

# 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.



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# SUMMARY OF FINDINGS AND RECOMMENDATIONS

## 1.0 Introduction

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.

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.

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 consideration 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.

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).

## **1.1 Summary of Major Findings**

### **1.1.1 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.

### **1.1.2 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.

### **1.1.3 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).

#### **1.1.4 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).

#### **1.1.5 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).

#### **1.1.6 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).

## 1.2 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 fines<sup>1</sup> 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

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<sup>1</sup> 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.

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 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.