



NATIONAL CRIME RESEARCH CENTRE
Fighting Crime through Research



**A BASELINE SURVEY ON THE DELIVERY OF COMMUNITY-
BASED SENTENCES: THE CASE OF COMMUNITY SERVICE
ORDERS IN THE MERU HIGH COURT ADMINISTRATIVE
JURISDICTION, KENYA**



Stephen Masango Muteti



A BASELINE SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN THE MERU HIGH COURT ADMINISTRATIVE JURISDICTION, KENYA



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FOREWORD

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 baseline study on Community Service Orders (CSO) in the Meru High Court Administrative Jurisdiction 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 towards the effective administration of criminal justice in the country, the study focused on the: extent of utilization of Community Service Orders in comparison with short-term prison sentences; factors influencing the utilization of Community Service Orders by the courts; 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; and the interventions towards strengthening Community Service Orders Programme in the Meru High Court Administrative Jurisdiction.

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 non-state agencies with an interest in the subject to fully support the CSO Programme in order to realize its full potential.

I wish to thank DFID-UK and the Penal Reform International (PRI) for allocating funds to the Centre for the realization of the research project which was implemented under PRI's project on **"Excellence in Training on Rehabilitation in Africa (EXTRA)**. I also wish to thank all other 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.
ATTORNEY GENERAL/CHAIRMAN
GOVERNING COUNCIL
NATIONAL CRIME RESEARCH CENTRE

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This baseline survey was a product of the enormous and valuable support received from a number of individuals and organizations. The entire fraternity of the National Crime Research Centre (NCRC) wishes to thank DFID-UK and the Penal Reform International (PRI) for allocating funds to the Centre for the realization of the research project which was implemented under PRI's project on **“Excellence in Training on Rehabilitation in Africa (EXTRA)”**. The Centre appreciates the authority to conduct the study granted by and participation in interviews of agencies and their members such as the National Police Service, Judiciary, Interior and Coordination of National Government (formerly, Provincial Administration), Kenya Prisons Service and Probation and Aftercare Service Department. The findings and recommendations of the study will go a long way to assist the responsible agencies to institute sound interventions on the strengthening of the CSO Programme in the Meru region and other places in the country.

The Centre equally appreciates its staff in general and the Head of Research Department Mr. Stephen M. Muteti (Principal Researcher) in particular for his guidance, supervision and coordination of the research process in general and for developing the research and funding proposal, data collection and analysis, and for authoring the report in particular. The role of the other Researchers who were involved in this study by collecting field data is also acknowledged since they contributed significantly in the successful implementation of the project.

Last, but not least, the Centre would like to thank members of the public for their co-operation and participation in interviews which enabled the researchers to collect the required information on CSO sentences in the Meru High Court Administrative Jurisdiction. To all others who participated in one way or the other in facilitating this study, the Centre remains indebted to them.

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke extending to the right.

J. ORIRI ONYANGO
DIRECTOR
NATIONAL CRIME RESEARCH CENTRE

EXECUTIVE SUMMARY

The Community Service Orders (CSO) Programme has been used in addressing crime in the country. This gave impetus to the National Crime Research Centre to study the different aspects in the delivery of the CSO Sentence in the Meru High Court Administrative Jurisdiction (also referred as Meru region or Meru High Court region) which covers the three counties of Meru, Tharaka Nithi and Isiolo. Kisii region was the study control area. Specific emphasis was given to utilization of Community Service Orders by the courts in the Meru High Court Administrative Jurisdiction; compliance with Community Service Orders by offenders; public attitudes towards Community Service Orders; challenges facing the delivery of Community Service Orders in the Meru High Court Administrative Jurisdiction; and interventions towards strengthening Community Service Orders Programme in the Meru High Court Administrative Jurisdiction.

The study was descriptive in nature. The sample respondents for the survey were male and female Magistrates, Probation/Community Service Officers, CSO Supervisees and ex-Supervisees and members of the community/public surrounding the CSO projects. Key Informants for the study were Judges, County Directors of Probation and Aftercare Service, Police Commanders, Prison Commanders, Prosecutors and Interior and Coordination of National Government Officers. CSO Work Stations Supervisors were also selected and interviewed. Two Focus Group Discussions were held, that is, one with members of the Community Service Orders Case Committee of the Imenti South (Nkubu) Community Service Office and the other with members of the community in Meru South (Chuka). Both probability and non-probability techniques of sampling were utilized in selecting the study area and respondents for the survey. Qualitative and quantitative methods of data analysis were utilized. Quantitative data were analysed through descriptive statistics using the Statistical Package for Social Sciences. The qualitative data was analyzed mainly through interpretation of responses of the Key Informants and Work Agency Supervisors. All information from the analyzed data was presented in themes guided by the research objectives.

Key Findings

Utilization of Community Service Orders sentences in comparison with short term prison sentences

Most of the sample respondents (90.9% of the Magistrates, 86.2% of the Community Service/Probation Officers, 55.1% of the Community members and 60.0% of the CSO Supervisees) felt that the CSO Sentence was adequately utilized in the Meru region. However, these perceptions appeared inaccurate because short prison sentences of below 3 years in the Meru region in year 2014 were 162.0% the number of CSO sentences imposed (that is, 4526 short prison sentences of below 3 years against 2794 CSO placements). In the Kisii Study Control Area, short prison sentences of below 3 years in year 2014 were 321.3% the number of CSO sentences imposed (that is, 4202 short prison sentences of below 3 years against 1308 CSO placements).

Findings from respondents indicated that the main crimes/offences appropriate for CSO sentences included: Creating Disturbance (reported by 72.7% of the Magistrates and 41.4% of the Community Service/Probation Officers); Simple assault/Assault Causing Actual Bodily Harm (reported by 63.6% of the Magistrates and 10.3% of the Community Service/Probation Officers); Being Drunk and Disorderly (reported by 54.5% of the Magistrates and 37.9% of the Community Service/Probation Officers); Selling Alcoholic Drinks Without a License (reported by 45.5% of the Magistrates and 51.7% of the Community Service/Probation Officers) and Petty theft/stealing (reported by 45.5% of the Magistrates and 41.4% of the Community Service/Probation Officers).

Estimates from Magistrates and Community Service Officers showed that the majority (94.0%) of CSO sentences in Meru region ranged between one day and twelve months with most (42.0%) of them ranging between more than 6 months and up to 12 months followed by sentences of more than 3 months up to 6 months (32.0%). The actual placements confirmed that most (97.6% or 2728 cases) CSO sentences in Meru region in 2014 ranged between 1 day and 12 months. The majority (94.0%) of CSO offenders who were interviewed had given the same estimate.

From the findings, majority (63.6%) of the Magistrates and majority (69.0%) of the Community Service/Probation Officers did not think short prison sentences were a good way of dealing with petty offenders. However, the majority (93.9%) of inmates in prisons (that is, 4526 of the 4819 inmates) in the Meru region in year 2014 were sentenced to short prison sentences of below 3 years. Similarly, in the Study Control Area of Kisii, the majority (56.8%) of inmates in prisons in 2014 (that is, 4202 of the 7403 inmates) were sentenced to short prison sentences of below 3 years. This finding begged the question why Law Courts (and in particular, Magistrates) had continued utilizing short prison sentences more than the CSO sentences.

CSO sentences were found to be majorly beneficial to a large extent and in many specific ways. The most popular benefits included: saving public institutions' of money/funds (indicated by the highest percentage recorded from majority (86.2%) of the Community Service/Probation Officers); decongesting prisons (indicated by the highest percentage recorded from majority (81.8%) of the Magistrates); reconciliation and reintegration of offenders, victims and the community (indicated by the highest percentage recorded from majority (63.6%) of the Magistrates); enabling offenders to continue with their economic activities (indicated by the highest percentage recorded from majority (61.0%) of the CSO Supervisees); rehabilitation of offenders (indicated by the highest percentage recorded from majority (54.5%) of the Magistrates); and assisting in maintaining family ties (indicated by the highest percentage recorded from 50.0% of the CSO Supervisees). Results of the study indicated that CSO offenders had been empowered in a number of ways.

The findings showed that there were tangible community projects implemented through the CSO Programme in Meru region in the environmental conservation, agricultural and infrastructure construction and maintenance sectors. These included: afforestation/tree

planting (indicated by the highest percentage recorded from 72.4% of the Community Service/Probation Officers); farming, for example fish, poultry and bee keeping (indicated by the highest percentage recorded from 45.5% of the Magistrates); and construction of public utilities, for example of toilets (indicated by the highest percentage recorded from 27.6% of the Community Service/Probation Officers).

Factors influencing the utilization of Community Service Orders by the courts

Adequate utilization of CSO was influenced by factors such as: committed, efficient and competent CSO Officers (indicated by the highest percentage recorded from 37.9% of the Community Service/Probation Officers); the petty in nature of the crimes/offences committed in the study area (indicated by the highest percentage recorded from 27.3% of the Magistrates); the need to decongest prisons (indicated by the highest percentage recorded from 20.7% of the Community Service/Probation Officers); Community's positive attitude towards the CSO Programme (indicated by the highest percentage recorded from 20.7% of the Community Service/Probation Officers); and compliance to the Orders by offenders (indicated by the highest percentage recorded from 18.2% of the Magistrates). The factors influencing inadequate utilization of CSO in Meru region were identified as: the serious nature of most offences committed in the locality (indicated by the highest percentage recorded from 22.0% of the CSO Supervisees); lack of community support to CSO Programme (indicated by the highest percentage recorded from 9.1% of the Magistrates); poor supervision of CSO Offenders (indicated by the highest percentage recorded from 9.1% of the Magistrates); corruption (indicated by the highest percentage recorded from 7.1% of the Community members); inadequate or lack of stakeholders' sensitization about the benefits of CSO Programme (indicated by the highest percentage recorded from 6.9% of the Community Service/Probation Officers); and difficulty in reaching work agencies (indicated by the highest percentage recorded from 6.1% of the Community members).

Factors that affect the levels of compliance with Community Service Orders by offenders

Majority (72.7%) of the Magistrates and majority (55.2%) of the Community Service/Probation Officers) were satisfied with the level of compliance with Community Service Orders by supervisees in the Meru region. From the analysis of actual successful CSO Sentence completions and actual placements made between 1st January, 2012 and 31st December, 2014 in Meru region, the crude actual estimated rate of compliance with CSO Sentences was 81.5% (that is, the percentage of 6868 successful completions against 8424 placements).

Factors shaping public attitudes towards Community Service Orders

With regard to public attitude towards the Community Service Orders, findings from the majority of Magistrates (63.6%), Community Service Officers (65.5%), community members (56.1%) and CSO Supervisees (74.0%) showed that the public attitude was favourable.

CSO sentences were judged by 90.9% of the Magistrates, 89.7% of the Community Service/Probation Officers, 70.4% of the Community members and 92.0% of the CSO

Supervisees as effective in: rehabilitation of non-serious offenders within the community (indicated by the highest percentage recorded from 96.0% of the CSO Supervisees); individual offender paying back (reparation) for the injury done to the community (indicated by the highest percentage recorded from 86.2% of the Community Service/Probation Officers); decongestion of prisons of non-serious and first offenders (indicated by the highest percentage recorded from 96.6% of the Community Service/Probation Officers); saving tax payers money (indicated by the highest percentage recorded from 96.6% of the Community Service/Probation Officers); avoiding contamination of non-serious and first offenders by hardened criminals (indicated by the highest percentage recorded from 89.7% of the Community Service/Probation Officers); enabling the offender to maintain family ties and providing for his/her family while at the same time serving the imposed sentence (indicated by the highest percentage recorded from all the Community Service/Probation Officers); promotion of reconciliation between the offender and the victim of crime (indicated by the highest percentage recorded from 93.1% of the Community Service/Probation Officers); acquisition of survival skills (indicated by the highest percentage recorded from 75.9% of the Community Service/Probation Officers); linking of offenders to potential employers (indicated by the highest percentage recorded from 60.0% of the CSO Supervisees); and prevention of juvenile delinquency of the dependent minors (indicated by the highest percentage recorded from 86.2% of the Community Service/Probation Officers).

Magistrates and Community Service Officers perceived the main strengths of CSO in the region to include: goodwill, cooperation and support from the community, Government, Courts, local administration, Work Agency Supervisors and other stakeholders (reported by 63.6% of the Magistrates and 89.7% of the Community Service/Probation Officers); opportunity for the offenders to serve their sentences and undergo rehabilitation/reformation and reconciliation with the victim (reported by 18.2% of the Magistrates and 27.6% of the Community Service/Probation Officers); good supervision of the CSO Programme (reported by 27.3% of the Magistrates and 17.2% of the Community Service/Probation Officers); ability of the offenders to maintain family ties which contributes to prevention of juvenile delinquency of dependant minors (reported by 20.7% of the Community Service/Probation Officers); and decongestion of prisons (reported by 18.2% of the Magistrates and 17.2% of the Community Service/Probation Officers). The main weaknesses of Community Service Orders in the Meru High Court Administrative Jurisdiction included: inadequate supervision and follow up of CSO offenders (reported by 54.5% of the Magistrates and 58.6% of the Community Service/Probation Officers); inadequate training of Work Agency Supervisors (reported by 34.5% of the Community Service/Probation Officers); inadequate community sensitization and support of CSO (reported by 36.4% of the Magistrates and 20.7% of the Community Service/Probation Officers); and inadequate funding of CSO projects (reported by 18.2% of the Magistrates and 20.7% of the Community Service/Probation Officers).

Challenges facing the delivery of Community Service Orders

The major challenges facing the effective delivery of Community Service Orders were reported to include: limited resources including personnel, CSO working tools and equipment (indicated by the highest percentage recorded from 75.9% of the Community

Service/Probation Officers); non-compliance and reoffending of offenders coupled with unexecuted warrants of arrest (indicated by the highest percentage recorded from 36.4% of the Magistrates); and lack of cooperation, support and negative attitude by some relevant stakeholders, for example, Sentencing Officers, community and Work Agencies (indicated by the highest percentage recorded from 45.5% of the Magistrates).

Interventions towards strengthening Community Service Orders Programme

The key interventions that needed to be put in place towards strengthening Community Service Orders Programme in the Meru High Court Administrative Jurisdiction included: provision of adequate resources (indicated by the highest percentage recorded from 62.1% of the Community Service/Probation Officers); training and sensitization of relevant stakeholders on CSO Programme (indicated by the highest percentage recorded from 45.5% of the Magistrates); timely execution of warrant of arrest for CSO absconders (indicated by the highest percentage recorded from 41.4% of the Community Service/Probation Officers); frequent monitoring and evaluation of CSO Programme (indicated by the highest percentage recorded from 37.9% of the Community Service/Probation Officers); strict and close supervision of CSO offenders (indicated by the highest percentage recorded from 36.4% of the Magistrates); improved record keeping and establishment of an efficient CSO crime data bank (indicated by the highest percentage recorded from 36.4% of the Magistrates); embracing CSO as a sentencing option for all petty offenders (indicated by the highest percentage recorded from 27.6% of the Community Service/Probation Officers); and establishment of effective rehabilitation and empowerment programmes for CSO offenders (indicated by the highest percentage recorded from 27.3% of the Magistrates).

Based on the findings analyzed from perceptions of the respondents and actual secondary data, this study concludes that:

- i. The perceptions of most respondents that CSO sentences are adequately utilized appear to be inaccurate. The apparent accurate position is that CSO sentences are not adequately utilized on petty offenders in Meru region (and by extension, Kisii region) judging by the lower number of CSO placements against the higher number of short prison sentences.
- ii. Adequate or inadequate utilization of CSO is influenced by several factors.
- iii. CSO stakeholders are satisfied with the level of compliance with Community Service Orders by supervisees in the Meru region and CSO offenders are also well supervised.
- iv. Public attitude towards CSO is favourable and there are several factor influencing the attitude.
- v. CSO sentences are effective and there are main strengths and weaknesses of CSO sentences in the region.
- vi. The CSO Programme faces some major challenges and addressing the challenges will, among others, include: provision of adequate resources to CSO Programme; training of implementers of CSO Programme; strict and close supervision of CSO offenders; and sensitization of the community on CSO Programme.

- vii. There are key interventions that need to be put in place towards strengthening Community Service Orders Programme and these include: provision of adequate resources; training and sensitization of relevant stakeholders on CSO Programme; timely execution of warrant of arrest for CSO absconders; frequent monitoring and evaluation of CSO Programme; and strict and close supervision of CSO offenders.

