offenders to CSO.

In general, all the benefits of CSO were indicated to have been realized to a large extent as shown in Figure 6 below. These findings emphasize the need to embrace more CSO sentences in the realization of the objectives of improved administration of criminal justice. These objectives include: decongesting prisons because most of them are crowded and waste public resources on maintenance of petty offenders¹³; assisting offenders in maintaining family ties as an integral component of offender rehabilitation; encouraging economic development by enabling offenders to continue with their economic activities; reducing stigmatization of offenders as a component of offenders' behavior change; rehabilitation of offenders; and promoting the reconciliation and reintegration of offenders, victims and the community.

¹³ Penal Reform International. (2012). Alternatives to imprisonment in East Africa: Trends and challenges. London. Penal Reform International.

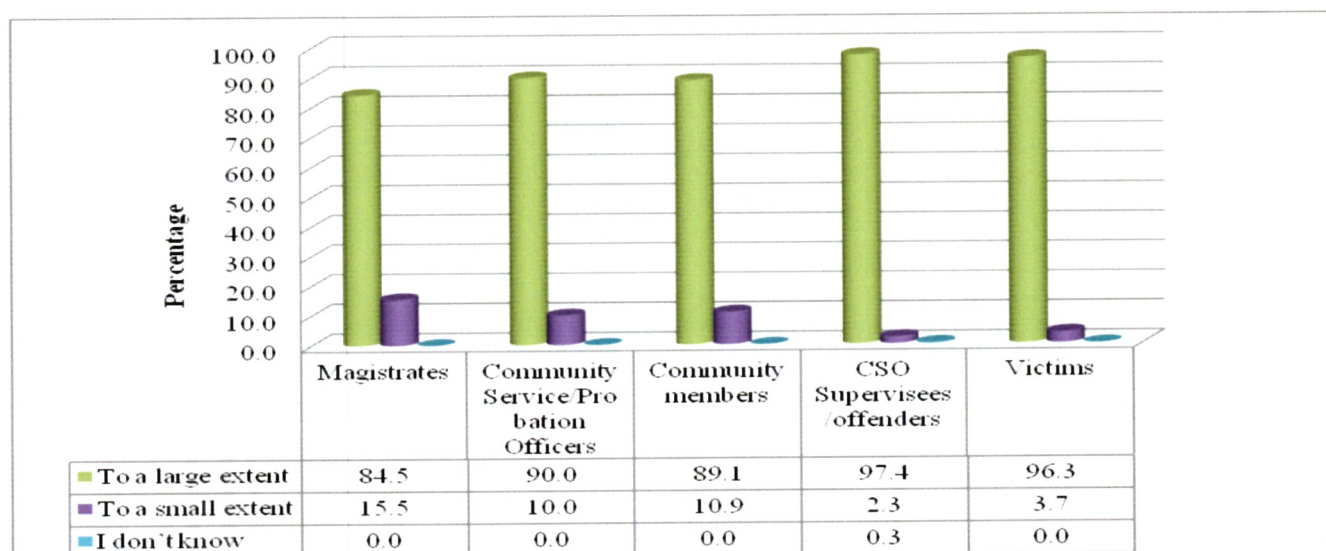


Figure 6: General extent of realization of CSO benefits

The interpretation of the above findings is that imprisoned petty offenders and their families and the Government are largely losing out on benefits of the CSO Programme. Hence, there is need to embrace CSO sentences more than prison sentences for petty offences.

3.3.2.5 Empowerment of CSO Supervisees

The survey sought to know how CSO Supervisees/offenders had been empowered through the CSO Programme. As shown in Table 3.10 below, the most prominent forms of empowerment acknowledged included: acquisition and transfer of skills; guidance and counseling; and financial support and/or provision of working tools and equipment.

Table 3.10 Forms of empowerment of CSO Supervisees

Form of empowerment	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/offenders
Acquisition and transfer of skills	20(62.5%)	124(91.9%)	172(46.9%)	137(37.8%)
Guidance and Counseling	13(40.6%)	38(28.1%)	208(56.7%)	219(60.5%)
Financial support and working equipments	7(21.9%)	16(11.9%)	5(1.4%)	6(1.7%)
Information sharing during open days	-	7(5.2%)	3(0.8%)	17(4.7%)
Entrepreneurship skills	1(3.1%)	6(4.4%)	9(2.5%)	6(1.7%)
Vocational training	-	5(3.7%)	11(3.0%)	10(2.8%)
Provision of tools and equipments	-	5(3.7%)	13(3.5%)	21(5.8%)
Formal education	1(3.1%)	8(5.9%)	6(1.6%)	1(0.3%)
Linkage with potential employers	1(3.1%)	3(2.2%)	4(1.1%)	1(0.3%)

Socio-demographic findings had indicated that most offenders were Primary School education holders and were not formally employed. These findings therefore affirm the need for improved and continued CSO offender empowerment in all aspects. However, the areas of great emphasis should be on: entrepreneurship training; vocational training; support in formal education; and linkage with potential employers, which were but mentioned by a few sample respondents. Guidance and counseling which is one of the areas that received one of the highest responses and is linked to successful rehabilitation of offenders should be enhanced and sustained.

Focus Group Discussion participants equally highlighted the forms of empowerment received by CSO offenders. One participant in Bungoma County had this to say:

“I know of CSO Offenders who have been trained at the Webuye Probation Daycare Centre and acquired useful skills to earn a living. CSO Offenders have also received counseling and rehabilitation which has enabled them gain self-control and change their life style. The sentence has promoted family unity and ensured that the offender is close to the family hence family members do not incur any cost of visiting the offender in prison” (Participant in a CSO Case Committee Focus Group Discussion held at Bungoma East (Webuye) Probation Office, Bungoma County).

A participant in a Focus Group Discussion held in Meru County observed this on empowerment of CSO offenders:

“CSO offenders serving their sentences under the Tigania West Probation Officer have benefited through guidance and counseling, behavior change, employment in the CSO Work Agencies such as the schools they have served the sentences and tree planting and tree nursery preparation skills” (Participant in a CSO Case Committee Focus Group Discussion held at Tigania West (Kianjai) Probation Office, Meru County).

A Police Officer in Kajiado Central Sub-county who had served in the area for 4 years and the National Police Service for 27 years had this to say:

“The CSO sentence has helped offenders to change their criminal behavior after going through guidance and counseling conducted by Community Service Officers”

A Work Agency Supervisor who had worked for 5 years with the New Beginning Self Help Organization based in Likoni Location of Mombasa Sub-county in Mombasa County and who had lived in the area for 20 years observed this:

“CSO Supervisees have been empowered through entrepreneurship skills and income generating activities like detergent making, fresh fruit juice making and management of tree nurseries”

The sentiments of Key Informants, Work Agency Supervisors and participants in Focus Group Discussions emphasize on the forms of empowerment accorded to CSO offenders and their importance in the rehabilitation and improvement of lives of the CSO offenders.

3.3.2.6 CSO Offenders' Rehabilitation and Supervision Activities

Sample respondents were asked to indicate what specific offender rehabilitation and supervision activities were conducted through the CSO Programme in their respective localities. As shown in Table 3.11 below, the activities which happened most often were: supervision in cleaning and maintenance of public facilities; guidance and counseling; and skills transfer and training.

Table 3.11 Specific CSO Supervisee/offender rehabilitation and supervision activities

Offender rehabilitation and supervision activity	Frequency and Percentage				
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims
Skills transfer and training	9(33.3%)	43(40.6%)	47(10.7%)	33(7.6%)	2(6.5%)
Guidance and counseling	6(22.2%)	79(74.5%)	118(26.9%)	142(32.6%)	5(16.1%)
Reintegration and reconciliation	-	18(17.0%)	5(1.1%)	5(1.1%)	2(6.5%)
Follow ups e.g. home visits and phone calls	6(22.2%)	15(14.2%)	32(7.3%)	18(4.1%)	-
Construction of public facilities	1(3.7%)	4(3.8%)	26(5.9%)	15(3.4%)	2(6.5%)
Tree planting	4(14.8%)	7(6.6%)	115(26.3%)	76(17.4%)	6(19.4%)
Cleaning and maintenance of public utilities	9(33.3%)	4(3.8%)	243(55.5%)	257(58.9%)	21(67.7%)

CSO offenders undertaking cleaning and maintenance of public facilities such as administrative offices are supervised by Community Service Officers and other Work Agency supervisors. Offenders are also supervised in construction works. Therefore, the above findings emphasize the important role played by Work Agency Supervisors and the need to adequately train the supervisors drawn from outside the Community Service Orders Department.

Community Service Officers offer guidance and counseling to assist offenders overcome their social problems including criminal behaviour. Where officers are lacking in guidance and counseling skills, offenders are referred to professional counselors. The implication of this finding is that there is need for Community Service Officers to be continually trained and regularly updated in guidance and counseling skills to effectively carry out the functions of rehabilitation and supervision of CSO offenders.

CSO Offenders interested in acquiring vocational skills such as carpentry, welding and mechanics are apprenticed to experienced artisans in Probation Training Institutions or facilitated to undertake

vocational training in other private and public training institutions. Following the transfer of skills and training to offenders, start-up resources need to be availed to the offenders for them to employ and benefit from the skills and training.

Community Service Officers engage other significant players in undertaking reintegration and reconciliation of offenders with the victims and the community. This means that Community Service Officers require conflict resolution, negotiation and reconciliation skills. To guard against offenders re-offending, officers conduct follow-ups through phone calls and home visits as part of supervision and rehabilitation of the offenders. This requires adequate facilitation in terms of airtime, vehicles and fuel or fare.

The CSO Programme has a component of environmental conservation where the Forestry Department works with the Community Service Office to undertake tree planting using CSO Supervisees. County Governments therefore stand a good position to benefit from CSO labour.



A CSO Supervisee tending a vegetable garden project at Isiolo Probation Office

3.3.2.7 Tangible CSO Community Projects

The sample respondents were asked to state the tangible community projects that had been implemented through the CSO Programme. Three main tangible community projects mentioned by the respondents were: afforestation/tree planting; construction of public utilities such as toilets; and farming, for example, fish and poultry keeping. Afforestation/tree planting was said to be a major project stated by over 60.0% of all the sample respondents as indicated in Table 3.12 below.

Table 3.12 Tangible CSO Community Projects

Project	Frequency and Percentage				
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ offenders	Victims
Afforestation/tree planting	18(81.8%)	109(89.3%)	150(66.7%)	162(74.0%)	11(84.6%)
Construction of public utilities (e.g. toilets)	6(27.3%)	54(44.3%)	69(30.7%)	42(19.2%)	5(38.5%)
Farming (e.g. fish and poultry keeping)	7(31.8%)	41(33.6%)	41(18.2%)	43(19.6%)	1(7.7%)



Fish Farming and Banana Planting CSO project at Imenti South Probation Office, Meru County



Bee Keeping CSO project at Isiolo Probation Office, Isiolo County

The findings in Table 3.12 above were upheld by some of the participants in Focus Group Discussions. For example, a Focus Group Discussion participant in Mombasa County reported that:

“In Mombasa, the CSO Programme is credited with projects such as market clean ups, tree planting for environmental conservation, digging up of pit latrines and fencing of public schools and other government institutions” (Participant in a Focus Group Discussion held at Shanzu (in Kisauni) Probation Office, Mombasa County).

A Focus Group Discussion participant in Nakuru County reported that:

“In Naivasha, we have been able to establish through the CSO Programme tree nurseries and sold over 1,000 seedlings, open farm which raised Kshs. 700,000 for the Government, and green houses which have empowered offenders to get skills in green house management” (Participant in a Focus Group Discussion held at Naivasha Probation Office, Nakuru County).

A Key Informant who was a Deputy County Commissioner in Kakamega County observed that:

“Some of the projects implemented through the CSO Programme in this area are cleaning and clearing of drainage cravats and establishment of tree nurseries where community members buy tree seedlings for planting in their parcels of land”

An Assistant Chief in Itembe Location of Bomet County said that:

“CSO projects in this area are mainly tree planting and digging of roads”

A Public Prosecutor in Vihiga County observed that:

“CSO offenders in the locality are engaged in projects such as rabbit rearing”

The findings from Key Informants and participants in Focus Group Discussions highlight the key community project areas of the CSO Programme. The interpretation of the results on tangible CSO community projects is that the CSO Programme is contributing in the realization of the Vision 2030 target of environmental conservation and sustainability through increasing of Kenya’s forest cover from the under 3 - 4% as at 2012 to 10% by 2030.¹⁴ The Programme also contributes to improved nutritional and economic status of Kenyans through agricultural/farming ventures. Hence, adequate funding of the projects implemented through the CSO Programme has the potential to contribute tremendously toward national development.



A CSO Afforestation Project in Tigania Probation Office (Kianjai), Meru County

3.3.2.8 Perceptions on adequacy of utilization of CSO sentences

Majority of the sample respondents in all the categories indicated that Community Service Orders (CSO) sentences were adequately utilized by the courts. Over 80.0% of the Magistrates and the Community Service/Probation Officers indicated that CSO sentences were adequately utilized by Law Courts in their localities. Over two-thirds of the community members (61.5%), 72.4% of the CSO Supervisees/offenders and 50.0% of the victims were of the view that CSO sentences were being adequately utilized

¹⁴ Government of Kenya (2007). Kenya Vision 2030. Nairobi. Government Printers.

by the courts as indicated in Figure 7 below. On average, 69.8% of all respondents (that is, the average of 84.5%, 80.4%, 72.4%, 50.0% and 61.5%) said that the CSO sentences were being adequately utilized while 20.6% were of the view that there was no adequate utilization of the CSO sentences, with only a handful reporting that they were not utilized at all or were not aware.

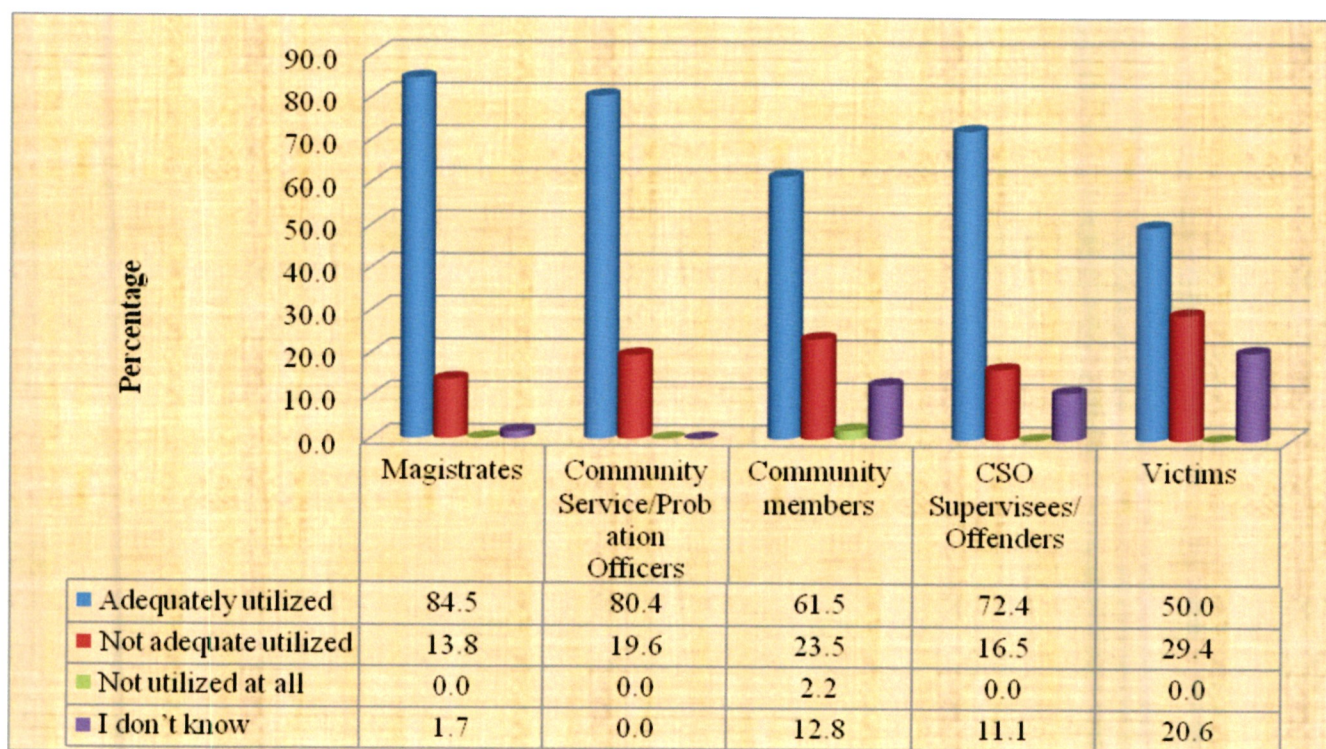


Figure 7: Perceptions on adequacy of utilization of CSO sentences

Key Informants in this study also commented about the adequacy of utilization of CSO sentences by Law Courts in Kenya. For instance, a Deputy County Commissioner in Bomet County whose office is a member of the CSO Case Committee observed:

“I can say that the rate of utilization of CSO in this locality is 60%. The sentence is generally utilized adequately since courts place offenders regularly. However, there is room for improvement”

A Public Prosecutor in Kisumu County argued that:

“CSO sentences in my jurisdiction are adequately utilized. Most of the locals here are very poor and cannot afford fines, their offences are not serious and the offenders are mostly remorseful. Hence, rehabilitation through CSO seems to be adequate and the better option”

From the above findings, a relatively good proportion of the victims (29.4%), community members (23.5%) and offenders (16.5%) who are supposedly the direct beneficiaries of the sentence felt that the sentence was not adequately utilized. These results are related to earlier findings on actual placements which pointed to more use of shorter prison sentences than CSO sentences. According to Kiarie (2015), petty offenders jammed prisons as congestion hit crisis level and that the petty offenders were languishing

in the congested jails together with hardcore criminals. These findings therefore call for interventions by the Judiciary and the Community Service Orders/Probation Department towards increased CSO utilization.

3.3.2.9 Factors influencing utilization of CSO sentences

1. Factors contributing to the adequate utilization of CSO sentences

Most of the sample respondents perceived that the factors contributing to the adequate utilization of the CSO sentences by Law Courts were: nature of crime/type of offender; prison decongestion; community positive attitude towards the CSO Programme; proper coordination among stakeholders; and committed, efficient and competent CSO officers. Most of the community members (37.4%) and 41.2% of the CSO supervisees/ offenders, noted that the nature of crime/type of offender (that is, if the offence was petty in nature) was a major factor contributing to the adequate utilization of the CSO sentences. Table 3.13 below gives a summary of the findings on factors contributing to the adequate utilization of CSO sentences.

Table 3.13 Factors contributing to adequate utilization of CSO sentences

Contributing factors	Frequency and Percentage				
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims
Committed, efficient and competent CSO officers	8(19.5%)	39(38.2%)	36(12.5%)	29(8.6%)	4(22.2%)
Proper coordination among stakeholders	3(7.3%)	24(23.5%)	25(8.7%)	21(6.2%)	-
Community's positive attitude towards the CSO Programme	9(22.0%)	25(24.5%)	34(11.8%)	54(16.0%)	2(11.1%) -
Prison decongestion benefits	12(29.3%)	16(15.7%)	58(20.1%)	46(13.6%)	-
Benefits of preventing hardening of petty offenders	1(2.4%)	4(3.9%)	21(7.3%)	43(12.8%)	-
CSO Work availability	2(4.9%)	14(13.7%)	17(5.9%)	19(5.6%)	1(5.6%)
Petty nature of crime/ type of offender	16(39.0%)	29(28.4%)	108(37.4%)	139(41.2%)	5(27.8%)
Compliance by offender	7(17.1%)	13(12.7%)	42(14.5%)	39(11.6%)	
Maintains family ties	-	7(6.9%)	-	-	-
Rehabilitation of offenders	-	-	-	-	6(33.3%)
Dispute resolution mechanism	-	-	-	-	4(22.2%)

The above findings revealed that only a few members of the community and CSO offenders were aware of the factors encouraging Law Courts to utilize CSO sentences. Therefore, deliberate efforts should be put in place by both the Judiciary and the Community Service Orders Department to raise awareness among the offenders and the community to this end.

Key informants were as well emphatic on factors contributing to adequate utilization of CSO sentences. For instance, a Police Officer in Naivasha Sub-county of Nakuru County observed that:

“The petty nature of crimes in this area warrants CSO sentences. There is a lot of illicit brews and other cheap local brands of alcohol for which offenders are arrested and with the offence of being drunk and disorderly. It cannot be proper to fill prisons with such kind of offenders. Secondly, most offenders are first time offenders and taking them to jail will be hard to rehabilitate them”

A Magistrate in Bungoma County said that:

“Most people in the community in this area cannot afford to pay fines because of the high poverty levels. Coupled with the petty nature of their offences, a CSO sentence becomes the most viable option of sentencing of these poor and petty offenders”

The findings from sample respondents and Key informants emphasize the need for the Judiciary to consider the petty nature of an offence when deciding whether or not to place an offender for CSO supervision.

2. Factors contributing to the inadequate utilization of CSO sentences

The few sample respondents who argued that CSO sentences were not adequately utilized gave their opinions on the factors contributing to the inadequate utilization. Some of the broadly mentioned factors were: inadequate or lack of stakeholders' sensitization about the benefits of CSO Programme; lack of stakeholder/community support to CSO Programme with some having negative attitude; difficulty in reaching placement work agencies by CSO Supervisees; and, most offences committed in the locality did not qualify for CSO mainly because they were considered serious offences. The main reason given by Magistrates for the inadequate utilization of CSO sentences was the perceived poor supervision of the offenders. The main reason given by CSO Supervisees/offenders was that most offences committed in the locality did not qualify for CSO and this contributed to the inadequate utilization of the CSO programme. Community Service/Probation Officers majorly blamed the inadequate utilization of CSO sentences on the inadequate or lack of stakeholders' sensitization about the benefits of the CSO Programme. These results are presented in Table 3.14 below.

Table 3.14 Factors contributing to inadequate utilization of CSO

Contributing factors	Frequency and Percentage				
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims
Poor supervision of CSO offenders	4(66.7%)	1(5.0%)	8(7.7%)	2(2.6%)	-
Lack of stakeholders/ community support to CSO Programme	1(16.7%)	7(35.0%)	6(5.8%)	1(1.3%)	3(37.5%)
Inadequate or lack of stakeholders' sensitization about the benefits of CSO Programme	-	10(50.0%)	31(29.8%)	7(9.2%)	3(37.5%)
Difficulty in reaching placement work agencies	-	-	13(12.5%)	11(14.5%)	1(12.5%)
High level of absconding and reoffending by offenders	-	-	2(1.9%)		-
Corruption	-	-	23(22.1%)	8(10.5%)	-
Lack of permanent residence for some offenders	1(16.7%)	1(5.0%)	-	-	-
Lack of tangible CSO projects	-	2(10.0%)	-	-	-
Serious nature of most offences committed in the locality	-	5(25.0%)	25(24.0%)	48(63.2%)	2(25.0%)

Some of the findings from sample respondents were highlighted by a senior Prison Officer based in Nyahururu Prison in Nyandarua County who had worked for 26 years and had been in the prison facility for 5 years at the time of the study. The officer reported that:

“The CSO sentence is not adequately utilized and some of the reasons for this are: poor coordination between Law Courts and the Probation Department; negative perception towards the CSO sentence with preference for custodial sentences; few Probation Officers to do proper social inquiry; weak supervision of CSO offenders; and unfavourable attitude of Sentencing Officers”

A Police Officer who had worked in the National Police Service for 24 years and in Ngembé West Location of Mbita Sub-county in Homa Bay County for 6 years reported that:

“The CSO sentence in this area is underutilized. This is partly attributed to the fact that Community Service Officers do not go and check the work of the offenders”

The implication of the above findings is that the Judiciary and the Community Service/Probation Department need to take a more proactive role in sensitization of relevant stakeholders on the benefits and/or operations of the CSO Programme. The support of the community towards the Programme needs to be enlisted while the aspects of poor supervision should be addressed.

3.3.2.10 General perceptions on key aspects of CSO utilization

The survey further sought to establish the general perceptions on the key aspects of CSO utilization. Over 50.0% of all sample respondents agreed to the following general perceptions on key aspects in the utilization of CSO sentences:

- i. The cost-benefit analysis of CSO over imprisonment of non-serious offenders has encouraged some sentencing officers to utilize CSO.
- ii. Satisfaction with the economic benefits of CSO to the community has motivated and/or encouraged sentencing officers to continue utilizing the option.
- iii. Satisfaction with the good performance of the unpaid work by offenders has motivated and/or encouraged sentencing officers to continue utilizing the option.
- iv. Satisfaction with the rehabilitation of the CSO offenders by the Probation and Aftercare Services Department has motivated and/or encouraged Sentencing Officers to continue utilizing the option.
- v. Previous breach of CSO by some offenders has contributed in under-utilization of the order.
- vi. Security challenges (for example, threats of harm to victims) posed by some offenders discourage the use of Community Service Orders sentences on them.

The interpretation of these findings is that these aspects are central to considerations in the implementation of the CSO Programme in the country. Table 3.15 below captures the perceptions on key aspects in the utilization of CSO sentences as reported by the sample respondents.

Responses in Percentages												
Statement	Agree					Disagree					I don't know	
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims	Magistrates	Community Service/ Probation Officers
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims	Magistrates	Community Service/ Probation Officers
Satisfaction with the economic benefits of CSO to the community has motivated and/or encouraged sentencing officers to continue utilizing the option.	84.5	84.1	77.3	78.4	64.7	8.6	11.6	17.9	17.1	26.5	6.9	4.3
Satisfaction with the good performance of the unpaid work by offenders has motivated and/or encouraged sentencing officers to continue utilizing the option.	81.0	87.7	69.0	76.9	70.6	13.8	10.1	25.2	18.4	20.6	5.2	2.2
Satisfaction with the rehabilitation of the CSO offenders by the Probation Department has motivated and/or encouraged sentencing officers to continue utilizing the option.	75.9	81.9	76.3	84.1	70.6	12.1	13.8	19.9	10.9	17.6	12.1	4.3
Unsatisfactory supervision of CSO supervisees/offenders in work agencies discourages sentencing officers from issuing CSO.	60.3	49.3	-	-	-	29.3	46.4	-	-	-	10.3	4.3
Some CSO Officers are not fully conversant with the provisions and the circumstances under which a CSO sentence can be issued by a court and supervised and therefore do not recommend the order for use by the courts.	25.9	12.3	-	-	-	60.3	84.1	-	-	-	13.8	3.6

Statement	Responses in Percentages														
	Agree					Disagree					I don't know				
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims
Some CSO Officers have a generally negative attitude towards the CSO sentence and therefore do not recommend the order for use by the courts.	13.8	20.3	33.3	25.6	29.4	72.4	76.8	60.9	65.6	58.8	13.8	2.9	5.7	8.7	11.8
Some CSO Officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives.	22.4	23.9	49.7	35.0	35.3	39.7	63.0	41.6	49.7	44.1	37.9	13.0	8.7	15.3	20.6
Previous breach of CSO by some offenders has contributed in under-utilization of the order.	72.4	68.1	66.7	56.1	44.1	13.8	30.4	27.0	34.6	35.3	13.8	1.4	6.3	9.3	20.6
Unwillingness of some offenders to undertake community service discourages the utilization of CSO.	70.7	58.7	56.4	45.4	38.2	22.4	40.6	39.8	50.9	44.1	6.9	.7	3.7	3.7	17.6
Hostility of some victims and local community members to non-custodial sentences discourages the use of CSO.	69.0	59.4	60.9	50.3	50.0	25.9	37.7	34.5	43.9	41.2	5.2	2.9	4.5	5.8	8.8
Good quality CSO Officers' pre-sentence reports contribute to the utilization of CSO by courts.	94.8	91.3	-	-	-	3.4	7.2	-	-	-	1.7	1.4	-	-	-
CSO Officers have not been adequately trained on issues of CSO supervision which in turn affects utilization of CSO	41.4	42.8	-	-	-	34.5	55.8	-	-	-	24.1	1.4	-	-	-

Most of the Magistrates (51.7%), Community Service Officers (48.6%) and community members (52.7%) disagreed with the statement that some sentencing officers were not fully conversant with the provisions and the circumstances under which a CSO sentence can be issued by a court and therefore do not utilize the order. Most Magistrates (60.3%) and Community Service Officers (84.1%) disagreed with the statement that some CSO Officers were not fully conversant with the provisions and the circumstances under which a CSO sentence can be issued by a court and supervised and therefore do not recommend the order for use by the courts. This finding is in concurrence with the finding that most Magistrates and Community Service Officers had served for periods long enough to be able to understand their work.

As indicated in the Table 3.15 above, most of the Community Service/Probation Officers (87.0%), CSO Supervisees/offenders (81.7%), community members (81.1%), Magistrates (81.0%) and victims (79.4%) agreed to the statement that the cost-benefit analysis of CSO over imprisonment of non-serious offenders has encouraged some sentencing officers to utilize CSO sentences. This finding is consistent with other findings which highlighted prison decongestion as one of the key benefits of CSO sentences and also as a key factor influencing the adequate utilization of the CSO sentences.

The findings further showed that 76.8% of the Community Service/Probation Officers, 60.9% of the community members, 59.4% of the CSO Supervisees/offenders, 55.9% of the victims and most (44.8%) of the Magistrates disagreed with the statement that some sentencing officers have a negative attitude towards the CSO sentence and therefore do not utilize the order. However, a good proportion of Magistrate respondents (41.4%) indicated that some sentencing officers had a generally negative attitude towards the CSO sentence and therefore did not utilize the order. CSO sentences are issued by sentencing officers and therefore efforts are required to enhance positive attitude among the sentencing officers if desirable levels of CSO utilization are to be achieved.

A key ingredient to satisfactory performance by an employee is positive attitude towards work.¹⁵ It was clear from the survey's findings (from the majority of all sample respondents) that Community Service/Probation Officers did not have a generally negative attitude towards the CSO sentence. This was probably the reason they had continued recommending the Order for use by the courts. Hence any weak points in the CSO Programme could not be attributed to negative attitude of the officers.

The statement that 'the security challenges (for example, threats of harm to victims) posed by some offenders discourage the use of Community Service Orders sentences on them in some instances was agreed to by 84.5% of the Magistrates, 70.3% of the Community Service/Probation Officers, 67.6% of the victims, and 67.3% of the community members and 55.0% of the CSO Supervisees/offenders. This finding calls for Community Service Officers to prioritize conducting assessments of potential risks of offenders to the victims and advise Law Courts appropriately before CSO sentences can be issued.

The findings as contained in Table 3.15 above as well indicate a host of other pertinent issues for consideration by relevant players in the CSO Programme. A considerably large percentage of Magistrates (44.8%), community members (42.2%) and Community Service/Probation Officers (36.2%) agreed with the statement that some sentencing officers were not fully conversant with the provisions and the circumstances under which a CSO sentence could be issued by a court and therefore did not utilize the order. Capacity building among the sentencing officers is critical to help towards increased utilization of the CSO sentences.

¹⁵ Armstrong, Michael (2001). A handbook of Human Resource Management Practice (8th Edition). Kogan Page Ltd. London.

While most (62.1%) of the Magistrates, Community Service/Probation Officers (48.6%) and CSO Supervisees/offenders (50.3%) disagreed with the assertion that some sentencing officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives, a sizeable proportion of community members (47.7%) and victims (44.1%) agreed with the assertion. CSO being a community-based sentence relying heavily on the support of the community in the non-custodial supervision and rehabilitation of the CSO offenders, the Judiciary and the Community Service Office need to institute interventions to change this perception especially among the community members.

The findings of the survey reported by most of the Magistrates (44.8%) and Community Service Officers (52.2%) showed that sentencing officers were reluctant to accept CSO recommendations from CSO/Probation Officers when they had not referred cases for the same. For instance, some Magistrates were reluctant to accept recommendations of a Community Service/Probation Officer for CSO even when the Magistrate had made the case referral for recommendations towards a Probation Order. The study as well established that majority (55.2%) of the Magistrates and Community Service/Probation Officers (65.9%) agreed with the assertion that most CSO/Probation Officers do not have adequate discretions to provide recommendations for CSO sentences when courts have not referred the cases to them. The interpretation of this finding is that the rigidity of some sentencing officers and the limitation of the discretion by Community Service/Probation Officers hinders the Criminal Justice System and the community at large the opportunity to fully benefit from the CSO Programme.

The results of the survey showed that satisfaction with the economic benefits of CSO to the community and the good performance of the unpaid work by offenders had motivated and/or encouraged sentencing officers to continue utilizing the option. CSO Supervisees pay back to the community they had offended through the provision of unpaid labour in public institutions. Earlier results had also indicated that CSO sentences were utilized adequately because they contributed in saving on tax payers' money which would otherwise have been spent on not much productive short term prison sentences. Community Service Officers should therefore ensure that CSO work is performed to the expectations of the Order and benefits realized can be quantified, are documented and availed to sentencing officers. This may help enhance perception and encourage continuous utilization of the Orders.

One of the objectives of the CSO sentence is to prevent, through the rehabilitation of placed offenders, the commission of further crimes/offences. Findings of the study established that majority (75.9%) of the Magistrates, Community Service/ Probation Officers (81.9%), community members (76.3%), CSO Supervisees/ Offenders (84.1%) and victims (70.6%) agreed that satisfaction with the rehabilitation of the CSO offenders by the Probation Department motivates and/or encourages sentencing officers to continue utilizing the option. Therefore, the Community Service/Probation Department needs to improve on the rehabilitation of the CSO offenders and curb recidivism so that sentencing officers can be motivated and/or encouraged to continue utilizing the CSO option.

Findings established that the majority (60.3%) of the Magistrates and most (49.3%) Community Service Officers agreed that the unsatisfactory supervision of CSO supervisees/offenders in work agencies discourages sentencing officers from issuing CSO. The implication of this finding is that Work Agency Supervisors as key players in the CSO Programme need adequate capacity building in all relevant areas of knowledge and skills and be properly facilitated resource-wise to effectively supervise CSO offenders.

Previous breach of CSO sentences by some offenders was found to contribute to the under-utilization of CSO. This was highlighted by majority (72.4%) of the Magistrates, Community Service/ Probation Officers (68.1%), community members (66.7%), CSO Supervisees/ Offenders (56.1%) and most victims (44.1%) who agreed that previous breach of CSO by some offenders has contributed in under-utilization of the order.

Failure to perform CSO work, failure to honour appointments given by the Community Service Officer and committing further crimes and offences all constitute a breach. Stakeholders in the CSO Programme therefore need to seal loopholes which contribute to the breach through effective supervision, monitoring and offender empowerment.

Unwillingness of some offenders to undertake community service, hostility of some victims and local community members to non-custodial sentences and security challenges posed by some offenders were also highlighted by sample respondents to varying degree to discourage the utilization of CSO sentencing as shown in Table 3.15 above. Offenders, victims and the community at large need to be sensitized about the Orders, the merits and demerits of both the custodial and non-custodial sentencing options. Offender-victim-community reconciliation needs to happen during the inquiry and post-placement period.

Effective CSO supervision of offenders is a key ingredient in the CSO Programme. The results showed that a sizeable proportion of Community Service Officers have not been adequately trained and/or sensitized on issues of CSO supervision, CSO project supervision and implementation. These findings therefore called for continuous training and/or sensitization of the officers on CSO supervision, project supervision and implementation.

3.4 Compliance with Community Service Orders

Compliance with CSO is a key pillar of the CSO Programme in Kenya. Compliance has to do with successful completion of the Order issued by court. This is by way of mainly performing the unpaid work for the duration of the sentence and not re-offending during the period of the sentence. Compliance with CSO is determined by a number of variables.

3.4.1 Supervision, monitoring and evaluation of CSO

A key component of the CSO Programme is supervision, follow ups and visits to offenders in work agencies, monitoring and evaluation of the CSO Programme by Sentencing Officers and Community Service Officers.

3.4.1.1 Supervision of CSO

How well the offender is supervised will determine whether or not the offender will breach or complete his sentence satisfactorily. The supervision of CSO offenders is generally conducted by Community Service Officers. However, supervision of the offenders while performing the unpaid work in most work agencies which are not Community Service/Probation Offices is normally done by supervisors in the agencies.

1. CSO offenders' reporting to CSO Offices for supervision and rehabilitation

Findings from majority of the Magistrates (55.2%) and Community Service Officers (93.5%) showed that CSO Supervisees reported to CSO offices for supervision and rehabilitation as instructed by the Community Service Officers. Majority (95.5%) of the CSO Supervisees/offenders said that they reported to CSO offices for supervision and rehabilitation as instructed by Community Service Officers.

These findings were corroborated by 61.9% of the community members who answered with a 'Yes' to confirm that they knew of offenders who were reporting to CSO offices as instructed for supervision and rehabilitation (see Figure 8 below). Of these community members, 88.2% said CSO offenders reported to Community Service Officers often while the rest said the offenders reported rarely.

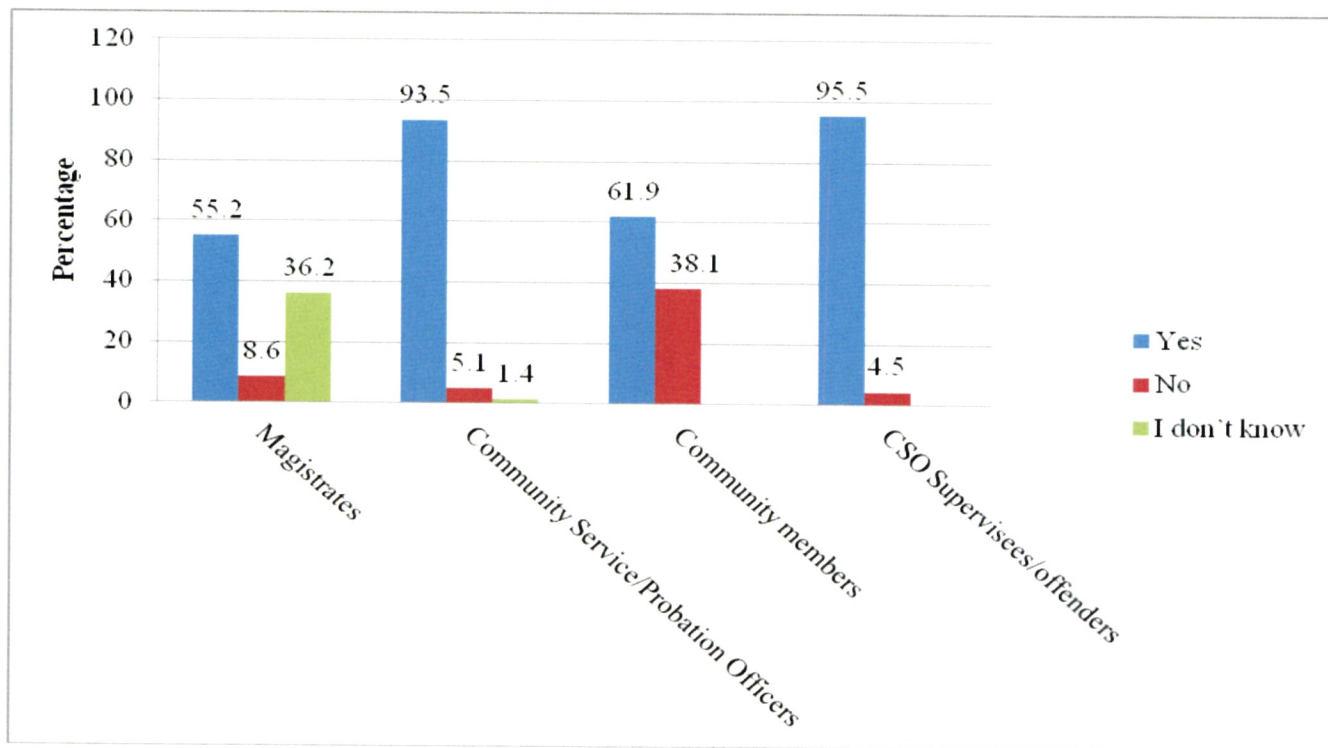


Figure 8: Responses on whether CSO Supervisees/offenders report to CSO offices for supervision and rehabilitation as instructed by CSO Officers

2. Contacts made by Community Service Officers and Sentencing Officers to CSO Supervisees/offenders

As part of ensuring compliance, Community Service Officers are required to make regular contacts with CSO Supervisees for purposes of supervision and rehabilitation. Most (69.5%) CSO Supervisees/offenders confirmed that Community Service Officers contacted them (CSO Supervisees/offenders) while the rest said that the officers never contacted them.

Findings from CSO Supervisees/offenders indicated that Community Service Officers contacted CSO offenders often (81.0%). These findings were confirmed by Community Service Officers who said that they (CSO Officers) contacted the supervisees often (81.9%). However, as shown in Figure 9 below, only a few (10.3%) of the Magistrates contacted offenders placed on CSO often.

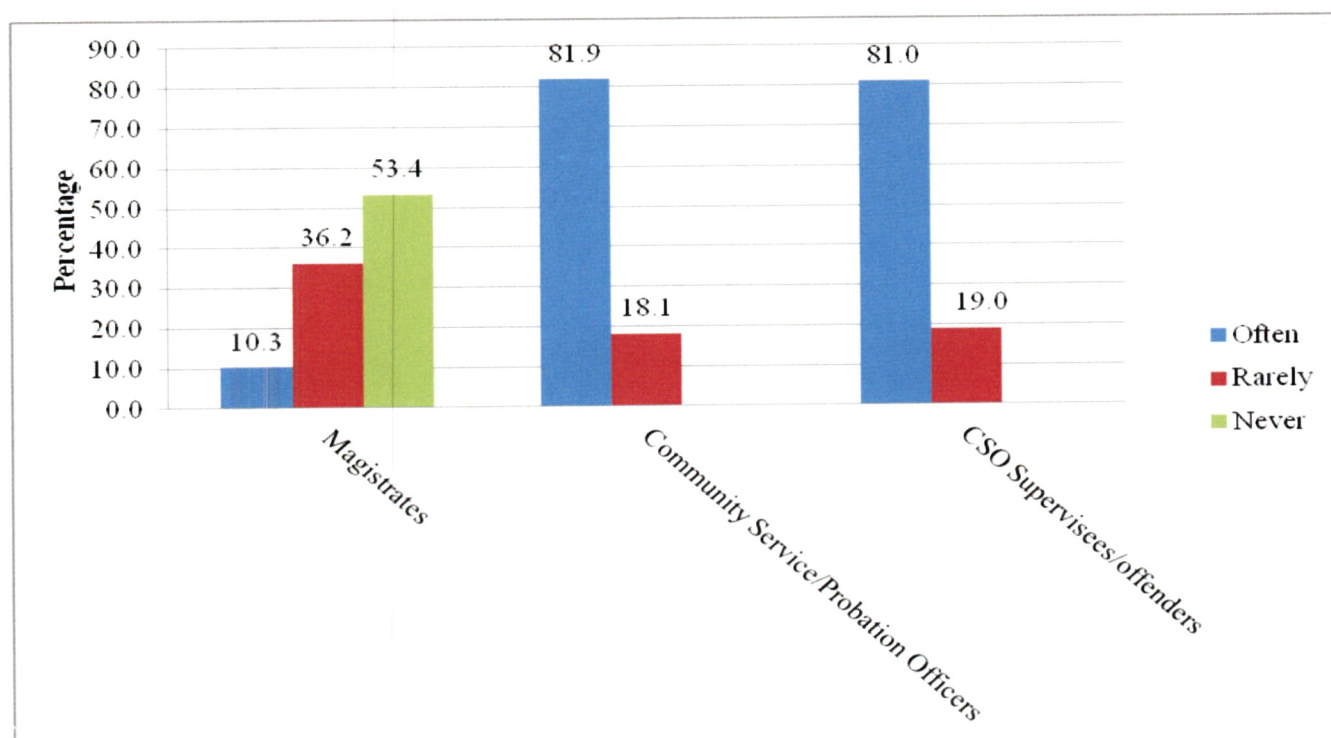


Figure 9: Frequency of contacts between CSO Offenders, Sentencing Officers and Community Service Officers

The reasons given by Magistrates for never or rarely contacting offenders placed on CSO were: it was the work of CSO Officers to make follow ups (57.5%); heavy workload in Law Courts (27.5%); offenders giving misleading information and contact details about themselves (10.0%); inadequate resources such as funds to cater for the contact expenses (7.5%); and satisfactory compliance by offenders (2.5%) and hence no need to contact the offenders. The reasons given by Community Service Officers who did not contact supervisees/offenders or who contacted them rarely were: inadequate resources/funds (68.8%); heavy workload (31.2%); and compliance by offenders (6.2%) and hence no need to contact them. According to CSO Supervisees/offenders, the possible reasons for the Community Service Officers failure to contact them or for contacting them rarely were: CSO officers were receiving reports about the offenders from work agency supervisors (65.7%); heavy workload in CSO offices (13.9%); poor infrastructure to reach the supervisees or the supervisee to reach the officer (7.8%); inadequacy of resources/funds to cater for the contact expenses (6.6%); missing contact addresses/details (6.0%); and lack of interest/reluctance of the officers (1.2%).

The survey also sought to establish the modes used by Sentencing Officers and Community Service Officers to contact CSO Offenders. The modes of contact reported by Magistrates were: home/work agency visit (58.3%); information passed through work agency supervisors (25.0%); offender reporting to the Community Service Office (16.7%); and through phone calls (8.3%). The modes of contact reported by Community Service Officers were: home/work agency visit (86.6%); through phone calls (51.2%); offender reporting to the Community Service Office (23.6%); and information passed through work agency supervisors (13.4%).

3. Contacts made between Community Service/Probation Officers and the Community concerning CSO Supervisees/offenders

Over two-fifths of the community member respondents (42.4%) reported that Community Service/Probation Officers contacted members of the community to find out how CSO offenders were performing their work and progressing on with their rehabilitation. Only 25.2% said that Community Service/Probation Officers did not contact community members on such a subject while 32.3% others indicated that they did not know.

When asked if members of the local community take interest in knowing whether or not CSO offenders comply with the requirements of CSO sentences, most (46.2%) of the community member interviewees responded that they do not take interest, while 18.9% others said they did not know. Nevertheless, 34.9% of the respondents indicated that community members have interest in knowing whether or not CSO offenders comply with the requirements of CSO sentences. To validate their responses, they were further asked to state how they do it and indicated as follows: community members follow up to find out if supervisee has complied with the sentence (41.6%); community members are not concerned (41.0%); community members find it difficult to distinguish CSO supervisees from other workers in the work agency (14.6%); and Work Agency supervisors ensure supervisees carry out the work assigned (3.6%).

3.4.1.2 Follow ups and visits to offenders in Work Agencies

In Kenya, Magistrates and Community Service Officers are expected to make periodical follow ups and visits to offenders in their placement work agencies as part of ensuring compliance with the CSO sentence in particular and the success of the CSO Programme in general. When asked whether they visit CSO offenders in their work agencies, 36.2% of the Magistrates responded on the positive. However, most (63.8%) of the Magistrates were not visiting offenders in their work agencies. As for Community Service Officers, 97.1% of them confirmed that they were visiting offenders in their work agencies and only 2.9% indicated not doing so. Majority (65.8%) of the CSO offenders confirmed that their Community Service Officers visited them at their work agencies and 34.2% said the officers do not visit them.

Among the Magistrates who visited the offenders at their work agencies, only 28.6% reported doing the visits so often, while majority (71.4%) made rare visits. Over two thirds (61.9%) of the Community Service Officers confirmed visiting the offenders often (regularly) whereas 38.1% others did rare visits. Nearly half of the community members (46.4%) reported that they had never seen Sentencing Officers (Judges and Magistrates) visiting offenders in places of CSO work. However, 9.9% and 16.0% of the community members confirmed seeing Sentencing Officers (Judges and Magistrates) visiting offenders in places of CSO work often and rarely respectively, while 27.8% did not know how often sentencing officers visited offenders in places of CSO work. These findings are captured in Figure 10 below.

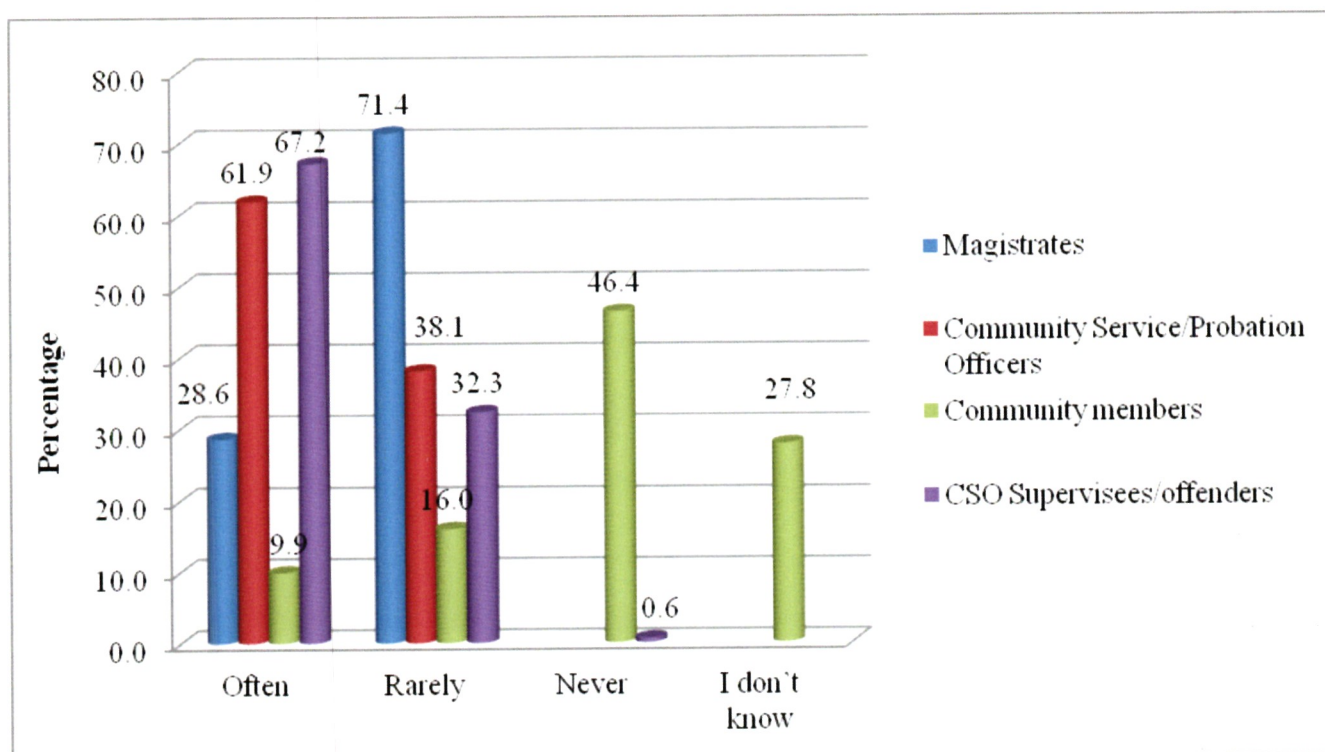


Figure 10: Responses on frequency of visits to CSO Offenders in Work Agencies

The reasons cited by Magistrates for never or rarely visiting the supervisees in the work agencies were: heavy workload/busy court schedule (33.3%); limited resources (33.3%); time constraints (27.3%); poor transport and communication infrastructure (12.1%); and that once offender has been sentenced it is upon CSO Officer to make a follow up (3.0%).

The reasons stated by Community Service Officers for not visiting or for their rare visits to CSO offenders in their work agencies were: limited resources (80.0%); case load was too big (14.5%); time constraints (12.7%); and poor transport and communication infrastructure (1.8%).

According to CSO Supervisees, the possible reasons for Community Service Officers not visiting them or making rare visits to them at their work agencies were: Community Service Officers rely on Work Agency supervisor's report (64.8%); time constraints (14.8%); limited resources (14.2%); case load was too big (13.6%); and poor transport and communication infrastructure (4.0%).

Community members indicated that the possible reasons for courts (Judges and Magistrates) not visiting at all or for the rare visits to the offenders at their Work Agencies were: Sentencing Officers got feedback from Community Service Officers (48.5%); heavy workload/busy court schedule (36.2%); lack of interest among Sentencing Officers (15.7%); limited resources (3.5%); and poor transport and communication infrastructure (1.3%).

3.4.1.3 General monitoring and evaluation of the CSO Programme by Courts

1. Frequency of monitoring and evaluation of CSO Programme by Community Service Officers and Sentencing Officers

Monitoring and evaluation of the CSO Programme by Courts is fundamental to ensuring effective and efficient realization of the Programme's objectives. A question was posed to Magistrates, Community Service/Probation Officers and CSO Supervisees/offenders with regard to how often courts conducted monitoring and evaluation of the CSO Programme (and sentence). Nearly half of the Magistrates indicated often conducting monitoring and evaluation of CSO. The rest of the Magistrates reported conducting monitoring and evaluation of CSO rarely (43.1%) or never (8.6%) conducting them. According to most (54.3%) of the Community Service/Probation Officers, courts conducted monitoring and evaluation of CSO rarely. Most (38.8%) of the CSO Supervisees/offenders reported that courts never conducted monitoring and evaluation of CSO. These findings are presented in Figure 11 below.

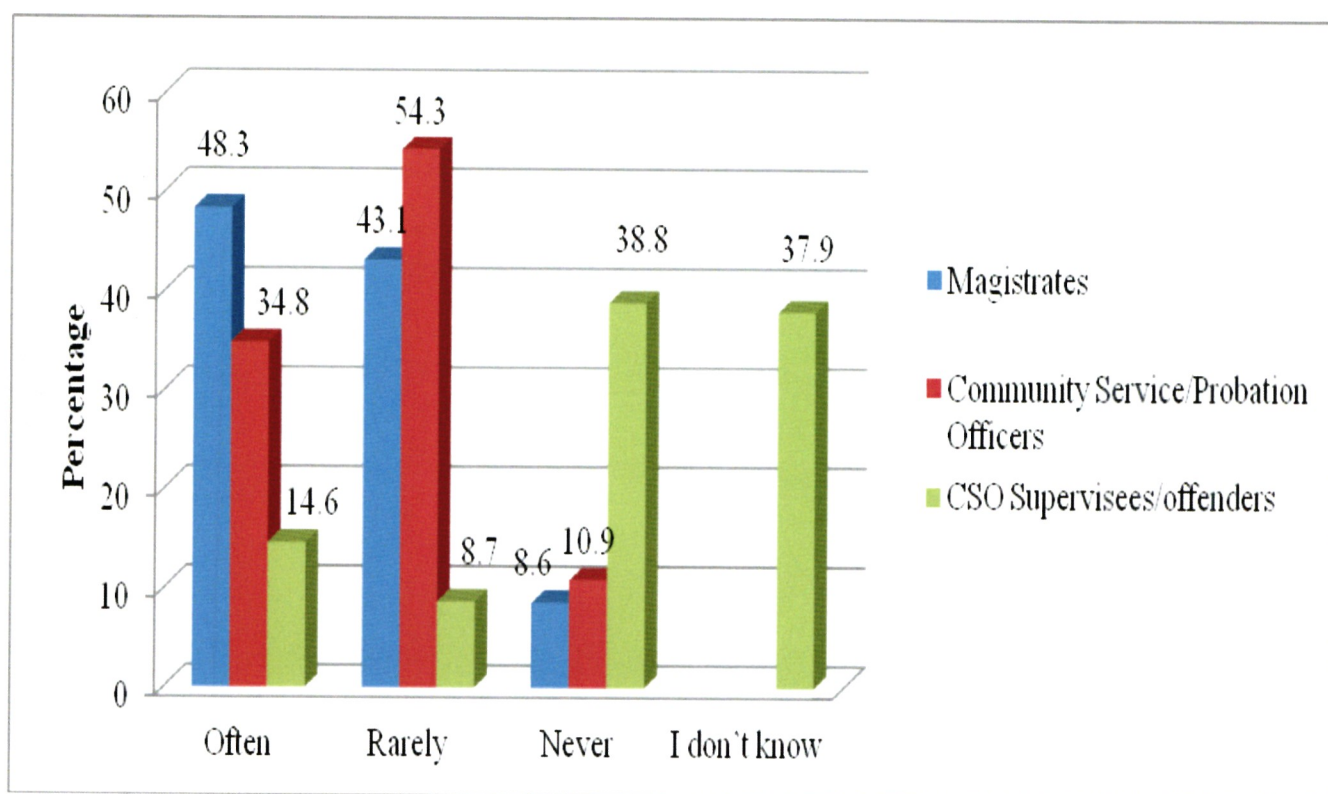


Figure 11: Responses on frequency of conducting monitoring and evaluation of CSO by Courts

The reasons given by Magistrates for courts conducting monitoring and evaluation of CSO rarely or never conducting it at all were: heavy workload/busy court schedule (28.6%); Courts use CSO Officers to conduct monitoring and evaluation of CSO Programme (28.6%); limited resources (23.8%); poor coordination among stakeholders (9.5%); and time constraints (9.5%).

The reasons cited by Community Service/Probation Officers for courts conducting monitoring and evaluation of CSO rarely or never conducting it at all were: heavy workload/busy court schedule (69.6%); lack of interest (24.6%); use CSO officers to conduct the monitoring and evaluation of CSO (15.9%); limited resources (15.9%); poor coordination among stakeholders (13.0%); and duration of placement for instance the one day CSO placements (2.9%).

CSO Supervisees/offenders said that the possible reasons for courts conducting monitoring and evaluation of CSO rarely or never conducting it at all were: use CSO officers to conduct the monitoring and evaluation of CSO (54.3%); heavy workload/busy court schedule (37.1%); lack of interest (9.3%); poor coordination among stakeholders (3.6%); and limited resources (1.4%).

2. Contacts made by Sentencing Officers and Community Service/Probation Officers to Work Agency Supervisors concerning CSO Supervisees/offenders

Magistrates were asked how often they contacted CSO Work Agency Supervisors to find out how placed offenders were performing their work. Most (41.4%) of them said that they rarely did it, 32.8% said they often contacted and 25.9% never contacted CSO Work Agency Supervisors at all to find out how placed offenders were performing their work. A greater majority (85.5%) of the Community Service/Probation Officers said they often contacted Work Agency supervisors and only 14.5% said they rarely did so. The regular contact of Community Service/Probation Officers to Work Agency Supervisors was confirmed by majority (52.6%) of the CSO Supervisee respondents who reported that their Community Service/Probation Officers contacted CSO Work Agency Supervisors often.

The major reason given by Magistrates who rarely or never contacted CSO work agency supervisors at all to find out how placed offenders were performing their work was that contacts were done through CSO Officers and Case Committee members (38.1%). For the Community Service/Probation Officers, the main factor for not contacting the Work Agency Supervisors was limited resources (76.5%), while the major reason given by CSO Supervisees/offenders for their Community Service/Probation Officers not contacting the Work Agency Supervisors was that the offender usually returned to CSO Officer a work schedule duly signed by the Work Agency Supervisor and hence there was no need to contact the Supervisor (52.5%). Table 3.16 below captures all the reasons that were given by the sample respondents.

Table 3.16 Reasons given for Sentencing Officers and CSO Officers not contacting Work Agency Supervisors

Reason	Frequency and Percentage		
	Magistrates	Community Service/ Probation Officers	CSO Supervisees/ offenders
Contacts are done through CSO Officers and Case Committee members	8(38.1%)	-	-
Heavy workload/busy schedule	3(14.3%)	1(5.9%)	8(13.6%)
Limited resources	3(14.3%)	13(76.5%)	5(8.5%)
Time constraints	3(14.3%)	2(11.8%)	10(16.9%);
Unfriendly weather conditions	3(14.3%)	-	-
Missing contacts of Work Agency Supervisors	3(4.8%)	-	2(3.4%)
Poor transport and communication infrastructure such as vehicles, fuel and lack of airtime	3(4.8%)	4(23.5%)	3(5.1%)
Contacts are done through CSO Case Committee members	-	1(5.9%)	-
Offender returns to CSO Officer a work schedule duly signed by Work Agency Supervisor	-	-	31(52.5%)

The survey went further to establish from the sample respondents the modes used to contact Work Agency Supervisors. With regard to Magistrates who had confirmed that indeed they were contacting CSO work agency supervisors to find out how placed offenders were performing their work, the modes of contact were: Work Agency visits/meetings (89.7%) and official letters (13.8%). For the Community Service/Probation Officers who contacted Work Agency Supervisors, the modes of contact used were: phone calls (92.5%); Work Agency visits/meetings (84.2%); and official letters (9.8%). CSO Supervisee/offender respondents mentioned the modes of contact to be: Work Agency visits/meetings (57.3%); phone calls (57.3%) and official letters (4.3%).