Key Recommendations

This study recommends:

1. That the apparent inaccurate perceptions among respondents that CSO sentences are adequately utilized in the Meru region (when actually they are not adequately utilized) be addressed through sensitizations and dissemination of the findings of the study to the relevant stakeholders.
2. Sentencing guidelines be put in place which will require Law Courts to issue CSO sentences to all first-time petty offenders.
3. Sensitization and awareness creation among relevant stakeholders on the CSO Programme.
4. Appropriate training on offender and project supervision and management.
5. Adequate resourcing of the CSO Programme with finances, infrastructure and human resources (such as engagement of Volunteer Community Service Officers) for the supervision and rehabilitation of the CSO offenders and supervision of CSO projects.
6. Enhancing collaboration among stakeholders through joint CSO planning and implementation strategy, formulation and review forums.
7. More viable and innovative tangible projects involving community members and addressing community's priority be established and rolled within the community.
8. Partnership with county governments in establishing more CSO projects within the community is recommended. The partnership is likely to address the challenge of lack of land to put up the projects and the required finances to jump-start and maintain them.
9. Whistle blowing of corruption incidents should be encouraged and effective investigation and prosecution of corruption perpetrators undertaken to guard against cases of corruption and lack of integrity among the players in the CSO Programme.
10. Establishment of a centralized CSO crime data bank for reference through facilitation of the National Crime Research Centre which is mandated by law to establish and host the national crime data bank.
11. Alternative sentences such as punitive fines be meted out on those who breach the Community Service Orders.
12. The Police be made responsible and accountable for unexecuted warrants of arrest.
13. Provision of motivation, recognition and other incentives such as enhanced remuneration, promotions and trainings to Probation Officers for their extra roles they perform as Community Service Officers (because the CSO Act stipulates that Community Service Officers shall be Probation Officers).
14. Popularization of the CSO Programme through the mass media.

CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

1.1.1 General context of Community Service Orders

The problem of increasing crime rates has become an area of serious concern among many developed and developing countries the world over. The crime menace has continued to affect almost all societies adversely in various spheres. One of the widely and recently advocated options of dealing with prison congestion and rehabilitation of offenders is the use of community-based sentences options in the punishment and/or rehabilitation of offenders. One of these options is that of the Community Service Orders (CSO) Programme. Some governments have capitalized on this with the belief that it has a potential to reduce and prevent crime in the final end.

Governments have introduced community service as one of the sentences in their penal systems. In some countries, community service is a way for youth to pay back the community. It helps them become more responsible. Youth work for free for a certain period of time to help in the community. A community service order (CSO) has sometimes been made as an alternative to a custodial sentence. It has been designed as a penalty, with the offender paying back the community for their crime. In jurisdictions such as in USA, community service workers 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 approved organizations, such as local councils, ambulance services, schools and environmental groups. The agencies organize both the work and provide on-site supervision of the projects. Offenders attend community service from one to five days per week including weekends (Andrew and Howells, 1999; Evans, 2006; Robinson, 2010).

1.1.2 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 developed challenges in its implementation and experienced poor or lack of supervision and coordination because of the nature of custodial duties of prison officers. 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 provides its legal mandate. 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 Orders Officer shall be a Probation Officer appointed under the Probation of Offenders Act CAP 64 Laws of Kenya. 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 in the community. The sentence is designed as a penalty, with the offender paying back the community for their crime. However, 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 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 1.5 million tree seedlings since the CSO National Afforestation Programme was started (PRI, 2012; UNODC, 2012).

The CSO Programme in Kenya is not devoid of 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).

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).

1.1.3 Pillars of Community Service Orders

One of the pillars of CSO all over the world is its utilization. In the Meru High Court Administrative Jurisdiction in Kenya, 8424 offenders were placed on CSO sentences between 1st January, 2012 and 31st December, 2014 as indicated in Table 1.1 below. However, Law Courts continued to commit more petty offenders for penal imprisonment than they did for CSO sentences. For instance, according to statistics compiled from the prisons in the Meru High Court Administrative Jurisdiction, 4526 offenders were committed to serve short prison sentences of below three years in year 2014. With a total capacity of 464 inmates, this meant that the prisons in the Meru High Court region were overcrowded. This could be attributed to a number of possible reasons. Some of the sentencing officers are not fully conversant with the provisions and the circumstances under which a CSO sentence can be issued by a court. Other Judges and Magistrates have a low opinion of the sentence because they have not been enlightened on the tangible benefits of CSO as an alternative to imprisonment with regard to crime prevention, rehabilitation of offenders and the resultant reduction of recidivism rates and the cost effectiveness of the sentence. Some of these perceived benefits have worked to encourage sentencing officers to utilize community service more than imprisonment.

Table 1.1 CSO Placements in Meru region: 01/01/2012 - 31/12/2014

Year	Number of CS Orders imposed (placements) by length of sentence																Total
	1 Day		2-7 Days		8-30 days		More than 1 month up to 3 months		More than 3 months up to 6 months		More than 6 months up to 12 months		More than 1 year up to 2 years		More than 2 years up to 3 years		
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
2012	1091	143	92	29	367	69	222	113	296	198	222	88	28	9	7	2	2976
2013	653	119	107	27	334	76	261	112	399	123	260	126	45	9	3	0	2654
2014	870	183	103	53	401	71	152	83	301	164	216	131	32	17	17	0	2794
Total	2614	445	302	109	1102	216	635	308	996	485	698	345	105	35	27	2	8424

The success in the delivery of CSO also lies in the compliance with the orders by the offender placed. The general requirements of a Community Service Order stipulate 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 Community Service Order 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. Between 2005 and 2010, 97% of the CSO sentences were completed successfully (Community Service Orders Act, 1998; PRI, 2012).

CSO is a sentence implemented within the free community because it is meant to benefit both the offender and the community at large. In some countries such as New Zealand, the concept of CSO has fully been embraced by the community because of the educational, health and environmental benefits resulting from the orders. Incidences of crime have also reduced through implementation of the CSO Programme. In African countries, the concept is still new and is presently not in many penal systems. This has been attributed to the long history and popularization of imprisonment by colonialists and neocolonialists as a 'better option' for dealing with African offenders. In some instances, the public has not come to embrace the 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 (O'Kubasu, 1996; Muntingh, 2008; Solomon, 2009).

1.2 Problem Statement

The CSO Programme in Kenya is a judiciary-driven process in which Magistrates and Judges are expected to use CSO as one of the sentencing options for dispensing with non-serious offenders towards punishment and rehabilitation of the offenders. However, prisons in some areas continue to fill with non-serious offenders. The low or non-utilization of CSO is partly attributed to the negative attitude and/or use/abuse of discretion by the magistrates and judges to use this sentencing option. This has worsened the problem of prison crowding with serious negative effects such as strained meagre prison resources used in maintaining inmates and deaths of inmates especially during disease outbreaks in the prisons. The question that begs is: What are the factors that influence the utilization of CSO by the 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. There are reports of Supervisees absconding CSO work and engaging in further crime. It is also not known if the offenders' levels of compliance with the orders help to determine the level of

utilization of CSO by the courts. Further, it remains unclear if Community Service Officers have the basic prerequisites (such as appropriate training/skills and resources) to ensure offenders comply with CSO.

Community/public perceptions and/or attitudes towards community sentences to a large extent determine the success of CSO. The colonialist introduced imprisonment in Africa and popularized it as the 'best' sentencing option for the punishment of an offender. Even after African countries attained their political independence, the option continued to be used and many members of the public have come to know and accept it as the 'only best method' to deal with crime and criminals to the extent that releasing an offender on a non-custodial/community sentence is equated to releasing the offender scot-free.

When the released offender returns to the community through the community sentence, some members of the public have come to think that the offender bought his freedom corruptly. The members of public end up developing negative perceptions/attitudes towards the administration of criminal justice and shy away from taking accepted legal actions against other offenders/criminals in their midst. Some of these offenders take advantage of the situation and abscond CSO work and continue committing more crimes. This can affect the utilisation of the CSO programme by courts.

A community with negative perceptions/attitudes towards its offenders also stigmatizes them. Some of the stigmatized offenders react by engaging in further crime as revenge for not being accepted by their own communities. When the community decides to take action, this has in most cases been against the principles of justice, human rights and rehabilitation of offenders, for example when the released offender is banished from the community and/or is killed. The resettlement and reintegration of offenders back into the community becomes an uphill task to the rehabilitator.

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) in particular. 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 to the projects was an issue to be established. Again, the attitude of the members of the public towards the projects undertaken through CSO was not known.

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 the Meru High Court Administrative Jurisdiction with a view to strengthening community-based alternatives to prison.

1.3.2 Specific Objectives

The specific objectives of the study were to:

1. Establish a baseline of how CSO sentences are utilized and completed and a comparison to short term prison sentences in order for all these to be compared at a later reading at the end of the project.
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.

1.4 Justification of the study

A number of reasons justified the survey. First, crime is one of the vices the Government of Kenya continues to invest huge resources to address because it has been found to negatively affect the development of a country. Any attempt aimed at understanding any of the many aspects of crime and crime reduction through the CSO approach stood justified.

The resource allocations to the Kenya Prisons Service continue to be grossly inadequate for the effective confinement and custodial rehabilitation of offenders. Non-serious offenders who form the bulk of prison inmate population are a drain to these public resources. Any improvement in the use of CSO by the courts would translate to a saving of the public resources to be used in other development priorities.

Contamination of non-serious offenders by the hardened offenders in the prison settings has contributed in increased recidivism rates in Kenya. Decongesting of prisons of the non-serious offenders through the CSO would contribute to reduced crime rates in society. Effective supervision and rehabilitation of CSO offenders to ensure that they comply with the conditions of the orders is a milestone in reducing the incidences of crime.

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. Community support is realized where members hold positive attitudes towards the issues affecting them. One of the outcomes to flow from the survey and its consequent project on effective delivery

of community-based sentences aimed at strengthening community-based alternatives to prison is increased positive attitudes towards community sentences. The survey will enable the design and testing of a research evidence-based model for the effective delivery of community-based sentences.

The concept of CSO is relatively new in Kenya although it very much conforms to the traditional dispute resolution approaches. CSO became operational in 1999 following the enactment of the Act in 1998. The survey will provide useful data for understanding CSO. The sentence is relatively new in Kenya and it is likely that a majority of the general public has limited knowledge about it. The survey will investigate the factors that influence the utilization of Community Service Orders by the courts, determine the levels of compliance with Community Service Orders by offenders and shape public attitudes towards Community Service Orders in Kenya. Such an attempt has been given very little (if any) attention by previous researches especially in the field of criminology in general and corrections and penology in particular. The survey will therefore fill the gap in knowledge by providing the essential data on the factors influencing the effective delivery of Community Service Orders in Kenya. Moreover, sound evaluations of the CSO Programme in Kenya are few. Importantly, the challenges in the implementation of the CSO Programme have not been adequately documented in Kenya. The survey is geared towards achieving this goal and adding to the existing literature on Kenya's non-custodial corrections.

In addition to its contribution to knowledge, the findings from the Study are useful to the Probation and Aftercare Services and the Judiciary in Kenya in evaluating their performance and strengthening their service delivery. A study on CSO in Meru High Court Administrative Jurisdiction exemplifies the functions of Probation and Aftercare Services and the Judiciary and the experience and results will be borrowed in other places of the country where CSO is currently practiced. The findings will enable the Probation and Aftercare Services and the Judiciary to make the necessary adjustments accordingly. Further, they will perhaps help policy makers, planners and implementers in formulating appropriate policies and programs to ameliorate the problems inherent among the key players in the CSO Programme. If improved, greater heights in rehabilitation of offenders will be attained.

Finally, there was need to carry out the study on the delivery of community-based sentences in the Meru region because non-custodial community sentencing options are becoming core in our penal system not only in the eyes of the general public but also to penologists. They are therefore worth studying. 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:

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 confined to factors influencing the delivery of Community Service Orders in the Meru High Court Administrative Jurisdiction, Kenya.

Field data collection in this study was undertaken in the month of December, 2014 in Meru, Tharaka Nithi and Isiolo counties which formed the Meru High Court Administrative Jurisdiction in Kenya.

CHAPTER TWO: METHODOLOGY OF THE STUDY

2.1 Introduction

This chapter dealt with location of the baseline survey, research design, methods and tools of data collection, data collection and management, methods of data analysis and ethical considerations.

2.2 Location of the Survey

The baseline survey was conducted within the Meru High Court Administrative Jurisdiction whose headquarters is located in Meru Town which is about 200 Kilometres North East of Nairobi. Kisii region was used as a control area for the study. The Meru High Court Administrative Jurisdiction covers three counties. It has eight Law Court Stations, seven Community Service/Probation Service Stations and five Prison Stations as indicated in Table 2.1 below.

Table 2.1 Meru High Court Administrative Jurisdiction

	County	County Headquarters	Court Stations	Community Service/Probation Service Stations	Prison Stations
A	Meru	Meru	Meru High Court	Imenti North (Meru)	Meru Main
			Meru Chief Magistrates' Courts		Meru Women
			Githongo Law Courts		
			Nkubu Law courts	Imenti South (Nkubu)	Uruku
			Tigania Law Courts	Tigania West (Kianjai)	Kangeta
B	Tharaka Nithi	Chuka	Chuka Law Courts	Igembe South (Maua)	
			Marimanti Law Courts	Meru South (Chuka)	
C	Isiolo	Isiolo	Isiolo Law Courts	Tharaka/Marimanti	Isiolo
				Isiolo	

2.3 Research Design

This study was based on a survey design in order to generate relevant information on the subject of effective delivery of Community Service Orders. The descriptive cross-sectional survey was instrumental in articulating the factors that: influence the utilization of Community Service Orders by the courts; determine the levels of compliance with Community Service Orders by offenders; and shape public attitudes towards Community Service Orders in Kenya. The survey design also identified challenges facing the effective

delivery of Community Service Orders and generated recommendations towards strengthening Community Service Orders Programme in the region.

The sample respondents for the baseline survey were male and female Magistrates, Probation/Community Service Officers, CSO Supervisees and ex-Supervisees and local community members/public surrounding the CSO projects. Key Informants for the study were Judges, County Directors of Probation and Aftercare Service, Police Commanders, Prison Commanders, Prosecutors and Interior and Coordination of National Government Officers. CSO Work Stations Supervisors/representatives were also selected and interviewed. Two Focus Group Discussions were held, that is, one with members of the Community Service Orders Case Committee of the Imenti South (Nkubu) Community Service Office and the other with members of the community in Meru South (Chuka).

The baseline survey utilized both probability and non-probability sampling techniques. Meru High Court Administrative Jurisdiction study area was identified and selected purposively by the Community Service Orders/Probation Service Department. The consideration in selecting the study area was based on reports indicating that Meru region had one of the highest prison populations in the country yet the Community Service Orders Programme was still in operation. Stratified Sampling was used to divide the study area into three main strata based on the three counties and seven Probation/ Community Service Office areas in Meru, Isiolo, Maua, Tigania, Nkubu, Chuka and Marimanti.

Judges, Magistrates, County Directors of Probation and Aftercare Service, other Community Service/Probation Officers, CSO Work Stations Supervisors, Police and Prison Commanders were selected purposively because of their small number and knowledge about the administration of criminal justice with regard to crime, sentencing and corrections.

A predetermined sample of 100 CSO offenders was targeted and shared according to the caseload of each of the seven Probation/ Community Service Offices in the region. Each Probation/ Community Service Office area had a stratum for males and females. Therefore, stratified random sampling and availability sampling was used to select and interview the CSO offenders who were serving and/or had completed their sentences (irrespective of the length of the CSO sentence) under the Meru, Isiolo, Maua, Tigania, Nkubu, Chuka and Marimanti Probation/Community Service Offices. CSO offenders who had completed their sentences were traced to their locations.

Availability Sampling was utilized in selecting and interviewing CSO Work Stations Supervisors/representatives (supervising offenders sent to them by Meru, Isiolo, Maua, Tigania, Nkubu, Chuka and Marimanti Probation/ Community Service Offices) and adult male and female members of the community/public surrounding the CSO projects who were conveniently available for the survey (since some respondents were not available for interviews due to unavoidable circumstances).

The Meru High Court Administrative Jurisdiction has seven CSO Case Committees functioning within the Meru, Isiolo, Maua, Tigania, Nkubu, Chuka and Marimanti Probation/Community Service Offices. Through random sampling, Nkubu CSO Case Committee was selected for a Focus Group Discussion while Meru South (Chuka) produced a Focus Group Discussion for members of the community/public.

A predetermined sample of 105 adult members of the community/public residing around the CSO' projects in each sub-county (that is, 15 respondents in each of the 7 sub-counties) and knowledgeable about the projects and 14 CSO Work Station Supervisors respondents drawn equally from Meru, Isiolo, Maua, Tigania, Nkubu, Chuka and Marimant Probation/Community Service Office areas (that is, 2 Supervisors from each of the 7 sub-counties) was targeted. The total individual respondents who were eventually interviewed were 264 and 2 Focus Group Discussions as indicated on Table 2.2 below.

Table 2.2 Total Number of Respondents

Category of Respondents	Total Number of Respondents
County Directors of Probation and Aftercare Service	2
Probation/CSO Officers	29
Judges	2
Magistrates	11
Police Commanders	4
Prison Commanders	3
Prosecutors	2
Interior and Coordination of National Government Officers (former Provincial Administration)	2
Members of Community/Public	98
CSO Placements/Offenders	100
CSO Work Stations Supervisors	11
Focus Group Discussions	2

2.4 Sources of Data and Methods of Data Collection

2.4.1 Sources of Data

The survey utilized both primary and secondary sources of data. Primary data was collected from County Directors of Probation and Aftercare Service, other Probation/CSO Officers, Judges, Magistrates, Police Commanders, Prison Commanders, members of the community/public, CSO offenders and ex-offenders, CSO Work Stations Supervisors, Prosecutors, Interior and Coordination of National Government Officers (former Provincial Administration) and members of CSO Case Committees. The National Crime Research Centre reviewed existing documents to gain background understanding of Community Service Orders in Kenya. Literature review included review of project documents reports from Probation and Judiciary. Secondary data materials that were used included CSO statistics from the study area of Meru and the Control Area of Kisii.