3. Contacts made by Work Agency Supervisors to Community Service Officers and Sentencing Officers

In further probing of monitoring and evaluation of the CSO Programme, Magistrates and Community Service/Probation Officers were asked to indicate how often CSO Work Agency Supervisors contacted them to inform how placed offenders were performing their work. The CSO Supervisees/offenders were also asked how often CSO Work Agency Supervisors contacted their Community Service/Probation Officers to give feedback how placed offenders were performing in their work. According to most (41.4%) Magistrates, CSO Work Agency Supervisors contacted them (Magistrates) rarely while 29.3%

of the Magistrates reported that the Supervisors contacted them often. Majority (54.3%) of Community Service/Probation Officers said that CSO Work Agency Supervisors contacted them often. For the CSO Supervisees/offenders, 47.0% of them indicated that the CSO work Agency Supervisors contacted Community Service/Probation Officers quite often as shown in Figure 12 below.

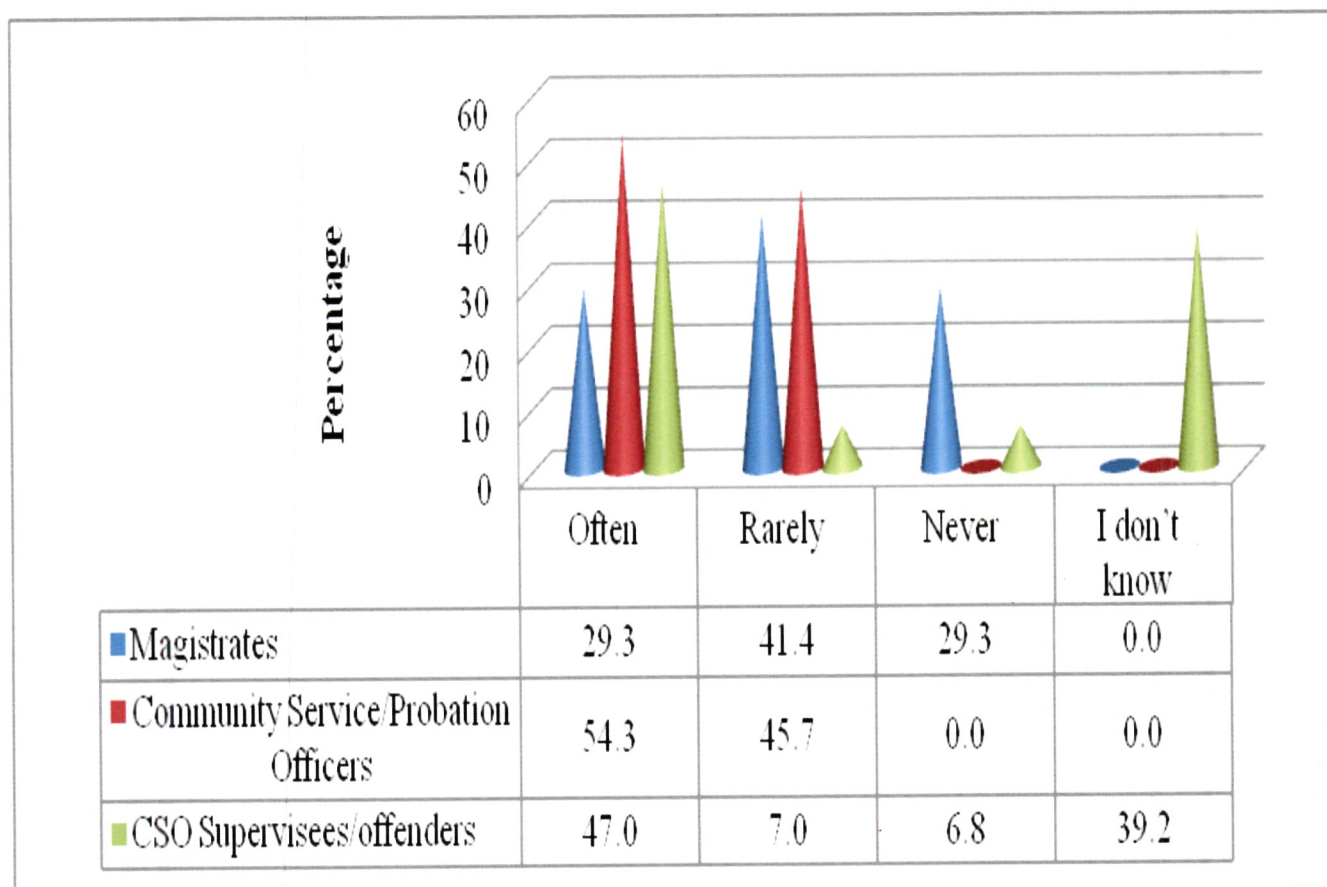


Figure 12: Responses on frequency of contacts made by Work Agency Supervisors to Sentencing Officers and Community Service/Probation Officers

The main reason according to most Magistrates (26.1%) and Community Service/Probation Officers (42.6%) for CSO Work Agency Supervisors rarely or never contacting them (Sentencing Officers/ Magistrates and Community Service/Probation Officers) at all was limited resources. However, CSO Supervisees/offenders said that the main likely reason for CSO Work Agency Supervisors rarely or never contacting Community Service/Probation Officers was compliance by CSO Offenders (66.7%) as shown in Table 3.17 below.

Table 3.17 Reasons for CSO Work Agency Supervisors rarely or never contacting Sentencing Officers and CSO Officers

Reason	Frequency and Percentage		
	Magistrates	Community Service/ Probation Officers	CSO Supervisees/ offenders
Limited resources	6(26.1%)	20(42.6%)	7(13.7%)
Compliance by CSO Offenders	4(17.4%)	11(23.4%)	34(66.7%)
Once offender has been sentenced it is upon a CSO Officer to make follow ups	4(17.4%)	2(4.3%)	
Reluctance/negative attitude by some Work Agency Supervisors	3(13.0%)	10(21.3%)	8(15.7%)
Poor transport and communication infrastructure	3(13.0%)	5(10.6%)	2(3.9%)
Time constraints	2(8.7%)	-	-
Some CSO Work Agency Supervisors do not understand the CSO Programme	1(4.3%)	11(23.4%)	1(2.0%)
Some CSO Work Agency Supervisors do not know location of CSO offices	1(4.3%)	1(2.1%)	
Some CSO Work Agency Supervisors are compromised	-	2(4.3%)	-

The study also examined the modes used by Work Agency Supervisors to contact Magistrates and Community Service/Probation Officers. According to Magistrates, Work Agency Supervisors contacted them (Magistrates) through: office visits (73.9%); official letters (26.1%); and phone calls (8.7%). The modes of contact reported by Community Service/Probation Officers were: phone calls (94.8%); office visits (69.8%); and official letters (13.8%). CSO Supervisee/offender respondents mentioned the modes of contact to be: phone calls (62.4%); office visits (40.5%); and official letters (7.6%).

The above findings on follow ups and visits, monitoring and evaluation highlight a number of key issues. First, CSO offenders have not been fully sensitized and involved in the monitoring and evaluation and hence the reason they were not aware or they believed monitoring and evaluation was never done. Second, the most common modes of contact were phone calls and visits to work sites or the CSO Offices all of which required a number of resources. Third, heavy workload/busy court schedules among both sentencing officers and Community Service/Probation Officers and limited resources were the reasons mainly behind the limitations in making the needed contacts and conducting monitoring and evaluation. The findings therefore emphasize the need to avail adequate resources to all the key players to enable regular contacts, follow ups and visits, monitoring and evaluation of the CSO Programme.

3.4.2 Satisfaction with level of compliance with CSO

The proportion expressing satisfaction with the level of compliance with CSO by supervisees/offenders was quite exemplary. As shown in Figure 13 below, almost three-quarters of the Community Service/Probation Officers (70.3%) and the Magistrates (72.4%) said they were satisfied with the level of compliance. The reasons for the Magistrates' satisfaction were: low levels of absconding (75.7%); strict supervision by CSO Officers (18.9%); community knowledge and support of CSO (8.1%) and; reformation and rehabilitation of offenders (2.7%). Similarly, the Community Service/Probation Officers' said the reasons for their satisfaction were: low levels of absconding (76.9%); strict supervision by CSO officers (30.8%); community knowledge and support of CSO (7.7%); and reformation and rehabilitation of offenders (3.3%).

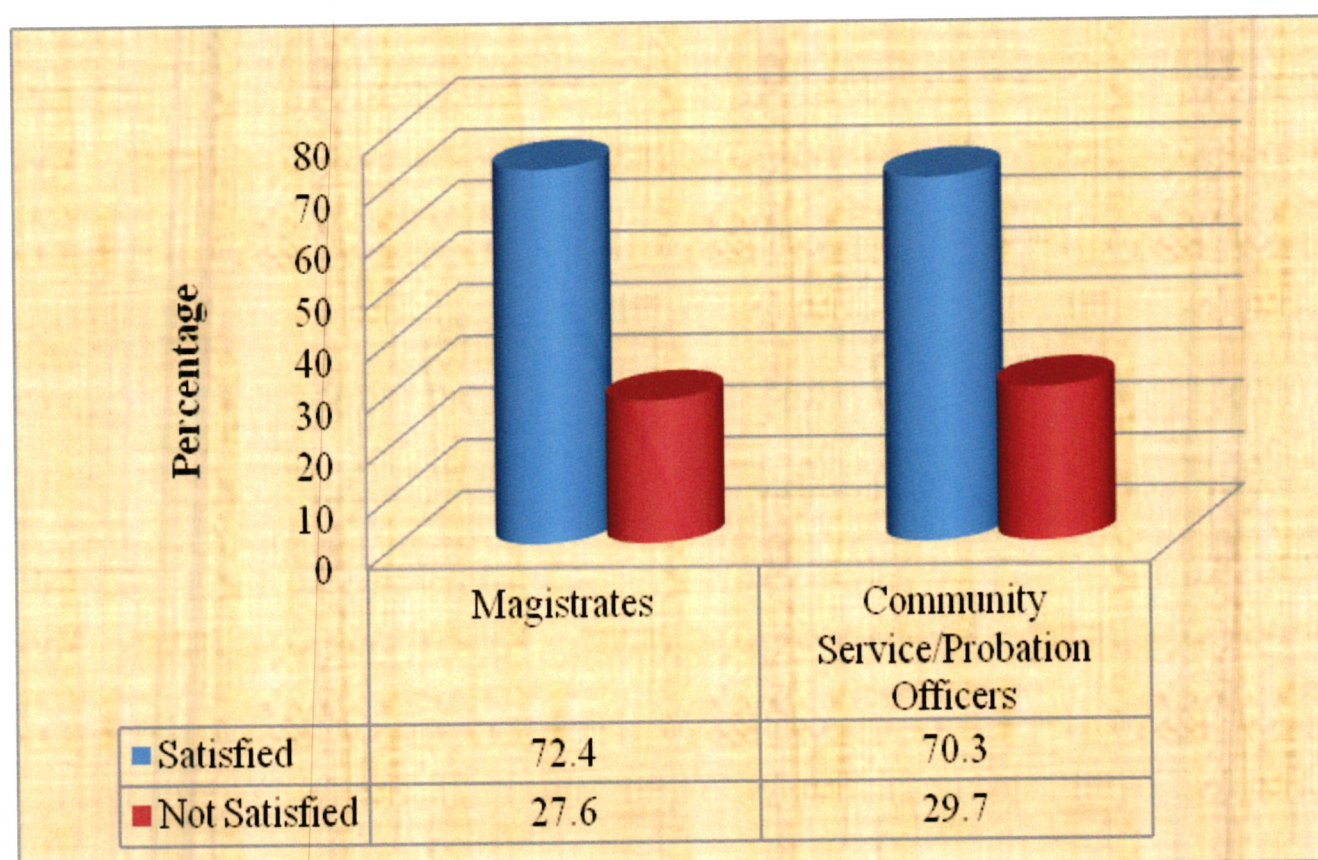


Figure 13: Satisfaction with the level of compliance with CSO by Offenders

However, 27.6% and 29.7% of the Magistrates and Community Service/Probation Officers respectively, were not satisfied with the level of compliance. The Magistrates' lack of satisfaction with the level of compliance was due to: high level of absconding (30.0%); lack of supervision of CSO offenders (20.0%); poor supervision of CSO offenders (20.0%); lack of adequate training for CSO Officers (10.0%); compromised CSO Officers (10.0%); and lack of support from other stakeholders such as the police (10.0%). The Community Service/Probation Officers also gave reasons for their dissatisfaction with the level of compliance as: high level of absconding (66.7%); poor supervision of CSO offenders (12.8%); failure by community to adequately embrace CSO orders (12.8%); lack of supervision of CSO offenders (10.3%); lack of support from other stakeholders e.g. police (10.3%); lack of adequate training for CSO officers (7.7%); and compromised CSO officers (5.1%). These findings highlight the need to address issues mainly within the Community Service Orders Department which affect compliance with the Orders.

Community member, CSO Supervisee and victim respondents were also asked to indicate if most CSO Supervisees complied with the Orders. Majority of the community members (76.3%), CSO Supervisees (90.5%) and victims (67.6%) said CSO offenders complied with the Orders as indicated in Figure 14 below.

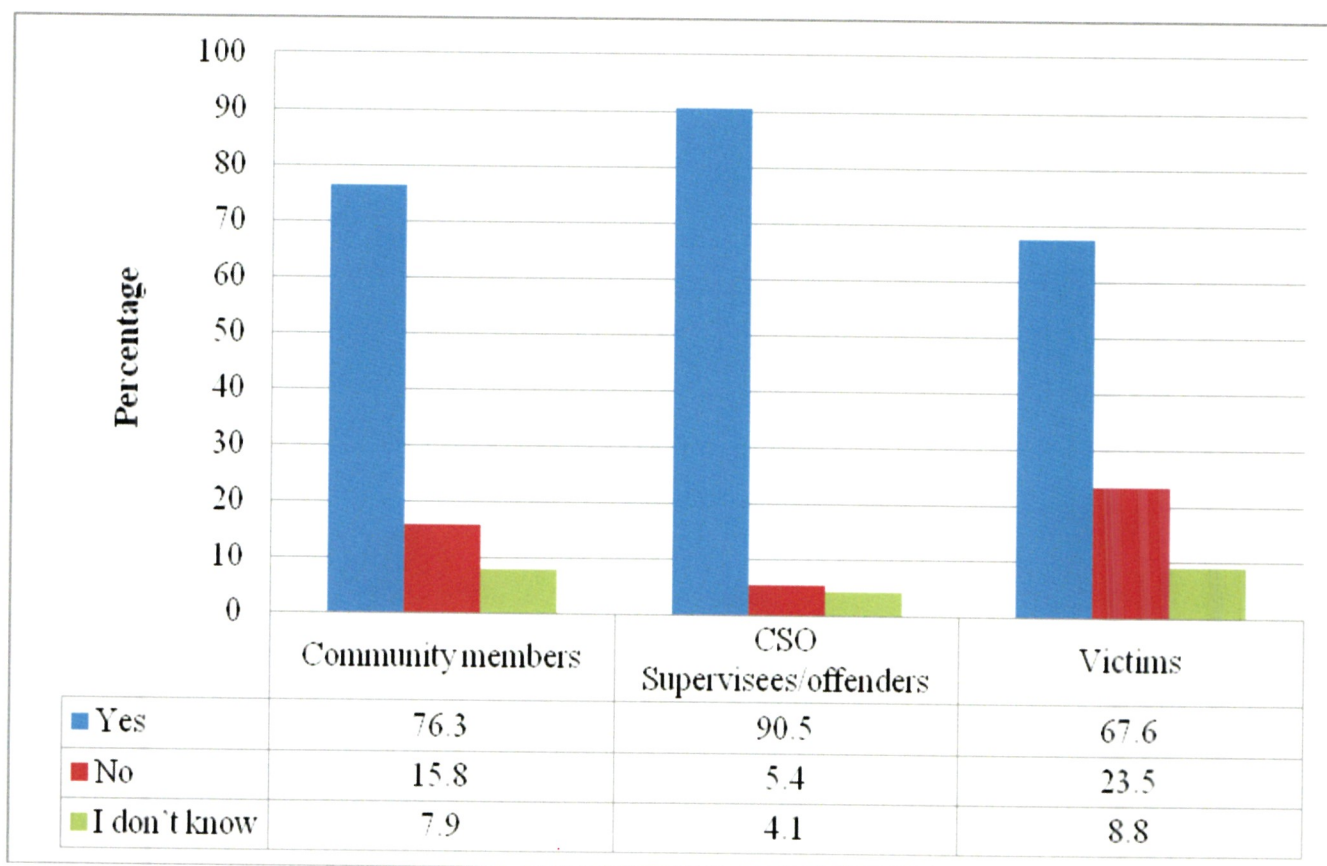


Figure 14: Responses on whether CSO offenders comply with CSO sentences

The Community members, CSO Supervisees and victims who indicated that most CSO Supervisees complied with the Orders gave a number of reasons as indicated in Table 3.18 below.

Table 3.18 Reasons supporting assertion that CSO offenders comply with CSO

Reason	Frequency and Percentage		
	Community members	CSO Supervisees/offenders	Victims
Low levels of CSO absconding	145(38.8%)	148(34.0%)	10(45.5%)
Fear of imprisonment among the CSO offenders	138(36.9%)	222(51.0%)	10(45.5%)
Strict supervision by CSO Officers	45(12.0%)	24(5.5%)	1(4.5%)
Benefits associated with CSO	36(9.6%)	46(10.6%)	2(9.1%)
Community knowledge and support of CSO	23(6.1%)	11(2.5%)	-

A Police Officer of 21 years of service and 3 years stay in Koru Location, Muhoroni Sub-county of Kisumu County confirmed the findings from most Community members, CSO Supervisees/offenders and Victims that the level of compliance with CSO was satisfactory. The Officer said that:

"I am satisfied with the level of compliance because the CSO Supervisees serve the sentence fully and I have seen behavioural change on these Supervisees"

A Chief in Sotik Sub-county of Bomet County had this to say:

"I am satisfied with compliance with CSO sentences because the offenders do not re-commit the offences for which they were placed on CSO. Again, the offenders complete their sentences without any breach"

A CSO Work Agency Supervisor at Kenya Forest Service in Kizingo Location of Mombasa Sub-county in Mombasa County said that:

"I am very satisfied with compliance with CSO sentences because all the offenders serving in our organization conclude their sentences and perform their duties diligently"

In Makindu Sub-county of Makueni County, a CSO Work Agency Supervisor observed that:

"I am satisfied with compliance of offenders with the CSO sentence because the fear of being jailed compels the offenders to complete their sentences"

Another CSO Work Agency Supervisor in Othaya Township, Nyeri South Sub-county in Nyeri County reported that:

"I am satisfied with compliance on CSO sentences because not much cases of absconding leading to re-arrest have been witnessed or reported"

In Vihiga County, a Magistrate expressed satisfaction with compliance with CSO and said that:

"I am satisfied. At least 90% comply with their CSO sentences. In a period of four months, maybe only one person absconds"

The statements by the Key informants assert the provisions of the CSO sentence that the single most important measure of compliance with CSO is serving the sentence to completion without absconding and committing further offences during the duration of the Order.

The community members, CSO Supervisees and victims who said that CSO offenders did not comply with CSO gave the reasons as provided in Table 3.19 below.

Table 3.19 Reasons supporting assertion that offenders do not comply with CSO

Reason	Frequency and Percentage		
	Community members	CSO Supervisees/ offenders	Victims
High level of absconding	35(48.6%)	16(51.6%)	1(12.5%)
Failure by community to adequately embrace CSO	16(22.2%)	9(29.0%)	
Compromised CSO officers	11(15.3%)	2(6.5%)	1(12.5%)
Poor supervision of CSO offenders	6(8.3%)	2(6.5%)	1(12.5%)
Lack of supervision of CSO offenders	5(6.9%)	1(3.2%)	
Lack of knowledge on CSO by the community	5(6.9%)	-	1(12.5%)
Lack of support from other stakeholder e.g. police	2(2.8%)	3(9.7%)	-
Difficulty among Supervisees to attend to CSO while involved in economic activities	1(1.4%)	-	-
Inadequate benefits associated with CSO	-	-	5(62.5%)

Some Work Agency Supervisors and Key informants were of the view that some offenders did comply with CSO. For instance, a District Clerk in one of the sub-counties in Nyeri County who was a Work Agency Supervisor reported that:

“I am fairly satisfied because some CSO Supervisees who are drunkards still come to work while drunk”

In Kiembeni Location, Kisauni Sub-county in Mombasa County, a Work Agency Supervisor in a public school observed that:

“I am not satisfied with compliance with CSO and the level of satisfaction on CSO offenders is 50% only”

A Public Prosecutor in Shanzu Law Courts in Mombasa County said that:

“I am not satisfied at all with the level of compliance with CSO due to the low compliance of less than 50% of all offenders placed under CSO”

A Focus Group Discussion participant in Mombasa County reported that:

*“CSO placements of 1-5 days have 90% compliance. However, in placements of over one week, the compliance is less than 50%.”
(Participant in a Focus Group Discussion held at Shanzu (in Kisauni) Probation Office, Mombasa County).*

The above sentiments emphasize the need for improvement in the supervision of CSO offenders and management aspects of compliance towards the realization of expected compliance levels.

3.4.3 Rate of successful completion of CSO sentences

As a further measure of compliance, Magistrates and Community Service/Probation Officers were asked to estimate the rate of successful completion¹⁶ by CSO supervisees/offenders.

The successful completion of CSO sentences was rated 75% and above by 46.4% of the Community Service/Probation Officers, compared to a similar rating by 27.6% of the Magistrates. Most of the Magistrates (41.4%) rated the successful completion of the CSO sentences between 50% and 74% compared to 38.4% of the Community Service/Probation Officers' similar rating (see Table 3.20 below).

Table 3.20 Estimated rate of successful completion of CSO sentences

Rate of successful completion	Frequency and Percentage	
	Magistrates	Community Service/Probation Officers
Below 24%	4 (6.9%)	0(0.0%)
25-49%	14(24.1%)	21(15.2%)
50-74%	24(41.4%)	53(38.4%)
75%+	16(27.6%)	64(46.4%)
Total	58(100.0%)	138(100.0%)

The survey collected data on actual successful completions of CSO sentences in Kenya. The analysis of the actual rate of successful CSO sentence completions for the years 2012 to 2016 was over 96.0% as shown in Table 3.21 below. This rate of compliance was in agreement with the perceptions of most (46.4%) of the Community Service Officers who had estimated the successful completions at 75.0% and above. The findings are also consistent with other findings by Penal Reform International which showed that the CSO completion rate: for adult females in 2013, 2015 and 2015 was 96.6%, 98.2% and 98.2% respectively; for girls (female juveniles) during the same years was 69.4%, 96.7% and 100.0% respectively; for adult males during the same years was 96.2%, 98.1% and 99.0% respectively; and for male juveniles during the same period was 67.8%, 69.7% and 93.2% respectively (PRI, 2016).

¹⁶ A CSO Supervisee is said to have completed his/her sentences when the duration of the sentence comes to an end. Completion comes in the form of; **Satisfactory Completion** (that is, the Supervisee served to the end of the sentence without any contravention of the provisions of the Order); **Absconded Completion** (that is the supervisee disappeared during the supervision period and a warrant of arrested was issued but was not executed at the time of the lapse of the sentence period; and **Unsatisfactory Completion** (that is the Supervisee has breached the current Order or committed another offence during the supervision period of the current Order, a warrant of arrest has been issued and executed within the supervision period of the current Order. The annual rate of successful CSO completion is therefore the percentage of all annual successful completions against the total annual completions.

Table 3.21 Actual CSO completions in Kenya for the period 2012 to 2016

Year	Number of CSO Completions												Total Completions	Satisfactory Completion Rate for all CSO Supervisees
	Males						Females							
	Adults			Juveniles			Adults			Girls				
	Satisfactory	Absconded	Unsatisfactory	Satisfactory	Absconded	Unsatisfactory	Satisfactory	Absconded	Unsatisfactory	Satisfactory	Absconded	Unsatisfactory		
2012	11116	358	87	27	3	1	1932	44	11	1	0	0	13580	96.3%
2013	23921	677	278	122	19	39	3987	91	50	25	0	11	29220	96.0%
2014	35120	504	173	177	29	48	6107	73	37	89	3	0	42360	98.0%
2015	37056	239	121	56	2	2	6472	26	91	12	0	0	44077	98.9%
2016	30629	177	139	55	4	6	6309	74	23	13	0	0	37429	98.9%

Source: CSO statistics at CSO Secretariat/Probation and Aftercare Services Department Headquarters, 2017

3.4.4 Factors influencing compliance with CSO sentences

Failure to secure participation and/or involvement of the significant players increases the risk of breach of an Order and hence the sustainability of the CSO Programme. This study therefore examined the participation and/or involvement of some of these significant players.

According to 70.7% and 87.0% of the Magistrates and Community Service/Probation Officers respectively, most offenders were, in most cases, before sentencing, given the freedom to participate in deciding whether or not to benefit with CSO sentences. Over half (55.7%) of the CSO Supervisees/offenders interviewed indicated that they were given, before sentencing, the freedom to participate in deciding whether or not to benefit from CSO. The victim, according to the findings, plays a role in deciding whether or not their offender could benefit from CSO before sentencing. The Majority (67.6%) of the victims confirmed that they were given the freedom, before sentencing, to participate in deciding whether or not their offenders could benefit with CSO sentences. These findings are shown in Table 3.22 below.

Table 3.22 Responses on freedom of participation in deciding offenders' sentences

Response	Frequency and Percentage			
	Whether most offenders are given the freedom before sentencing to participate in deciding whether or not to benefit with CSO sentences	Whether offender was given the freedom before sentencing to participate in deciding whether or not to benefit with a CSO sentence	Whether victim was given the freedom before sentencing to participate in deciding whether or not his/her offender could benefit with a CSO sentence	
	Magistrates	Community Service/ Probation Officers	CSO Supervisees/ offenders	Victims
Yes	41(70.7%)	120(87.0%)	287(55.7%)	23(67.6%)
No	15(25.9%)	17(12.3%)	228(44.3%)	11(32.4%)
I don't know/ cannot remember	2(3.4%)	1(0.7%)	0(0.0%)	0(0.0%)
Total	58(100.0%)	138(100.0%)	515(100.0%)	34(100.0%)

The respondents were further asked to explain their answers on whether or not in most cases offenders were given such freedoms to decide before their sentencing. Over 50.0% of the sample respondents indicated that offenders were asked if they are willing to undertake the CSO sentence. Most (67.6%) of the victim respondents indicated that they were asked of their opinion concerning the offender's likely CSO sentence. All the explanations are captured in Table 3.23 below.

Table 3.23 Explanations on freedoms to decide before sentencing

Explanation	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	CSO Supervisees/ offenders	Victims
Offenders are asked if they are willing to undertake the CSO sentence	27(52.9%)	98(76.6%)	261(50.7%)	-
Victims are asked of their opinion concerning the offender's likely CSO sentence	-	-	-	23(67.6%)
The CSO sentence is determined by CSO Officers or Courts	13(25.5%)	17(13.3%)	231(44.9%)	11(32.4%)
Offenders are informed/enlightened on what CSO entails	11(21.6%)	19(14.8%)	23(4.5%)	-

Among the respondents who said that the freedom to participate in decisions on sentencing of the CSO offender was not granted, they argued that the CSO sentence was determined by CSO Officers or Courts without input from either the offender or victim. However, according to the provisions of the CSO sentence, a Community Service Officer is expected to explain to the offender, before he/she is handed the sentence, the requirements to qualify for the sentence. The offender has also to express willingness to be placed and give informed consent to serve the CSO sentence by signing a copy of the Order.

Victim impact statements are mandatory during preparation of a pre-sentencing report on an offender. The study therefore probed about the involvement of relatives of offenders in deciding on whether or not the offenders benefit with CSO sentences. This is because relatives of offenders must work closely with Community Service Officers to ensure rehabilitation and compliance of the offender with the Order. According to most of the Magistrates (79.3%), Community Service Officers (88.4%) and community members (38.3%), before sentencing, relatives of offenders are given the opportunity to participate in deciding whether or not the offender benefits with a CSO sentence. However, 63.7% of the CSO Supervisees/offenders said that their relatives were not given the opportunity. Figure 15 below captures these results.