2.4.2 Data Collection Methods and Tools

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

2.4.2.1 Primary data collection methods and tools

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

Primary data from Magistrates, Probation/CSO Officers and CSO Work Stations Supervisors/representatives was collected using interview schedules and self-administered questionnaires containing both open and closed ended questions.

Fifteen (15) Key Informants who provided further primary data included Judges, County Directors of Probation and Aftercare Service, Prosecutors, Police and Prison Commanders. Key Informant Guides containing open ended questions were used.

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 one CSO Case Committee and one group of members of the community/public surrounding CSO projects (selected randomly from one of the three counties) in order to capture the perspectives of the Committees and members of the community on effective service delivery of CSO. A Focus Group Discussion Guide was used.

2.4.2.2 Secondary data collection methods and tools

Secondary data was collected by way of collating, recording and analyzing CSO statistics from the study area of Meru and the Control Area of Kisii.

2.5 Data Collection and Management

The National Crime Research Centre (NCRC) worked closely with relevant institutions for support in realizing the objective of the study especially in securing authority for the study and for the institutions to participate in the interviews.

Draft interview schedules, questionnaires and a Key Informant Guide based on the objectives of the study were prepared. The Researchers in the Centre conducted a pre-test of the draft tools 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 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 enabled the preparation of the final instruments prior to administration to the actual 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 the Research Assistants and quality control of the exercise was done by the Centre's researchers. After collecting data within the time allocated for fieldwork, 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 by NCRC's researchers and was later validated in a Stakeholders' Validation Workshop held at the Meru Slopes Hotel in Meru town, Kenya on 11th March, 2015. The final report was then prepared and submitted to Penal Reform International.

2.6 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 was used to analyze the data. Quantitative data were analysed through descriptive statistics and the information presented in distribution frequency and percentage tables and figures (bar graphs, pie charts and pictures) 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 from CSO work Agency Supervisors. All information from the analyzed data was presented in themes guided by the research objectives.

2.7 Ethical Considerations

Ethical considerations observed in the survey included the following:

- i. Adequate orientation was undertaken for the researchers before setting out for the field work. This enabled them understand the data collection instruments in detail before data collection.
- ii. Consent to carry out interviews was sort from respondents and key organizations before interviews were carried out.
- iii. Respondents were allowed not to answer questions they were uncomfortable with.
- iv. Only views given by the respondents were recorded.
- v. Due to the sensitive nature of the study on issues of crime, sentencing and rehabilitation, the language used when administering the questions was respectful.

CHAPTER THREE: RESULTS AND DISCUSSIONS

3.1 Introduction

This chapter is organized into sections, namely: socio-demographic characteristics of sample respondents; utilization of Community Service Orders by the courts in the Meru High Court Administrative Jurisdiction; compliance with Community Service Orders by offenders; public attitudes towards Community Service Orders; challenges facing the delivery of Community Service Orders in the Meru High Court Administrative Jurisdiction; and interventions towards strengthening Community Service Orders Programme in the Meru High Court Administrative Jurisdiction.

3.2 Socio-demographic characteristics of Sample Respondents

This survey utilized four (4) categories of sample respondents namely; Magistrates, Community Service/Probation Officers, community members and Community Service Orders Supervisees/offenders and ex-supervisees.

This study found that the majority of Community Service/Probation Officers, community members and Community Service Orders Supervisees/offenders and ex-supervisees were Kenyans aged between 26-49 years and therefore in their productive and reproductive stages of their lives. With regard to criminality, this finding calls for socio-economic interventions to address the needs of this productive and reproductive category of the population. Special attention needs to be focused on the empowerment of offenders and community members towards preventing crime in the Meru region.

Majority (63.0%) of the CSO offenders were found to be married thus implying that they were family members with familial responsibilities. With regard to crime prevention, it is therefore important that the CSO sentence is structured in a way that it contributes to the offenders' rehabilitation and socio-economic stability.

The survey established that majority of the sample respondents proclaimed the Christian faith. The implication of this finding is that religious institutions such as Churches were key stakeholders in crime prevention and therefore needed to take up a more active role in guiding their adherents in avoiding crimes and offences.

With regard to education, the majority of Community Service/Probation Officers were University Degree holders. However, the majority of community members were holders of Primary and Secondary School education while the majority of offenders were holders of Primary School education. This finding on education relates to the finding that most of the community members and Community Service Orders Supervisees/offenders and ex-supervisees were engaged in business and farming and not formal employment. Meru region is popular for Khat (Miraa) farming and business.

The two key drivers of the CSO Programme, that is, Magistrates and Community Service/Probation Officers were found to have a wealth of experience in their work judged

by their years of service. The majority of male Community Service/Probation Officers (60.0%) had served for periods of 1-5 years while the majority of female Community Service/Probation Officers had served for periods of over 6 years. Most (45.5%) Magistrates had also served for periods of 1-5 years, 27.3% had served for 6-10 years while the rest (27.3%) had served for below one year. Holding other factors constant, these periods could be judged as adequate to enable Magistrates and Community Service/Probation Officers understand the requirements of their jobs, the CSO Programme included.

The distribution of the sample for Community Service/Probation Officers, community members and Community Service Orders Supervisees/offenders and ex-supervisees across the various categories of the socio-demographic variables is shown in Table 3.1 below.

Table 3.1 Socio-demographic characteristics of Sample Respondents

Variable	Category	Males			Females		
		Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees
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	0 (0.0%)	11 (20.0%)	1 (1.7%)	0(0.0%)	8 (18.6%)	0(0.0%)
	26-33	3 (20.0%)	11 (20.0%)	14 (24.1%)	3 (21.4%)	10 (23.3%)	2(4.8%)
	34-41	3 (20.0%)	11 (20.0%)	14 (24.1%)	3 (21.4%)	14 (32.6%)	14(33.3%)
	42-49	6 (40.0%)	10 (18.2%)	12 (20.7%)	7 (50.0%)	6 (14.0%)	13(31.0%)
	50-57	2 (13.3%)	11 (20.0%)	9 (15.5%)	1 (7.1%)	3 (7.0%)	8(19.0%)
	58-65	1 (6.7%)	1 (1.8%)	7 (12.1%)	0 (0.0%)	2 (4.7%)	5(11.9%)
	66 and above	0 (0.0%)	0 (0.0%)	1 (1.7%)	0 (0.0%)	0 (0.0%)	0(0.0%)
	Total	15 (100.0%)	55 (100.0%)	58 (100.0%)	14 (100.0%)	43 (100.0%)	42 (100.0%)
Marital Status	Single	0 (0.0%)	13 (23.6%)	16 (27.6%)	7 (50.0%)	11(25.6%)	1(2.4%)
	Married	15 (100.0%)	40 (72.7%)	39 (67.2%)	6 (42.9%)	27 (62.8%)	24(57.1%)
	Divorced	0 (0.0%)	0 (0.0%)	1 (1.7%)	0 (0.0%)	0 (0.0%)	3(7.1%)
	Separated	0 (0.0%)	1 (1.8%)	2(3.4%)	1 (7.1%)	3 (7.0%)	10(23.8%)
	Widowed	0 (0.0%)	1 (1.8%)	0(0.0%)	0 (0.0%)	2 (4.7%)	4(9.5%)
	Total	15 (100.0%)	55 (100.0%)	58 (100.0%)	14 (100.0%)	43(100.0%)	42(100.0%)
Highest Level of Education	None	0 (0.0%)	0 (0.0%)	3 (5.2%)	0 (0.0%)	1 (2.3%)	4(9.5%)
	Pre-primary	0 (0.0%)	1 (1.8%)	3 (5.2%)	0 (0.0%)	1 (2.3%)	1(2.4%)
	Primary	0 (0.0%)	6 (10.9%)	38 (65.5%)	0 (0.0%)	11 (25.6%)	30(71.4%)
	Secondary	2 (13.3%)	23 (41.8%)	12 (20.7%)	0 (0.0%)	12 (27.9%)	7(16.7%)
	Middle Level College	0 (0.0%)	16 (29.1%)	2 (3.4%)	1 (7.1%)	14 (32.6%)	0(0.0%)
	University	12 (80.0%)	9 (16.4%)	0 (0.0%)	13 (92.9%)	4 (9.3%)	0(0.0%)

Variable	Category	Males			Females		
		Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
	Adult Literacy	1 (6.7%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0(0.0%)
	Other	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0(0.0%)
	Total	15 (100.0%)	55 (100.0%)	58 (100.0%)	14 (100.0%)	43 (100.0%)	42 (100.0%)
Religion	Traditional	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0(0.0%)
	Christian	15 (100.0%)	50 (90.9%)	57 (98.3%)	14 (100.0%)	38 (88.4%)	41(97.6%)
	Islam	0 (0.0%)	5 (9.9%)	1 (1.7%)	0 (0.0%)	5 (11.6%)	1(2.4%)
	Other	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0(0.0%)
	Total	15 (100.0%)	55 (100.0%)	58 (100.0%)	14 (100.0%)	43 (100.0%)	42 (100.0%)
Nationality	Kenyan	-	54 (98.2%)	57 (98.3%)	-	43 (100.0%)	42(100.0%)
	Non-Kenyan	-	1 (1.8%)	1 (1.7%)	-	0 (0.0%)	0(0.0%)
	Total	-	55 (100.0%)	58 (100.0%)	-	43 (100.0%)	42 (100.0%)
Occupation	Permanent employment in Private Sector	-	4 (7.3%)	2 (3.4%)	-	4 (9.3%)	0(0.0%)
	Permanent employment in Public Sector	-	25 (45.5%)	1 (1.7%)	-	14 (32.6%)	0(0.0%)
	Casual/temporary employment in Public or Private Sector	-	11 (20.0%)	27 (46.6%)	-	8 (18.6%)	15(35.7%)
	Business and farming	-	13 (23.6%)	27 (46.6%)	-	13 (30.2%)	23(54.8%)
	Other Occupation	-	2 (3.6%)	1 (1.7%)	-	4 (9.3%)	4(9.5%)
	Total	-	55 (100.0%)	58 (100.0%)	-	43 (100.0%)	42 (100.0%)
Length of Service	Below 1 year	0 (0.0%)	-	-	1 (7.1%)	-	-
	1-5 years	9 (60.0%)	-	-	5 (35.7%)	-	-
	6-10 years	3 (20.0%)	-	-	4 (28.6%)	-	-
	11-15 years	0 (0.0%)	-	-	0 (0.0%)	-	-
	16-20 years	0 (0.0%)	-	-	1 (7.1%)	-	-
	21-25 years	1 (6.7%)	-	-	3 (21.4%)	-	-
	26+	2 (13.3%)	-	-	0 (0.0%)	-	-
	Total	15 (100.0%)	-	-	14 (100.0%)	-	-

3.3 Utilization of Community Service Orders (CSO)

3.3.1 Courts' utilization of CSO

The majority of all the sample respondents said that law courts in the Meru High Court region utilized Community Service Orders (CSO). These results are captured in Figure 1 below.

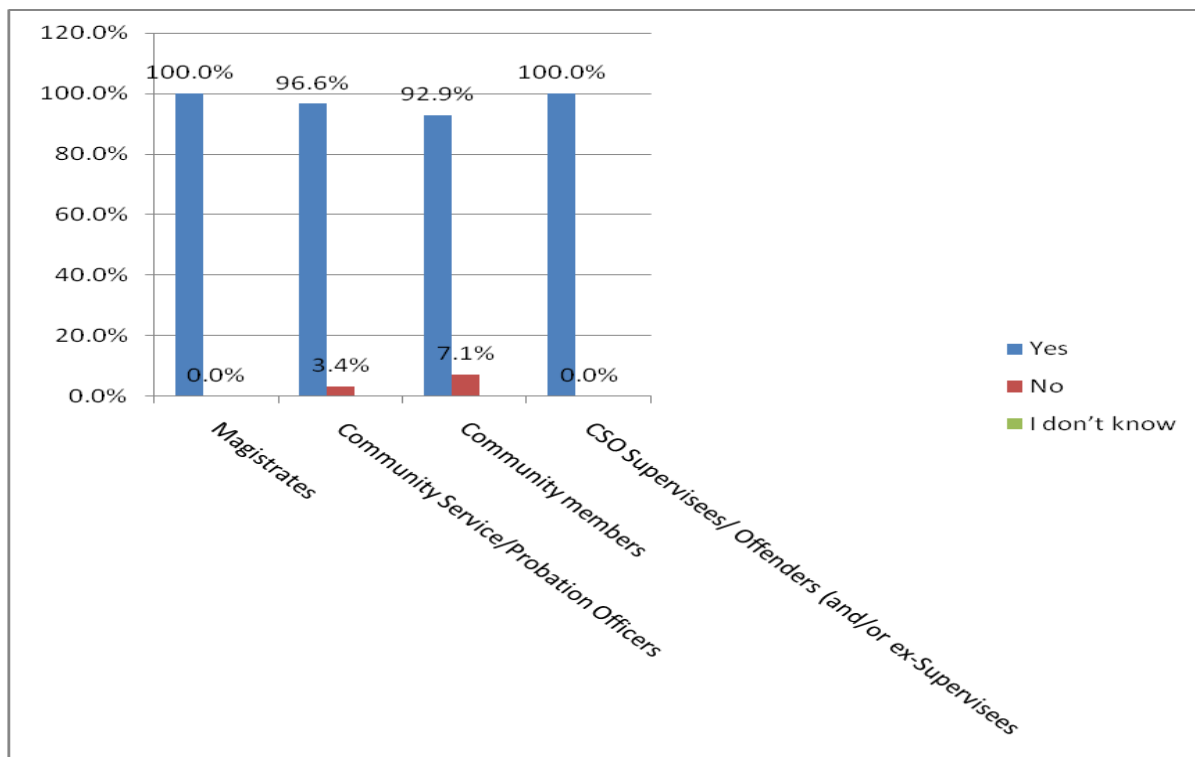


Figure 1 - Responses on whether or not CSO sentences are utilized

The findings of the sample respondents were supported by sentiments of a Work Agency Supervisor at the Kenya National Library Service in Imenti North Sub-county in Meru County who reported that:

“CSO sentences are utilized in this area. We have petty offenders who have been placed at our library and have been of great assistance in cleaning the compound because the institution has only two support staff who are overwhelmed by the cleaning assignments (17/12/2014)”

Information on the utilization of CSO sentences was complimented by secondary data on actual CSO placements (inclusive of decongestion cases) in the Meru region and study control area of Kisii. Table 3.2 below captures placements made between 1st January, 2012 and 31st December, 2014 to reflect the maximum sentence of three years issued by law courts years in Kenya.

Table 3.2 CSO Placements in Meru and Kisii regions: 01/01/2012 – 31/12/2014

Region	Year	Number of CS Orders imposed (placements) by length of sentence																Total
		1 Day		2-7 Days		8-30 days		More than 1 month up to 3 months		More than 3 months up to 6 months		More than 6 months up to 12 months		More than 1 year up to 2 years		More than 2 years up to 3 years		
		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Meru	2012	1091	143	92	29	367	69	222	113	296	198	222	88	28	9	7	2	2976
	2013	653	119	107	27	334	76	261	112	399	123	260	126	45	9	3	0	2654
	2014	870	183	103	53	401	71	152	83	301	164	216	131	32	17	17	0	2794
	Total	2614	445	302	109	1102	216	635	308	996	485	698	345	105	35	27	2	8424
Kisii Control area	2012	334	90	68	35	167	41	199	82	78	18	69	10	20	0	5	1	1217
	2013	203	42	12	7	70	30	270	114	47	40	29	25	2	0	0	0	891
	2014	181	40	32	3	261	85	256	151	85	77	45	26	6	3	30	27	1308
	Total	718	172	112	45	498	156	725	347	210	135	143	61	28	3	35	28	3416

3.3.2 Categorization of CSO Offenders and Crimes/Offences

3.3.2.1 Categorization of CSO Offenders

From the findings of the survey, it was evident that the majority of offenders serving CSO were petty offenders. This was reported by all Magistrates and Community Service Officers, the majority (93.0%) of the CSO Supervisees/ Offenders (and/or ex-Supervisees and the majority (98.0%) of community members who were interviewed.

Key Informants provided information which confirmed that of sample respondents. A Prosecutor in Isiolo County had this to say of categorization of CSO offenders and the types of crimes they had committed:

“Most offenders placed on Community Service Orders in this area are petty offenders who have committed crimes/offences such as being drunk and disorderly, loitering, creating disturbance, assault and selling traditional brews without licence (16/12/2014)”

3.3.2.2 Types of crimes/offences committed by CSO Supervisees

Findings shown in Table 3.3 below from interviews with the four categories of sample respondents indicated that the most common crimes/offences in the Meru region were: Possession of illicit/illegal brew and drugs; Being Drunk and Disorderly; Creating

Disturbance; Assault Causing Actual Bodily Harm; and General Stealing. These results called for interventions towards addressing these common crimes/offences.