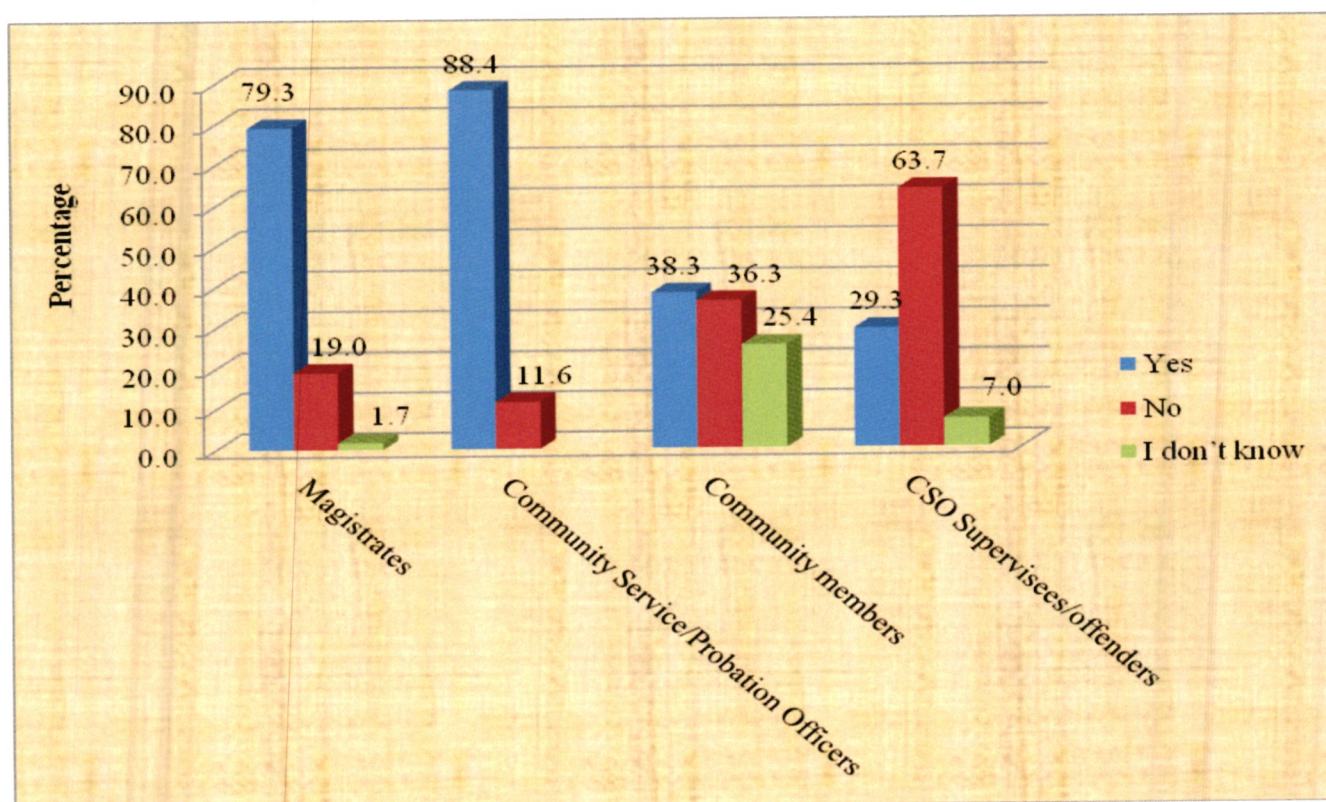


Figure 15: Responses on whether CSO Offenders' relatives' participate in deciding the offender's sentence

The huge disparity between responses of the CSO Supervisees/offenders and other respondents especially the Community Service Officers and Sentencing Officers are explained by the fact that details of social inquiries conducted by the officers with the relatives of the offender are, under normal (but not official) practice, not shared with the offender (at least before sentencing) because some relatives could be having strained relationship with the offender and if he/she gets to know of it, enmity could develop or escalate thus complicating the supervision and rehabilitation process. The findings illustrate the need for Community Service Officers to inform offenders (especially in custody) that their relatives would be contacted for certain information even if this information is not going to be shared with them (offenders).

The sample respondents were further asked to give explanations to their responses (indicated in the Figure above). According to the findings, 84.3% of the Magistrates, 88.4% of the Community Service/Probation Officers, 54.6% of the community members and 36.5% of the CSO Supervisees/offenders who said that relatives of offenders participate in decisions of sentencing argued that a social inquiry is often conducted involving the relatives to determine the suitability of the offender for the CSO sentence. However, those who said that relatives are not given the opportunity to participate, 7.8% of the Magistrates, 5.8% of the Community Service/Probation Officers, 2.1% of the community members and 3.2% of the CSO Supervisees/offenders argued that due to time limit, relatives are not involved. A further 7.8% of the Magistrates, 5.8% of the Community Service/Probation Officers, 43.3% of the community members and majority (60.3%) of the CSO Supervisees/offenders argued that the sentence is determined by the CSO Officer or Courts without involving the relatives.

Although the decision of members of the local community with regard to sentencing of a particular offender is not binding to courts, it is best practice and a requirement of all community-based sentences that community views are sought at the social inquiry stage for the compilation of the pre-sentence

social inquiry report¹⁷. Participation of the local community in CSO sentencing was therefore examined. According to findings presented in Figure 16 below, 72.4% and 86.2% of the Magistrates and Community Service Officers respectively reported that the local community was given the opportunity to participate in deciding whether or not an offender could benefit with a CSO sentence. However, most (38.9%) of the community members and majority of CSO Supervisees/offenders (55.0%) and victims (55.9%) reported that the local community was not given the opportunity to participate in the decisions.

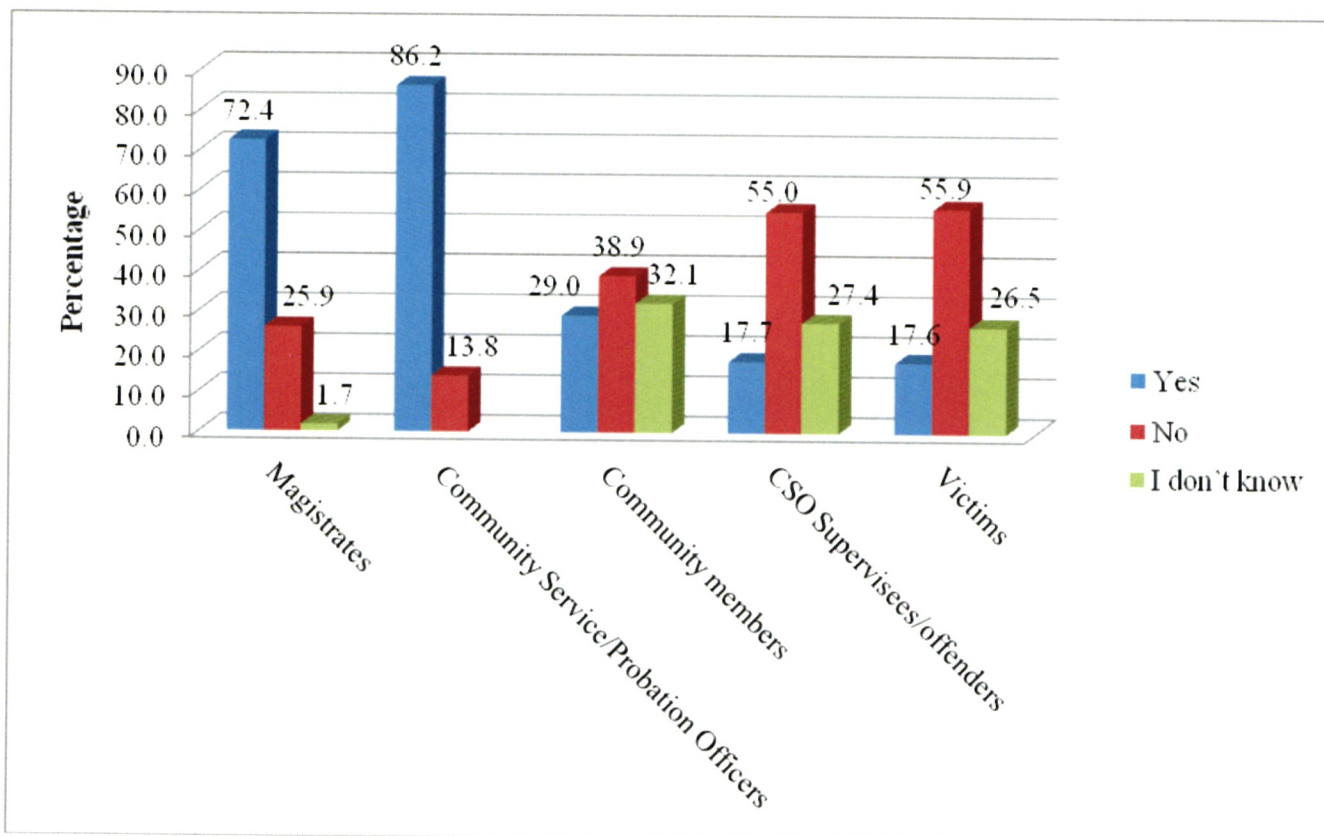


Figure 16: Responses on whether the local community participates in deciding the offender's CSO sentence

The implication of the above findings is that, the Community Service Orders being a community-based sentence, it is important that the Judiciary and the Community Service Orders Department enlighten members of the community, CSO offenders and victims that the local community has a role in the sentencing process.

¹⁷ Before an offender is placed on CSO, a Community Service Officer is required to take a number of actions: First, to confirm that the Court has asked for a Community Service Officer's pre-sentence report. The officer collects the necessary information from the offender's court file then proceeds to interview the offender (who could be in custody or out on bond).

The officer then conducts a social inquiry with other significant persons who may include the Arresting Officer, other Government officers such as the area Chief where the offender resides, offender's relatives and friends, the direct victim and other community members. The social inquiry is intended to gather background information of the offender, the circumstances of the crime/offence, the attitude of the offender towards the offence, the victim and the community and the offender's criminogenic needs (that is, what factors drove the offender to the offence) and offender's willing to serve a CSO sentence should he/she be considered for the same. The final section of the social inquiry report is the recommendation to a Sentencing Officer on best sentence options (such as a CSO sentence) for which the offender can be considered for towards rehabilitation. The Court may then grant CSO and place the offender under the supervision and rehabilitation of a Community Service Office with directions where the offender will provide free labour for the duration of the sentence issued.

The further explanations for the responses by the sample respondents on if the local community was given the opportunity to participate in deciding whether or not an offender could benefit with a CSO sentence are as presented in Table 3.24 below. According to the findings, over 60.0% of the Court Officers (that is, Magistrates and Community Service/Probation Officers) reported that the community was involved in CSO sentencing decisions through their leaders who give their opinions on offenders. Conversely, most (51.4%) of the community members, CSO Supervisees/offenders (67.9%) and victims (72.7%) thought that the community does not participate in CSO sentencing decisions because the CSO sentence is determined by the CSO Officer or Law Courts without involving the community.

Table 3.24 Explanations on local community's participation in deciding the offender's CSO sentence

Explanation	Frequency and Percentage				
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ offenders	Victims
The community is involved in CSO sentencing decisions through its leaders who are involved in giving their opinions on offenders.	36(75.0%)	95(68.8%)	116(40.0%)	52(17.6%)	6(27.3%)
Local administrators are consulted and asked to give recommendations on suitability of the offender to serve CSO.	6(12.5%)	24(17.4%)	25(8.6%)	43(14.5%)	-
CSO sentence is determined by the CSO Officer or Law Courts without involving the community.	6(12.5%)	19(13.8%)	(51.4%)	201(67.9%)	16(72.7%)

The above findings on involvement of significant players in the sentencing of offenders to serve CSO highlight a number of issues: first, the CSO sentence is participatory and respects the rights of the offender to participate in decisions affecting him/her; and second, there appears to be no common understanding among all the parties on of what constitutes local community participation in CSO sentencing. This is because on one side, Sentencing Officers and Community Service Officers argue that the community participates but on the other side, community members, CSO Supervisees and victims argue that the community does not participate. The effective participation of the local community is likely to address, among others, the challenge of absconding of the CSO offender and that of inadequate community support and lack of land to put up CSO projects and the required finances to jump-start and maintain them.

The survey probed further the aspect of compliance and sample respondents were asked to indicate the factors influencing compliance with CSO sentences. The findings suggest that the key factors influencing compliance with the requirements of a Community Service Orders sentence include: the level of supervision by CSO Officers; fear of incarceration for breach of CSO; and, a clear understanding and attitude of the offender towards CSO. Table 3.25 below provides details of the factors.

Table 3.25 Factors influencing compliance with CSO sentences

Factors	Frequency and Percentage				
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims
Use of local administration and community in supervision	2(4.3%)	22 (16.9%)	24(5.4%)	11 (2.3%)	-
Facilitation of CSO Officers	1(2.1%)	9(6.9%)	7(1.6%)	1(0.2%)	-
Level of supervision by CSO Officers	20(42.6%)	74(56.9%)	111(24.9%)	112(23.8%)	13(46.4%)
Fear of incarceration	14(29.8%)	32(24.6%)	242(54.4%)	256(54.5%)	14(50.0%)
Proximity and accessibility to CSO work area from the residence	5(10.6%)	6(4.6%)	9(2.0%)	11(2.3%)	1(3.6%)
Community support	5(10.6%)	19(14.6%)	24(5.4%)	21(4.5%)	-
Clear understanding and attitude of the offender towards CSO	10(21.3%)	21(16.2%)	61(13.7%)	77(16.4%)	3(10.7%)
Benefits the offender gets from CSO	2(4.3%)	11(8.5%)	49(11.0%)	46(9.8%)	2(7.1%)
Nature of work given.	4(8.5%)	8(6.2%)	15(3.4%)	4(0.9%)	-
Poverty/economic background of offender	3(6.4%)	3(2.3%)	-	-	-
Lack of physical permanent residence	-	3(2.3%)	-	-	-
Corruption	-	-	-	-	1(3.6%)

Some participants of Focus Group Discussions, Work Agency Supervisors and Key informants also highlighted some of the factors influencing compliance with CSO sentences. For instance, a participant in a Focus Group Discussion observed that:

“Involvement of various stakeholders such as Chiefs, Police and Community Policing members in the CSO Programme, proper supervision and monitoring of Supervisees in the Work Agencies and placement of offenders in institutions within their locality which they can easily access all contribute to compliance with CSO. However, lack of cooperation from the Police especially on implementation of warrant of arrest issued for absconders contributes to non-compliance” (Participant in a CSO Case Committee Focus Group Discussion held at Bungoma East (Webuye) Probation Office, Bungoma County).

A Work Agency Supervisor at the National Treasury Office in Makindu, Makueni County argued that:

“CSO offenders comply with the Orders for fear of being re-arrested for defaulting and ending up in prison”

A Work Agency Supervisor at Mumias Primary School for the Deaf in Kakamega County had this to say:

“Training of CSO Supervisors and follow ups of Probation Officers contributes to compliance of the offenders with the CSO sentence”

A Magistrate in Kakamega County reported that:

“Offenders who are remorseful and sorry for the offence they committed tend to comply with CSO. Another reason for compliance by an offender is the fear of being re-arrested”

The findings of the sample respondents, Key Informants, Work Agency Supervisors and participants in Focus Group Discussions helped to show that compliance with CSO sentences is determined by various considerations within and outside the control of the Supervisee.

The implications of the above findings include: putting effective strategies in place for improvement of the supervision aspect; ensuring that those who breach the Order are given prison sentences in appropriate cases to act as deterrence to others; adequate involvement and sensitization of potential CSO offenders before and after the CSO sentence on the requirements of the sentence; ensuring that offenders perform CSO work in areas convenient to them; enhancing and availing the benefits of CSO to the offender; enlisting the services of local administration and the community in the supervision of offenders; ensuring that the work given is interesting to the offender and appropriate tools of work are availed; sensitizing the community to support the CSO Programme; and facilitating Community Service Officers in the management of the CSO Programme by availing the necessary financial, human and infrastructural resources.

3.4.5 General Perceptions on Key Aspects of Compliance with CSO

The findings of the survey established the following general perceptions of sample respondents on key aspects of compliance with CSO. Table 3.26 below captures these perceptions as indicated by the responses to relevant statements on the CSO Programme.

Table 3.26 General Perceptions on Key Aspects of Compliance with CSO

Statement	Responses in Percentages														
	Agree						Disagree					I don't know			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims
CSO Offenders with a negative opinion about the sentence are likely to breach the order.	91.4	97.8	75.9	54.4	73.5	6.9	2.2	23.3	41.6	17.6	1.7	-	.8	4.1	8.8
Offenders who corrupt sentencing officers to get CSO sentences are likely to breach the order.	82.8	92.0	76.1	56.9	70.6	5.2	3.6	21.1	33.8	14.7	12.1	4.3	2.8	9.3	14.7
Offenders who corrupt CSO Officers to get CSO sentences are likely to breach the order.	84.5	92.0	78.5	59.8	70.6	3.4	3.6	17.8	29.1	20.6	12.1	4.3	3.7	11.1	8.8
CSO Work agency supervisors who are corrupted by CSO offenders facilitate breach of the order.	74.1	95.7	79.5	62.1	79.4	5.2	3.6	16.2	28.3	11.8	20.7	0.7	4.3	9.5	8.8
Direct placement of offenders by courts to CSO supervision contributes to non-compliance with the orders.	39.7	86.2	47.1	36.3	58.8	46.6	13.0	42.6	50.3	29.4	13.8	0.7	10.3	13.4	11.8
Tribalism, nepotism and favo urism within the sentencing agencies contribute to non- compliance of offenders with the orders.	24.1	55.8	63.5	45.2	50.0	44.8	36.2	32.3	44.5	44.1	31.0	8.0	4.1	10.3	5.9
Tribalism, nepotism and favouritism within the offender rehabilitation and supervising agencies contribute to non- compliance of offenders with the orders.	31.0	60.1	61.3	47.0	52.9	37.9	34.1	34.3	44.5	41.2	31.0	5.8	4.3	8.5	5.9
Lack of CSO offender's family support to CSO/ Probation Officers during the offender's rehabilitation and supervision contributes to breach of the order.	72.4	90.6	65.3	58.6	58.8	13.8	7.2	30.8	37.3	32.4	13.8	2.2	3.9	4.1	8.8

The above findings highlight a number of pertinent issues and equally relate to the other findings of this study. Most respondents in the five categories agreed with most of the statements implying that the respondents regarded them as important. Therefore, these need to be considered by all relevant stakeholders for effective compliance with CSO sentences outcome.

Although this study did not attempt to establish the extent of corruption in the CSO Programme, the findings indicated assertions of likely corruption among offenders, Sentencing Officers, Community Service Officers and Work Agency Supervisors which can contribute to breach of Community Service Orders. It is only prudent that necessary measures be put in place to stamp out and/or prevent occurrence of such incidents in the CSO Programme. Training and sensitization of relevant players on corruption prevention in the CSO Programme could improve on compliance with CSO.

Majority of the Magistrates, community members and CSO Supervisees did not believe direct placement of offenders by courts to CSO supervision contributed to non-compliance with the orders. This therefore implied that the discretion of sentencing officers as far as placement to CSO sentences was concerned could not be majorly blamed for most breaches of the Orders.

Most of the sample respondents except Magistrates believed that tribalism, nepotism and favouritism within the sentencing and offender rehabilitation and supervision agencies was an important factor contributing to non-compliance of offenders with the orders. This finding calls for the need to conduct assessment of these assertions if indeed true and corrective measures taken.

The findings showed that most sample respondents agreed with the assertion that lack of CSO offender's family support to CSO/Probation Officers during the offender's rehabilitation and supervision contributes to breach of the order. This finding emphasizes the key role of family involvement and support in the successful implementation of the CSO Programme.

Majority of the sample respondents agreed with the statement that lack of support to CSO/Probation Officers from the direct victims of offences during offenders' rehabilitation and supervision contributes to breach of CSO. The finding agrees with earlier findings from majority (67.6%) of victims who agreed that they were given the freedom before sentencing to participate in deciding whether or not his/her offender could benefit with a CSO sentence. Community Service Officers are now increasingly enlisting the support of victims in the reconciliation and reintegration of offenders. The officers also make use of victim impact statements (that is, the victim's opinion statements on the offence and offender and the effects of the offence on him/her) in advising sentencing, supervision and rehabilitation of offenders.

Most of the respondents in the three categories agreed that lack of support to employed CSO offenders from their employers contributes to breach of CSO and that most economically unstable CSO offenders are likely to abscond their sentences to look for livelihoods. These findings are in agreement with earlier findings which indicated that enabling offenders to continue with their economic activities was one of the benefits of CSO and that linkage of CSO Supervisees with potential employers was one of the forms of their (Supervisees) empowerment.

Majority of sample respondents consented to the statement that most supervisors in work agencies had not been trained and/or sensitized on supervision of CSO and the offenders. This therefore calls for the Agency Supervisors' training towards making them more effective in the supervision of CSO offenders working in their institutions which will, in turn, contribute to enhanced successful completion rates of CSO sentences.

3.5 Public Attitude towards Community Service Orders

3.5.1 Public support and attitude towards CSO

Most of the respondents noted that the public attitude towards the Community Service Orders sentence in their respective localities was quite favorable. For Magistrates, 46.6% expressed similar sentiments. Only a few of the respondents indicated that they were not aware of the public's attitude on CSO. A greater majority (82.6%) of the Community Service/Probation Officers, who directly interacted with the local community, CSO offenders and victims reported very favourable public attitude towards CSO as highlighted in Figure 17 below.

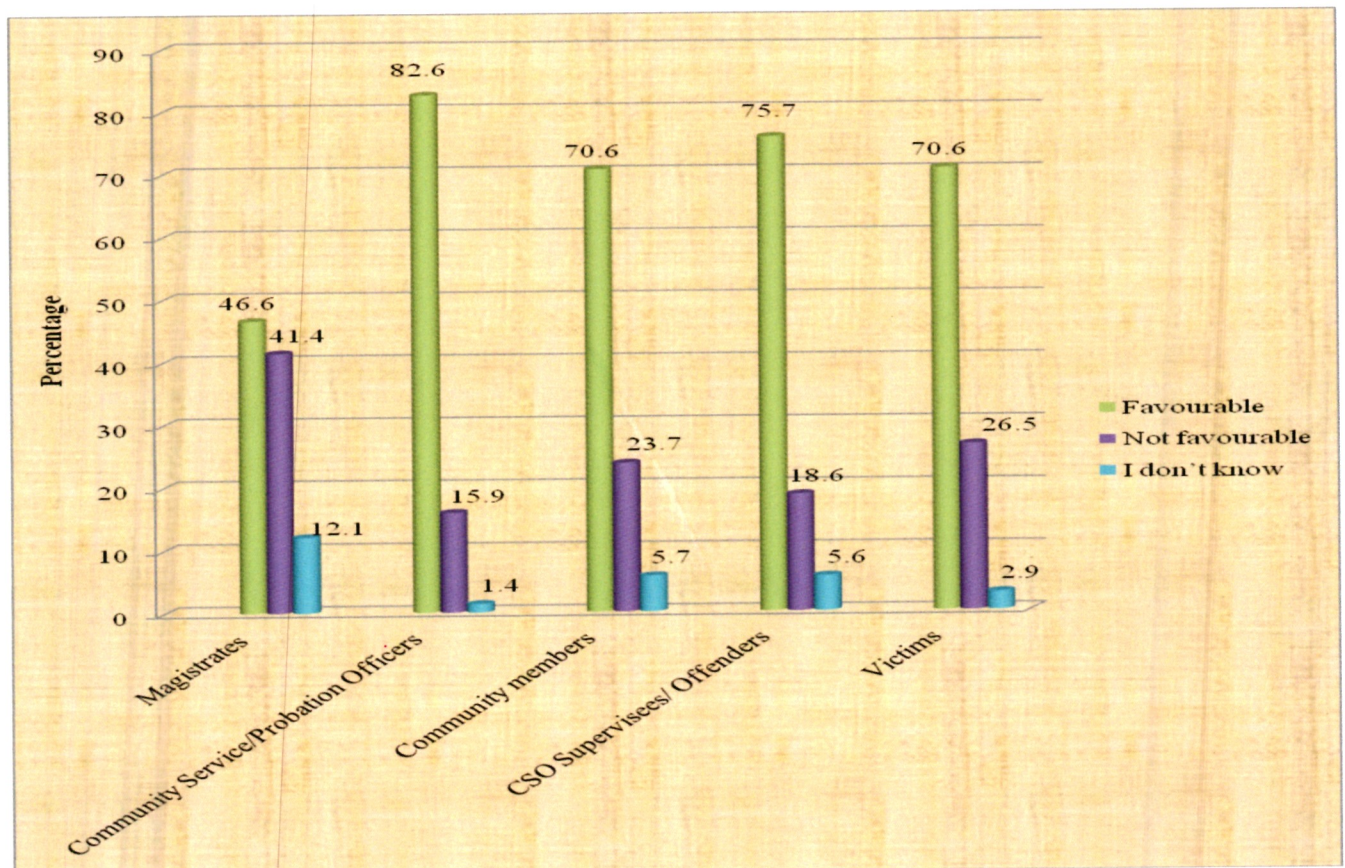


Figure 17: Responses on public attitude towards CSO

The interpretation of the findings is that the low level acknowledgement of community participation in deciding whether or not an offender could benefit with a CSO sentence does not translate to unfavourable public attitude towards the CSO sentence.

The position of sample respondents on public attitude is clearly illustrated by the mixed sentiments of Work Agency Supervisors, Key informants and participants in Focus Group Discussions. For example, a Work Agency Supervisor at Thinyaine Day Secondary School in Tigania West Sub-county in Meru County who had stayed in the locality for 8 years had this to say:

"The public attitude towards CSO sentences in this locality is positive if the crime committed is not serious"

At the Kenya Forest Service in Isiolo Sub-county in Isiolo County, a Work Agency Supervisor commented that:

“The community is positive about the CSO because the sentence is beneficial. Community members are able to identify the offenders and assist in their rehabilitation”

A senior Police Officer in Wundanyi Sub-county of Taita Taveta County said that:

“The public attitude towards CSO is positive in this locality. The community members appreciate the sentence and they do not want the offenders to be jailed”

A Police Officer in Nyamira South in Nyamira County observed that:

“The community’s attitude towards CSO is not favourable. They don’t consider it as a sentence and see it as a waste of government funds. To them, the sentence is not properly defined on who is supposed to serve a CSO sentence”

The above findings relate to the earlier findings which indicated that most of the community members viewed Community Service Orders to be beneficial (88.8%) and were satisfied with the level of compliance with the orders (76.3%). The implication of these findings is that the CSO Programme is sustainable in Kenya because of the existing public support and favourable public attitude.

3.5.2 Factors contributing to favourable public attitude towards CSO

The study examined the factors that contribute to the favourable public attitude towards Community Service Orders sentence. Most of the Magistrates, community members, CSO offenders and victims said that, through the CSO Programme, the offenders do not suffer imprisonment and that the community has been sensitized on CSO Programme. Community members mainly referred to the enhancement of the rehabilitation of the offenders as a factor influencing favourable public attitude on CSO. A summary of the factors contributing to the favourable public attitude towards Community Service Orders sentence is provided in Table 3.27 below.

Table 3.27 Factors contributing to favourable public attitude towards CSO

Factors contributing to favourable public attitude	Frequency and Percentage				
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims
Promotion of family unity	5(16.7%)	23(20.9%)	49(14.2%)	65(17.4%)	5(23.8%)
Community sensitization on CSO programme	10(33.3%)	47(42.7%)	67(19.5%)	90(24.1%)	4(19.0%)
Skill transfer through CSO	2(6.7%)	7(6.4%)	3(0.9%)	6(1.6%)	-
Enhanced reconciliation between offenders and victims	4(13.3%)	17(15.5%)	7(2.0%)	10(2.7%)	1(4.8%)
The fact that an offender does not suffer imprisonment	11(36.7%)	17(15.5%)	73(21.2%)	151(40.5%)	6(28.6%)
Enablement of the offender to continue with other socio-economic activities	2(6.7%)	16(14.5%)	40(11.6%)	56(15.0%)	3(14.3%)
Provision of free labour by offenders	2(6.7%)	26(23.6%)	42(12.2%)	37(9.9%)	6(28.6%)
Crime deterrence effect of CSO	-	-	-	-	2(9.5%)
Poverty/inability to raise fines which makes offenders prefer CSO	-	-	-	2(0.5%)	-
Enhanced rehabilitation of offenders	-	-	104(30.2%)	-	-
Compliance by most Offenders	-	-	17(4.9%)	-	-

Some participants in a Focus Group Discussion held in Limuru CSO Office in Kiambu County confirmed that public attitude towards CSO in the area was favourable because of a number of factors and observed that:

“The CSO sentence in this area is viewed positively because of its outcomes. For instance, it saves government funds through free labour provided by offenders in our schools. The sentence has also helped to decongest our prison and assisted in preventing contamination of petty offenders by the serious ones in the prisons”
(Participants in a CSO Case Committee Focus Group Discussion held at Limuru Probation Office, Kiambu County).

Similar sentiments were echoed by a Work Agency Supervisor at the Webuye ACK Primary School who observed that:

“The public attitude towards CSO is very good. Even parents ask if the School has received any CSO supervisees. The sentence saves on funds that parents would have contributed for school projects”

A Work Agency Supervisor at the St. Mary’s Ukwala Secondary School in Ugenya Sub-county of Siaya County observed that:

“Public attitude towards CSO in this area is positive. Government officers especially Probation Officers disseminate information to public explaining the concept. People also attend court sessions and get first-hand information. With people being well informed therefore, they have favourable attitude”

These findings emphasize the need to enhance awareness among all stakeholders to sustain and even improve favourable public attitude as this will attract and maintain public support towards the CSO Programme.

3.5.3 Factors contributing to unfavourable public attitude towards CSO

The few respondents across the five categories of sample respondents who reported that the public attitude towards CSO was unfavourable cited a number of contributing factors. Of these respondents, most Magistrates (78.9%), Community Service/Probation Officers (54.5%) and a sizeable proportion of victims ((50.0%), community members (35.2%) and CSO Supervisees/ Offenders (31.0%) felt that the sentences were lenient and hence there were high rates of re-offending. Lack of sensitization about the CSO sentence was also cited by respondents in all the categories as one of the major factors contributing to the unfavourable public attitude towards CSO. The details of these findings are captured in Table 3.28 below.

Table 3.28 Factors contributing to unfavourable public attitude towards CSO

Factors contributing to unfavourable public attitude	Frequency and Percentage				
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims
High rates of reoffending	-	5(22.7%)	19(18.1%)	5(7.0%)	-
Perception of CSO as a lenient form of punishment	15(78.9%)	12(54.5%)	37(35.2%)	22(31.0%)	4(50.0%)
Lack of sensitization about CSO sentence	6(31.6%)	11(50.0%)	37(35.2%)	39(54.9%)	1(12.5%)
Absconding/ non-compliance of offenders	-	5(22.7%)	10(9.5%)	6(8.5%)	3(37.5%)
Corruption	-	-	8(7.6%)	-	-
The offender’s reputation	-	-	8(7.6%)	5(7.0%)	-

According to a Work Agency Supervisor working with the National Treasury Office in Makindu Sub-county of Makueni County, public attitude towards CSO is unfavourable because:

“The public looks at CSO supervisees as criminals who should be jailed and not released through the lenient CSO sentence”

In Kiembeni Location of Kisauni Sub-county in Mombasa County, a Work Agency Supervisor at a public school observed that:

“Some community members have unfavourable attitude towards CSO because of lack of awareness on CSO sentencing, increased cases of insecurity and poor relations between security agents and the public”

The above findings highlight the need to address factors responsible for unfavourable public attitude towards the CSO Programme. Sensitization of the public by responsible agencies about the CSO sentence and its benefits needs to be emphatic.