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

Crime/Offence	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Possession of illicit/illegal brew and drugs	6 (54.5%)	19 (65.5%)	38 (38.8%)	47 (47.0%)
Being Drunk and Disorderly	8 (72.7%)	17 (58.6%)	35 (35.7%)	43 (43.0%)
Creating Disturbance	8 (72.7%)	14 (48.3%)	14 (14.3%)	13 (13.0%)
Assault Causing Actual Bodily Harm	8 (72.7%)	10 (34.5%)	28 (28.6%)	23 (23.0%)
General Stealing	5 (45.5%)	17 (58.6%)	48 (49.0%)	27 (27.0%)
Destruction of property/forests	1 (9.1%)	12 (41.4%)	9 (9.2%)	6 (6.0%)
Gambling	0 (0.0%)	1 (3.4%)	0 (0.0%)	0 (0.0%)
Possession of stolen property	0 (0.0%)	1 (3.4%)	0 (0.0%)	1 (1.0%)
Neglecting a Child	0 (0.0%)	4 (13.8%)	6 (6.1%)	7 (7.0%)
Defilement	0 (0.0%)	1 (3.4%)	1 (1.0%)	2 (2.0%)
Trespassing	0 (0.0%)	2 (6.9%)	7 (7.1%)	6 (6.0%)
Hawking	0 (0.0%)	1 (3.4%)	4 (4.1%)	-
Domestic Violence	0 (0.0%)	0 (0.0%)	20 (20.4%)	11 (11.0%)
Loitering	0 (0.0%)	0 (0.0%)	1 (1.0%)	5 (5.0%)
Traffic offences (especially touting)	0 (0.0%)	0 (0.0%)	1 (1.0%)	2 (2.0%)
Public Health Offences (such as Handling foodstuff without a medical certificate)	0 (0.0%)	0 (0.0%)	1 (1.0%)	1 (1.0%)

The above findings from sample respondents were captured by the following observation by a Focus Group Discussion participant:

“Half of the crimes/offences committed by CSO offenders are possession of illicit brews which is the major offence, stealing by servant, causing disturbance, destruction of property and stealing of forest produce”
(Participant in a CSO Case Committee Focus Group Discussion held at Imenti South (Nkubu) Probation Office; 11th December, 2014).



Figure 2 – A Focus Group Discussion in session at Imenti South (Nkubu) Probation Office on 11/12/2014

Types of crimes/offences for which offenders were placed on CSO were further probed by asking each Offender interviewee to indicate the crime/offence he/she had committed and for which he/she was placed on CSO. As shown in Figure 3 below, possession of illicit/illegal brew and drugs (with drugs referring to bhang or cannabis sativa) and being drunk and disorderly were the most common crimes/offences.

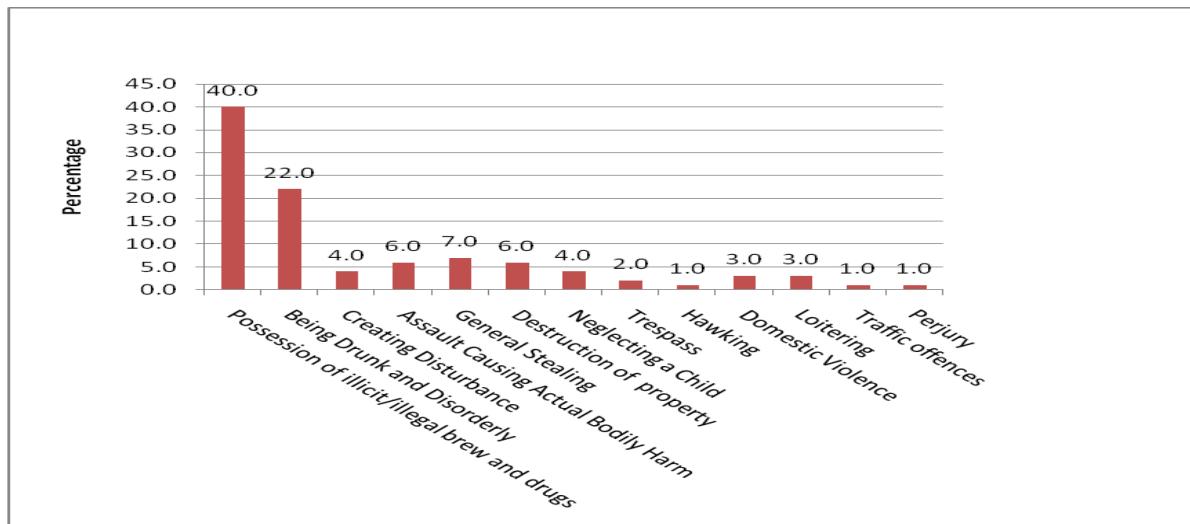


Figure 3 – Crimes/Offences of conviction of CSO Offender interviewees

An Assistant Deputy County Commissioner in Meru South Sub-County in Tharaka Nithi County with 12 years experience in service and who had served in the locality for at least 15 months as at the time of the interview observed:

“CSO sentences are utilized by law courts especially to address petty offences which are common in this locality. Some of the offences committed include being drunk and disorderly, neglecting a child, brewing and trade in illegal brews, land disputes and loitering (17/12/2014)”

A Judge serving in the Meru region argued that:

“CSO sentences have been utilized in this region for offenders who have committed offences such as brewing illicit brews, drunk and disorderly, petty theft, defilement and deforestation (9/12/2014)”

These statements confirm that most CSO Supervisees in the region are petty offenders.

Actual data on crimes committed by CSO offenders supported the perceptions of respondents. Table 3.4 below indicates that the most common crimes/offences in both Meru region and Kisii Control Area in year 2014 for which CSO offenders were placed included: Being Drunk and Disorderly; Selling (dealing with) Alcoholic Drinks Without a License; Stealing; Manufacturing Alcoholic Drinks; Creating Disturbance; Being Idle & Disorderly; Possession of Alcoholic Drinks; and Assault Causing Actual Bodily Harm.

Table 3.4 Actual crimes committed by CSO offenders in Meru and Kisii regions in Year 2014

No.	Crime	Meru			Kisii Control Area		
		Gender		Frequency and Percentage	Gender		Frequency and Percentage
		Male	Female		Male	Female	
1.	Being Drunk & Disorderly	1257	202	1459(52.2%)	533	138	671 (51.3%)
2.	Selling (dealing with) Alcoholic Drinks Without a License	154	294	448 (16.0%)	243	233	476 (36.4%)
3.	Stealing	196	10	206 (7.4%)	30	2	32 (2.4%)
4.	Manufacturing Alcoholic Drinks without a permit	61	63	124 (4.4%)	0	0	0 (0.0%)
5.	Creating disturbance	64	3	67 (2.4%)	14	1	15 (1.1%)
6.	Being Idle & Disorderly	0	60	60 (2.1%)	0	0	0 (0.0%)
7.	Possession of Alcoholic Drinks without a license	1	7	8 (0.3%)	22	33	55 (4.2%)
8.	Assault Causing Actual Bodily Harm	45	9	54 (1.9%)	9	0	9 (0.7%)
9.	Gambling	38	1	39 (1.4%)	15	0	15 (1.1%)
10.	Theft/stealing of farm produce	33	2	35 (1.3%)	4	2	6 (0.5%)
11.	Failing to safeguard rights of children	20	5	25 (0.9%)	0	0	0 (0.0%)
12.	Malicious damage to property	22	1	23 (0.8%)	4	0	4 (0.3%)
13.	Being in possession of uncustomed goods	18	4	22 (0.8%)	0	0	0 (0.0%)
14.	Occupation of premises without a license	8	8	16 (0.6%)	0	0	0 (0.0%)
15.	Stealing stock (Stock theft)	14	0	14 (0.5%)	0	0	0 (0.0%)
16.	Removing forest	8	5	13 (0.5%)	0	0	0 (0.0%)

No.	Crime	Meru			Kisii Control Area		
		Gender		Frequency and Percentage	Gender		Frequency and Percentage
		Male	Female		Male	Female	
	produce without a permit						
17.	Offensive conduct	10	3	13 (0.5%)	0	0	0 (0.0%)
18.	Possession of bhang	12	0	12 (0.4%)	10	1	11 (0.8%)
19.	Being in possession of forest produce without a permit	10	0	10 (0.4%)	0	0	0 (0.0%)
20.	Illegal possession of farm produce	10	0	10 (0.4%)	0	0	0 (0.0%)
21.	Selling food in unconducive environment	5	4	9 (0.3%)	0	0	0 (0.0%)
22.	Touting	7	1	8 (0.3%)	4	0	4 (0.3%)
23.	Affray	4	4	8 (0.3%)	2	0	2 (0.2%)
24.	Breaking into a building	7	0	7 (0.3%)	0	0	0 (0.0%)
25.	Trespass	7	0	7 (0.3%)	0	0	0 (0.0%)
26.	Child neglect	3	4	7 (0.3%)	0	0	0 (0.0%)
27.	Grievous Harm/Maim	7	0	7 (0.3%)	0	0	0 (0.0%)
28.	Failing to fasten seat belt (Excess passenger)	2	4	6 (0.2%)	0	0	0 (0.0%)
29.	Breaking and stealing	5	0	5 (0.2%)	0	0	0 (0.0%)
30.	Breaking into a building and committing a felony	5	0	5 (0.2%)	0	0	0 (0.0%)
31.	Obtaining money by false pretence	5	0	5 (0.2%)	0	0	0 (0.0%)
32.	Possession of charcoal without a permit	4	1	5 (0.2%)	0	0	0 (0.0%)
33.	Riding motorcycle without license, helmet, insurance, reflective jacket	0	0	0 (0.0%)	2	2	4 (0.3%)
34.	House breaking and stealing	4	0	4 (0.1%)	3	0	3 (0.2%)
35.	Selling food without a medical certificate	2	2	4 (0.1%)	0	0	0 (0.0%)
36.	Riding motorcycle without riding license	4	0	4 (0.1%)	0	0	0 (0.0%)
37.	Breaking into a building and stealing	3	0	3 (0.1%)	0	0	0 (0.0%)
38.	Handling stolen goods	3	0	3 (0.1%)	0	0	0 (0.0%)
39.	Failing to register	2	1	3 (0.1%)	0	0	0 (0.0%)
40.	Stealing by servant	1	1	2 (0.1%)	1	0	1 (0.1%)
41.	School/Office breaking and committing a felony	2	0	2 (0.1%)	0	0	0 (0.0%)
42.	Entering a Forest without permission	2	0	2 (0.1%)	0	0	0 (0.0%)
43.	Uprooting forest produce without permission	2	0	2 (0.1%)	0	0	0 (0.0%)
44.	Manslaughter	1	1	2 (0.1%)	0	0	0 (0.0%)
45.	Giving false information	1	1	2 (0.1%)	0	0	0 (0.0%)
46.	House breaking	1	0	1 (0.0%)	0	0	0 (0.0%)

No.	Crime	Meru			Kisii Control Area		
		Gender		Frequency and Percentage	Gender		Frequency and Percentage
		Male	Female		Male	Female	
47.	Breaking into a building with intent to steal	1	0	1 (0.0%)	0	0	0 (0.0%)
48.	Entering into a dwelling house without consent	1	0	1 (0.0%)	0	0	0 (0.0%)
49.	Obtaining credit by false pretence	1	0	1 (0.0%)	0	0	0 (0.0%)
50.	Maim	1	0	1 (0.0%)	0	0	0 (0.0%)
51.	Arson	1	0	1 (0.0%)	0	0	0 (0.0%)
52.	Illegal grazing	1	0	1 (0.0%)	0	0	0 (0.0%)
53.	Cutting vegetation in a national park without a permit	1	0	1 (0.0%)	0	0	0 (0.0%)
54.	Felling forest produce without a permit	1	0	1 (0.0%)	0	0	0 (0.0%)
55.	Absconding bond	1	0	1 (0.0%)	0	0	0 (0.0%)
56.	Resisting Arrest	1	0	1 (0.0%)	0	0	0 (0.0%)
57.	Indecent Act	1	0	1 (0.0%)	0	0	0 (0.0%)
58.	Possession of unpacked & unlabelled alcoholic drinks	1	0	1 (0.0%)	0	0	0 (0.0%)
59.	Killing an animal	1	0	1 (0.0%)	0	0	0 (0.0%)
60.	Attempted Arson	1	0	1 (0.0%)	0	0	0 (0.0%)
61.	Possession of charms	1	0	1 (0.0%)	0	0	0 (0.0%)
62.	Handling foodstuff without a medical certificate	1	0	1 (0.0%)	0	0	0 (0.0%)
63.	Possession of forged bank note	1	0	1 (0.0%)	0	0	0 (0.0%)
64.	Obstructing Police Officers	0	1	1 (0.0%)	0	0	0 (0.0%)
65.	Trading bodaboda without stage fee	1	0	1 (0.0%)	0	0	0 (0.0%)
66.	Washing motorcycle in public river	1	0	1 (0.0%)	0	0	0 (0.0%)
67.	Illegal water connection	1	0	1 (0.0%)	0	0	0 (0.0%)
68.	Riding on a dangerous position	1	0	1 (0.0%)	0	0	0 (0.0%)
69.	Robbery	1	0	1 (0.0%)	0	0	0 (0.0%)
	Total	2092	702	2794	896	412	1308
		(74.9%)	(25.1%)	(100.0%)	(68.5%)	(31.5%)	(100.0%)

3.3.2.3 Crimes/offences perceived as appropriate for CSO

Magistrates and Community Service/Probation Officers were asked about the specific crimes/offences they thought were appropriate for CSO sentences. The Community Service/Probation Officers reported all misdemeanours while the Magistrates reported all non-serious offences and crimes which attracted a sentence of less than three years imprisonment were appropriate for CSO sentences. As indicated in Table 3.5 below, the main crimes/offences deemed appropriate for CSO sentences were: Creating disturbance; simple assault; being drunk and disorderly; selling alcoholic drinks without a license and petty theft/stealing. With regard to utilization of CSO, the implication of these findings is that

sentencing officers should ensure that all petty offenders who have committed these crimes/offences should serve CSO sentences as opposed to imprisonment which wastes government resources. This is not happening as some petty offenders are committed to short prison sentences (see Table 3.9).

Table 3.5 Crimes/offences appropriate for CSO sentences

Crime/Offence	Frequency and Percentage	
	Magistrates	Community Service/ Probation Officers
Creating Disturbance	8 (72.7%)	12 (41.4%)
Assault Causing Actual Bodily Harm	7 (63.6%)	3 (10.3%)
Being Drunk and Disorderly	6 (54.5%)	11 (37.9%)
Selling alcoholic drinks without a license	5 (45.5%)	15 (51.7%)
Petty theft/stealing	5 (45.5%)	12 (41.4%)
Trespassing	2 (18.2%)	0 (0.0%)
Loitering	1 (9.1%)	0 (0.0%)
Malicious damage of property	0 (0.0%)	3 (10.3%)
Neglecting a Child	0 (0.0%)	2 (6.9%)
Simple traffic offences (especially touting and not wearing reflective jackets/helmets)	0 (0.0%)	2 (6.9%)

The above findings were highlighted in the observations of a Prison Commander who had 24 years of service in the Kenya Prisons Service and who was serving in one of the prisons in region for the last 10 months when the officer said:

“All offenders who have committed petty offences should be placed on CSO sentences. Offenders who have committed offences such as possession of illicit brew, being idle and traffic offences should not be brought to prison because they are unnecessarily congesting our penal institutions (8/12/2014)”

From the findings on types of crimes committed by CSO offenders or appropriate for CSO sentences, it can be concluded that the most prevalent crimes are related with alcohol and drugs. It is therefore important that CSO offenders are assisted to avoid alcohol and drugs.

3.3.2.4 Number and Duration of CSO Sentences

1. Average Monthly CSO Placements and Caseloads

In establishing utilization of CSO sentences, the survey examined the estimates by Magistrates and Community Service/Probation Officers who were interviewed on the average monthly CSO placements by Magistrates and the average monthly CSO caseload of the Community Service/Probation Officers in year 2014. As indicated in Table 3.6 below, majority (54.6%) of the Magistrates estimated the average monthly placement for each Magistrate to be between 16-45 offenders (that is, a minimum of 16 offenders). The majority (55.2%) of Community Service/Probation Officers estimated that each officer was supervising a minimum of 16 CSO Supervisees in a month.

Table 3.6 Estimated average monthly placements and caseload in 2014

Average monthly placements/caseload	Frequency and Percentage	
	Magistrates' Placements	Community Service/Probation Officers' Caseload
0-15	5 (45.5%)	13 (44.8%)
16-30	5 (45.5%)	5 (17.2%)
31-45	1 (9.1%)	4 (13.8%)
46-60	0 (0.0%)	3 (10.3%)
61-75	0 (0.0%)	2 (6.9%)
76-90	0 (0.0%)	1 (3.4%)
91+	0 (0.0%)	1 (3.4%)
Total	11 (100.0%)	29 (100.0%)

As indicated in Table 3.7 below on actual placements in 2014, a total of 2794 offenders were placed on CSO sentences in Meru region. The monthly rate of CSO utilization in Meru region in 2014 was therefore 233 offenders (that is, 2794 divided by 12 months). In a region with 15 Magistrates, the average monthly placement/caseload for each Magistrate was 16. This figure was the same as the estimate of 16 provided by majority (54.6%) of the Magistrates who were interviewed. The average new monthly caseload for each of the 25 Probation Officers in the region (exclusive of 7 Sub-County Probation Officers who don't supervise offenders because they are only engaged in administrative work) was 10 offenders. This figure was below the estimate of 16 analyzed from responses obtained during interviews with the Community Service/Probation Officers because the officers had caseloads carried forward from preceding months.