3.5.4 Actions needed to achieve enhanced positive public attitude towards CSO

The sample respondents were asked to state what needed to be done to achieve an enhanced positive public attitude towards the CSO sentence. The most prominent action needed was public awareness and sensitization on CSO which was reported by more than 70.0% of all sample respondents except the victim respondents whose reporting on the same was at 44.8%. Some of the other key action areas are summarized in Table 3.29 below which included: encourage reconciliation and reintegration; close and strict supervision of the offenders; initiation of tangible projects through CSO program; and offer training to potential and existing stakeholders on CSO Programme.

Table 3.29 Actions needed to achieve enhanced positive public attitude towards CSO

Actions needed	Frequency and Percentage				
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims
Public awareness and sensitization on CSO	45(90.0%)	124(91.2%)	334(72.8%)	292(73.4%)	13 (44.8%)
Offer training to new and existing stakeholders on CSO	4(8.0%)	17(12.5%)	23(5.0%)	16(4.0%)	-
Initiation of tangible projects through CSO Programme	3(6.0%)	20(14.7%)	44(9.6%)	33(8.3%)	3 (10.3%)
Allocation of adequate resources to CSO Programme	3(6.0%)	15(11.0%)	7(1.5%)	8(2.0%)	-

Actions needed	Frequency and Percentage				
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders	Victims
Close and strict supervision of the CSO offenders	5(10.0%)	13(9.6%)	40(8.7%)	27(6.8%)	7(24.1%)
Encourage reconciliation and reintegration of CSO offenders	3(6.0%)	6(4.4%)	19(4.1%)	21(5.3%)	1(3.4%)
Encourage integrity among stakeholders	-	5(3.7%)	28(6.1%)	15(3.8%)	1(3.4%)
Integrate CSO Programme into education curriculum	-	1(0.7%)	-	-	-
Flexible CSO working hours	-	-	-	4(1.0%)	-
Enforce compliance with CSO	-	-	-	-	5(17.2%)
Cooperation among the stakeholders	-	-	-	-	1(3.4%)

The above findings bring out the need to implement the listed key action areas with special emphasis on increased public awareness and sensitization on the CSO Programme as a measure for realizing favourable public attitude to the Programme.

3.6 Effectiveness of CSO Sentences

3.6.1 General Effectiveness of CSO sentences

Another concern of this study was to establish the general effectiveness of CSO sentences in Kenya. Most of the sample respondents said that the CSO sentences were generally effective (See figure 18 below). A greater majority of the CSO Supervisees/offenders (89.3%) followed by Community Service/ Probation Officers (89.1%) indicated that CSO sentences were generally effective.

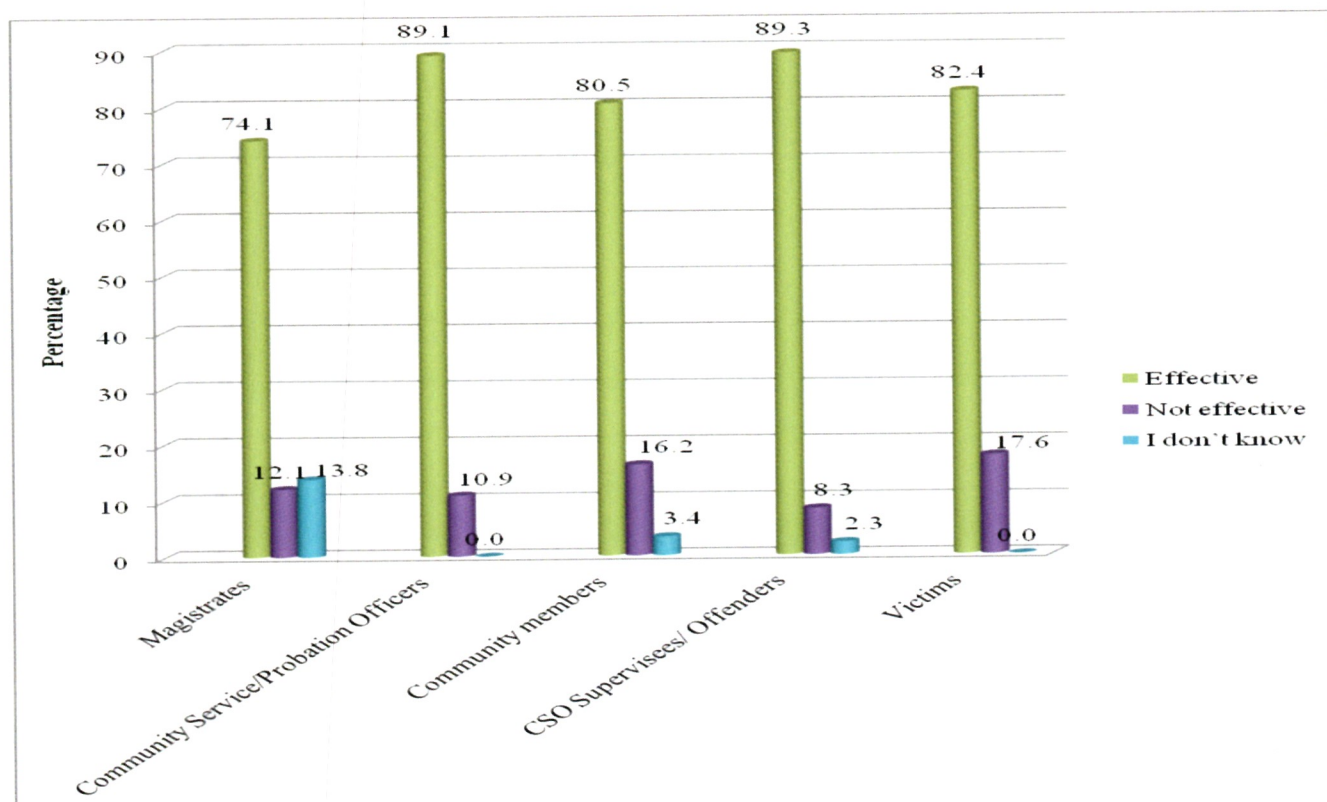


Figure 18: Responses on general effectiveness of CSO sentences

From the findings shown in Figure 18 above, there were slightly more respondents in the victims' category (17.6%) than in the other categories of respondents who thought that CSO sentences were generally not effective. These findings relate with earlier findings where more respondents from the victims' category (20.6%) than in the other categories had indicated that CSO sentences were generally not beneficial. The feelings of this segment of victims' category could possibly be attributed to the loss they suffered from the offenders.

3.6.2 Perceptions on effectiveness of CSO sentences

All sample respondents were asked to rate the general effectiveness of specific aspects of CSO sentences. From the findings presented in Table 3.30 below, most respondents in all the categories perceived CSO sentences to be generally effective.

Some of the above findings were highlighted during an interview with an Officer Commanding Police Division in Tharaka Nithi County who commented:

“I think the CSO sentence in this locality is effective as most of the offenders put on CSO comply with their sentences and we have not had any warrants of arrest to execute”

From the above findings, a number of interpretations and implications on effectiveness of specific aspects of CSO sentences can be made. First; in the opinion of most respondents in all the categories, CSO sentences were effective in all the aspects with the highest responses recorded in: enabling the offender to maintain family ties and providing for his/her family while at the same time serving the imposed sentence; decongestion of prisons of non-serious and first offenders; rehabilitation of non-serious offenders within the community; and avoiding contamination of non-serious and first offenders by hardened criminals. Second; since the sentence is also intended to benefit community members, CSO Supervisees and victims, measures are required to improve the aspects of: linking of offenders to potential employers; promotion of reconciliation between the offender and the victim of crime; acquisition of survival skills; and offender paying back (reparation) for the injury done to the community, all of which had relatively high percentages of respondents from the community members, CSO Supervisees and victims categories who believed that these aspects were not effectively met. Third; a number of respondents did not know whether or not the aspects of CSO sentences were effective. This therefore calls for their enlightening on the issues in question through public sensitization and awareness creation forums as well inviting their input toward how these can be enhanced.

3.7 Challenges Facing Community Service Orders and Possible Solutions

The survey sought to establish the challenges facing CSO and how they could be addressed.

3.7.1 Challenges facing the effective delivery of Community Service Orders

The Magistrates and the Community Service/Probation Officers were asked to state the challenges facing the stakeholders in the effective delivery of CSO in their respective localities. The challenge of limited resources for the CSO Programme; and lack of knowledge and training on CSO sentences featured prominently across most of the stakeholders. The Community Service/Probation Officers also pointed out that some sentencing officers are not familiar with CSO sentencing (32.0%) and negative attitude by sentencing officers (22.7%) and this posed a challenge especially to the Judiciary in the effective delivery of CSOs. Other challenges broadly mentioned by both the Magistrates and the Community Service/Probation Officers as adversely affecting most key stakeholders in the effective delivery of CSO sentences were: lack of awareness on CSO program, negative attitude towards CSO by other various stakeholders; lack of working tools; and the feeling that CSO punishment was very lenient. A summary of these responses is presented in Table 3.31 below.

Table 3.31 Challenges faced by key stakeholders in the CSO Programme

Challenges	Frequency and Percentage	
	Magistrates	Community Service/ Probation Officers
The Judiciary		
Limited resources e.g. inadequate personnel	18(34.6%)	26(26.8%)
High case load	5(9.6%)	14(14.4%)
Non-compliance and reoffending	10(19.2%)	14(14.4%)
Unexecuted warrant of arrest	12(23.1%)	9(9.3%)
Some sentencing officers are not familiar with CSO sentencing	7(13.5%)	31(32.0%)
Missing file/ records	4(7.7%)	1(1.0%)
Corruption	1(1.9%)	4(4.1%)
Negative attitude by Sentencing Officers towards CSO	11(21.2%)	22(22.7%)
The Community Service/Probation and Aftercare Care Service Department		
Limited resources	22(66.7%)	105(81.4%)
Non-compliance	3(9.1%)	24(18.6%)
Low referral rate	3(9.1%)	8(6.2%)
Uncooperative work agency supervisors	1(3.0%)	7(5.4%)
Compromised supervisors and CSO officers	4(12.1%)	2(1.6%)
Heavy work load	1(3.0%)	5(3.9%)
Inadequate personnel	2(6.1%)	-
Lack of motivation	-	10(7.8%)
unfavourable working conditions	-	4(3.1%)
Poor attitude of the community towards CSO	-	12(9.3%)
National Police Service		
Lack of knowledge and training on CSO	13(46.4%)	37(38.5%)
Inadequate resources e.g. personnel	6(21.4%)	25(26.0%)
Negative attitudes towards CSO	10(35.7%)	34(35.4%)
Some officers are compromised	1(3.6%)	13(13.5%)
Difficulty in tracing absconders due to lack of information.	4(14.3%)	12(12.5%)
The Prosecution		
Lack of knowledge and training on CSO sentence	8(38.1%)	30(35.7%)
Negative attitude towards CSO	9(42.9%)	19(22.6%)
High case load	-	8(9.5%)
Poor or lack of criminal records on repeat offenders	3(14.3%)	22(26.2%)
Inadequate resources	4(19.0%)	6(7.1%)
Unexecuted warrant of arrest	-	2(2.4%)
Corruption	-	3(3.6%)

Challenges	Frequency and Percentage	
	Magistrates	Community Service/ Probation Officers
The Prisons Service		
Lack of knowledge and training on CSO sentence	6(26.1%)	31(43.7%)
Lack of clear guideline on who to recommend for CSO	7(30.4%)	17(23.9%)
Poor rehabilitation programs in prisons resulting in repeat offenders	3(13.0%)	12(16.9%)
Inadequate resources	8(34.8%)	14(19.7%)
The Work agencies		
Lack of training on CSO supervision	14(51.9%)	82(68.3%)
Negative attitude towards offenders	6(22.2%)	8(6.7%)
Supervision is extra unpaid work	2(7.4%)	10(8.3%)
Compromised and non-commitment by CSO supervisor	2(7.4%)	11(9.2%)
Inadequate personnel	5(18.5%)	3(2.5%)
Lack of work tools	1(3.7%)	28(23.3%)
Lack of knowledge information on offence committed by offender resulting in fear	1(3.7%)	6(5.0%)
Non-cooperation and compliance by offenders	-	11(9.2%)
The community		
Lack of awareness on CSO program	16(55.2%)	76(69.1%)
Negative attitude on CSO program	15(51.7%)	51(46.4%)
The direct victims of crime		
Failure to reconcile	4(12.1%)	27(25.0%)
Feeling that the CSO punishment is too lenient	20(60.6%)	44(40.7%)
Lack of retribution	2(6.1%)	15(13.9%)
Lack of knowledge on CSO	8(24.2%)	30(27.8%)
Failure by court to support alternative dispute resolution mechanism	1(3.0%)	11(10.2%)
The CSO Offenders		
Stigmatization of the offenders	3(10.3%)	25(21.9%)
Unfavorable working conditions	5(17.2%)	28(24.6%)
Lack of tools and equipment at Work Agency	1(3.4%)	9(7.9%)
Difficulty in balancing between economic activity and complying with the sentences	4(13.8%)	31(27.2%)
Negative attitude towards CSO programs	17(58.6%)	46(40.4%)
Long period of placement for minor offences	-	6(5.3%)

The CSO Supervisees/offenders, community members and the victims were asked to state whether there were challenges facing the effective delivery of CSO in their respective localities. Over three-quarters of the community members (79.5%), 67.2% and 58.8% of the CSO offenders and victims respectively, said there were such challenges.

The CSO Supervisees/offenders, community members and the victims were further asked to mention the main challenges. The main challenges facing the effective delivery of CSO that were mentioned by community members were: high rate of non-compliance and reoffending (22.8%); lack of knowledge and training on CSO (22.0%) and; lack of support and negative attitude by relevant stakeholders (22.0%). On the other hand, most of the CSO supervisees/offenders mentioned unfavourable working conditions coupled with lack of tools and equipment (20.8%) and; lack of support and negative attitude by relevant stakeholders (18.9%) as the main challenges. Most of the victims mentioned lack of support and negative attitude by relevant stakeholders (30.0%), corruption (30.0%) and high rate of non-compliance and reoffending (25.0%) as the main challenges facing the effective delivery of Community Service Orders. The main challenges mentioned by the CSO offenders, the community members and the victims are as summarized in Table 3.32 below.

Table 3.32 Challenges facing the effective delivery of CSO

Challenges	Frequency and Percentage		
	Community members	CSO Supervisees/ Offenders	Victims
Limited resources for the CSO Programme	56(14.7%)	30(9.5%)	3(15.0%)
Heavy work load	7(1.8%)	9(2.8%)	-
Non-compliance and reoffending	87(22.8%)	38 (12.0%)	5(25.0%)
unexecuted warrants of arrest	1(0.3%)	3(0.9%)	-
Lack of motivation	16(4.2%)	5(1.6%)	-
Difficulty in tracing absconders due to lack of information	11(2.9%)	2(0.6%)	-
Lack of knowledge and training on CSO	84(22.0%)	26(8.2%)	2(10.0%)
Corruption	71(18.6%)	29(9.1%)	6(30.0%)
Lack of support and negative attitude by relevant stakeholders	84(22.0%)	60(18.9%)	6(30.0%)
Unfavourable working conditions coupled with lack of tools and equipment	19(5.0%)	66(20.8%)	1(5.0%)
Difficulty in accessing the work station	19(5.0%)	32(10.1%)	-
Poor supervision of CSO offenders	51(13.4%)	9(2.8%)	2(10.0%)
Condition of the offender	8(2.1%)	26(8.2%)	-
Difficulty in attending to economic activities while on CSO	-	34(10.7%)	-
No reconciliation between the victim and offender	-	-	1(5.0%)
Difficulty in accessing the CSO/Probation Office	10(2.6%)	-	1(5.0%)

A Focus Group Discussion held at the Ukwala Probation Office in Siaya County indicated some of the challenges to include: inadequate training of CSO Work Agency Supervisors; transport and other resource challenges within CSO Offices making it difficult for officers to conduct agency and home visits; some Work Agency Supervisors abuse alcohol making it difficult to supervise offenders convicted of being drunk and disorderly; corruption and nepotism among Supervisors; and failure of the Police to execute warrants of arrests for those offenders who abscond the sentence.

Some Key Informants as well highlighted some of the challenges facing the CSO Programme. A Police Officer working in Mavoko area of Athi-River Sub-county in Machakos County mentioned that:

“The CSO Programme in the area does not have enough projects to be undertaken by offenders, it is not well funded and there is inadequate sensitization of the local community about the Programme”

In Kajiado County, a Prison Officer argued that:

“There is poor supervision of CSO offenders as Community Service Orders Officers are few to be able to implement the CSO Programme as intended”

The above findings agree with the other findings which indicated the factors contributing to unfavourable public attitude towards CSO are such as: inadequate sensitization of the public about CSO sentence and absconding/ non-compliance of offenders. These findings highlight the need to adopt corrective measures to address the challenges in order to enable the CSO Programme realize its objectives.

3.7.2 Suggestions for solving challenges facing stakeholders involved in CSO

Magistrates and Community Service/Probation Officers were asked on their opinion with regard to how the challenges facing key stakeholders could be addressed towards the effective delivery of Community Service Orders in Kenya. These respondents mainly suggested: training and sensitization of the various stakeholders on CSO sentences; provision of adequate resources; and ensuring compliance by offenders through guidance and counseling. The suggestions are provided in Table 3.33 below.

Table 3.33 Suggestions for solving challenges facing key stakeholders

Suggestions	Frequency and Percentage	
	Magistrates	Community Service/ Probation Officers
The Judiciary		
Training of sentencing officers	19(39.6%)	59(55.7%)
Provision of adequate resources e.g. personnel	18(37.5%)	34(32.1%)
Establish a crime data bank for reference	5(10.4%)	4(3.8%)
Enhance collaboration with other stakeholders	12(25.0%)	25(23.6%)
Encourage integrity among sentencing officers	1(2.1%)	3(2.8%)

Suggestions	Frequency and Percentage	
	Magistrates	Community Service/ Probation Officers
The Community Service/Probation and Aftercare Care Service Department		
Training of the CSO /Probation Officers	11(36.7%)	42(33.6%)
Provision of adequate resources	21(70.0%)	100(80.0%)
Sensitize the community on CSO program	2(6.7%)	9(7.2%)
Increase referral cases	1(3.3%)	2(1.6%)
Encourage collaboration with other stakeholders	1(3.3%)	10(8.0%)
Initiate tangible projects	2(6.7%)	4(3.2%)
Motivation of CSO /Probation Officers	-	11(8.8%)
National Police Service		
Allocation of adequate resources	4(15.4%)	24(24.2%)
Maintain a crime data base for reference	3(11.5%)	4(4.0%)
Encourage collaboration between stakeholders	4(15.4%)	9(9.1%)
Training on CSO program	19(73.1%)	53(53.5%)
Enhance execution of warrant of arrest	2(7.7%)	11(11.1%)
Encourage attitude change towards CSO	-	13(13.1%)
Prosecution		
Training Prosecutors on CSO program	18(81.8%)	51(54.3%)
Encourage data sharing among stakeholders	4(18.2%)	13(13.8%)
Provision of adequate resources e.g. personnel	2(9.1%)	14(14.9%)
Encourage attitude change towards CSO	1(4.5%)	12(12.8%)
Digitalization of criminal data and information	-	13(13.8%)
The Prisons Service		
Training and sensitization on CSO sentences	14(73.7%)	54 (70.1%)
Proper rehabilitation programs at the facility	5(26.3%)	18(23.4%)
Encourage attitude change towards CSO	2(10.5%)	8(10.4%)
The Work agencies		
Adequate training and sensitization for Work Agency Supervisors	22(78.6%)	107(89.2%)
Motivate Work Agency Supervisors	7(25.0%)	14(11.7%)
Provision of adequate working tools and equipments	3(10.7%)	19(15.8%)

Suggestions	Frequency and Percentage	
	Magistrates	Community Service/ Probation Officers
The community		
Create public awareness and sensitization on CSO	28(96.6%)	106(87.6%)
Encourage positive attitude towards CSO program offenders	2(6.9%)	13(10.7%)
Establish tangible projects	-	9(7.4%)
Encourage reconciliation, restorative justice and compensation where possible	-	9(7.4%)
The direct victims of crime		
Encourage reconciliation, restorative justice and compensation where possible	4(13.3%)	39(35.8%)
Involve victims in decision making during sentencing process	2(6.7%)	8(7.3%)
Educate and sensitize victims on CSO sentence	19(63.3%)	67(61.5%)
Provide guidance and counseling to victims	7(23.3%)	11(10.1%)
The CSO Offenders		
Close monitoring of offenders	6(21.4%)	12(10.9%)
Ensure compliance by offenders through guidance and counseling	20(71.4%)	45(40.9%)
Provide tools and equipment needed for the work given	1(3.6%)	7(6.4%)
Empower the offenders to start tangible income generating activities/projects	5(17.9%)	32(29.1%)
Awareness creation and sensitization on CSO	1(3.6%)	23(20.9%)
Provide flexible working conditions	-	18(16.4%)

The CSO offenders, the community members and the victims were also asked to suggest how the challenges facing CSO could be addressed towards the effective delivery of Community Service Orders in Kenya. Most of the community members mainly suggested: public awareness and sensitization on CSO program (29.3%); provision of adequate resources for CSO (21.4%); strict and close supervision of offenders (19.5%); and encouraging integrity and fighting corruption (17.4%). Most of the CSO supervisees/offenders proposed public awareness and sensitization on CSO program (21.6%) while 18.4% proposed provision of adequate resources. The victims, on the other, suggested encouraging integrity and fighting corruption (33.3%) besides strict and close supervision of offenders (33.3%). These results are contained in Table 3.34 below.

Table 3.34 Suggestions for solving challenges facing Community Service Orders

Suggestions	Frequency and Percentage		
	Community members	CSO Supervisees/ Offenders	Victims
Provision of adequate resources for CSO	81(21.4%)	58(18.4%)	2(9.5%)
Strict and close supervision of offenders	74(19.5%)	32(10.2%)	7(33.3%)
Public awareness and sensitization on CSO programme	111(29.3%)	68(21.6%)	1(4.8%)
Increase referral cases	17(4.5%)	-	-
Capture necessary supervisees/offender data	9(2.4%)	-	-
Encourage collaboration with other stakeholders	33(8.7%)	21(6.7%)	1(4.8%)
Training on CSO program to those who implement the program	39(10.3%)	19(6.0%)	-
Encourage integrity and fight corruption	66(17.4%)	19(6.0%)	7(33.3%)
Strict penalties to absconders	28(7.4%)	13(4.1%)	-
Placement of supervisees in agencies near their residence	13(3.4%)	19(6.0%)	1(4.8%)
Provide alternative sentence for those who cannot serve CSO	5(1.3%)	36(11.4%)	1(4.8%)
Empowerment of offenders to initiate tangible income generating activities/projects	22(5.8%)	21(6.7%)	-
Provide flexible work hours for employed offenders	2(0.5%)	33(10.5%)	4(19.0%)
Provide motivation and recognition to CSO Officers	-	16(5.1%)	-

The above findings relate to earlier findings on actions needed to achieve enhanced positive public attitude towards CSO. They also emphasize the need to address the concerns and suggestions of community members, CSO offenders and victims who are central in the implementation and success of the CSO sentence.

3.8 Interventions for Strengthening CSO Programme

The survey sought to establish the key interventions that need to be put in place towards strengthening Community Service Orders Programme in Kenya.

Magistrates and Community Service/Probation Officers were asked to state the specific interventions that needed to be put in place by different stakeholders towards strengthening CSO Programme in Kenya. Training and sensitization and awareness creation on CSO featured prominently. The complete responses of the Magistrates and Community Service/Probation Officers are as summarized in Table 3.35 below.

Table 3.35 Proposed stakeholder interventions to strengthen CSO Programme

Interventions	Frequency and Percentage	
	Magistrates	Community Service/ Probation Officers
The Judiciary		
Embrace CSO as a sentencing option for petty offenders	10(26.3%)	41(37.3%)
Train and sensitize judicial officers on effective utilization of CSO sentences	23(60.5%)	37(33.6%)
Frequent monitoring and evaluation of CSO program	6(15.8%)	32(29.1%)
Have a universal policy in place for CSO sentencing	3(7.9%)	7(6.4%)
Tough penalties for absconders	-	3(2.7%)
Allocate adequate resources	3(7.9%)	7(6.4%)
Encourage integrity among judicial/sentencing officers	-	5(4.5%)
The Community Service/Probation and Aftercare Care Service Department		
Allocate adequate resources/funds to CSO Programme	14(58.3%)	81(67.5%)
Train more personnel on CSO	6(25.0%)	29(24.2%)
Frequent supervision of CSO offenders	4(16.7%)	23(19.2%)
Have Probation and CSO as separate departments	-	4(3.3%)
Establish a Probation Police Unit	-	2(1.7%)
Motivation and proper remuneration of CSO/Probation Officers	2(8.3%)	8(6.7%)
Public awareness and sensitization on CSO program	1(4.2%)	12(10.0%)
Proper guidance and counseling of offenders	1(4.2%)	7(5.8%)
National Police Service		
Embrace CSO sentencing for punishing petty offenders	3(12.0%)	15(15.0%)
Timely execution of warrants of arrest	3(12.0%)	25(25.0%)
Training and sensitization on CSO program	15(60.0%)	43(43.0%)
Provision of adequate resources	3(12.0%)	13(13.0%)
Establish an efficient data bank of crimes committed	1(4.0%)	4(4.0%)
Encourage integrity among Police Officers	2(8.0%)	9(9.0%)

Interventions	Frequency and Percentage	
	Magistrates	Community Service/ Probation Officers
Prosecution		
Establish and maintain an efficient database for cases prosecuted and sentenced	7(30.4%)	17(19.3%)
Training and sensitization of prosecutors on CSO	14(60.9%)	51(58.0%)
Sharing of criminal records among the stakeholders	4(17.4%)	23(26.1%)
Coordination of National Government (i.e., County Commissioners and line administrators)		
Training and sensitization on CSO program	17(73.9%)	61(59.8%)
Proper and thorough supervision of CSO offenders under their jurisdiction	5(21.7%)	22(21.6%)
Allocation of adequate resources	3(13.0%)	14(13.7%)
Cooperation with other stakeholders	-	16(15.7%)
The Prisons Service		
Enhance rehabilitation of petty offenders	6(31.6%)	14(16.3%)
Proper guiding and counseling for offenders	2(10.5%)	14(16.3%)
Create clear guidelines for CSO sentences for purposes of prison decongestion	2(10.5%)	26(30.2%)
Provision of adequate resources	3(15.8%)	8(9.3%)
Training of Prison Officers on CSO Program	7(36.8%)	28(32.6%)
The Work agencies		
Enhance supervision	7(31.8%)	30(26.5%)
Training and adequate sensitization of CSO work supervisors	14(63.6%)	76(67.3%)
Reward supervisees for compliance	-	3(2.7%)
Provide required tools and equipment	5(22.7%)	8(7.1%)
Proper records of all offenders placed in the agency	-	9(8.0%)
Encourage integrity in the work agencies	-	7(6.2%)
Motivate and reward efficient supervisors	-	6(5.3%)
The community		
Create public awareness on CSO	17(68.0%)	91(79.8%)
Helping CSO/Probation Department in monitoring and supervising offenders	3(12.0%)	17(14.9%)
Community involvement in deciding projects to be undertaken by CSO	5(20.0%)	23(20.2%)

Interventions	Frequency and Percentage	
	Magistrates	Community Service/ Probation Officers
The direct victims of crime		
Awareness creation on CSO	13(54.2%)	47(44.3%)
Cooperation with rehabilitation officers	5(20.8%)	21(19.8%)
Encourage the victims to embrace restorative justice and compensation where applicable	8(33.3%)	49(46.2%)
The CSO Offenders		
Sensitize offenders about the CSO program	13(56.5%)	53(52.5%)
Take CSO sentence seriously and comply with it	7(30.4%)	38(37.6%)
Where possible if required the offender should compensate the victim	1(4.3%)	6(5.9%)
Formation of offenders' support groups	3(13.0%)	17(16.8%)

The community members, CSO Supervisees/offenders and victims were also asked to suggest the key interventions needed to be put in place towards strengthening Community Service Orders Programme. Training and sensitization on the CSO Programme was mentioned by most of these respondents as one of the key interventions needed to strengthen CSO. All interventions proposed by the respondents are as summarized in Table 3.36 below.

Table 3.36 Proposed interventions for strengthening the CSO Programme

Interventions	Frequency and Percentage		
	Community members	CSO Supervisees/ Offenders	Victims
Training and sensitization on CSO Programme	197(46.1%)	158(42.1%)	6(26.1%)
Guidance and counseling of offenders	16(3.7%)	24(6.4%)	3(13.0%)
Provision of adequate resources to CSO Programme	56(13.1%)	46(12.3%)	3(13.0%)
Tough penalties for absconders	20(4.7%)	12(3.2%)	2(8.7%)
Improve record keeping and establish an efficient crime data bank	2(0.5%)	3(0.8%)	-
Establish effective rehabilitation programmes for offenders	52(12.2%)	68(18.1%)	1(4.3%)

Interventions	Frequency and Percentage		
	Community members	CSO Supervisees/ Offenders	Victims
Eliminate corruption	23(5.4%)	10(2.7%)	1(4.3%)
Proper coordination among relevant stakeholders	49(11.5%)	21(5.6%)	1(4.3%)
Encourage reconciliation, restorative justice and compensation where possible	6(1.4%)	5(1.3%)	2 (8.7%)
Empower Supervisees/offenders	26(6.1%)	37(9.9%)	2(8.7%)
Placement of Supervisees near their area of residence	1(0.2%)	-	-
Location of CSO/Probation reporting centres nearer CSO supervisees' area of residence.	-	-	1(4.3%)

From the above findings, it is clear that strengthening the CSO Programme would require a focus on, among others: training and sensitization of relevant stakeholders on CSO Programme; establishing effective rehabilitation programmes for offenders; provision of adequate resources for the CSO Programme.; and strict and close supervision of CSO offenders.