Table 3.7 Actual CSO placements in Meru region in year 2014

Month	Number of CS Orders imposed (placements) by length of sentence																Total
	1 Day		2-7 Days		8-30 days		More than 1 month up to 3 months		More than 3 months up to 6 months		More than 6 months up to 12 months		More than 1 year up to 2 years		More than 2 years up to 3 years		
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
January	65	19	4	0	59	8	24	6	17	6	17	3	3	0	1	0	232
February	37	4	0	3	60	5	8	5	21	12	22	9	6	4	0	0	196
March	56	11	7	1	56	2	9	8	30	12	19	20	2	1	3	0	237
April	154	26	8	14	22	4	12	7	20	9	14	15	2	4	0	0	311
May	57	17	31	12	39	3	25	15	22	10	27	15	1	1	3	0	278
June	54	9	7	9	32	3	12	10	41	19	25	17	3	4	1	0	246
July	67	22	1	2	28	4	6	5	23	8	26	13	0	1	0	0	206

Month	Number of CS Orders imposed (placements) by length of sentence																Total
	1 Day		2-7 Days		8-30 days		More than 1 month up to 3 months		More than 3 months up to 6 months		More than 6 months up to 12 months		More than 1 year up to 2 years		More than 2 years up to 3 years		
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
August	92	16	19	4	12	1	10	5	19	8	15	13	0	0	1	0	215
September	91	20	21	7	11	9	23	7	23	39	23	14	12	1	6	0	307
October	52	10	5	1	34	8	6	10	31	19	3	3	1	1	2	0	186
November	58	7	0	0	34	14	1	0	12	7	17	5	1	0	0	0	156
December	87	22	0	0	14	10	16	5	42	15	8	4	1	0	0	0	224
Total	870	183	103	53	401	71	152	83	301	164	216	131	32	17	17	0	2794

In the Study Control Area of Kisii, a total of 1308 offenders were placed to serve CSO sentences in the same year as shown in Table 3.8 below. Therefore, the monthly rate of CSO utilization in Kisii region in 2014 was 109 offenders (that is, 1308 offenders divided by 12 months).

Table 3.8 Actual CSO placements in Kisii region in year 2014

Month	Number of CS Orders imposed (placements) by length of sentence																Total	
	1 Day		2-7 Days		8-30 days		More than 1 month up to 3 months		More than 3 months up to 6 months		More than 6 months up to 12 months		More than 1 year up to 2 years		More than 2 years up to 3 years			
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F		
January		19		6		0		0		2		2		29		7		87
February		26		7		0		0		0		1		30		20		101
March		51		9		0		0		0		0		30		12		114
April		17		5		7		0		3		2		21		21		96
May		18		5		1		0		32		12		25		34		176
June		8		0		2		0		22		4		8		1		69
July		4		0		1		0		45		12		7		4		94
August		10		5		6		0		20		5		4		0		74
September		16		0		5		0		45		19		35		16		155

Month	Number of CS Orders imposed (placements) by length of sentence																Total
	1 Day		2-7 Days		8-30 days		More than 1 month up to 3 months		More than 3 months up to 6 months		More than 6 months up to 12 months		More than 1 year up to 2 years		More than 2 years up to 3 years		
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
October	3	0	3	0	28	8	24	12	10	8	4	0	3	1	1	2	107
November	3	2	6	1	24	8	8	12	6	4	0	0	0	1	1	2	83
December	6	1	1	2	40	12	35	12	9	4	16	6	1	1	4	2	152
Total	181	40	32	3	261	85	256	151	85	77	45	26	6	3	30	27	1308

2. Duration of CSO Sentences

Law Courts in Kenya pass CSO sentences of between one day and three years. Duration of CSO sentences provided by the majority (94.0%) of CSO Supervisees who were interviewed showed that the most CSO sentences in Meru region ranged between one day and twelve months with most of them ranging between more than 6 months and up to 12 months followed by sentences of more than 3 months up to 6 months as shown in Figure 4 below.

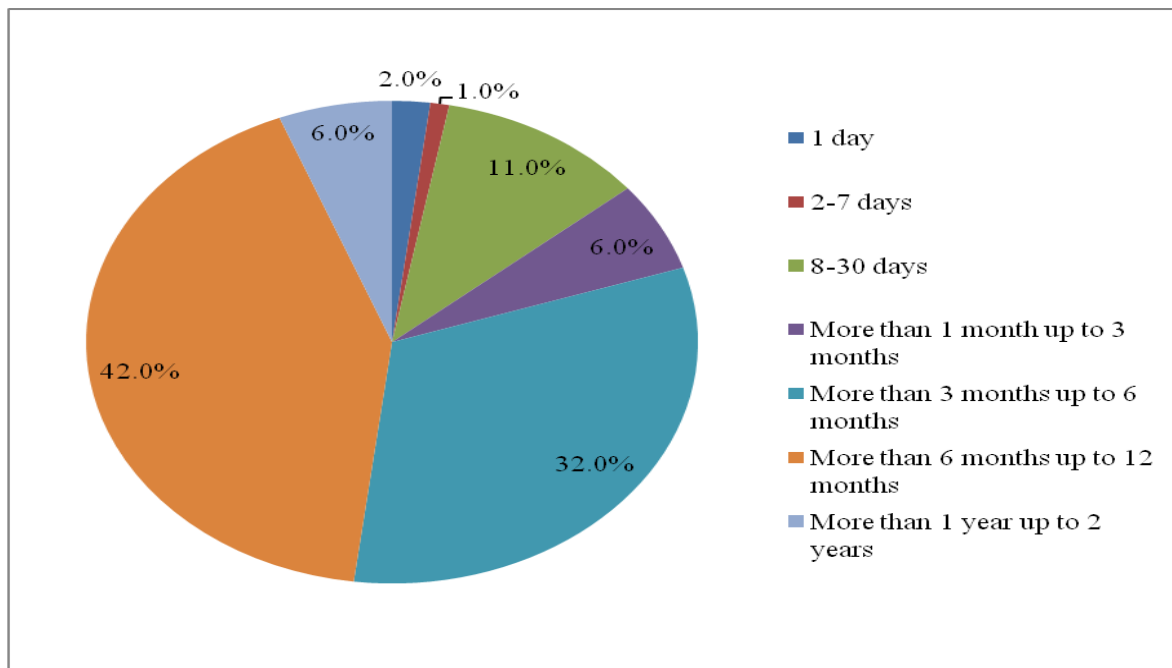


Figure 4 –Duration of CSO sentences of the Supervisee respondents in Meru region

The actual placements presented in Figure 5 below confirmed the estimates of the majority (94.0%) of CSO Supervisees who were interviewed that most (97.6%) CSO sentences in year 2014 in Meru region ranged between 1 day and 12 months (that is, 2728 of the 2794 cases). In the Kisii region, actual placements presented in Figure 5 below indicated that majority (95.0%) of the sentences ranged between 1 day and 12 months (that is, 1242 of the 1308

cases) thus indicating similarities between the two regions. However, while Meru region was dominated by 1-day sentences, Kisii region was dominated by sentences of more than 1 month up to 3 months.

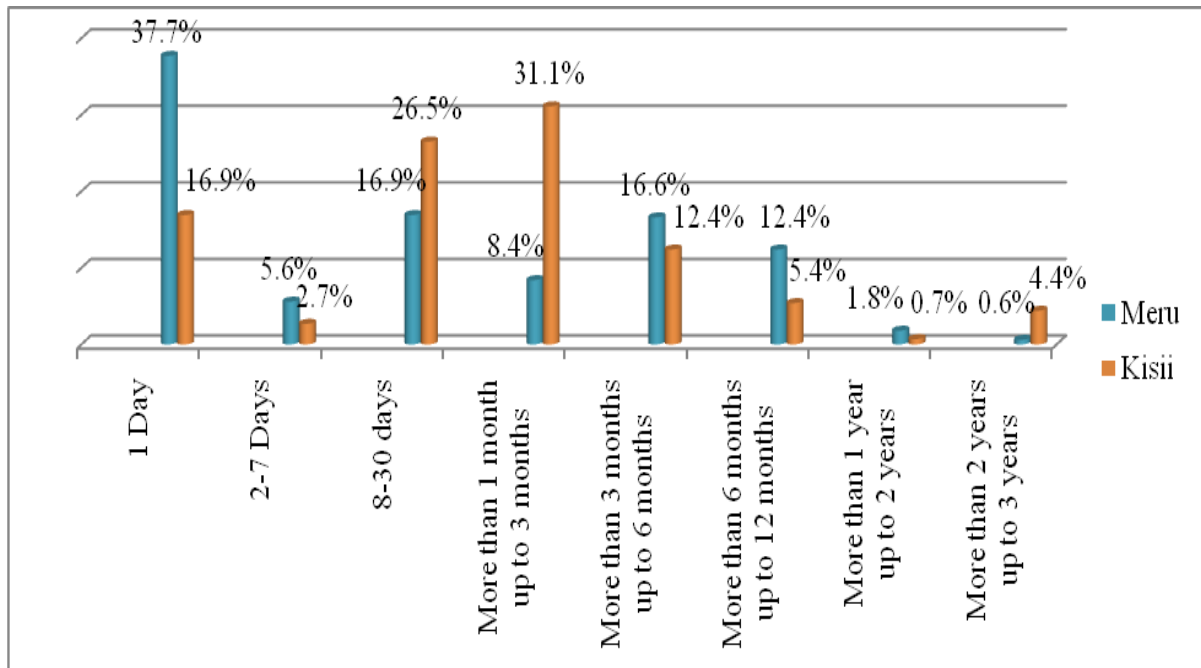


Figure 5 – Actual duration of CSO sentences in Meru and Kisii regions

3.3.2.5 Benefits of CSO sentences

The survey first sought the perceptions of Magistrate and Community Service/Probation Officer respondents on the use of prison sentences in dealing with petty offenders. As indicated in Figure 6 below, the majority (63.6%) of the Magistrates and the majority (69.0%) of the Community Service/Probation Officer did not think short prison sentences were a good way of dealing with petty offenders.

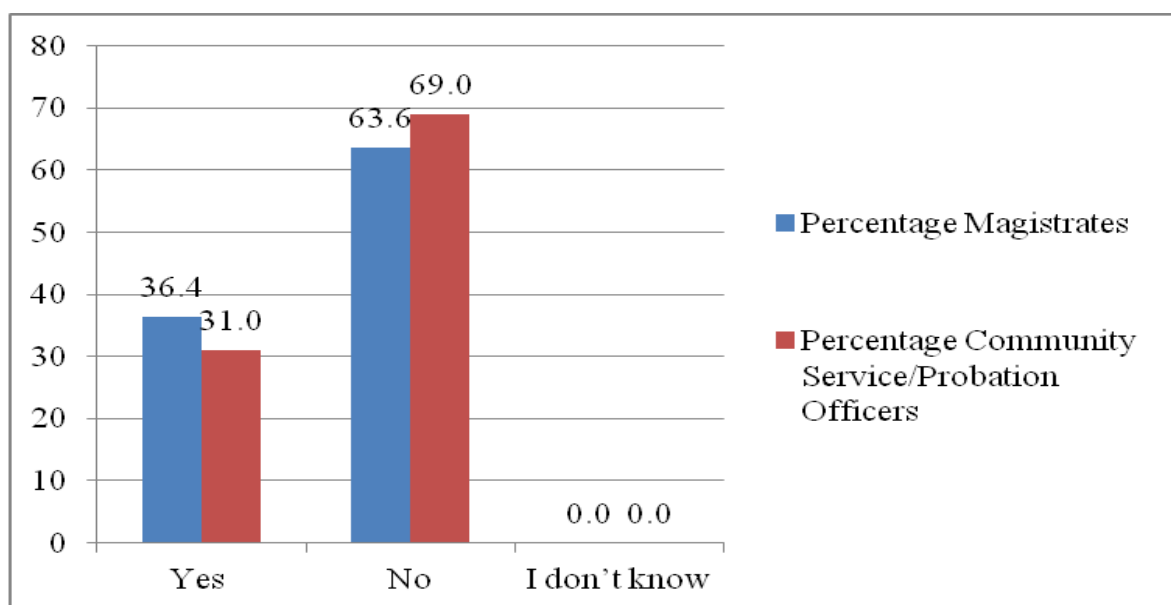


Figure 6- Preference of short prison sentences on petty offenders

The two categories of sample respondents gave varied reasons for their answers. Those in support of the use of short prison sentences on petty offenders argued that some CSO Supervisees abscond their sentences but short prison sentences enhance compliance and therefore they were the best sentencing option. The respondents who were against the use of short prison sentences on petty offenders argued that: prison sentences contribute to the hardening of petty offenders and hence are not fully effective in offender rehabilitation unlike CSO sentences which assist in offender rehabilitation and reformation through free guidance and counselling; imprisonment contributes to prison congestion but CSO sentences assist to decongest prisons; imprisonment may contribute to community and family disintegration but CSO sentences ensure that family life is not disrupted by the absence of imprisoned breadwinners; CSO sentences save tax payers money which would have been spent on petty offence prisoners; through free CSO labour, offenders pay back to the offended community; and CSO Supervisees do not pose serious security risks when compared to prisoners.

A number of Key Informants appeared to be opposed to the use of prison sentences for petty offenders. For instance, a Judge based in Meru High Court said:

“I personally do not think short prison sentences are a good way of dealing with petty offenders. This is because majority of offenders in this region are petty offenders and mostly commit the offences because of poverty. When they go to prison, they become hardened and worse. Imprisonment also results in congestion and becomes costly to the government to maintain them (9/12/2014)”

The disliking of short prison sentences for petty offenders is captured in the words of one participant who had this to say:

“Short prison sentences are not good in dealing with petty offenders for the following reasons: it hardens the offender after mixing and learning from hardcore criminals. This may lead them to graduate into big time criminals; it strains prison facilities and raises operation cost; it alienates the offender from his/her family and may further cause family breakdowns; it stigmatizes offenders hence making re-entry into the society hard as the offender is treated with supervision with ‘offender tag’ everywhere they go” (Participant in a Focus Group Discussion for members of public held at Meru South (Chuka) Probation Office; 16th December, 2014).

However, from the analysis of the actual admissions (into Isiolo, Meru Main, Meru Women and Kangeta Prisons to penal imprisonment for those admitted during the month direct from law courts) presented in Table 3.9 below, it was evident that majority (93.9%) of inmates in prisons (that is, 4526 of the 4819 inmates) in the Meru region were sentenced to short prison sentences of below 3 years. The short prison sentences in 2014 were 162.0% the number of CSO sentences imposed (that is, 4526 cases against 2794). Therefore, the assertion by the

majority (63.6%) of the Magistrates that they did not think short prison sentences were a good way of dealing with petty offenders begged the question why they had continued utilizing short prison sentences more than the CSO sentences.

Table 3.9 Penal imprisonment in year 2014 in Meru region

Month	Gender	Number of admissions by gender and length of sentence								Total for Penal Imprisonment	Monthly total
		3 years and over	18 months and under 3 years	12 months and less than 18 months	Over 6 months and less than 12 months	3 months and up to 6 months	1 month and less than 3 months	Under 1 month	Death		
January	Male	11	8	8	13	86	59	134	5	324	357
	Female	0	1	2	1	17	10	2	0	33	
February	Male	12	7	14	12	164	55	26	5	295	359
	Female	0	1	4	2	45	12	0	0	64	
March	Male	15	18	30	38	133	53	19	0	306	377
	Female	1	2	12	6	40	9	1	0	71	
April	Male	17	12	23	21	104	122	21	6	326	371
	Female	0	3	7	4	15	14	2	0	45	
May	Male	13	15	176	45	123	69	29	1	471	684
	Female	0	6	67	13	90	31	6	0	213	
June	Male	8	14	34	58	205	102	21	3	445	569
	Female	0	1	32	6	62	17	6	0	124	
July	Male	12	22	140	41	129	50	26	4	424	516
	Female	2	0	11	11	54	12	2	0	92	
August	Male	10	21	36	39	110	60	12	0	288	351
	Female	0	2	13	11	31	3	3	0	63	
September	Male	8	5	33	47	66	91	42	0	292	384
	Female	0	3	16	0	61	5	7	0	92	
October	Male	24	27	34	21	67	25	16	6	220	269
	Female	0	1	8	7	27	5	1	0	49	
November	Male	113	90	19	22	69	35	16	6	370	417
	Female	3	5	10	4	17	3	4	1	47	
December	Male	6	3	54	20	51	23	5	0	162	165
	Female	1	0	1	0	1	0	0	0	3	
Total		256	267	784	442	1767	865	401	37	4819	4819

In the Study Control Area of Kisii, the majority (56.8%) of inmates in prisons in 2014 (that is, 4202 of the 7403 inmates) were sentenced to short prison sentences of below 3 years as shown in Table 3.10 below. The short prison sentences were 321.3% the number of CSO sentences imposed in 2014 (that is, 4202 cases against 1308).

Table 3.10 Penal imprisonment in year 2014 in Kisii region

Month	Gender	Number of admissions by gender and length of sentence								Total for Penal Imprisonment	Monthly total
		3 years and over	18 months and under 3 years	12 months and less than 18 months	Over 6 months and less than 12 months	3 months and up to 6 months	1 month and less than 3 months	Under 1 month	Death		
January	Male	233	15	12	80	84	6	1	8	439	489
	Female	24	4	4	2	8	7	1	0	50	
February	Male	256	15	14	75	83	17	3	15	478	541
	Female	24	3	2	2	19	13	0	0	63	
March	Male	255	21	21	78	93	26	3	15	512	594
	Female	22	4	4	5	28	18	1	0	82	
April	Male	241	23	24	83	104	27	4	15	521	623
	Female	23	4	4	3	46	22	0	0	102	
May	Male	245	24	24	84	123	47	12	15	574	742
	Female	23	4	7	7	72	54	1	0	168	
June	Male	261	32	47	91	120	29	2	22	604	749
	Female	23	3	7	8	74	30	0	0	145	
July	Male	251	22	41	92	93	15	8	16	538	652
	Female	24	3	6	6	59	16	0	0	114	
August	Male	249	20	49	93	102	13	6	13	545	650
	Female	23	3	8	8	49	14	0	0	105	
September	Male	235	14	48	93	115	24	1	15	545	668
	Female	22	3	8	9	60	19	2	0	123	
October	Male	226	11	38	23	79	19	1	16	413	506
	Female	21	3	9	5	47	8	0	0	93	
November	Male	244	15	5	90	92	21	11	18	496	586
	Female	20	3	9	6	39	13	0	0	90	
December	Male	234	13	19	92	97	33	4	15	507	603
	Female	22	2	10	9	37	13	3	0	96	
Total		3201	264	420	1044	1723	504	64	183	7403	7403

The above findings therefore showed that Law Courts in the Kisii region, just like in the Meru region, utilized short prison sentences more than the CSO sentences.

The survey went further to establish why CSO sentences were an important sentencing option in the Criminal Justice system. All sample respondents were asked to indicate whether or not CSO sentences were beneficial in their localities. As shown in Figure 7 below, majority of the sample respondents reported that CSO sentences were beneficial.

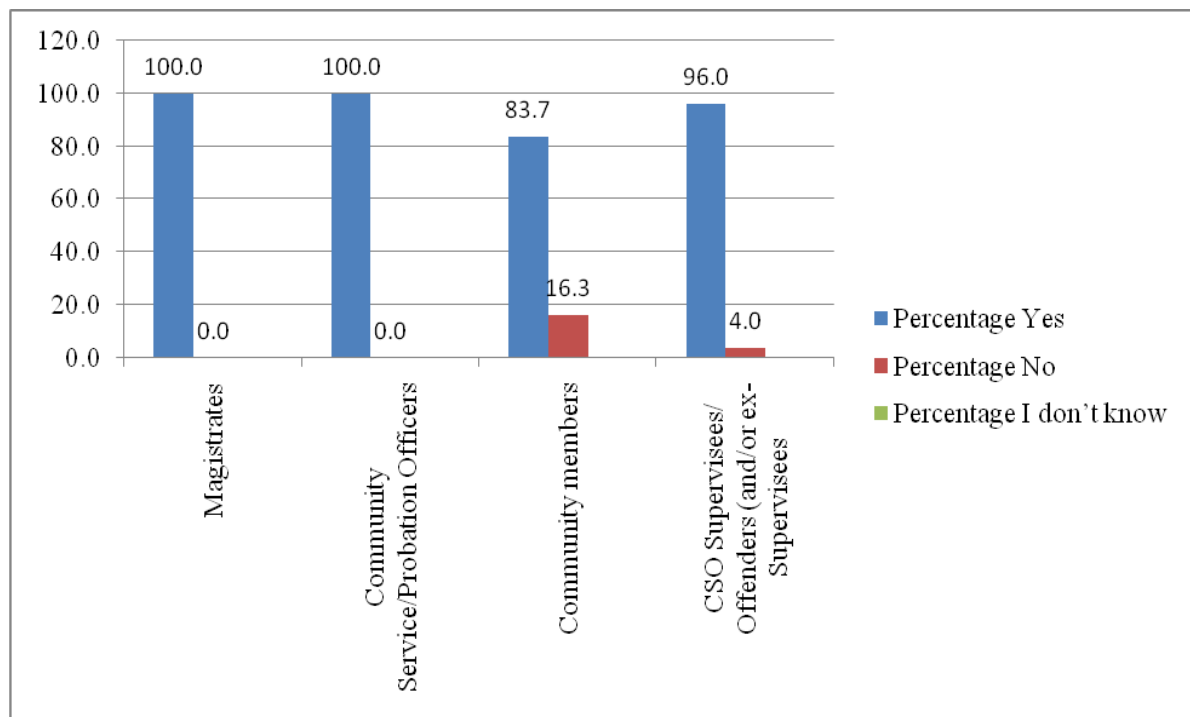


Figure 7 – Responses on whether CSO sentences were beneficial

The few community members and CSO offender respondents who said that CSO were not beneficial argued that: offenders were prone to absconding and re-offending; the sentence interferes with the offenders' health and financial situation; and the punishment meted through CSO was too lenient.

Sample respondents were further asked in an open-ended question to list the benefits of CSO. The results presented in Table 3.11 below showed that sample respondents perceived the benefits of CSO to include: saving public institutions of money/funds (86.2%); decongesting prisons (81.8%); reconciliation and reintegration of offenders, victims and the community (63.6%); enabling offenders to continue with their economic activities (61.0%); rehabilitation of offenders (54.5%); and assisting in maintaining family ties (50.0%).

Table 3.11 Perceived benefits of CSO

Perceived benefits	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Decongesting prisons	9 (81.8%)	22 (75.9%)	16 (16.3%)	7 (7.0%)
Reconciliation and reintegration of offenders, victims and the community	7 (63.6%)	12 (41.4%)	4 (4.1%)	6 (6.0%)
Saving public institutions of money/funds	6 (54.5%)	25 (86.2%)	39 (39.8%)	4 (4.0%)
Rehabilitation of offenders	6 (54.5%)	10 (34.5%)	38 (38.8%)	26 (26.0%)

Perceived benefits	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Assisting in maintaining family ties	3 (27.3%)	14 (48.3%)	18 (18.4%)	50 (50.0%)
Impacting skills to offenders	2 (18.2%)	5 (17.2%)	10 (10.2%)	10 (10.0%)
Reducing stigmatization of offenders	2 (18.2%)	10 (34.5%)	6 (6.1%)	8 (8.0%)
Enabling offenders to continue with their economic activities	2 (18.2%)	4 (13.8%)	29 (29.6%)	61 (61.0%)
Preventing hardening of petty offenders	1 (9.1%)	7 (24.1%)	5 (5.1%)	3 (3.0%)
Crime deterrence	1 (9.1%)	10 (34.5%)	7 (7.1%)	4 (4.0%)
Provides alternative to imprisonment and fines for offenders who can't afford	0 (0.0%)	0 (0.0%)	10 (10.2%)	14 (14.0%)

The above findings were confirmed by information from an Officer Commanding Police Division in one of the sub-counties of Tharaka Nithi County who observed that:

“The CSO sentence allows the offender to continue providing for the family and enhances family unity and ties (10/12/2014)”

Related sentiments were echoed by a Prison Commander in Meru County who said that:

“The CSO sentence in this locality is beneficial in many ways. It helps in providing free labour to institutions and it also helps in reducing the prisons budget thus improving conditions in our prison (11/12/2014)”

The statements of the Key Informants highlight the importance and benefits of the CSO Programme.

Sample respondents (except the Magistrates) were then asked in an open-ended question to gauge the extent to which the listed perceived benefits of CSO had been realized in the Meru region. The findings presented in Table 3.12 below showed that sample respondents perceived most of the benefits of CSO to have been realized to a large extent.

Table 3.12 Extent of realization of CSO's benefits in Meru region

Benefit	Extent in Frequency and Percentages					
	To a large extent			To a small extent		
	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Decongesting prisons	22 (75.9%)	15 (15.3%)	7 (7.0%)	0 (0.0%)	1 (1.0%)	0 (0.0%)
Reconciliation and reintegration of offenders, victims and the community	7 (24.1%)	3 (3.1%)	6 (6.0%)	5 (17.2%)	1 (1.0%)	0 (0.0%)
Saving public institutions of money/funds	19 (65.5%)	34 (34.7%)	4 (4.0%)	6 (20.7%)	5 (5.1%)	0 (0.0%)
Rehabilitation of offenders	7 (24.1%)	31 (31.6%)	25 (25.0%)	3 (10.3%)	7 (7.1%)	1 (1.0%)
Assisting in maintaining family ties	14 (48.3%)	18 (18.4%)	50 (50.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Impacting skills to offenders	4 (13.8%)	9 (9.2%)	10 (10.0%)	1 (3.4%)	1 (1.0%)	0 (0.0%)
Reducing stigmatization of offenders	9 (31.0%)	6 (6.1%)	7 (7.0%)	1 (3.4%)	0 (0.0%)	1 (1.0%)
Enabling offenders to continue with their economic activities	4 (13.8%)	29 (29.6%)	61 (61.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Preventing hardening of petty offenders	6 (20.7%)	5 (5.1%)	3 (3.0%)	1 (3.4%)	0 (0.0%)	0 (0.0%)
Crime deterrence	4 (13.8%)	5 (5.1%)	4 (4.0%)	6 (20.7%)	2 (2.0%)	0 (0.0%)
Provides alternative to imprisonment and fines for offenders who can't afford	-	9 (9.2%)	14 (14.0%)	-	1 (1.0%)	0 (0.0%)

The above findings emphasize the need to embrace CSO sentences if the objectives of decongesting prisons, realizing the reconciliation and reintegration of offenders, victims and the community, the saving of public institutions of money/funds and the rehabilitation of offenders are to be achieved.

The findings on the Table above also showed that a number of benefits had relatively high scores of rating as having been realized to a small extent. One of these benefits is that of crime deterrence. 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: are saving public institutions of money/funds which may require proper management and supervision of the free labour for maximum output; and reconciliation and reintegration of offenders, victims and the community which may require

adequate facilitation of Community Service Officers to conduct reconciliatory meetings and empowerment and resettlement of CSO offenders.

3.3.2.6 Empowerment of CSO Supervisees

Respondents of the survey reported that offenders had been empowered in a number of ways through the CSO Programme. As shown in Table 3.13 below, the most prominent forms of empowerment included: acquisition and transfer of skills; Guidance and Counselling; and financial support and/or provision of working tools and equipment.

Table 3.13 Forms of empowerment of CSO Supervisees

Form of empowerment	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Acquisition and transfer of skills	7 (63.6%)	27 (93.1%)	25 (25.5%)	24 (24.0%)
Financial support and/or provision of working tools and equipment	4 (36.4%)	3 (10.3%)	10 (10.2%)	10 (10.0)
Guidance and Counselling	1 (9.1%)	11 (37.9%)	30 (30.6%)	40 (40.0%)
Information sharing during open days	-	3 (10.3%)	2 (2.0%)	16 (16.0%)
Entrepreneurship training	-	-	6 (6.1%)	3 (3.0%)
Vocational Training	-	-	3 (3.1%)	1 (1.0%)
Support in formal education	-	-	3 (3.1%)	1 (1.0%)
Linkage with potential employers	-	-	3 (3.1%)	-

Earlier findings had indicated that most offenders were Primary School education holders and were not formally employed. The above findings therefore highlight the need to improve on CSO offender empowerment in all areas of empowerment but with more emphasis on: entrepreneurship training; vocational training; support in formal education; and linkage with potential employers, all of which were mentioned by only a few sample respondents. Emphasis should also be placed on guidance and counselling which also received one of the highest responses and is linked to successful rehabilitation of offenders.

In-depth interviews with CSO Offenders confirmed the information on forms of empowerment offered to CSO offenders. A male CSO Offender aged 26-33 years from Kiangondu Location and serving his sentence under the Meru South (Chuka) Community Service Office had this to say:

“Through my CSO sentence, I have received counseling that has enabled me to leave alcohol abuse. I have also obtained life skills such as carpentry and skills on fish farming. I have in fact started my own fish farming project (18/12/2014)”

A female CSO Offender aged 34-41 years from Kilechune Location and serving her sentence under the Tiganis West Community Service Office said:

“My sentence has enabled me to learn how I can do chicken Rearing, tree nurseries and tree planting (15/12/2014)”

Key Informants of the survey added their voices to those of sample respondents on the subject of forms of empowerment offered to CSO Supervisees. A Work Agency Supervisor at the Isiolo Law Courts who had worked in the area for 3 years and with 27 years of service with the Judiciary observed this:

“The offenders placed by the Isiolo Law Courts have been empowered through the CSO Programme and to me it is very beneficial. They have been taught on how to plant and maintain trees rather than burning charcoal. Through the beekeeping project located at the premises of Isiolo Probation Office, they have learnt useful skills in bee keeping farming and have taken the skills learnt through the sentence for use in their daily activities (18/12/2014)”

Figure 8 below indicates one of the CSO projects in Isiolo Probation Office through which offenders are empowered.



Figure 8 – Bee Keeping CSO project at Isiolo Probation Office (18/12/2014)

A Supervisor at Cooperative Department in Meru South Sub-county in Tharaka Nithi County observed this of empowerment of CSO offenders:

“CSO offenders in this area have learnt farming and building skills which they now use in their homes. For instance, they are trained on farming of vegetables at the District Agricultural Demonstration Farm (18/12/2014)”

A participant in a Focus Group Discussion observed as follows:

“Offenders here benefit through skills transfer in fish farming, banana planting and starting of small businesses. We conduct open days where the CSO offenders are educated and sanitized on different things and professionals in different areas are invited to motivate and speak to them about different business ventures. Some offenders have formed groups and are making and packaging fruit juices such as banana. We also train and encourage them to come for licences so that they can brew and make it a legitimate business venture” (Participant in a CSO Case Committee Focus Group Discussion held at Imenti South (Nkubu) Probation Office; 11th December, 2014).

Figure 9 and 10 below capture some of the CSO projects at Imenti North Probation Office through which CSO offenders are empowered.



Figure 9 –Fish Farming and Banana Planting CSO project at Imenti South Probation Office (11/12/2014)



Figure 10 – CSO Tree Nursery project at Imenti South Probation Office (11/12/2014)

The sentiments of Key Informants and participants in Focus Group Discussions emphasize on the forms of empowerment accorded to CSO offenders and their importance in improving their (offenders') lives.

3.3.2.7 CSO Offenders' Rehabilitation and Supervision Activities

Sample respondents were asked in an open-ended question to indicate what specific offender rehabilitation and supervision activities were conducted through the CSO Programme in their locality. The respondents were free to mention more than one activity. As shown in Table 3.14 below, the activities which happened most often were: supervision in cleaning and maintenance of public facilities; guidance and counselling; skills transfer and training; and reintegration and reconciliation.

Table 3.14 Specific CSO Offender rehabilitation and supervision activities

Offender rehabilitation and supervision activity	Frequency and Percentage		CSO Supervisees/ Offenders (and/or ex-Supervisees)
	Community Service/ Probation Officers	Community members	
Supervision in cleaning and maintenance of public facilities	-	39 (39.8%)	43 (43.0%)
Guidance and Counselling	11 (37.9%)	16 (16.3%)	26 (26.0%)
Skills transfer and training	8 (27.6%)	7 (7.1%)	11 (11.0%)
Reintegration and reconciliation	6 (20.7%)	3 (3.1%)	2 (2.0%)
Conducting follow ups (for example home visits and phone calls)	2 (6.9%)	16 (16.3%)	6 (6.0%)
Construction of public facilities	-	4 (4.1%)	8 (8.0%)
Tree Planting	-	16 (16.3%)	15 (15.0%)

The interpretation of the above results is that Community Service Officers need to be continually and adequately equipped with Guidance and Counselling skills to be able to effectively rehabilitate and supervise CSO offenders. 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.

From the actual data (of all placements inclusive of decongestion cases) on the type of supervisor presented in Table 3.15 below, more CSO Offenders (that is, 63.8% or 5377 offenders) in Meru region were supervised by non-CSO/Probation Officers than were supervised by CSO/Probation Officers (that is, 3047 offenders) between 1st January, 2012 and 31st December, 2014. This was the case in the Kisii Control Area where 63.6% of CSO offenders (that is, 2174 offenders) were supervised by non-CSO/Probation Officers during the same period.

Table 3.15 CSO Placements by type of Supervisor and Institution:2012-2014

Region	Year	Number of CS Orders Supervisees							Total		
		Supervised directly mainly by a CSO/Probation Officer						Supervised directly mainly by a non-CSO/Probation Officer			
		Educational Institutions	Administrative Centres	Healthcare Centres	Forestry Centres	Agricultural Centres	Others-e.g. religious and charity related institutions	Educational Institutions		Administrative Centres	Healthcare Centres
Kisii	Total	2014	2013	2012	Total	2014	2013	2012	Meru		
	460	197	97	166	721	234	286	201			
	560	169	213	178	2152	643	621	888			
	147	94	21	32	58	26	13	19			
	0	0	0	0	58	9	37	12			
	0	0	0	0	58	8	39	11			
	75	25	21	29	0	0	0	0			
	1282	613	302	367	1623	522	519	582			
	445	119	122	204	2705	1118	901	686			
	384	72	73	239	605	161	204	240			
2	0		2	124	53	23	48				
5	0	5	0	90	3	9	78				
56	19	37	0	230	17	2	211				
3416	1308	891	1217	8424	2794	2654	2976				

CSO offenders undertaking cleaning and maintenance of public facilities such as administrative offices are supervised by Community Service Officers and other Work Agency supervisors. 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.