CHAPTER FOUR: SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

4.1 Introduction

This study sought to examine the factors influencing the delivery of Community Service Orders in Kenya with a view to strengthening community-based alternatives to prison. The specific objectives of the study were to: establish the extent of utilization of Community Service Orders in Kenya; establish the factors influencing the utilization of Community Service Orders by the courts; identify factors that affect the levels of compliance with Community Service Orders by offenders; identify the factors shaping public attitudes towards Community Service Orders; identify challenges facing the effective delivery of Community Service Orders; and suggest appropriate and effective interventions towards strengthening Community Service Orders Programme in Kenya.

4.2 Summary of Major Findings

4.2.1 Extent of utilization of Community Service Orders in Kenya

Findings of the study established that Law Courts in Kenya were utilizing CSO in dealing with petty offenders. This was reported by all Magistrates and Community Service Officers and almost all community members (99.2%), CSO offenders (98.3%) and victims (97.1%).

The crimes/offences committed by CSO Supervisees were varied. Being drunk and disorderly was the most common crime/offense committed by the CSO supervisees (reported by 75.9% of the Magistrates, 66.2% of the Community Service/Probation Officers, 47.8% of the Community members, 46.5% of the CSO Supervisees and 38.2% of the victims). Other common crimes committed by the CSO supervisees included: General stealing (reported by 46.3% of the Magistrates, 51.5% of the Community Service/Probation Officers, 47.6% of the Community members, 37.6% of the CSO Supervisees and 58.8% of the victims); assault causing actual bodily harm (reported by 57.4% of the Magistrates, 43.4% of the Community Service/Probation Officers, 33.6% of the Community members, 30.3% of the CSO Supervisees and 58.8% of the victims); creating disturbance (reported by 66.7% of the Magistrates, 42.6% of the Community Service/Probation Officers, 38.5% of the Community members, 19.3% of the CSO Supervisees and 32.4% of the victims); and possession of illicit/illegal brew and drugs (reported by 33.3% of the Magistrates, 69.9% of the Community Service/Probation Officers, 31.8% of the Community members, 38.4% of the CSO Supervisees and 14.7% of the victims).

CSO sentences were reported by majority of Magistrates (93.1%), Community Service/Probation Officers (100.0%), Community members (88.8%), CSO Supervisees (91.1%) and victims (79.4%) to be beneficial. The sentences were found to be majorly beneficial to a large extent and in many specific ways. These benefits and their average percentage realization (that is, the total percentage of realization to a large extent divided by five (5) categories of sample respondents) included: decongesting prisons (98.1%); assisting offenders in maintaining family ties (98.0%); enabling offenders to continue with their economic activities (97.0%); reducing stigmatization of offenders (94.0%); rehabilitation of offenders (88.2%); providing free labour/saving institutions money/funds (87.4%); reconciliation and reintegration of offenders, victims and the community (87.0%); crime deterrence (79.0%); preventing hardening of petty offenders (75.5%); impacting skills to offenders (66.4%); and providing alternative to imprisonment and fines for offenders who can't afford (59.0%).

The study found out that CSO offenders had been empowered through the CSO Programme in a number of ways, the most prominent forms of empowerment being: acquisition and transfer of skills (reported by 62.5% of the Magistrates, 91.9% of the Community Service/Probation Officers, 46.9% of the Community members and 37.8% of the CSO Supervisees); guidance and counseling (reported by 40.6% of the Magistrates, 28.1% of the Community Service/Probation Officers, 56.7% of the Community members and 60.5% of the CSO Supervisees); and financial support and/or provision of working tools and equipment (reported by 21.9% of the Magistrates and 11.9% of the Community Service/Probation Officers).

The study established that the major specific offender rehabilitation and supervision activities carried out through the CSO Programme included: supervision in cleaning and maintenance of public facilities (reported by 33.3% of the Magistrates, 55.5% of the Community members, 58.9% of the CSO Supervisees and 67.7% of the victims); guidance and counseling (reported by 22.2% of the Magistrates, 74.5% of the Community Service/Probation Officers, 26.9% of the Community members, 32.6% of the CSO Supervisees and 16.1% of the victims); and skills transfer and training (reported by 33.3% of the Magistrates and 40.6% of the Community Service/Probation Officers). Tangible projects such as afforestation/tree planting (reported by 81.8% of the Magistrates, 89.3% of the Community Service/Probation Officers, 66.7% of the Community members, 74.0% of the CSO Supervisees and 84.6% of the victims); construction of public utilities such as toilets (reported by 27.3% of the Magistrates, 44.3% of the Community Service/Probation Officers, 30.7% of the Community members, 19.2% of the CSO Supervisees and 38.5% of the victims); and farming, for example, fish and poultry keeping (reported by 31.8% of the Magistrates, 33.6% of the Community Service/Probation Officers, 18.2% of the Community members and 19.6% of the CSO Supervisees) had also been realized through the CSO sentence.

Most respondents (84.5% of the Magistrates, 80.4% of the Community Service/Probation Officers, 61.5% of the Community members, 72.4% of the CSO Supervisees and 50.0% of the victims) believed that CSO was adequately utilized. However, this finding appears to be a contradiction because the overall prison population was more than double the CSO placements for similar petty offences in 2016 (that is, 80,614 prisoners against 37,729 CSO offenders). This translates to only 31.9% of the offenders who were committed to CSO in comparison to 68.1% who were committed to prison sentencing of less than two (2) years for similar offences.

4.2.2 Factors influencing the utilization of CSO by the courts in Kenya

Factors contributing to adequate utilization of CSO were found to be: petty nature of crime/type of offender (reported by 39.0% of the Magistrates, 28.4% of the Community Service/Probation Officers, 37.4% of the Community members, 41.2% of the CSO Supervisees and 27.8% of the victims); prison decongestion benefits (reported by 29.3% of the Magistrates, 15.7% of the Community Service/Probation Officers, 20.1% of the Community members and 13.6% of the CSO Supervisees); community's positive attitude towards the CSO Programme (reported by 22.0% of the Magistrates, 24.5% of the Community Service/Probation Officers, 11.8% of the Community members, 16.0% of the CSO Supervisees and 11.1% of the victims); proper coordination among stakeholders; and committed, efficient and competent CSO officers (reported by 19.5% of the Magistrates, 38.2% of the Community Service/Probation Officers, 12.5% of the Community members and 22.2% of the victims). However, the few sample respondents in all the categories who had divergent view that CSO was not adequately utilized mentioned factors which included: inadequacy/lack of stakeholders' sensitization about the benefits of CSO Programme; lack of

stakeholders/community support to CSO Programme including some having negative attitude; difficulty in reaching placement work agencies by CSO Supervisees; serious nature of offences committed in the locality which did not qualify for CSO; and poor supervision of CSO Offenders.

4.2.3 Factors affecting the levels of compliance with CSO by offenders

Majority (70.3%) of the Community Service/Probation Officers and the Magistrates (72.4%), considered that the level of compliance with CSO by CSO supervisees was satisfactory. The main reasons given for the satisfaction viewpoint were: low levels of absconding (reported by 75.7% of the Magistrates and 76.9% of the Community Service/Probation Officers); and strict supervision by CSO Officers (reported by 18.9% of the Magistrates and 30.8% of the Community Service/Probation Officers). Findings from majority of the Magistrates (55.2%), Community Service/Probation Officers (93.5%), CSO Supervisees/offenders (95.5%) and community members (61.9%) showed that CSO Supervisees reported to CSO offices for supervision and rehabilitation as instructed by the Community Service Officers. Of the community members, 88.2% said CSO offenders reported to Community Service Officers often.

Based on the number of actual placements of CSO offenders in Kenya, the analysis of the actual rate of successful CSO sentence completions for the years 2012 to 2016 was over 96.0%. This rate of compliance concurred with the indications of most (46.4%) of the Community Service Officers who had estimated the successful completions at 75.0% and above.

The key factors influencing compliance with the requirements of a Community Service Orders sentence were established to be: the level of supervision by CSO Officers (reported by 42.6% of the Magistrates, 56.9% of the Community Service/Probation Officers, 24.9% of the Community members, 23.8% of the CSO Supervisees and 46.4% of the victims); fear of incarceration for breach of CSO (reported by 29.8% of the Magistrates, 24.6% of the Community Service/Probation Officers, 54.4% of the Community members, 54.5% of the CSO Supervisees and 50.0% of the victims); and, a clear understanding and attitude of the offender towards CSO (reported by 21.3% of the Magistrates, 16.2% of the Community Service/Probation Officers, 13.7% of the community members, 16.4% of the CSO Supervisees and 10.7% of the victims).

4.2.4 Factors shaping public attitudes towards Community Service Orders

This study sought to establish the factors shaping public attitudes towards Community Service Orders. The findings ascertained that the public's attitude towards CSO sentence was generally favourable as reported by most Magistrates (46.6%), Community Service/Probation Officers (82.6%), community members (70.6%), CSO Supervisees (75.7%) and victims (70.6%).

Improved community sensitization on the CSO Programme (reported by 33.3% of the Magistrates, 42.7% of the Community Service/Probation Officers, 19.5% of the community members, 24.1% of the CSO Supervisees and 19.0% of the victims), enhanced rehabilitation of CSO offenders (reported by 30.2% of the community members), the fact that offenders do not suffer imprisonment (reported by 36.7% of the Magistrates, 15.5% of the Community Service/Probation Officers, 21.2% of the community members, 40.5% of the CSO Supervisees and 28.6% of the victims), promotion of family unity (reported by 16.7% of the Magistrates, 20.9% of the Community Service/Probation Officers, 14.2% of the community members, 17.4% of the CSO Supervisees and 23.8% of the victims), enablement of the offender to continue with other socio-economic activities (reported by 14.5% of the Community Service/Probation

Officers, 11.6% of the community members, 15.0% of the CSO Supervisees and 14.3% of the victims) and provision of free labour by offenders (reported by 23.6% of the Community Service/Probation Officers, 12.2% of the community members and 28.6% of the victims) were the major factors shaping this favourable public attitude.

The few sample respondents who argued that public attitude towards CSO was generally unfavourable reported some of the factors contributing to the negative attitude to be: perception of CSO as a lenient form of punishment; lack of sensitization on the programme; absconding/ non-compliance of offenders; and high rates of reoffending.

Some of the actions proposed for boosting positive public attitude towards the CSO sentence included: public awareness and sensitization (reported by 90.0% of the Magistrates, 91.2% of the Community Service/Probation Officers, 72.8% of the community members, 73.4% of the CSO Supervisees and 44.8% of the victims); close and strict supervision of the offenders (reported by 10.0% of the Magistrates and 24.1% of the victims); initiation of tangible projects through the CSO Programme (reported by 14.7% of the Community Service/Probation Officers and 10.3% of the victims); enforcing compliance with CSO (reported by 17.2% of the victims); offering trainings to new and existing stakeholders (reported by 12.5% of the Community Service/Probation Officers); and allocation of adequate resources to CSO program (reported by 11.0% of the Community Service/Probation Officers).

4.2.5 Challenges facing the effective delivery of Community Service Orders in Kenya

The major challenges cited to be affecting effective delivery of CSO were: lack of support and negative attitude by relevant stakeholders (reported by 22.0% of the community members, 18.9% of the CSO Supervisees and 30.0% of the victims); high rate of non-compliance and reoffending (reported by 22.8% of the community members, 12.0% of the CSO Supervisees and 25.0% of the victims); corruption (reported by 18.6% of the community members and 30.0% of the victims); lack of knowledge and training on CSO (reported by 22.0% of the community members and 10.0% of the victims); limited resources for the CSO Programme (reported by 14.7% of the community members and 15.0% of the victims); and poor supervision of CSO offenders (reported by 13.4% of the community members and 10.0% of the victims). The proposed possible solutions to these challenges were: public awareness and sensitization on CSO Programme (reported by 29.3% of the community members and 21.6% of the CSO Supervisees); provision of adequate resources for CSO Programme (reported by 21.4% of the community members and 18.4% of the CSO Supervisees); strict and close supervision of offenders (reported by 19.5% of the community members, 10.2% of the CSO Supervisees and 33.3% of the victims); and encouraging integrity and fighting corruption (reported by 17.4% of the community members and 33.3% of the victims).

4.2.6 Interventions towards strengthening CSO Programme in Kenya

The key intervention measures that needed to be put in place to strengthen the CSO Programme include: trainings, sensitization and awareness creation of the relevant stakeholders on the CSO Programme (reported by 46.1% of the community members, 42.1% of the CSO Supervisees and 26.1% of the victims); provision of adequate resources to the CSO Programme (reported by 13.1% of the community members, 12.3% of the CSO Supervisees and 13.0% of the victims); strict and close supervision of CSO

offenders (reported by 12.4% of the community members and 17.4% of the victims); establishment of effective rehabilitation programmes for offenders (reported by 12.2% of the community members and 18.1% of the CSO Supervisees); guidance and counseling of offenders (reported by 13.0% of the victims); and proper coordination among relevant stakeholders (reported by 11.5% of the community members).

4.3 Conclusions

On the basis of the findings of this study, it can be concluded that: CSO sentences are not adequately utilized for petty offences in Kenya judging by the lower number of CSO placements against the higher number of short prison sentences especially for similar offences according to the actual statistical government records. The perceptions of most respondents that CSO sentences are adequately utilized appears to be apparent contradiction; CSO stakeholders are generally satisfied with the level of compliance with Community Service Orders; public attitude towards CSO is generally favourable; CSO sentences are generally effective; the CSO Programme faces some major challenges which need to be addressed towards the effective delivery of the Programme; and that there are key interventions that need to be put in place towards strengthening Community Service Orders Programme in Kenya.

4.4 Key Recommendations

4.4.1 Policy Recommendations

This study recommends:

- i. That the National Council on the Administration of Justice (NCAJ) puts in place sentencing guidelines requiring Law Courts to issue CSO sentences as a first option for petty offences whose prison sentences would have been three (3) years and below.

Findings showed that Sentencing Officers preferred short prison sentences of less than two (2) years to CSO sentences for petty offences such as: Being Drunk and Disorderly; General Stealing; Assault Causing Actual Bodily Harm; Creating Disturbance; and possession of illicit/illegal brew and drugs. Embracing CSO as a first sentencing option for petty offenders was put forward by respondents as an intervention helpful towards strengthening CSO Programme in Kenya. The National Council on the Administration of Justice (NCAJ) should ensure that clear sentencing guidelines are put in place requiring Law Courts to utilize CSO sentences as a first option to all petty offenders whose prison sentences would have been three (3) years and below.

- ii. That the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) and its partners institute mechanisms: to eradicate the production, trafficking and consumption of illicit/illegal brews and drugs; and for proper regulations on the consumption of legal brews.

This study found that most CSO offenders had been convicted for alcohol and drug-related offences such as Being drunk and Disorderly and possession of illicit/illegal brew and drugs. The National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) needs to partner with agencies such as the Anti-Narcotics Police Unit and the County Liquor Licensing Boards with a view of stamping out the production, peddling and abusive consumption of illicit liquor and drugs and regulating the consumption of the legal brews. This could be realized by among others, raising the cost and penalties for the illicit/illegal brews and drugs.

- iii. That the Judiciary and the Probation and Aftercare Services Department undertake to decongest prisons of all petty offenders through the CSO Programme in order for the country to save on public resources spent on petty offenders in prisons and reap the full benefits of the Programme.

Findings of this study showed that the CSO Programme had governance and socio-economic benefits such as: decongesting prisons; assisting offenders in maintaining family ties; enabling offenders to continue with their economic activities; reducing stigmatization of offenders; rehabilitation of offenders to become responsible citizens; providing free labour/saving public institutions money/funds; reconciliation and reintegration of offenders, victims and the community; crime deterrence; preventing hardening of petty offenders; impacting skills to offenders; and providing alternative to imprisonment and fines for offenders who can't afford. CSO offenders had been empowered through the CSO Programme in ways such as: acquisition and transfer of skills; guidance and counseling; and financial support and/or provision of working tools and equipment. Useful tangible public projects such as afforestation/tree planting, construction of public utilities such as toilets, and farming (for example, fish and poultry keeping) had been realized through the CSO sentence. It is important therefore that deliberate efforts are made by all relevant agencies to ensure that these inherent benefits of CSO Programme are realized, and not lost out by imprisoned petty offenders and their families in particular and the Government in general.

- iv. That the Probation and Aftercare Services Department, working with other National and County Government agencies, mainstream and make a good consideration of the contribution of the CSO Programme in the key Government agenda areas of food security, housing, health, manufacturing, education and other communities' prioritized projects which have a direct impact on the lives of the community members.

Findings of the study revealed that CSO offenders have been able to provide free labour and deliver tangible public projects such as afforestation/tree planting, construction of public utilities (such as school toilets and classrooms), farming projects (for example, fish and poultry keeping and greenhouses) and cleaning of public facilities such as Dispensaries, Hospitals and schools. Therefore, the National and County Government agencies should proactively and effectively utilize CSO labour in projects with direct benefits to the community such as food security, housing, health, manufacturing and education sectors. Further, there is need for the Probation and Aftercare Services Department, in liaison with other stakeholders, to spearhead the diversification and rolling out of viable and innovative tangible projects which are specific to a locality's environmental/geographical conditions and communities' priority needs.

- v. That the Judiciary improves on its supervision, monitoring and evaluation of the CSO Programme, and be proactive in its innovativeness in the efficient delivery, utilization and compliance with the CSO sentence.

Although supervision, follow ups and visits to offenders at the Work Agencies and monitoring and evaluation of the CSO Programme by Sentencing Officers and Community Service Officers were key components that had a bearing on compliance and utilization of the CSO sentence and Programme, the findings established a number of gaps. While CSO Officers showed good efforts

in undertaking these important activities, this was not the case with Magistrates. The findings established that most Magistrates: never or rarely contacted offenders placed on CSO; were not visiting offenders at their Work Agencies and those who visited the offenders, did so rarely; conducted monitoring and evaluation of CSO rarely or never did it; and rarely contacted CSO Work Agency Supervisors to find out how placed offenders were performing their work. The CSO Work Agency Supervisors also contacted Magistrates rarely to inform them how placed offenders were performing their work. Since the CSO Programme is a Judiciary-driven process, Sentencing Officers should purpose to conduct effective supervision, monitoring and evaluation of the CSO Programme and sentence.

- vi. An all-inclusive public participation in the implementation of the CSO Programme.

Although most Magistrates and CSO Officers reported that the community was involved in CSO sentencing decisions through its leaders who were involved in giving their opinions on offenders, most CSO Supervisees/offenders, community members and victims were of the contrary opinion arguing that the local community was not given the opportunity to participate in the sentencing decisions since the CSO sentence was determined by the CSO Officer or Law Courts without involving the community. Further, findings indicated that the lack of support to CSO/Probation Officers from the local community during offenders' rehabilitation and supervision contributes to breach of CSO. CSO is a community-based sentence, and as such, there is need to secure support, participation and/or involvement of the community so as to enhance effective delivery and sustainability of the CSO sentence and the Programme in general. In fact, Community's positive attitude towards the CSO Programme was found to be an important factor contributing in the utilization of CSO sentences in some study locations.

- vii. That the National Council on the Administration of Justice (NCAJ), spearheaded by the Judiciary and Probation and Aftercare Services Department, aggressively undertake sensitization and awareness creation among relevant stakeholders on the CSO Programme.

Negative attitude among some Police Officers and Public Prosecutors on the CSO Programme was reported as a challenge faced by key stakeholders in the effective delivery of Community Service Orders. Some of these officers held the view that they were arresting offenders with the expectation of stiff custodial sentences but CSO Officers were releasing the offenders by advising Law Courts to release the offenders through the "lenient" CSO sentence. This explained the issue of unexecuted warrants of arrests by the Police for those who abscond CSO sentences. Negative attitude among some Sentencing Officers towards CSO was also reported as one of the challenges of the CSO Programme thus explaining the low CSO referrals and placements and the high prison committals.

The study also found out that: inadequate or lack of stakeholders' sensitization about the benefits of CSO Programme was a key factor contributing to inadequate utilization of CSO; lack of knowledge and training on CSO sentence were some of the major challenges faced by key stakeholders in the effective delivery of Community Service Orders; and lack of support by relevant stakeholders and lack of knowledge and training on CSO were key challenges facing the effective delivery of Community Service Orders. Public education, training and sensitization

of the different players (including Sentencing Officers, victims, Prosecutors, Police Officers and local community members), for example through the mass media, on the CSO Programme was reported as a suggestion for solving challenges facing key stakeholders towards the effective delivery of Community Service Orders and an intervention to be put in place by specific key stakeholders towards strengthening the CSO Programme in Kenya and to achieve enhanced positive public attitude towards the CSO sentence.

- viii. Adequate allocation of resources to the Judiciary and Probation and Aftercare Services Department in respect to CSO Programme in particular by the National and County Governments and development partners.

The CSO Programme and sentence was found to contribute to the socio-economic empowerment of offenders and their families in particular through various forms of empowerment, rehabilitation and supervision activities. It was established to as well contribute to the socio-economic development of the country and the surrounding communities in a number of specific action points such as decongestion of prisons, provision of free labour to public institutions, crime deterrence, prevention of hardening of petty offenders and delivery of tangible projects such as afforestation/tree planting, construction of public utilities such as toilets, and farming, for example, fish and poultry keeping). Further findings showed that: Sentencing Officers and CSO Officers had heavy workloads and limited resources to effectively undertake supervision, monitoring and evaluation of the CSO Programme towards improving its delivery; boosting positive public attitude towards the CSO sentence included public awareness and sensitization, initiation of tangible projects and offering trainings to new and existing stakeholders all of which required resources. Allocation of adequate human resources to the Programme becomes inevitable. This kind of resources will involve: recruitment (of additional Judges and Magistrates, CSO Officers and engagement of Volunteer Community Service Officers and Work Agency Supervisors); and proper training. Training of relevant players on the CSO Programme was also suggested by respondents as one of the interventions that needed to be put in place by specific key stakeholders towards strengthening CSO Programme in Kenya. Therefore, a sound training curriculum which will facilitate capacity building of Sentencing Officers, CSO Officers and Work Agency Supervisors on offender supervision and rehabilitation and project implementation, supervision, monitoring and evaluation will be inevitable. Financial and infrastructural resources (such as working tools and equipment, transport facilities and mobile phones for communication) are also required for operations and maintenance of the Programme with regard to offender supervision and rehabilitation and for initiation and implementation of projects.

- ix. That the Judiciary, the National Police Service and the Probation and Aftercare Services Department sufficiently address (to reduce) the confidence of CSO Supervisees to deliberately abscond their sentences by ensuring timely execution of warrants of arrest and meting out of punitive yet guaranteed non-custodial graduated fines to those who abscond the sentence.

The findings of the study showed that absconding/ non-compliance and re-offending of offenders were some of the factors contributing to unfavourable public attitude towards CSO. Close and strict supervision of the CSO offenders and enforcing compliance with CSO were proposed as actions needed to achieve enhanced positive public attitude towards CSO. Non-

compliance and reoffending and unexecuted warrants of arrest were cited as challenges facing the effective delivery of Community Service Orders. Close monitoring of offenders and providing an alternative sentence for those who cannot serve CSO were suggested for solving challenges facing Community Service Orders. Tough penalties for absconders was proposed as an intervention that needed to be put in place by specific key stakeholders towards strengthening the CSO Programme in Kenya with the timely execution of warrants of arrest being reported as one of the interventions to be put in place towards strengthening the CSO Programme in Kenya. Punitive yet guaranteed non-custodial graduated fines¹⁸ to offenders who abscond the sentence may be explored so as to guard against prison congestion by the CSO abscondee who are still petty offenders. The payment of these fines can be enforced and/or supervised by Sentencing Officers (Judges and Magistrates) and CSO Officers.

- x. That the Ethics and Anti-Corruption Commission, the National Police Service, the Office of the Director of Public Prosecutions, the Judiciary and the Probation and Aftercare Service Department address any forms of corruption in the CSO Programme.

On the general aspects of CSO utilization, some respondents indicated that some Sentencing Officers and CSO Officers could be using CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives. Corruption was reported as a likely occurrence among the ranks of some key stakeholders which is a challenge toward the effective delivery of Community Service Orders and as a factor contributing to inadequate utilization of CSO and unfavourable public attitude towards the CSO sentence. On the key aspects of compliance with CSO, most respondents generally agreed that offenders who corrupt Sentencing Officers and CSO Officers to get CSO sentences were likely to breach the order. Encouraging integrity and eliminating corruption among officers in the criminal justice system and other stakeholders involved in the CSO Programme was reported as an action needed to achieve enhanced positive public attitude towards CSO, a suggestion for solving challenges facing key stakeholders towards the effective delivery of Community Service Orders and an intervention to be put in place by specific key stakeholders towards strengthening the CSO Programme in Kenya.

- xi. Providing resources to the National Crime Research Centre (by the National Treasury and development partners) to conduct periodical evaluation of the CSO Programme and maintain a CSO crime data bank which can form advisory framework for appropriate policy and programme review and interventions.

Respondents suggested the establishment of a CSO crime data bank and digitalization of criminal data and information for reference as one way of addressing some challenges facing key stakeholders towards the effective delivery of Community Service Orders and as an intervention to be put in place by relevant individual stakeholders towards strengthening of CSO Programme in Kenya. Evaluation of the CSO Programme was also found to be weak. The National Crime

¹⁸ A guaranteed non-custodial graduated fine is used to imply a fine imposed to an offender which is guaranteed by a relative, guardian or significant other and which can be paid over some time and does not have the option of a custodial sentence in case of defaulted payment so as to guard against the fine contributing to prison congestion which the CSO sentence was trying to address.

Research Centre (NCRC) is mandated by law to establish a National Crime Data Repository and to undertake evaluation of programmes run by agencies in the administration of criminal justice. NCRC could be resourced to undertake the evaluation of the CSO Programme, and collect and collate related data towards advising on the policy and programme in the crime and security sector.

4.4.2 Recommendations for Further Research

This study recommends that further research be undertaken on the qualitative and quantitative contribution of the CSO sentence in the context of Kenya's Vision 2030 economic and social pillars. A comparative analysis of CSO sentences vis-a-vis other forms of punishment and rehabilitation in the administration of justice in Kenya is also recommended.

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APPENDICES

A SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN KENYA

Appendix 1- Questionnaire for Judges and Magistrates/Kadhis

County: _____

Sub- County: _____

Name of Administrative Location _____

Date of Interview _____

Time of Interview: Start Time _____ End Time _____

Introduction

Hello, my name is _____ and I am working with the National Crime Research Centre (NCRC). We are conducting “**A Survey on the Delivery of Community-Based Sentences: The Case of Community Service Orders in Kenya**”. Community Service Orders are court sentences used on offenders in Kenya nowadays. As an officer of the court involved with the execution/implementation of the Orders, it is important to gather information from you on the sentence. The information which you will provide will go a long way in advising policy on Community Service Orders in Kenya. Therefore, your assistance is kindly requested in making this research a success. The general objective of the study is to examine the factors influencing the delivery of the Orders in Kenya with a view to strengthening community-based alternatives to prison. The study is expected to shed light on factors influencing the utilization of Community Service Orders by the courts; identifying the factors that affect the levels of compliance with Community Service Orders by offenders; identifying the factors shaping public attitudes towards Community Service Orders; identifying challenges facing the delivery of Community Service Orders; and suggesting appropriate and effective interventions towards strengthening the Community Service Orders Programme in Kenya.

As part of the survey, we would like you to provide answers to questions about your knowledge and/or direct/indirect experience with Community Service Orders. All of the answers you give will be confidential. Please provide detailed answers as much as possible.

Background Information

1. Gender
 1. Male
 2. Female
2. Age of Respondent in years.
 1. 18-25
 2. 26-33
 3. 34-41
 4. 42-49
 5. 50-57
 6. 58-65
 7. 66+
3. Marital Status:
 1. Single/Never Married
 2. Married
 3. Separated
 4. Divorced
 5. Widowed
4. Highest Level of Education (Specify) _____

5. Religion:
 1. Traditional
 2. Christian
 3. Islam
 4. Other (Specify) _____
6. What is your designation in your organization? _____
7. How long have you worked with your organization?
 1. Below 1 year
 2. 1-5 years
 3. 6-10 years
 4. 11-15 years
 5. 16-20 years
 6. 21-25 years
 7. 26+ years

Information on Community Service Orders (CSO) in Kenya

8. What do you regard as the main pillars of the CSO Programme in Kenya? _____

9. (a) Do Law Courts in this locality utilize Community Service Orders in sentencing offenders? 1. Yes
 2. No

(b) If Yes, who are the majority of the offenders on CSO sentences in this locality?

1. Petty Offenders
2. Serious Offenders

(c) If Yes, please list the types of offences/crimes which have been committed by most CSO Supervisees/Offenders in this locality? _____

(d) What is your average monthly CSO placement since the beginning of year 2014?

1. 0-15
2. 16-30
3. 31-45
4. 46-60
5. 61-75
6. 76-90
7. 91+

10. (a) Would you say that Community Service Orders are beneficial? 1. Yes 2. No 3. I don't know

(b) If Yes, what do you think are the benefits of Community Service Orders Sentence in Kenya and to what extent have the benefits been realized by the CSO sentences issued by Law Courts in this locality? (Please write down the benefits and tick your selected rating inside the box).

Benefits of CSO	Response on extent the benefits have been realized in the locality		
	To a large extent	To a small extent	I don't know

(c) If No, please explain. _____

11. (a) In which specific ways have offenders been empowered through the CSO Programme? _____

(b) What specific offender rehabilitation and supervision activities are conducted through the CSO Programme? _____

(c) What tangible community projects have been implemented through the CSO Programme in this locality? _____

12. (a) How adequately have CSO sentences been utilized by Law Courts in this locality?

1. Adequately
2. Not adequately
3. Not utilized at all
4. I don't know

(b) If CSO sentences have been utilized generally adequately (that is, very adequately and adequately), what factors have influenced their utilization by the courts in this locality? _____

(c) If CSO sentences have not been utilized at all or have been utilized generally inadequately (that is, not adequately, not adequately at all and not utilized at all), what factors have influenced their lack of utilization or inadequate utilization/under-utilization by the courts in this locality? _____

13. Please indicate your level of agreement with the following statements.
(Tick your selected rating inside the box).

Statement	Response to statement		
	Agree	Disagree	I don't know
Some sentencing officers are not fully conversant with the provisions and the circumstances under which a CSO sentence can be issued by a court and therefore do not utilize the order.			
Some sentencing officers have a generally negative attitude towards the CSO sentence and therefore do not utilize the order.			
Some sentencing officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives			
The cost-benefit analysis of CSO over imprisonment of non-serious offenders has encouraged some sentencing officers to utilize CSO.			
Most sentencing officers are reluctant to accept CSO recommendations from CSO/Probation Officers when they have not referred cases for the same.			
Satisfaction with the economic benefits of CSO to the community has motivated and/or encouraged sentencing officers to continue utilizing the option.			
Satisfaction with the good performance of the unpaid work by offenders has motivated and/or encouraged sentencing officers to continue utilizing the option.			
Satisfaction with the rehabilitation of the CSO offenders by the Probation Department has motivated and/or encouraged sentencing officers to continue utilizing the option.			
Unsatisfactory supervision of CSO supervisees/offenders in work agencies discourages sentencing officers from issuing CSO.			
Some CSO Officers are not fully conversant with the provisions and the circumstances under which a CSO sentence can be issued by a court and supervised and therefore do not recommend the order for use by the courts.			

Statement	Response to statement		
	Agree	Disagree	I don't know
Some CSO Officers have a generally negative attitude towards the CSO sentence and therefore do not recommend the order for use by the courts.			
Some CSO Officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives			
Previous breach of CSO by some offenders has contributed in under-utilization of the order.			
Unwillingness of some offenders to undertake community service discourages the utilization of CSO.			
Hostility of some victims and local community members to non-custodial sentences discourages the use of CSO.			
Good quality CSO Officers' pre-sentence reports contribute to the utilization of CSO by courts.			
CSO Officers have not been adequately trained on issues of CSO supervision which in turn affects utilization of CSO			
CSO Officers have not been adequately sensitized on issues of CSO supervision which in turn affects utilization of CSO.			
CSO Officers have not been adequately trained and/or sensitized on issues of CSO project supervision and implementation which in turn affects utilization of CSO.			
Most CSO/Probation Officers do not have adequate discretion to provide recommendations for CSO sentences when courts have not referred cases for the same.			
Security challenges posed by some offenders discourage the use of Community Service Orders sentences on them.			

14. (a) Generally, how satisfied are you with the level of compliance with Community Service Orders by supervisees/offenders in this locality?

1. Satisfied
2. Not satisfied

(b) If generally satisfied, please explain. _____

(c) If generally not satisfied, please explain. _____

(d) How would you estimate the rate of CSO sentence successful completions by offenders placed by courts in this locality?

1. Below 24%
2. 25- 49%
3. 50-74%
4. 75 % and above

15. In your opinion what influences compliance with the requirements of a Community Service Orders sentence in this locality? _____

16. (a) In most cases and before sentencing, are most offenders given the freedom to participate in deciding whether or not to benefit with CSO sentences? 1. Yes 2. No. 3. I don't know
Please explain your answer. _____

(b) In most cases and before sentencing, are relatives of offenders given the opportunity to participate in deciding whether or not the offenders benefit with CSO sentences? 1. Yes 2. No. 3. I don't know
Please explain your answer. _____

(c) In most cases and before sentencing, is the local community given the freedom to participate in deciding whether or not its offenders benefit with CSO sentences? 1. Yes 2. No. 3. I don't know
Please explain your answer. _____

17. Do most CSO supervisees/offenders report to CSO offices for supervision and rehabilitation as instructed by the CSO Officers? 1. Yes 2. No 3. I don't know

18. (a) How often do you contact offenders placed on CSO?

1. Often
2. Rarely
3. Never

(b) If you contact CSO offenders, what is the mode of contact? _____

(c) If you don't contact or you contact CSO offenders at least rarely, what are the reasons? _____

19. (a) How often do you contact CSO Work agency supervisors to find out how placed offenders are performing their work?

1. Often
2. Rarely
3. Never

(b) If you contact CSO Work agency supervisors, what is the mode of contact? _____

(c) If you don't contact or you contact CSO Work agency supervisors at least rarely, what are the reasons? _____

20. (a) How often do CSO Work agency supervisors contact you to inform you how placed offenders are performing their work?

1. Often
2. Rarely
3. Never

(b) If CSO Work agency supervisors contact you, what is the mode of contact? _____

(c) If CSO Work agency supervisors don't contact you or contact you at least rarely, what could be the reasons? _____

21. (a) Do you visit CSO offenders in their CSO work agencies? 1. Yes 2. No

(b) If Yes, how often do you visit CSO offenders in their CSO work agencies?

1. Often
2. Rarely

(c) If you don't visit or you visit CSO offenders at least rarely, what are the reasons? _____

22. (a) How often do courts conduct monitoring and evaluation of the CSOs Programme?

1. Often
2. Rarely
3. Never

(b) If courts don't conduct or conduct monitoring and evaluation of the CSOs Programme at least rarely, what are the reasons? _____

23. Please indicate your level of agreement with the following statements. (Tick your selected rating inside the box).

Statement	Response to statement		
	Agree	Disagree	I don't know
CSO Offenders with a negative opinion about the sentence are likely to breach the order.			
Offenders who corrupt sentencing officers to get CSO sentences are likely to breach the order.			
Offenders who corrupt CSO Officers to get CSO sentences are likely to breach the order.			
CSO Work agency supervisors who are corrupted by CSO offenders facilitate breach of the order.			
Direct placement of offenders by courts to CSO supervision contributes to non-compliance with the orders.			
Tribalism, nepotism and favouritism within the sentencing agencies contribute to non-compliance of offenders with the orders.			
Tribalism, nepotism and favouritism within the offender rehabilitation and supervising agencies contribute to non-compliance of offenders with the orders.			
Lack of CSO offender's family support to CSO/Probation Officers during the offender's rehabilitation and supervision contributes to breach of the order.			
Lack of support to CSO/Probation Officers from the local community during the offenders rehabilitation and supervision contributes to breach of CSO.			

Statement	Response to statement		
	Agree	Disagree	I don't know
Lack of support to CSO/Probation Officers from the direct victims of offences during offenders' rehabilitation and supervision contributes to breach of CSO.			
Lack of support to employed CSO offenders from their employers contributes to breach of CSO.			
Most supervisors in work agencies have not been trained and/or sensitized on supervision of CSO and the offenders.			
Most economically unstable CSO offenders are likely to abscond their sentences to look for livelihoods.			

24. (a) Generally speaking, what is the public attitude towards the Community Service Orders sentence in this locality?
- 1. Favourable
 - 2. Not favourable
 - 3. I don't know

(b) If the public attitude is generally favourable, what factors contribute to the same? _____

(c) If the public attitude is generally unfavourable, what factors contribute to the same? _____

25. Please indicate what needs to be done to achieve an enhanced positive public attitude towards the CSO sentence in this locality? _____
- _____
- _____

26. (a) Generally, how effective are CSO sentences in this locality.
- 1. Effective
 - 2. Not effective
 - 3. I don't know
- (b) Generally, how effective are CSO sentences in the following aspects.

Aspect	Response on Effectiveness		
	Effective	Not effective	I don't know
Rehabilitation of non-serious offenders within the community			
Individual offender paying back (reparation) for the injury done to the community			
Decongestion of prisons of non-serious and first offenders			
Saving tax payers money			
Avoiding contamination of non-serious and first offenders by hardened criminals			
Enabling the offender to maintain family ties and providing for his/her family while at the same time serving the imposed sentence.			
Promotion of reconciliation between the offender and the victim of crime.			
Acquisition of survival skills			
Linking of offenders to potential employers			
Prevention of juvenile delinquency of the dependent minors			

27. (a) What are the challenges facing the following stakeholders in the effective delivery of Community Service Orders in this locality?

(i) The Judiciary? _____

(ii) The Community Service/Probation and Aftercare Care Service Department? _____

(iii) The National Police Service? _____

(iv) The Prosecution? _____

(v) The Prisons Service? _____

(vi) CSO Work agencies? _____

(vii) The community? _____

(viii) The direct victims of crime? _____

(ix) CSO Offenders? _____

(b) How can the challenges facing the following stakeholders be addressed towards the effective delivery of Community Service Orders in Kenya?

(i) The Judiciary? _____

(ii) The Probation and Aftercare Care Service Department? _____

(iii) The National Police Service? _____

(iv) The Prosecution? _____

(v) The Prisons Service? _____

(vi) CSO Work agencies? _____

(vii) The community? _____

(viii) The direct victims of crime? _____

(ix) CSO Offenders? _____

28. (a) What specific interventions need to be put in place by the following stakeholders towards strengthening Community Service Orders Programme in Kenya?

(i) The Judiciary? _____

(ii) The Probation and Aftercare Care Service Department? _____

(iii) The National Police Service? _____

(iv) The Prosecution? _____

(v) Coordination of National Government (that is, County Commissioners and line administrators)? _____

(vi) The Prisons Service? _____

(vii) CSO Work agencies? _____

(viii) The community? _____

(ix) The direct victims of crime? _____

(x) CSO Offenders? _____

(b) Please propose any other necessary interventions? _____

29. Please give any other relevant comments relating to the delivery of Community Service Orders in Kenya? _____

Thank you for your cooperation.

A SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN KENYA

Appendix 2- Questionnaire for Community Service/Probation Officers

County: _____
Sub- County: _____
Name of Administrative Location _____
Date of Interview _____
Time of Interview: Start Time _____ End Time _____

Introduction

Hello, my name is _____ and I am working with the National Crime Research Centre (NCRC). We are conducting “**A Survey on the Delivery of Community-Based Sentences: The Case of Community Service Orders in Kenya**”. Community Service Orders are court sentences used on offenders in Kenya nowadays. As an officer of the court involved with the execution/implementation of the Orders, it is important to gather information from you on the sentence. The information which you will provide will go a long way in advising policy on Community Service Orders in Kenya. Therefore, your assistance is kindly requested in making this research a success. The general objective of the study is to examine the factors influencing the delivery of the Orders in Kenya with a view to strengthening community-based alternatives to prison. The study is expected to shed light on factors influencing the utilization of Community Service Orders by the courts; identifying the factors that affect the levels of compliance with Community Service Orders by offenders; identifying the factors shaping public attitudes towards Community Service Orders; identifying challenges facing the delivery of Community Service Orders; and suggesting appropriate and effective interventions towards strengthening the Community Service Orders Programme in Kenya.

As part of the survey, we would like you to provide answers to questions about your knowledge and/ or direct/indirect experience with Community Service Orders. All of the answers you give will be confidential. Please provide detailed answers as much as possible.

Background Information

1. Gender
 1. Male
 2. Female
2. Age of Respondent in years.
 1. 18-25
 2. 26-33
 3. 34-41
 4. 42-49
 5. 50-57
 6. 58-65
 7. 66+
3. Marital Status:
 1. Single/Never Married
 2. Married
 3. Separated
 4. Divorced
 5. Widowed
4. Highest Level of Education (Specify) _____

5. Religion:
 1. Traditional
 2. Christian
 3. Islam
 4. Other (Specify) _____
6. What is your designation in your organization? _____
7. How long have you worked with your organization?
 1. Below 1 year
 2. 1-5 years
 3. 6-10 years
 4. 11-15 years
 5. 16-20 years
 6. 21-25 years
 7. 26+ years

Information on Community Service Orders (CSO) in Kenya

8. What do you regard as the main pillars of the CSO Programme in Kenya? _____

9. (a) Do Law Courts in this locality utilize Community Service Orders in sentencing offenders?
1. Yes 2. No

(b) If Yes, who are the majority of the offenders on CSO sentences in this locality?

1. Petty Offenders
2. Serious Offenders

(c) If Yes, please list the types of offences/crimes which have been committed by most CSO Supervisees/Offenders in this locality? _____

(d) What is your average monthly CSO caseload since the beginning of year 2014?

1. 0-15
2. 16-30
3. 31-45
4. 46-60
5. 61-75
6. 76-90
7. 91+

10. (a) Would you say that Community Service Orders are beneficial? 1. Yes 2. No 3. I don't know

(b) If Yes, what do you think are the benefits of Community Service Orders Sentence in Kenya and to what extent have the benefits been realized by the CSO sentences issued by Law Courts in this locality? (Please write down the benefits and tick your selected rating inside the box).

Benefits of CSO	Response on extent the benefits have been realized in the locality		
	To a large extent	To a small extent	I don't know

- (c) If No, please explain. _____

11. (a) In which specific ways have offenders been empowered through the CSO Programme? _____

- (b) What specific offender rehabilitation and supervision activities are conducted through the CSO Programme? _____

- (c) What tangible community projects have been implemented through the CSO Programme in this locality? _____

12. (a) How adequately have CSO sentences been utilized by Law Courts in this locality?
- 1. Adequately
 - 2. Not Adequately
 - 3. Not utilized at all
 - 4. I don't know
- (b) If CSO sentences have been utilized generally adequately (that is, very adequately and adequately), what factors have influenced their utilization by the courts in this locality? _____

- (c) If CSO sentences have not been utilized at all or have been utilized generally inadequately (that is, not adequately, not adequately at all and not utilized at all), what factors have influenced their lack of utilization or inadequate utilization/under-utilization by the courts in this locality? _____

13. Please indicate your level of agreement with the following statements. (Tick your selected rating inside the box).

Statement	Response to statement		
	Agree	Disagree	I don't know
Some sentencing officers are not fully conversant with the provisions and the circumstances under which a CSO sentence can be issued by a court and therefore do not utilize the order.			
Some sentencing officers have a generally negative attitude towards the CSO sentence and therefore do not utilize the order.			
Some sentencing officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives			
The cost-benefit analysis of CSO over imprisonment of non-serious offenders has encouraged some sentencing officers to utilize CSO.			
Most sentencing officers are reluctant to accept CSO recommendations from CSO/Probation Officers when they have not referred cases for the same.			
Satisfaction with the economic benefits of CSO to the community has motivated and/or encouraged sentencing officers to continue utilizing the option.			
Satisfaction with the good performance of the unpaid work by offenders has motivated and/or encouraged sentencing officers to continue utilizing the option.			
Satisfaction with the rehabilitation of the CSO offenders by the Probation Department has motivated and/or encouraged sentencing officers to continue utilizing the option.			
Unsatisfactory supervision of CSO supervisees/offenders in work agencies discourages sentencing officers from issuing CSO.			
Some CSO Officers are not fully conversant with the provisions and the circumstances under which a CSO sentence can be issued by a court and supervised and therefore do not recommend the order for use by the courts.			
Some CSO Officers have a generally negative attitude towards the CSO sentence and therefore do not recommend the order for use by the courts.			
Some CSO Officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives			
Previous breach of CSO by some offenders has contributed in under-utilization of the order.			
Unwillingness of some offenders to undertake community service discourages the utilization of CSO.			

Statement	Response to statement		
	Agree	Disagree	I don't know
Hostility of some victims and local community members to non-custodial sentences discourages the use of CSO.			
Good quality CSO Officers' pre-sentence reports contribute to the utilization of CSO by courts.			
CSO Officers have not been adequately trained on issues of CSO supervision which in turn affects utilization of CSO			
CSO Officers have not been adequately sensitized on issues of CSO supervision which in turn affects utilization of CSO.			
CSO Officers have not been adequately trained and/or sensitized on issues of CSO project supervision and implementation which in turn affects utilization of CSO.			
Most CSO/Probation Officers do not have adequate discretion to provide recommendations for CSO sentences when courts have not referred cases for the same.			
Security challenges posed by some offenders discourage the use of Community Service Orders sentences on them.			

14. (a) Generally, how satisfied are you with the level of compliance with Community Service Orders by supervisees/offenders in this locality?
- 1. Satisfied
 - 2. Not Satisfied

(b) If generally satisfied, please explain. _____

(c) If generally not satisfied, please explain. _____

- (d) How would you estimate the rate of CSO sentence successful completions by offenders placed by courts in this locality?
- 1. Below 24%
 - 2. 25- 49%
 - 3. 50-74%
 - 4. 75 % and above

15. In your opinion what influences compliance with the requirements of a Community Service Orders sentence in this locality? _____

16. (a) In most cases and before sentencing, are most offenders given the freedom to participate in deciding whether or not to benefit with CSO sentences? 1. Yes 2. No. 3. I don't know

Please explain your answer. _____

(b) In most cases and before sentencing, are relatives of offenders given the opportunity to participate in deciding whether or not the offenders benefit with CSO sentences? 1. Yes 2. No. 3. I don't know

Please explain your answer. _____

(c) In most cases and before sentencing, is the local community given the freedom to participate in deciding whether or not its offenders benefit with CSO sentences? 1. Yes 2. No. 3. I don't know

Please explain your answer. _____

17. Do most CSO supervisees/offenders report to CSO offices for supervision and rehabilitation as instructed by the CSO Officers? 1. Yes 2. No 3. I don't know

18. (a) How often do you contact offenders placed on CSO?

1. Often
2. Rarely
3. Never

(b) If you contact CSO offenders, what is the mode of contact? _____

(c) If you don't contact or you contact CSO offenders at least rarely, what are the reasons? _____

19. (a) How often do you contact CSO Work agency supervisors to find out how placed offenders are performing their work?

1. Often
2. Rarely
3. Never

(b) If you contact CSO Work agency supervisors, what is the mode of contact? _____

(c) If you don't contact or you contact CSO Work agency supervisors at least rarely, what are the reasons? _____

20. (a) How often do CSO Work agency supervisors contact you to inform you how placed offenders are performing their work?

1. Often
2. Rarely
3. Never

(b) If CSO Work agency supervisors contact you, what is the mode of contact? _____

(c) If CSO Work agency supervisors don't contact you or contact you at least rarely, what could be the reasons? _____

21. (a) Do you visit CSO offenders in their CSO work agencies? 1. Yes 2. No

(b) If Yes, how often do you visit CSO offenders in their CSO work agencies?

1. Often
2. Rarely

(c) If you don't visit or you visit CSO offenders at least rarely, what are the reasons? _____

22. (a) How often do courts conduct monitoring and evaluation of the CSOs Programme?

1. Often
2. Rarely
3. Never

(b) If courts don't conduct or conduct monitoring and evaluation of the CSOs Programme at least rarely, what are the reasons? _____

23. Please indicate your level of agreement with the following statements.
(Tick your selected rating inside the box).

Statement	Response to Statement		
	Agree	Disagree	I don't know
CSO Offenders with a negative opinion about the sentence are likely to breach the order.			
Offenders who corrupt sentencing officers to get CSO sentences are likely to breach the order.			
Offenders who corrupt CSO Officers to get CSO sentences are likely to breach the order.			
CSO Work agency supervisors who are corrupted by CSO offenders facilitate breach of the order.			
Direct placement of offenders by courts to CSO supervision contributes to non-compliance with the orders.			
Tribalism, nepotism and favouritism within the sentencing agencies contribute to non-compliance of offenders with the orders.			
Tribalism, nepotism and favouritism within the offender rehabilitation and supervising agencies contribute to non-compliance of offenders with the orders.			
Lack of CSO offender's family support to CSO/Probation Officers during the offender's rehabilitation and supervision contributes to breach of the order.			
Lack of support to CSO/Probation Officers from the local community during offenders' rehabilitation and supervision contributes to breach of CSO.			
Lack of support to CSO/Probation Officers from the direct victims of offences during offenders' rehabilitation and supervision contributes to breach of CSO.			
Lack of support to employed CSO offenders from their employers contributes to breach of CSO.			
Most supervisors in work agencies have not been trained and/or sensitized on supervision of CSO and the offenders.			
Most economically unstable CSO offenders are likely to abscond their sentences to look for livelihoods.			

24. (a) Generally speaking, what is the public attitude towards the Community Service Orders sentence in this locality?
1. Favourable
 2. Not favourable
 3. I don't know

(b) If the public attitude is generally favourable, what factors contribute to the same? _____

(c) If the public attitude is generally unfavourable, what factors contribute to the same?_____

25. Please indicate what needs to be done to achieve an enhanced positive public attitude towards the CSO sentence in this locality?_____

26. (a) Generally, how effective are CSO sentences in this locality.

1. Effective
2. Not effective
3. I don't know

(b) Generally, how effective are CSO sentences in the following aspects.

Aspect	Response on Effectiveness		
	Effective	Not effective	I don't know
Rehabilitation of non-serious offenders within the community			
Individual offender paying back (reparation) for the injury done to the community			
Decongestion of prisons of non-serious and first offenders			
Saving tax payers money			
Avoiding contamination of non-serious and first offenders by hardened criminals			
Enabling the offender to maintain family ties and providing for his/her family while at the same time serving the imposed sentence.			
Promotion of reconciliation between the offender and the victim of crime.			
Acquisition of survival skills			
Linking of offenders to potential employers			
Prevention of juvenile delinquency of the dependent minors			

27. (a) What are the challenges facing the following stakeholders in the effective delivery of Community Service Orders in this locality?

(i) The Judiciary? _____

(ii) The Community Service/Probation and Aftercare Care Service Department? _____

(iii) The National Police Service? _____

(iv) The Prosecution? _____

(v) The Prisons Service? _____

(vi) CSO Work agencies? _____

(vii) The community? _____

(viii) The direct victims of crime? _____

(ix) CSO Offenders? _____

(b) How can the challenges facing the following stakeholders be addressed towards the effective delivery of Community Service Orders in Kenya?

(i) The Judiciary? _____

(ii) The Probation and Aftercare Care Service Department? _____

(iii) The National Police Service? _____

(iv) The Prosecution? _____

(v) The Prisons Service? _____

(vi) CSO Work agencies? _____

(vii) The community? _____

(viii) The direct victims of crime? _____

(ix) CSO Offenders? _____

28. (a) What specific interventions need to be put in place by the following stakeholders towards strengthening Community Service Orders Programme in Kenya?

(i) The Judiciary? _____

(ii) The Probation and Aftercare Care Service Department? _____

(iii) The National Police Service? _____

(iv) The Prosecution? _____

(v) Coordination of National Government (that is, County Commissioners and line administrators)? _____

(vi) The Prisons Service? _____

(vii) CSO Work agencies? _____

(viii) The community? _____

(ix) The direct victims of crime? _____

(x) CSO Offenders? _____

(b) Please propose any other necessary interventions? _____

29. Please give any other relevant comments relating to the delivery of Community Service Orders in Kenya? _____

Thank you for your cooperation.

A SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN KENYA

Appendix 3- Interview Schedule for Community Service Orders Supervisees/ Offenders

County: _____
Sub- County: _____
Name of Administrative Location _____
Name of interviewer _____
Date of Interview _____
Time of Interview: Start Time _____ End Time _____

Introduction

Hello, my name is _____ and I am working with the National Crime Research Centre (NCRC). We are conducting **“A Survey on the Delivery of Community-Based Sentences: The Case of Community Service Orders in Kenya”**. Community Service Orders are court sentences used on offenders in Kenya nowadays. As one of those serving/have served one of the Orders, it is important to gather information from you on the sentence. The information which you will provide will go a long way in advising policy on Community Service Orders in Kenya. Therefore, your assistance is kindly requested in making this research a success. The general objective of the study is to examine the factors influencing the delivery of the Orders in Kenya with a view to strengthening community-based alternatives to prison. The study is expected to shed light on factors influencing the utilization of Community Service Orders by the courts; identifying the factors that affect the levels of compliance with Community Service Orders by offenders; identifying the factors shaping public attitudes towards Community Service Orders; identifying challenges facing the delivery of Community Service Orders; and suggesting appropriate and effective interventions towards strengthening the Community Service Orders Programme in Kenya.

As part of the survey, we would like you to provide answers to questions about your knowledge and/or direct/indirect experience with Community Service Orders. All of the answers you give will be confidential. Can I now start interviewing you?

- 1. Consent granted 2. Consent not granted**

Signature of interviewee:

Background Information

1. Gender
 1. Male
 2. Female
2. Age of Respondent in years.
 1. Below 18 years
 2. 18-25
 3. 26-33
 4. 34-41
 5. 42-49
 6. 50-57
 7. 58-65
 8. 66 and above
3. Marital Status:
 1. Single/Never Married
 2. Married
 3. Separated
 4. Divorced
 5. Widowed
4. Level of Education:
 1. None
 2. Pre-primary
 3. Primary
 4. Secondary 1-4
 5. Secondary 5-6
 6. Middle level College (Specify)_____
 7. University
 8. Adult Literacy
 9. Other(Specify)_____
5. Religion:
 1. Traditional
 2. Christian
 3. Islam
 4. Other(Specify)_____
6. Nationality
 1. Kenyan
 2. Non-Kenyan (Specify)_____

7. Occupation

1. Permanent employment – Private Sector
2. Permanent employment – Public Sector
3. Casual/temporary employment(Specify whether in public or private)_____
4. Business person
5. Other (specify-e.g pupil/student/housewife)_____
6. None of the above (specify)_____

Information on Community Service Orders (CSO) in Kenya

8. In your understanding, what is a Community Service Orders Sentence? _____

9. (a) Based on your experience and/or knowledge, are most of the offenders on CSO sentences in this locality petty or serious offender?

1. Petty Offenders
2. Serious Offenders

(b) Please list the types of offences/crimes which have been committed by most CSO Supervisees/ Offenders in this locality? _____

(c) What offence (s)/crime (s) did you commit and was placed on a CSO sentence? _____

(d) How long is your CSO sentence? _____

10. (a) Would you say that Community Service Orders are beneficial? 1. Yes 2. No 3. I don't know

(b) If Yes, what do you think are the benefits of Community Service Orders sentence in Kenya and to what extent have the benefits been realized by the CSO sentences issued by Law Courts in this locality? (Please write down the benefits and tick your selected rating inside the box).

Benefits of CSO	Response on extent the benefits have been realized in the locality		
	To a large extent	To a small extent	I don't know

(c) If No, please explain. _____

11. (a) In which specific ways have you been empowered through the CSO sentence Programme? _____

(b) What specific offender rehabilitation and supervision activities are conducted through the CSO sentence Programme? _____

(c) What tangible community projects have been implemented through the CSO sentence Programme in this locality? _____

12. (a) How adequate have CSO sentences been utilized by Law Courts in this locality?

1. Adequately
2. Not adequately
3. Not utilized at all
4. I don't know

(b) If CSO sentences have been utilized generally adequately (that is, very adequately and adequately), what factors have influenced their utilization by the courts in this locality? _____

(c) If CSO sentences have not been utilized at all or have been utilized generally inadequately (that is, not adequately, not adequately at all and not utilized at all), what factors have influenced their lack of utilization or inadequate utilization/under-utilization by the courts in this locality? _____

13. Please indicate your level of agreement with the following statements.

Statement	Response to Statement		
	Agree	Disagree	I don't know
Some sentencing officers have a generally negative attitude towards the CSO sentence and therefore do not utilize the order.			
Some CSO Officers have a generally negative attitude towards the CSO sentence and therefore do not recommend the order for use by the courts.			
The cost-benefit analysis of CSO over imprisonment of non-serious offenders has encouraged some sentencing officers to utilize CSO.			
Satisfaction with the economic benefits of CSO to the community has motivated and/or encouraged sentencing officers to continue utilizing the option.			
Satisfaction with the good performance of the unpaid work by offenders has motivated and/or encouraged sentencing officers to continue utilizing the option.			
Satisfaction with the rehabilitation of the CSO offenders by the Probation Department has motivated and/or encouraged sentencing officers to continue utilizing the option.			
Some sentencing officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives			
Some CSO Officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives			
Previous breach of CSO by some offenders has contributed in under-utilization of the order.			
Unwillingness of some offenders to undertake community service discourages the utilization of CSO.			
Hostility of some victims and local community members to non-custodial sentences discourages the use of CSO.			
Security challenges posed by some offenders discourage the use of Community Service Orders sentences on them.			

14. (a) Would you say that most CSO offenders comply with Community Service Orders in this locality?
1. Yes 2. No 3. I don't know

(b) If Yes, please explain. _____

(c) If No, please explain. _____

15. In your opinion what influences compliance with the requirements of a Community Service Orders sentence in this locality? _____

16. (a) Before sentencing, were you given the freedom to participate in deciding whether or not to benefit with a CSO sentence? 1. Yes 2. No. 3. I cannot remember

Please explain your answer. _____

(b) Before sentencing, were your relatives given the opportunity to participate in deciding whether or not you could benefit with a CSO sentence? 1. Yes 2. No. 3. I don't know

Please explain your answer. _____

(c) In most cases and before sentencing, is the local community given the freedom to participate in deciding whether or not its offenders benefit with CSO sentences? 1. Yes 2. No. 3. I don't know

Please explain your answer. _____

17. Do you report to CSO offices for supervision and rehabilitation as instructed by the CSO Officers?

1. Yes 2. No

18. (a) Does your CSO Officer contact you? 1. Yes 2. No

(b) If Yes, how often does he/she contact you?

1. Often

2. Rarely

(c) If your CSO Officer doesn't contact you or contacts you at least rarely, what could be the reasons? _____

19. (a) How often does your CSO Officer contact CSO Work agency supervisors to find out how you are performing your work?

1. Often
2. Rarely
3. Never
4. I don't know

(b) If your CSO Officer contacts CSO Work agency supervisors, what is the mode of contact? _____

(c) If your CSO Officer doesn't contact or contacts CSO Work agency supervisors at least rarely, what could be the reasons? _____

20. (a) How often do CSO Work agency supervisors contact your CSO Officer to inform how you are performing your work?

1. Often
2. Rarely
3. Never
4. I don't know

(b) If CSO Work agency supervisors contact your CSO Officer, what is the mode of contact? _____

(c) If CSO Work agency supervisors don't contact or contact your CSO Officer at least rarely, what could be the reasons? _____

21. (a) Does your CSO Officer visit you in your CSO work agency? 1. Yes 2. No

(b) If Yes, how often does your CSO Officer visit you in your CSO work agency?