Offenders are also supervised in construction works. Community Service Officers offer guidance and counselling to assist offenders overcome their social problems including criminal behaviour. Where officers are deficient in guidance and counselling skills, offenders are referred to professional counsellors. 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. 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. This requires adequate facilitation

in terms of airtime 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.

Generally, the work done by offenders on CSO in the Meru region involved: cultivating land owned by public schools, public health centres and hospitals and other community land; crop harvesting; tendering bee keeping and poultry projects; splitting firewood in hospitals and schools; cleaning public premises by way of sweeping and washing; weeding and watering flower beds; planting trees; cutting grass and clearing bushes; maintenance of roads; and construction of public toilets.

From the actual data on type of institution of placement of CSO Offenders presented in the Table above, it was evident that administrative centres (such as Law Courts, Deputy County Commissioner's, Assistant Deputy County Commissioner's, Chief's, Public Health, Police Station, County Council and Probation Offices) were the main beneficiaries of CSO labour absorbing 57.7% of all the placements in Meru for the period between 1st January, 2012 and 31st December, 2014. Educational institutions (mainly Primary and Secondary Schools) absorbed 27.8% of the CSO labour. In Kisii region, educational institutions absorbed 51.0% while administrative centres absorbed 29.4% of the CSO labour during the same period. In Meru region, religious and charity related institutions such as the Kibumbu Home for the Physically Challenged and the Presbyterian Church in East Africa both in Meru South (Chuka) Sub-County and the Huruma Children's Home in Imenti South (Nkubu) Sub-County also benefited with CSO labour. Table 3.16 and 3.17 below capture the type of institution of placement of CSO Offenders by month in Meru and Kisii region respectively for the year 2014.

Table 3.16 Year 2014 Monthly CSO Placements by type of Supervisor and Institution in Meru region

Month	Number of CS Orders Supervisees												Total
	Supervised directly mainly by a CSO/Probation Officer						Supervised directly mainly by a non-CSO/Probation Officer						
	Educational Institutions	Administrative Centres	Healthcare Centres	Forestry Centres	Agricultural Centres	Others-e.g, religious and charity related institutions	Educational Institutions	Administrative Centres	Healthcare Centres	Forestry Centres	Agricultural Centres	Others-e.g, religious and charity related institutions	
January	21	31	1	0		0	31	133	10	0	1	4	232
February	20	41	0	0	0	0	42	75	14	2	2	0	196
March	32	54	0	7	5	0	44	80	12	0	0	3	237
April	14	60	0	0	0	0	34	154	20	27	0	2	311
May	17	77	0	0	0	0	58	108	14	4	0	0	278
June	31	55	3	2	3	0	67	68	12	4	0	1	246

Month	Number of CS Orders Supervisees												Total
	Supervised directly mainly by a CSO/Probation Officer						Supervised directly mainly by a non-CSO/Probation Officer						
	Educational Institutions	Administrative Centres	Healthcare Centres	Forestry Centres	Agricultural Centres	Others-e.g, religious and charity related institutions	Educational Institutions	Administrative Centres	Healthcare Centres	Forestry Centres	Agricultural Centres	Others-e.g, religious and charity related institutions	
July	22	42	1	0	0	0	34	91	16	0	0	0	206
August	16	66	0	0	0	0	31	79	14	6	0	3	215
September	18	96	18	0	0	0	71	81	19	2	0	2	307
October	14	33	0	0	0	0	41	86	12	0	0	0	186
November	7	40	2	0	0	0	36	63	8	0	0	0	156
December	22	48	1	0	0	0	33	100	10	8	0	2	224
Total	234	643	26	9	8	0	522	1118	161	53	3	17	2794

The interpretation of the above findings is that, being the main consumers of free CSO labour, Administrative Centres benefit the most and most probably make savings of their funds. The results agree with the perceptions of the majority (54.5%) of the Magistrates and the majority (86.2%) of the Community Service Officers who were interviewed that CSO sentences contribute to saving public institutions of money/funds. The findings also indicate that CSO labour is not mainly utilized in projects located within the community.

Table 3.17 Year 2014 Monthly CSO Placements by type of Supervisor and Institution in Kisii Study Control Area

Month	Number of CS Orders Supervisees												Total
	Supervised directly mainly by a CSO/Probation Officer						Supervised directly mainly by a non-CSO/Probation Officer						
	Educational Institutions	Administrative Centres	Healthcare Centres	Forestry Centres	Agricultural Centres	Others-e.g, religious and charity related institutions	Educational Institutions	Administrative Centres	Healthcare Centres	Forestry Centres	Agricultural Centres	Others-e.g, religious and charity related institutions	
January	19	20	7	0	0	2	14	20	4	0	0	1	87
February	22	13	10	0	0	2	47	2	2	0	0	3	101
March	20	27	6	0	0	0	40	20	1	0	0	0	114
April	27	11	14	0	0	1	27	11	3	0	0	2	96
May	40	19	13	0	0	1	77	16	10	0	0	0	176
June	12	8	3	0	0	1	34	8	1	0	0	2	69

Month	Number of CS Orders Supervisees												Total
	Supervised directly mainly by a CSO/Probation Officer						Supervised directly mainly by a non-CSO/Probation Officer						
	Educational Institutions	Administrative Centres	Healthcare Centres	Forestry Centres	Agricultural Centres	Others-e.g, religious and charity related institutions	Educational Institutions	Administrative Centres	Healthcare Centres	Forestry Centres	Agricultural Centres	Others-e.g, religious and charity related institutions	
July	9	10	4	0	0	1	57	6	7	0	0	0	94
August	9	10	2	0	0	2	35	6	4	0	0	6	74
September	10	17	2	0	0	14	102	5	5	0	0	0	155
October	9	9	1	0	0	0	75	7	6	0	0	0	107
November	5	16	4	0	0	0	36	8	14	0	0	0	83
December	15	9	28	0	0	1	69	10	15	0	0	5	152
Total	197	169	94	0	0	25	613	119	72	0	0	19	1308

Figures 11 and 12 below illustrate the work performed by CSO offenders in some of the CSO projects in the Meru region. The projects are located within the Administrative Centres such as Law Courts and Probation Offices.



Figure 11- CSO Supervisee working at a vegetable garden project at Isiolo Probation Office (16/12/2014)



Figure 12- CSO vegetable garden project at Tigania West (Kianjai) Probation Office (9/12/2014)

Findings from the respondents indicated that the tangible community projects implemented through the CSO Programme in Meru region were in the environmental conservation, agricultural and infrastructure construction and maintenance sectors as shown in Table 3.18 below.

Table 3.18 Tangible CSO Community Projects

Project	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Afforestation/Tree planting	5 (45.5%)	21 (72.4%)	27 (27.6%)	27 (27.0%)
Farming (e.g fish, poultry and bee keeping)	5 (45.5%)	13 (44.8%)	14 (14.3%)	13 (13.0%)
Construction of public utilities (e.g toilets)	2 (18.2%)	8 (27.6%)	18 (18.4%)	11 (11.0%)

The interpretation of the above results is that the CSO Programme contributes to the realization of the Vision 2030 target of increasing Kenya's forest cover from the under 3-4% in 2012 to 10% in 2030. The Programme also contributes to improved nutritional and economic status through fish farming. However, the Programme needs to be improved to contribute more effectively in the construction sector.

Figures 13, 14, 15 and 16 below capture some of the CSO projects in the Meru region.



Figure 13 – CSO Tree Nursery project at Tigania West (Kianjai) Probation Office (9/12/2014)



Figure 14 – CSO Poultry project in Tigania Probation Office (9/12/2014)



Figure 15 – CSO Poultry project in Tigania Probation Office (9/12/2014)



Figure 16 - Fish Farming CSO project at Tigania West (Kianjai) Probation Office (9/12/2014)

Key Informants also provided information on CSO projects in the region. A County Director of Probation in the region observed this:

“There are quite a number of tangible CSO projects in this region. Meru South has a Fish Farming and Poultry project, Imenti South has Fish Farming and Banana Farming while Tigania has a Poultry Farming project. Almost all the Community Service Stations in this region have Tree Nursery projects (15/12/2014)”

The above findings are related with earlier findings on work done by CSO Supervisees and offender rehabilitation and supervision activities.

3.3.2.8 Perceptions on adequacy of utilization of CSO

Adequacy of utilization of CSO sentences in the Meru region was gauged in terms of general perceptions on the number of petty offenders placed to serve the sentence against the number of petty offences committed in the Meru region. From the results of the survey captured in Table 3.19 below, it was evident that the majority of respondents from the four categories of sample respondents felt that the CSO sentence was adequately utilized.

Table 3.19 Perceptions on adequacy of utilization of CSO

Perception on adequacy	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Adequately utilized	10 (90.9%)	25 (86.2%)	54 (55.1%)	60 (60.0%)
Not adequate utilized	1 (9.1%)	4 (13.8%)	33 (33.7%)	35 (35.0%)
Not utilized at all	0 (0.0%)	0 (0.0%)	7 (7.1%)	0 (0.0%)
I don't know	0 (0.0%)	0 (0.0%)	4 (4.1%)	5 (5.0%)
Total	11 (100.0%)	29 (100.0%)	98 (100.0%)	100 (100.0%)

Key Informants in this study also commented about the adequacy of utilization of CSO sentences by law courts in the Meru High Court Administrative Jurisdiction. For instance, a Judge working in the jurisdiction and who had served in the Judiciary for 32 years had this to say:

“I utilize CSO in this court. At least I sentence one to two offenders per week to serve CSO. However, most of the sentencing is done by the lower courts, mine is to review cases that have already been sentenced and especially for some who have already served custodial sentences for some time to determine their suitability to serve CSO instead of custodial sentences. With regard to the number of offenders committed to serve CSO sentences, I think CSO sentences are adequately utilized in this locality (9/12/2014)”

A Prison Officer in Meru County gave a contrary view on adequacy of utilization by arguing that:

“CSO sentences in this locality are not adequately utilized. Currently, we have 1225 inmates when our carrying capacity is just 700, that is in excess of over 500 inmates. Again, most of the inmates are petty offenders who should be serving non-custodial sentences such as CSO (18/12/2014)”

From the above findings, a large segment of the community members and offenders (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 short prison sentences than CSO sentences. This calls 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

1. Factors contributing to the adequate utilization of CSO

All respondents perceived the adequate utilization of CSO sentences in the study area to be influenced by a number of factors. Findings in Table 3.20 below showed that the most prominent factor influencing the adequate utilization of CSO sentences by law courts was committed, efficient and competent CSO Officers (indicated by the highest percentage recorded from 37.9% of the Community Service/Probation Officers). Other important factors influencing utilization of CSO sentences included: the petty in nature of the crimes/offences committed in the study area (indicated by the highest percentage recorded from 27.3% of the Magistrates); the need to decongest prisons (indicated by the highest percentage recorded from 20.7% of the Community Service/Probation Officers); Community’s positive attitude towards the CSO Programme (indicated by the highest percentage recorded from 20.7% of the Community Service/Probation Officers); and compliance to the Orders by offenders (indicated by the highest percentage recorded from 18.2% of the Magistrates). These findings relate with other findings which showed that most CSO Supervisees were petty offenders.

Table 3.20 Factors contributing to adequate utilization of CSO

Contributing factors	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Committed, efficient and competent CSO Officers	3 (27.3%)	11 (37.9%)	7 (7.1%)	10 (10.0%)
Petty nature of crimes and/or type of offenders	3 (27.3%)	5 (17.2%)	16 (16.3%)	23 (23.0%)
Need to decongest prisons	2 (18.2%)	6 (20.7%)	12 (12.2%)	9 (9.0%)
Compliance by	2 (18.2%)	4 (13.8%)	11 (11.2%)	10 (10.0%)

Contributing factors	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
offenders				
Proper Coordination among stakeholders	1 (9.1%)	5 (17.2%)	2 (2.0%)	7 (7.0%)
Community's positive attitude towards the CSO Programme	1 (9.1%)	6 (20.7%)	5 (5.1%)	3 (3.0%)
CSO work availability	1 (9.1%)	5 (17.2%)	4 (4.1%)	3 (3.0%)
Need to prevent hardening of petty offenders by hard core offenders	0 (0.0%)	1 (3.4%)	3 (3.1%)	4 (4.0%)

The findings indicate that only a few members of the community and CSO offenders were aware of the factors encouraging Law Courts to utilize CSO sentences. Deliberate efforts should therefore be put by both the Judiciary and the Community Service Orders Department to enlighten offenders and the community in this aspect

Some of the findings above were confirmed by a Prisons Officer at the Isiolo Prison who observed that:

“There is ready work for CSO offenders in this locality. A good case is afforestation to address the severe drought conditions. Public institutions such as the Catholic Diocese of Embu, Isiolo Boys High School, Isiolo Girls High School and the County Commissioner’s office all have work which requires unpaid labour because of inadequacy of finances to hire services (16/12/2014)”

A senior Police Officer who has worked for 20 years and had stayed in Imenti North Sub-county in Meru County said:

“The reason why CSO sentences are adequately utilized in this region is because of the congestion in the prisons in the locality. All prisons are containing inmates over and above their maximum capacity especially with the influx of illegal migrants mainly from Ethiopia arrested in cases of Human Trafficking (17/12/2014)”

2. Factors contributing to the inadequate utilization of CSO

Very few respondents had answers to the question on factors contributing to inadequate utilization of CSO in Meru because most respondents had indicated that CSO sentences were adequately utilized. However, the few who reported underutilization (inadequate utilization) of CSO listed the factors shown in Table 3.21 below.

Table 3.21 Factors contributing to inadequate utilization of CSO

Contributing factors	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Lack of community support to CSO Programme	1 (9.1%)	-	6 (6.1%)	1 (1.0%)
Poor Supervision of CSO Offenders	1 (9.1%)	-	7 (7.1%)	1 (1.0%)
Inadequate or lack of stakeholders' sensitization about the benefits of CSO Programme	-	2 (6.9%)	-	3 (3.0%)
Difficulty in reaching placement work agencies	-	-	6 (6.1%)	2 (2.0%)
Corruption	-	-	7 (7.1%)	1 (1.0%)
Serious nature of most offences committed in the locality	-	-	1 (1.0%)	22 (22.0%)

Some of the above findings from sample respondents are captured in the sentiments of a County Director of Probation in the region who reported that:

“The CSO sentence is only well utilized by the older Magistrates in service as compared to the young Magistrates in service who may not have been well sensitized to embrace the sentence (15/12/2014)”

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 aspects of poor supervision and corruption have to be addressed. Difficulty in reaching work placement agencies was one of the major factors reported by CSO offenders. Some areas such as Tharaka/Marimanti and parts of Isiolo are very remote, far flung and characterized by poor road infrastructure. This makes it hard for offenders to easily reach some public work institutions for CSO work. Sentencing Officers and Community Service Officers experience the same difficulties when supervising the offenders and monitoring the Programme. This was attested in the words of a Community Service/Probation Officer in Isiolo Probation Office who said that:

“This County has very remote areas in terms of transport and communication infrastructure. Just imagine the Police, Probation and Law Courts are supposed to cover places like Merti which is 200 Kilometres from Isiolo County Headquarters. Other areas towards Garissa are over 300 Kilometres from here and we don't have adequate resources. It is a nightmare to assume CSO sentences can effectively be extended to offenders from such areas (18/12/2014)”

3.3.2.10 General perceptions on key aspects of CSO utilization

The findings of the survey established the general perceptions of Magistrates (sentencing officers), Community Service Officers, community members and CSO offenders on key aspects of CSO utilization in Meru. Table 3.22 below captures these perceptions as indicated by the responses to relevant statements on the CSO Programme.