1. Often
2. Rarely

(c) If your CSO Officer doesn't visit or visits you at least rarely, what could be the reasons? _____

22. (a) How often do courts conduct monitoring and evaluation of your CSO Sentence?

1. Often
2. Rarely
3. Never
4. I don't know

(b) If courts don't conduct or conduct monitoring and evaluation of your CSO sentence at least rarely, what could be the reasons? _____

23. Please indicate your level of agreement with the following statements.

Statement	Response to Statement		
	Agree	Disagree	I don't know
CSO Offenders with a negative opinion about the sentence are likely to breach the order.			
Offenders who corrupt sentencing officers to get CSO sentences are likely to breach the order.			
Offenders who corrupt CSO Officers to get CSO sentences are likely to breach the order.			
CSO Work agency supervisors who are corrupted by CSO offenders facilitate breach of the order.			
Direct placement of offenders by courts to CSO supervision contributes to non-compliance with the orders.			
Tribalism, nepotism and favouritism within the sentencing agencies contribute to non-compliance of offenders with the orders.			
Tribalism, nepotism and favouritism within the offender rehabilitation and supervising agencies contribute to non-compliance of offenders with the orders.			
Lack of CSO offender's family support to CSO/Probation Officers during the offender's rehabilitation and supervision contributes to breach of the order.			
Lack of support to CSO/Probation Officers from the local community during offenders' rehabilitation and supervision contributes to breach of CSO.			

Statement	Response to Statement		
	Agree	Disagree	I don't know
Lack of support to CSO/Probation Officers from the direct victims of offences during offenders' rehabilitation and supervision contributes to breach of CSO.			
Lack of support to employed CSO offenders from their employers contributes to breach of CSO.			
Most supervisors in work agencies have not been trained and/or sensitized on supervision of CSO and the offenders.			
Most economically unstable CSO offenders are likely to abscond their sentences to look for livelihoods.			

24. (a) Generally speaking, what is the public attitude towards the Community Service Orders sentence in this locality?

1. Favourable
2. Not favourable
3. I don't know

(b) If the public attitude is generally favourable, what factors contribute to the same? _____

(c) If the public attitude is generally unfavourable, what factors contribute to the same? _____

25. Please indicate what needs to be done to achieve an enhanced positive public attitude towards the CSO sentence in this locality? _____

26. (a) Generally, how effective are CSO sentences in this locality?

1. Effective
2. Not effective
3. I don't know

(b) Generally, how effective are CSO sentences in the following aspects.

Aspect	Response on Effectiveness		
	Effective	Not effective	I don't know
Rehabilitation of non-serious offenders within the community			
Individual offender paying back (reparation) for the injury done to the community			

Aspect	Response on Effectiveness		
	Effective	Not effective	I don't know
Decongestion of prisons of non-serious and first offenders			
Avoiding contamination of non-serious and first offenders by hardened criminals			
Enabling the offender to maintain family ties and providing for his/her family while at the same time serving the imposed sentence.			
Promotion of reconciliation between the offender and the victim of crime.			
Acquisition of survival skills			
Linking of offenders to potential employers			
Prevention of juvenile delinquency of the dependent minors			

27. (a) Are there challenges facing the effective delivery of Community Service Orders in this locality? 1. Yes 2. No 3. I don't know

(b) If Yes, what are the major challenges? _____

(c) How can the challenges be addressed towards the effective delivery of Community Service Orders in Kenya? _____

28. What key interventions need to be put in place towards strengthening Community Service Orders Programme? _____

29. Please give any other relevant comments relating to Community Service Orders in Kenya? _____

Thank you for your cooperation.

A SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN KENYA

Appendix 4- Interview Schedule for Community Service Orders Offender victims

County: _____

Sub- County: _____

Name of Administrative Location _____

Name of interviewer _____

Date of Interview _____

Time of Interview: Start Time _____ End Time _____

Introduction

Hello, my name is _____ and I am working with the National Crime Research Centre (NCRC). We are conducting “**A Survey on the Delivery of Community-Based Sentences: The Case of Community Service Orders in Kenya**”. Community Service Orders are court sentences used on offenders in Kenya nowadays. As a victim of one of those offenders who are serving/have served one of the Orders, it is important to gather information from you on the sentence. The information which you will provide will go a long way in advising policy on Community Service Orders in Kenya. Therefore, your assistance is kindly requested in making this research a success. The general objective of the study is to examine the factors influencing the delivery of the Orders in Kenya with a view to strengthening community-based alternatives to prison. The study is expected to shed light on factors influencing the utilization of Community Service Orders by the courts; identifying the factors that affect the levels of compliance with Community Service Orders by offenders; identifying the factors shaping public attitudes towards Community Service Orders; identifying challenges facing the delivery of Community Service Orders; and suggesting appropriate and effective interventions towards strengthening the Community Service Orders Programme in Kenya.

As part of the survey, we would like you to provide answers to questions about your knowledge and/or direct/indirect experience with Community Service Orders. All of the answers you give will be confidential. Can I now start interviewing you?

2. Consent granted

2. Consent not granted

Signature of interviewee:

Background Information

1. Gender
 1. Male
 2. Female
2. Age of Respondent in years.
 1. Below 18 years
 2. 18-25
 3. 26-33
 4. 34-41
 5. 42-49
 6. 50-57
 7. 58-65
 8. 66 and above
3. Marital Status:
 1. Single/Never Married
 2. Married
 3. Separated
 4. Divorced
 5. Widowed
4. Level of Education:
 1. None
 2. Pre-primary
 3. Primary
 4. Secondary 1-4
 5. Secondary 5-6
 6. Middle level College (Specify)_____
 7. University
 8. Adult Literacy
 9. Other (Specify)_____
5. Religion:
 1. Traditional
 2. Christian
 3. Islam
 4. Other (Specify)_____
6. Nationality
 1. Kenyan
 2. Non-Kenyan (Specify)_____

7. Occupation

1. Permanent employment – Private Sector
2. Permanent employment – Public Sector
3. Casual/temporary employment (Specify whether in public or private)_____
4. Business person
5. Other (specify-e.g pupil/student/housewife)_____
6. None of the above (specify)_____

Information on Community Service Orders (CSO) in Kenya

8. In your understanding, what is a Community Service Orders Sentence? _____

9. (a) Based on your experience, was your offender on CSO sentence a petty or serious offender?

1. Petty Offenders
2. Serious Offenders

(b) Did you know your offender personally before he/she committed the offence against you? 1. Yes
2. No

(c) Please indicate the offences/crimes which CSO Supervisees/Offenders in this locality have committed? _____

(d) What offence (s)/crime (s) did your offender commit against you? _____

(e) How long is the CSO sentence of your offender? _____

10. (a) Would you say that Community Service Orders are beneficial? 1. Yes 2. No 3. I don't know
 (b) If Yes, what do you think are the benefits of Community Service Orders Sentence in Kenya and to what extent have the benefits been realized by the CSO sentences issued by Law Courts in this locality?

Benefits of CSO	Response on extent the benefits have been realized in the locality		
	To a large extent	To a small extent	I don't know

(c) If No, please explain. _____

11. (a) What specific offender rehabilitation and supervision activities are conducted through the CSO Programme? _____

(b) What tangible community projects have been implemented through the CSO Programme in this locality? _____

12. (a) How adequate have CSO sentences been utilized by Law Courts in this locality?

1. Adequately
2. Not adequately
3. Not utilized at all
4. I don't know

(b) If CSO sentences have been utilized generally adequately (that is, very adequately and adequately), what factors have influenced their utilization by the courts in this locality? _____

(c) If CSO sentences have not been utilized at all or have been utilized generally inadequately (that is, not adequately, not adequately at all and not utilized at all), what factors have influenced their lack of utilization or inadequate utilization/under-utilization by the courts in this locality? _____

13. Please indicate your level of agreement with the following statements.

Statement	Response to Statement		
	Agree	Disagree	I don't know
Some sentencing officers have a generally negative attitude towards the CSO sentence and therefore do not utilize the order.			
Some CSO Officers have a generally negative attitude towards the CSO sentence and therefore do not recommend the order for use by the courts.			
The cost-benefit analysis of CSO over imprisonment of non-serious offenders has encouraged some sentencing officers to utilize CSO.			
Satisfaction with the economic benefits of CSO to the community has motivated and/or encouraged sentencing officers to continue utilizing the option.			
Satisfaction with the good performance of the unpaid work by offenders has motivated and/or encouraged sentencing officers to continue utilizing the option.			
Satisfaction with the rehabilitation of the CSO offenders by the Probation Department has motivated and/or encouraged sentencing officers to continue utilizing the option.			
Some sentencing officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives			
Some CSO Officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives			
Previous breach of CSO by some offenders has contributed in under-utilization of the order.			
Unwillingness of some offenders to undertake community service discourages the utilization of CSO.			
Hostility of some victims and local community members to non-custodial sentences discourages the use of CSO.			
Security challenges posed by some offenders discourage the use of Community Service Orders sentences on them.			

14. (a) Would you say that most CSO offenders comply with Community Service Orders in this locality?
1. Yes 2. No 3. I don't know

(b) If Yes, please explain. _____

(c) If No, please explain. _____

15. In your opinion what influences compliance with the requirements of a Community Service Orders sentence in this locality? _____

16. (a) Before sentencing, were you given the freedom to participate in deciding whether or not the offender could benefit with a CSO sentence? 1. Yes 2. No. 3. I cannot remember

Please explain your answer. _____

(b) In most cases and before sentencing, is the local community given the freedom to participate in deciding whether or not its offenders could benefit with CSO sentences? 1. Yes 2. No. 3. I don't know

Please explain your answer. _____

17. (a) Are you aware that your offender is serving a CSO sentence? 1. Yes 2. No

(b) If Yes, do you know where your offender is serving the CSO sentence? 1. Yes 2. No

18. Please indicate your level of agreement with the following statements.

Statement	Response to Statement		
	Agree	Disagree	I don't know
CSO Offenders with a negative opinion about the sentence are likely to breach the order.			
Offenders who corrupt sentencing officers to get CSO sentences are likely to breach the order.			
Offenders who corrupt CSO Officers to get CSO sentences are likely to breach the order.			

Statement	Response to Statement		
	Agree	Disagree	I don't know
CSO Work agency supervisors who are corrupted by CSO offenders facilitate breach of the order.			
Direct placement of offenders by courts to CSO supervision contributes to non-compliance with the orders.			
Tribalism, nepotism and favouritism within the sentencing agencies contribute to non-compliance of offenders with the orders.			
Tribalism, nepotism and favouritism within the offender rehabilitation and supervising agencies contribute to non-compliance of offenders with the orders.			
Lack of CSO offender's family support to CSO/Probation Officers during the offender's rehabilitation and supervision contributes to breach of the order.			
Lack of support to CSO/Probation Officers from the local community during offenders' rehabilitation and supervision contributes to breach of CSO.			
Lack of support to CSO/Probation Officers from the direct victims of offences during offenders' rehabilitation and supervision contributes to breach of CSO.			
Lack of support to employed CSO offenders from their employers contributes to breach of CSO.			
Most economically unstable CSO offenders are likely to abscond their sentences to look for livelihoods.			

19. (a) Generally speaking, what is the public attitude towards the Community Service Orders sentence in this locality?

1. Favourable
2. Not favourable
3. I don't know

(b) If the public attitude is generally favourable, what factors contribute to the same? _____

(c) If the public attitude is generally unfavourable, what factors contribute to the same? _____

20. Please indicate what needs to be done to achieve an enhanced positive public attitude towards the CSO sentence in this locality? _____

21. (a) Generally, how effective are CSO sentences in this locality?

1. Effective
2. Not effective
3. I don't know

(b) Generally, how effective are CSO sentences in the following aspects.

Aspect	Response on Effectiveness		
	Effective	Not effective	I don't know
Rehabilitation of non-serious offenders within the community			
Individual offender paying back (reparation) for the injury done to the community			
Decongestion of prisons of non-serious and first offenders			
Saving tax payers money			
Avoiding contamination of non-serious and first offenders by hardened criminals			
Enabling the offender to maintain family ties and providing for his/her family while at the same time serving the imposed sentence.			
Promotion of reconciliation between the offender and the victim of crime.			
Acquisition of survival skills			
Linking of offenders to potential employers			
Prevention of juvenile delinquency of the dependent minors			

22. (a) Are you aware of challenges facing the effective delivery of Community Service Orders in this locality? 1. Yes 2. No

(b) If Yes, what are the major challenges? _____

23. How can the challenges be addressed towards the effective delivery of Community Service Orders in Kenya? _____

24. What key interventions need to be put in place towards strengthening Community Service Orders Programme? _____

25. Please give any other relevant comments relating to Community Service Orders in Kenya? _____

Thank you for your cooperation.

A SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS AND PROBATION ORDERS IN KENYA

Appendix 5- Interview Schedule for Members of Public on Community Service Orders

County: _____
Sub- County: _____
Name of Administrative Location _____
Name of interviewer _____
Date of Interview _____
Time of Interview: Start Time _____ End Time _____

Introduction

Hello, my name is _____ and I am working with the National Crime Research Centre (NCRC). We are conducting “**A Survey on the Delivery of Community-Based Sentences: The Case of Community Service Orders in Kenya**”. Community Service Orders are court sentences used on offenders in Kenya nowadays. As an important stakeholder in the administration of criminal justice, it is important to gather information from you on the sentence. The information which you will provide will go a long way in advising policy on Community Service Orders in Kenya. Therefore, your assistance is kindly requested in making this research a success. The general objective of the study is to examine the factors influencing the delivery of the Orders in Kenya with a view to strengthening community-based alternatives to prison. The study is expected to shed light on factors influencing the utilization of Community Service Orders by the courts; identifying the factors that affect the levels of compliance with Community Service Orders by offenders; identifying the factors shaping public attitudes towards Community Service Orders; identifying challenges facing the delivery of Community Service Orders; and suggesting appropriate and effective interventions towards strengthening the Community Service Orders Programme in Kenya.

As part of the survey, we would like you to provide answers to questions about your knowledge and/or direct/indirect experience with Community Service Orders. All of the answers you give will be confidential. Can I now start interviewing you?

(a) Consent granted

2. Consent not granted

Signature of interviewee:

Background Information

1. Gender

1. Male
2. Female

2. Age of Respondent in years.

1. Below 18 years
2. 18-25
3. 26-33
4. 34-41
5. 42-49
6. 50-57
7. 58-65
8. 66 and above

3. Marital Status:

1. Single/Never Married
2. Married
3. Separated
4. Divorced
5. Widowed

4. Level of Education:

1. None
2. Pre-primary
3. Primary
4. Secondary 1-4
5. Secondary 5-6
6. Middle level College (Specify)_____
7. University
8. Adult Literacy
9. Other (Specify)_____

5. Religion:

1. Traditional
2. Christian
3. Islam
4. Other (Specify)_____

6. Nationality

1. Kenyan
2. Non-Kenyan (Specify)_____

7. Occupation

1. Permanent employment – Private Sector
2. Permanent employment – Public Sector
3. Casual/temporary employment (Specify whether in public or private) _____
4. Business person
5. Other (specify-e.g pupil/student/housewife) _____
6. None of the above (specify) _____

Information on Community Service Orders (CSO) in Kenya

8. In your understanding, what is a Community Service Orders Sentence? _____

9. (a) Based on your experience and/or knowledge, are most of the offenders on CSO sentences in this locality petty or serious offender?
1. Petty Offenders
 2. Serious Offenders

(b) Please list the types of offences/crimes which have been committed by most CSO Supervisees/ offenders in this locality? _____

10. (a) Would you say that Community Service Orders are beneficial? 1. Yes 2. No 3. I don't know

(b) If Yes, what do you think are the benefits of Community Service Orders Sentence in Kenya and to what extent have the benefits been realized by the CSO sentences issued by Law Courts in this locality?

Benefits of CSO	Response on extent the benefits have been realized in the locality		
	To a large extent	To a small extent	I don't know

(c) If No, please explain. _____

11. (a) In which specific ways have offenders been empowered through the CSO sentence Programme? _____

(b) What specific offender rehabilitation and supervision activities are conducted through the CSO sentence Programme? _____

(c) What tangible community projects have been implemented through the CSO sentence Programme in this locality? _____

12. (a) How adequate have CSO sentences been utilized by Law Courts in this locality?

1. Adequately
2. Not adequately
3. Not utilized at all
4. I don't know

(b) If CSO sentences have been utilized generally adequately (that is, very adequately and adequately), what factors have influenced their utilization by the courts in this locality? _____

(c) If CSO sentences have not been utilized at all or have been utilized generally inadequately (that is, not adequately, not adequately at all and not utilized at all), what factors have influenced their lack of utilization or inadequate utilization/under-utilization by the courts in this locality? _____

13. Please indicate your level of agreement with the following statements.

Statement	Response to Statement		
	Agree	Disagree	I don't know
Some sentencing officers have a generally negative attitude towards the CSO sentence and therefore do not utilize the order.			
Some CSO Officers have a generally negative attitude towards the CSO sentence and therefore do not recommend the order for use by the courts.			
The cost-benefit analysis of CSO over imprisonment of non-serious offenders has encouraged some sentencing officers to utilize CSO.			
Satisfaction with the economic benefits of CSO to the community has motivated and/or encouraged sentencing officers to continue utilizing the option.			

Statement	Response to Statement		
	Agree	Disagree	I don't know
Satisfaction with the rehabilitation of the CSO offenders by the Probation Department has motivated and/or encouraged sentencing officers to continue utilizing the option.			
Some sentencing officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives			
Some CSO Officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives			
Previous breach of CSO by some offenders has contributed in under-utilization of the order.			
Unwillingness of some offenders to undertake community service discourages the utilization of CSO.			
Hostility of some victims and local community members to non-custodial sentences discourages the use of CSO.			
Security challenges posed by some offenders discourage the use of Community Service Orders sentences on them.			

14. (a) Would you say that most CSO offenders comply with Community Service Orders in this locality?
1. Yes 2. No 3. I don't know

(b) If Yes, please explain. _____

(c) If No, please explain. _____

15. In your opinion what influences compliance with the requirements of a Community Service Orders sentence in this locality? _____

16. (a) Before sentencing, are relatives of a victim given the opportunity to participate in deciding whether or not an offender could benefit with a CSO sentence? 1. Yes 2. No. 3. I don't know
Please explain your answer. _____

(b) In most cases and before sentencing, is the local community given the opportunity to participate in deciding whether or not an offender could benefit with a CSO sentence?

1. Yes 2. No 3. I don't know

Please explain your answer. _____

17. (a) Do you know of offenders who report to CSO offices for supervision and rehabilitation as instructed by the CSO Officers? 1. Yes 2. No

(b) If Yes, how often do they report to CSO Officers?

1. Often

2. Rarely

3. Never

4. I don't know

18. Do CSO Officers contact members of community to find out how CSO offenders are performing their work and fairing with their rehabilitation? 1. Yes 2. No 3. I don't know

19. Do community members take interest in knowing whether or not CSO offenders comply with the requirements of CSO sentences? 1. Yes 2. No 3. I don't know

Please explain _____

20. (a) How often do you see Sentencing Officers (Judges and Magistrates) visiting CSO offenders in places of CSO work?

1. Often

2. Rarely

3. Never

4. I don't know

(b) If courts don't visit or visiting CSO offenders in places of CSO work at least rarely, what could be the reasons? _____

21. Please indicate your level of agreement with the following statements.

Statement	Response to Statement		
	Agree	Disagree	I don't know
CSO Offenders with a negative opinion about the sentence are likely to breach the order.			
Offenders who corrupt sentencing officers to get CSO sentences are likely to breach the order.			
Offenders who corrupt CSO Officers to get CSO sentences are likely to breach the order.			
CSO Work agency supervisors who are corrupted by CSO offenders facilitate breach of the order.			
Direct placement of offenders by courts to CSO supervision contributes to non-compliance with the orders.			
Tribalism, nepotism and favouritism within the sentencing agencies contribute to non-compliance of offenders with the orders.			
Tribalism, nepotism and favouritism within the offender rehabilitation and supervising agencies contribute to non-compliance of offenders with the orders.			
Lack of CSO offender's family support to CSO/Probation Officers during the offender's rehabilitation and supervision contributes to breach of the order.			
Lack of support to CSO/Probation Officers from the local community during offenders' rehabilitation and supervision contributes to breach of CSO.			
Lack of support to CSO/Probation Officers from the direct victims of offences during offenders' rehabilitation and supervision contributes to breach of CSO.			
Lack of support to employed CSO offenders from their employers contributes to breach of CSO.			
Most supervisors in work agencies have not been trained and/or sensitized on supervision of CSO and the offenders.			
Most economically unstable CSO offenders are likely to abscond their sentences to look for livelihoods.			

22. (a) Generally speaking, what is the public attitude towards the Community Service Orders sentence in this locality?

1. Favourable
2. Not favourable
3. I don't know

(b) If the public attitude is generally favourable, what factors contribute to the same? _____

(c) If the public attitude is generally unfavourable, what factors contribute to the same? _____

23. Please indicate what needs to be done to achieve an enhanced positive public attitude towards the CSO sentence in this locality? _____

24. (a) Generally, how effective are CSO sentences in this locality.

1. Effective
2. Not effective
3. Not effective
4. I don't know

(b) Generally, how effective are CSO sentences in the following aspects?

Aspect	Response on Effectiveness		
	Effective	Not effective	I don't know
Rehabilitation of non-serious offenders within the community			
Individual offender paying back (reparation) for the injury done to the community			
Decongestion of prisons of non-serious and first offenders			
Saving tax payers money			
Avoiding contamination of non-serious and first offenders by hardened criminals			
Enabling the offender to maintain family ties and providing for his/her family while at the same time serving the imposed sentence.			
Promotion of reconciliation between the offender and the victim of crime.			
Acquisition of survival skills			
Linking of offenders to potential employers			
Prevention of juvenile delinquency of the dependent minors			

25. (a) Are there challenges facing the effective delivery of Community Service Orders in this locality?

1. Yes 2. No 3. I don't know

(b) If Yes, what are the major challenges? _____

(c) How can the challenges be addressed towards the effective delivery of Community Service Orders in Kenya? _____

26. What key interventions need to be put in place towards strengthening Community Service Orders Programme? _____

27. Please give any other relevant comments relating to Community Service Orders in Kenya? _____

Thank you for your cooperation.

A SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN KENYA

Appendix 6- Key Informant Interview Guide

County: _____
Sub- County: _____
Name of Administrative Location _____
Institutional affiliation _____
Length of service in the organization _____
Length of stay in the locality _____
Date of Interview _____
Time of Interview: Start Time _____ End Time _____

Information on Community Service Orders (CSO) in Kenya

First I would like to learn about what you know concerning Community Service Orders sentence in Kenya.

1. How does the Community Service Orders sentence Programme in Kenya operate?
2. What do you regard as the main pillars of the CSO Programme in Kenya?

Next, I would like to discuss about utilization of CSO sentences in this locality.

3. (a) Do Law Courts in this locality utilize Community Service Orders in sentencing offenders? 1. Yes
2. No

(b) If Yes, who are the majority of the offenders on CSO sentences in this locality?
1. Petty Offenders
2. Serious Offenders

(c) If Yes, please list the types of offences/crimes which have been committed by most CSO Supervisees/Offenders in this locality.
4. (a) How do you rate the level of utilization of CSO sentences by Law Courts in this locality? Please indicate whether they have been adequately utilized or they are underutilized?

(b) If adequately utilized, what factors influence the adequate utilization of CSO sentences by the courts in this locality?

(c) If under-utilized, what factors influence the under-utilization of CSO sentences by the courts in this locality?

Next, I am interested in knowing about the benefits of Community Service Orders sentences in this locality.

5. Would you say that Community Service Orders sentences in this locality are beneficial? Please explain.
6. (a) In which specific ways have offenders been empowered through the CSO Programme in this locality?
(b) What tangible community projects have been implemented through the CSO Programme in this locality?

Next, I would like to know about compliance with Community Service Orders.

7. Generally, how satisfied are you with the level of compliance with Community Service Orders by supervisees/offenders in this locality? Please explain.
8. In your opinion what influences compliance with the requirements of a Community Service Orders sentence in this locality?

Next, I am interested in finding out from you about the attitude of members of the public towards the Community Service Orders sentence Programme.

9. (a) Generally speaking, what is the public attitude towards the Community Service Orders sentence in this locality? Please explain.
(b) If the public attitude is generally favourable, what factors contribute to the same?
(c) If the public attitude is generally unfavourable, what factors contribute to the same?
10. Please indicate what needs to be done to achieve an enhanced positive public attitude towards the CSO sentence in this locality?

Next, I want us to talk about challenges facing the effective delivery of Community Service Orders.

11. Generally, how effective are CSO sentences in this locality? Please explain.
12. What are the challenges facing the effective delivery of Community Service Orders in this locality?
13. How can the challenges facing the effective delivery of Community Service Orders in Kenya be addressed?

Finally on Community Service Orders, let me know something from you about interventions to strengthen the Community Service Orders Programme in Kenya.

14. What specific interventions need to be put in place towards strengthening Community Service Orders Programme in Kenya?

Thank you for your cooperation.

A SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN KENYA

Appendix 7- Focus Group Discussion Guide for Community Service Orders

County where FGD takes place: _____

Sub-County where FGD takes place: _____

Name Of CSO/Probation Office where FGD takes place: _____

Date of FGD: _____

Start time: _____ End Time: _____

Name Of FGD Moderator/Supervisor: _____

Information on Community Service Orders (CSO) in Kenya

1. What do you know concerning Community Service Orders sentence?
2. How does the Community Service Orders sentence Programme operate in this locality?
3. What do you regard as the main pillars of the CSO Programme in Kenya?
4. (a) Do Law Courts in this locality utilize Community Service Orders in sentencing offenders? 1. Yes 2. No
(b) If Yes, who are the majority of the offenders on CSO sentences in this locality?
 1. Petty Offenders
 2. Serious Offenders
5. What are the types of offences/crimes which have been committed by most CSO Supervisees/ Offenders in this locality?
6. (a) Discuss the utilization of CSO sentences by Law Courts in this locality? Please indicate whether they have been adequately utilized or they are underutilized.

(b) If adequately utilized, what factors influence the adequate utilization of CSO sentences by the courts in this locality?

(c) If under-utilized, what factors influence the under-utilization of CSO sentences by the courts in this locality?
7. Would you say that Community Service Orders sentences in this locality are beneficial? Please discuss.

8. (a) In which specific ways have offenders been empowered through the CSO Programme in this locality?
(b) What tangible community projects have been implemented through the CSO Programme in this locality?
9. Generally, how satisfied are you with the level of compliance with Community Service Orders by supervisees/offenders in this locality? Please explain.
10. In your opinion what influences compliance with the requirements of a Community Service Orders sentence in this locality?
11. (a) Generally speaking, what is the public attitude towards the Community Service Orders sentence in this locality? Please explain.
(b) If the public attitude is generally favourable, what factors contribute to the same?
(c) If the public attitude is generally unfavourable, what factors contribute to the same?
12. Please indicate what needs to be done to achieve an enhanced positive public attitude towards the CSO sentence in this locality?
13. Generally, how effective are CSO sentences in this locality? Please explain.
14. (a) What are the challenges facing the effective delivery of Community Service Orders in this locality?
(b) How can the challenges facing the effective delivery of Community Service Orders in Kenya be addressed?
15. What specific interventions need to be put in place towards strengthening Community Service Orders Programme in this locality?

Thank you for your participation and stay well.

A SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN KENYA

Appendix 8- Key Informant Guide for Community Service Orders Work Agency Supervisors

County: _____
Sub- County: _____
Name of Administrative Location _____
Institutional affiliation _____
Length of service in the organization _____
Length of stay in the locality _____
Date of Interview _____
Time of Interview: Start Time _____ End Time _____

Information on Community Service Orders (CSO) in Kenya

First I would like to learn about what you know concerning Community Service Orders sentence in Kenya.

1. What do you know concerning Community Service Orders sentence? _____
2. How does the Community Service Orders sentence Programme operate in this locality?
3. What do you regard as the main pillars of the CSO Programme in Kenya?

Next, I would like to discuss about utilization of CSO sentences in this locality.

4. (a) Do Law Courts in this locality utilize Community Service Orders in sentencing offenders? 1. Yes
2. No

(b) If Yes, who are the majority of the offenders on CSO sentences in this locality?
 1. Petty Offenders
 2. Serious Offenders
5. What are the types of offences/crimes which have been committed by most CSO Supervisees/ Offenders in this locality?
6. (a) Please explain whether CSO sentences have been adequately utilized or they are underutilized

(b) If adequately utilized, what factors influence the adequate utilization of CSO sentences by the courts in this locality?

- (c) If under-utilized, what factors influence the under-utilization of CSO sentences by the courts in this locality?

Next, I am interested in knowing about the benefits of Community Service Orders sentences in this locality.

7. Would you say that Community Service Orders sentences in this locality are beneficial? 1. Yes 2. No Please explain?
8. (a) In which specific ways have offenders been empowered through the CSO Programme in this locality?
- (b) What tangible community projects have been implemented through the CSO Programme in this locality?
9. Generally, how satisfied are you with the level of compliance with Community Service Orders by supervisees/offenders in this locality?

Next, I would like to know about compliance with Community Service Orders.

10. In your opinion what influences compliance with the requirements of a Community Service Orders sentence in this locality?

Next, I am interested in finding out from you about the attitude of members of the public towards the Community Service Orders sentence Programme.

11. (a) Generally speaking, what is the public attitude towards the Community Service Orders sentence in this locality?
- (b) If the public attitude is generally favourable, what factors contribute to the same?
- (c) If the public attitude is generally unfavourable, what factors contribute to the same?
12. What needs to be done to achieve an enhanced positive public attitude towards the CSO sentence in this locality?
13. Generally, how effective are CSO sentences in this locality?

Next, I want us to talk about challenges facing the effective delivery of Community Service Orders.

14. (a) What are the challenges facing the effective delivery of Community Service Orders in this locality?

- (b) How can the challenges facing the effective delivery of Community Service Orders in Kenya be addressed?

Finally on Community Service Orders, let me know something from you about interventions to strengthen the Community Service Orders Programme in Kenya.

15. What specific interventions need to be put in place towards strengthening Community Service Orders Programme in this locality?

Thank you for your cooperation.



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