Table 3.22 General Perceptions on Key Aspects of CSO utilization

Statement	Responses in Percentages											
	Agree				Disagree				I don't know			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ (and/or ex-Supervisees)	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ (and/or ex-Supervisees)	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ (and/or ex-Supervisees)
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.	45.5	51.7	-	-	54.5	44.8	-	-	0.0	3.4	-	-
Some sentencing officers have a generally negative attitude towards the CSO sentence and therefore do not utilize the order.	54.5	72.4	48.0	39.0	36.4	24.1	46.9	53.0	9.1	3.4	5.1	8.0
Some sentencing officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives.	18.2	51.7	48.0	24.0	72.7	37.9	43.9	62.0	9.1	10.3	8.2	14.0
The cost-benefit analysis of CSO over imprisonment of non-serious offenders has encouraged some sentencing officers to utilize CSO.	81.8	79.3	82.7	76.0	0.0	13.8	16.3	14.0	18.2	6.9	1.0	10.0
Most sentencing officers are reluctant to accept CSO recommendations from CSO/Probation Officers when they have not referred cases for the same.	36.4	58.6	-	-	36.4	34.5	-	-	27.3	6.9	-	-
Satisfaction with the economic benefits of CSO to the community has motivated and/or encouraged sentencing officers to continue utilizing the option.	81.8	65.5	71.4	68.0	9.1	24.1	27.6	24.0	9.1	10.3	1.0	8.0
Satisfaction with the good					9.1	17.2	39.8	35.0	0.0			

Statement	Responses in Percentages											
	Agree				Disagree				I don't know			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
performance of the unpaid work by offenders has motivated and/or encouraged sentencing officers to continue utilizing the option.	90.9	79.3	57.1	61.0						3.4	3.1	4.0
Satisfaction with the rehabilitation of the CSO offenders by the Probation Department has motivated and/or encouraged sentencing officers to continue utilizing the option.	100.0	65.5	70.4	88.0	0.0	24.1	27.6	9.0	0.0	10.3	2.0	3.0
Unsatisfactory supervision of CSO supervisees/offenders in work agencies discourages sentencing officers from issuing CSO.	54.5	69.0	-	-	27.3	24.1	-	-	18.2	6.9	-	-
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.	9.1	6.9	-	-	72.7	86.2	-	-	18.2	6.9	-	-
Some CSO Officers have a generally negative attitude towards the CSO sentence and therefore do not recommend the order for use by the courts.	0.0	17.2	34.7	35.0	90.9	72.4	61.2	57.0	9.1	10.3	4.1	8.0
Some CSO Officers use CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives.	9.1	31.0	42.9	23.0	54.5	48.3	46.9	60.0	36.4	20.7	10.2	17.0
Previous breach of CSO by some offenders has contributed in under-utilization of the order.	72.7	82.8	72.4	71.0	9.1	17.2	22.4	27.0	18.2	0.0	5.1	2.0
Unwillingness of some offenders to undertake community service discourages the utilization of CSO.	63.6	75.9	42.9	50.0	27.3	20.7	53.1	46.0	9.1	3.4	4.1	4.0
Hostility of some victims and local community members to non-custodial	72.7	75.9	58.2	51.0	27.3	20.7	37.8	44.0	0.0	3.4	4.1	5.0

Statement	Responses in Percentages											
	Agree				Disagree				I don't know			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
sentences discourages the use of CSO.												
Good quality CSO Officers' pre-sentence reports contribute to the utilization of CSO by courts.	100.0	93.1	-	-	0.0	3.4	-	-	0.0	3.4	-	-
CSO Officers have not been adequately trained on issues of CSO supervision which in turn affects utilization of CSO	27.3	44.8	-	-	45.5	51.7	-	-	27.3	3.4	-	-
CSO Officers have not been adequately sensitized on issues of CSO supervision which in turn affects utilization of CSO.	9.1	37.9	-	-	72.7	55.2	-	-	18.2	6.9	-	-
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.	45.5	44.8	-	-	27.3	51.7	-	-	27.3	3.4	-	-
Most CSO/Probation Officers do not have adequate discretion to provide recommendations for CSO sentences when courts have not referred cases for the same.	63.6	75.9	-	-	36.4	20.7	-	-	0.0	3.4	-	-
Security challenges (for example, threats of harm to victims) posed by some offenders discourage the use of Community Service Orders sentences on them.	90.9	79.3	80.6	80.0	9.1	17.2	15.3	18.0	0.0	3.4	4.1	2.0

The findings in the Table above raise a number of critical issues for consideration by relevant players in the CSO Programme. A considerably large percentage of Magistrates (45.5%) and Community Service Officers (51.7%) 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 of this category of sentencing officers would therefore contribute to increased utilization of the CSO sentences.

Most respondents drawn from Magistrates (54.5%), Community Service Officers (72.4%) and community members (48.0%) and a large percentage of offenders (39.0%) agreed that some sentencing officers had a generally negative attitude towards the CSO sentence and therefore did not utilize the order. Efforts are required towards realizing positive attitude of these sentencing officers if desirable levels of CSO utilization are to be achieved.

While the majority (72.7%) of the Magistrates 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, most (51.7%) Community Service Officers and most community members (48.0%) agreed with the assertion. Therefore, the Judiciary has a task to change this perception. Further probing indicated that Community Service Officers held this perception because some offenders were placed on CSO directly without the opinion and/or recommendation of the Community Service Officer. As shown in Table 3.23 below, it is a common practice for courts to place some offenders to CSO sentences directly.

Table 3.23 Community Service Orders by mode of placement in Meru and Kisii regions: 01/01/2012- 31/12/2014

Region	Year	Number of CS Orders placements by mode of placement and length of sentence														Total	
		Placed following presentation of a written or verbal CSO Report (Indirect placement)							Placed without presentation of a written or verbal CSO Report (Direct placement)								
		1 Day	2-7 Days	8-30 days	More than 1 month up to 3 months	More than 3 months up to 6 months	More than 6 months up to 12 months	More than 1 year up to 2 years	More than 2 years up to 3 years	1 Day	2-7 Days	8-30 days	More than 1 month up to 3 months	More than 3 months up to 6 months	More than 6 months up to 12 months	More than 1 year up to 2 years	More than 2 years up to 3 years
Meru	2012	0	26	296	334	492	310	37	9	1245	104	121	2	0	0	0	
	2013	0	35	55	177	482	406	51	6	772	99	393	176	2	0	0	
	2014	32	17	257	196	443	372	48	19	1021	139	215	27	7	1	0	
	Total	32	78	608	707	1417	1088	136	34	3038	342	729	205	9	1	0	
	2012	307	84	193	276	100	83	22	6	113	10	20	3	0	0	0	
	2013	214	14	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
Kisii	2012	3	14	100	385	100	83	22	6	113	10	20	3	0	0	0	
	2013	14	100	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
	2012	307	84	193	276	100	83	22	6	113	10	20	3	0	0	0	
	2013	214	14	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
Meru	2012	0	26	296	334	492	310	37	9	1245	104	121	2	0	0	0	
	2013	0	35	55	177	482	406	51	6	772	99	393	176	2	0	0	
	2014	32	17	257	196	443	372	48	19	1021	139	215	27	7	1	0	
	Total	32	78	608	707	1417	1088	136	34	3038	342	729	205	9	1	0	
	2012	307	84	193	276	100	83	22	6	113	10	20	3	0	0	0	
	2013	214	14	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
Kisii	2012	3	14	100	385	100	83	22	6	113	10	20	3	0	0	0	
	2013	14	100	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
	2012	307	84	193	276	100	83	22	6	113	10	20	3	0	0	0	
	2013	214	14	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
Meru	2012	0	26	296	334	492	310	37	9	1245	104	121	2	0	0	0	
	2013	0	35	55	177	482	406	51	6	772	99	393	176	2	0	0	
	2014	32	17	257	196	443	372	48	19	1021	139	215	27	7	1	0	
	Total	32	78	608	707	1417	1088	136	34	3038	342	729	205	9	1	0	
	2012	307	84	193	276	100	83	22	6	113	10	20	3	0	0	0	
	2013	214	14	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
Kisii	2012	3	14	100	385	100	83	22	6	113	10	20	3	0	0	0	
	2013	14	100	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
	2012	307	84	193	276	100	83	22	6	113	10	20	3	0	0	0	
	2013	214	14	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
Meru	2012	0	26	296	334	492	310	37	9	1245	104	121	2	0	0	0	
	2013	0	35	55	177	482	406	51	6	772	99	393	176	2	0	0	
	2014	32	17	257	196	443	372	48	19	1021	139	215	27	7	1	0	
	Total	32	78	608	707	1417	1088	136	34	3038	342	729	205	9	1	0	
	2012	307	84	193	276	100	83	22	6	113	10	20	3	0	0	0	
	2013	214	14	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
Kisii	2012	3	14	100	385	100	83	22	6	113	10	20	3	0	0	0	
	2013	14	100	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
	2012	307	84	193	276	100	83	22	6	113	10	20	3	0	0	0	
	2013	214	14	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
Meru	2012	0	26	296	334	492	310	37	9	1245	104	121	2	0	0	0	
	2013	0	35	55	177	482	406	51	6	772	99	393	176	2	0	0	
	2014	32	17	257	196	443	372	48	19	1021	139	215	27	7	1	0	
	Total	32	78	608	707	1417	1088	136	34	3038	342	729	205	9	1	0	
	2012	307	84	193	276	100	83	22	6	113	10	20	3	0	0	0	
	2013	214	14	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
Kisii	2012	3	14	100	385	100	83	22	6	113	10	20	3	0	0	0	
	2013	14	100	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
	2012	307	84	193	276	100	83	22	6	113	10	20	3	0	0	0	
	2013	214	14	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
Meru	2012	0	26	296	334	492	310	37	9	1245	104	121	2	0	0	0	
	2013	0	35	55	177	482	406	51	6	772	99	393	176	2	0	0	
	2014	32	17	257	196	443	372	48	19	1021	139	215	27	7	1	0	
	Total	32	78	608	707	1417	1088	136	34	3038	342	729	205	9	1	0	
	2012	307	84	193	276	100	83	22	6	113	10	20	3	0	0	0	
	2013	214	14	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
Kisii	2012	3	14	100	385	100	83	22	6	113	10	20	3	0	0	0	
	2013	14	100	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
	2012	307	84	193	276	100	83	22	6	113	10	20	3	0	0	0	
	2013	214	14	100	385	83	56	2	0	32	5	0	0	0	0	0	
	2014	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	
	Total	697	126	639	1068	345	210	33	63	190	22	20	3	0	0	0	
Meru	2012	0	26	296	334	492	310	37	9	1245	104	121	2	0	0	0	
	2013	0	35	55	177	482	406	51	6	772	99	393	176	2	0	0	
	2014	32	17	257	196	443	37										

The analysis of actual CSO placements based on the mode of placement showed that in year 2014 in Meru region, 49.5% (that is, 1384 cases) of the placements were made by courts following presentation of a written or verbal CSO Report (Indirect placement) while the rest (50.5% or 1410 cases) were placed without presentation of a written or verbal CSO Report (Direct placement). Table 3.24 below captures direct and indirect monthly placements in Meru region in year 2014.

Table 3.24 Year 2014 Monthly Community Service Orders by mode of placement in Meru region

Month	Number of CS Orders placements by mode of placement and length of sentence																Total
	Placed following presentation of a written or verbal CSO Report (Indirect placement)								Placed without presentation of a written or verbal CSO Report (Direct placement)								
	1 Day	2-7 Days	8-30 days	More than 1 month up to 3 months	More than 3 months up to 6 months	More than 6 months up to 12 months	More than 1 year up to 2 years	More than 2 years up to 3 years	1 Day	2-7 Days	8-30 days	More than 1 month up to 3 months	More than 3 months up to 6 months	More than 6 months up to 12 months	More than 1 year up to 2 years	More than 2 years up to 3 years	
January	0	1	21	18	17	19	3	1	84	3	46	12	6	1	0		
February	0	0	27	9	33	31	10	0	41	3	38	4	0	0	0		
March	0	5	26	8	42	39	3	3	67	3	32	9	0	0	0		
April	2	4	15	19	29	29	6	0	178	18	11	0	0	0	0		
May	1	3	19	39	31	42	2	3	73	40	23	1	1	0	0		
June	7	0	20	17	66	40	7	1	56	16	15	1	0	0	0		
July	3	1	27	11	37	33	1	0	86	2	5	0	0	0	0		
August	1	1	13	15	27	28	0	1	107	22	0	0	0	0	0		
September	3	0	19	26	66	37	13	6	108	28	1	0	0	0	0		
October	3	2	34	12	54	6	2	2	59	4	8	0	0	0	0		
November	8	0	12	1	19	22	0	1	57	0	36	0	0	0	0		
December	4	0	24	21	22	46	1	1	105	0	0	0	0	0	0		
Total	32	17	257	196	443	372	48	19	1021	139	215	27	7	1	0		

The situation in Kisii Control Area was different as only 4.0% of the placements in year 2014 were direct placements. Table 3.25 below captures this information on a monthly basis.

Table 3.25 Year 2014 Monthly Community Service Orders by mode of placement in Kisii region

Month	Number of CS Orders placements by mode of placement and length of sentence															Total	
	Placed following presentation of a written or verbal CSO Report (Indirect placement)							Placed without presentation of a written or verbal CSO Report (Direct placement)									
	1 Day	2-7 Days	8-30 days	More than 1 month up to 3 months	More than 3 months up to 6 months	More than 6 months up to 12 months	More than 1 year up to 2 years	More than 2 years up to 3 years	1 Day	2-7 Days	8-30 days	More than 1 month up to 3 months	More than 3 months up to 6 months	More than 6 months up to 12 months	More than 1 year up to 2 years	More than 2 years up to 3 years	
January	25	0	4	36	7		15	0	0	0							87
February	31	0	1	50	9	7	0	1	2	0							101
March	59	0	0	42	5	1	0	6	1	0							114
April	19	0	5	42	17	3	0	0	3	7							96
May	21	1	44	59	33	4	1	11	2	0							176
June	4	2	26	9	9	2	0	13	4	0							69
July	0	1	57	11	15	5	0	1	4	0							94
August	3	6	25	4	13	7	1	3	12	0							74
September	1	5	64	51	13	1	0	5	15	0							155
October	1	3	36	36	18	4	4	3	2	0							107
November	5	7	32	20	10	0	1	8	0	0							83
December	7	3	52	47	13	22	2	6	0	0							152
Total	176	28	346	407	162	71	9	57	45	7	0	0	0	0	0	0	1308

Further probing with Magistrates and Community Service Officers in Meru region indicated that direct placements were mainly influenced by 1-day placements which do not provide

humble time to the Probation Officer to conduct social inquiries and present to Law Courts before sentencing. Other Magistrates argued that some reports from Community Service Officers were wanting in quality and hence the reason why some recommendations from Community Service Officers could not be sought and/or taken seriously. This suggests that good quality CSO Officers' pre-sentence reports would lead to greater utilization. Emphasis therefore needs to be put on improving report writing skills of the Community Service Officers.

A sizeable proportion of community members (42.9%) held the perception that some CSO Officers used CSO as a soft landing for some offenders after being compromised by the offenders and/or their friends and relatives. CSO being a community-based sentence relying heavily on the support of the community, Community Service Officers will need to institute interventions to change this perception.

The majority of all sample respondents in the four categories agreed with the assertion that the cost-benefit analysis of CSO over imprisonment of non-serious offenders has encouraged some sentencing officers to utilize CSO. Earlier results had indicated that CSO were utilized adequately because they contributed in saving on tax payers' money which would otherwise have been spent on unproductive short-term prisoners.

The findings of the survey showed that most 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 Probation Officer for CSO when the Magistrate had referred the case for recommendations towards a Probation Order. In fact, majority (63.6%) of the Magistrates and majority (75.9%) of the CSO/Probation Officers agreed with the assertion that most CSO/Probation Officers do not have adequate discretion to provide recommendations for CSO sentences when courts have not referred cases for the same. The interpretation of this finding is that the rigidity of some sentencing officers and the limitation of the discretion of CSO/Probation Officers deny the Criminal Justice System and the community at large the opportunity to 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. Community Service Officers should therefore ensure that CSO work is performed to the expectations of the Order and benefits realized should be quantified, documented and availed to sentencing officers for them to be encouraged to effectively utilize the Orders.

One of the objectives of the CSO is to prevent commission of further crimes/offences through the rehabilitation of placed offenders. 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.

Both the Magistrates and Community Service Officers agreed that the unsatisfactory supervision of CSO supervisees/offenders in work agencies discouraged sentencing officers from issuing CSO. The implication of this finding is that Work Agency Supervisors as key players in the CSO Programme need to be adequately capacity-built with the necessary information and skills and be facilitated to effectively supervise offenders working in their institutions.

Most of the Magistrates and Community Service Officers disagreed with the statement that some CSO Officers were not fully conversant with the provisions and the circumstances under which a CSO sentence could be issued by a court and supervised and therefore did not recommend the order for use by the courts. This finding relates with the finding that most Community Service Officers had served for periods long enough to be able to understand their work.

A key ingredient to satisfactory performance by an employee is positive attitude towards work. The results of the survey established that CSO Officers did not have a generally negative attitude towards the CSO sentence and that was 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.

Previous breach of CSO by some offenders was found to contribute to the under-utilization of CSO. 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 found to discourage the utilization of CSO. Offenders, victims and the community at large need to be sensitized about the Orders and 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 Community Service Officers that CSO Officers had not been adequately trained on issues of CSO supervision (44.8%). Other results indicated that the officers had not been adequately sensitized on issues of CSO supervision (37.9%). Further findings showed that the officers had not been adequately trained and/or sensitized on issues of CSO project supervision and implementation (44.8%). 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

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 successful. The general and overall supervision of CSO offenders is 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.

Findings from majority (93.1%) of Community Service Officer respondents showed that CSO Supervisees reported to CSO offices for supervision and rehabilitation as instructed by the Community Service Officers. The rest (6.9%) of these respondents said that they didn't report as instructed. Majority (99.0%) of the CSO offender respondents reported that they reported to CSO offices as instructed by Community Service Officers for supervision and rehabilitation. These findings were corroborated by 64.3% 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. Of these respondents, 50.0% said offenders reported often while 14.3% said the offenders reported rarely. However, 35.7% of the community member respondents didn't know if offenders reported as instructed.

As part of ensuring compliance, Community Service Officers are required to make regular contacts with supervisees for purposes of supervision and rehabilitation. The survey established (from majority (71.0%) of the CSO offenders who were interviewed) that Community Service Officers contact offenders (with 56.0% being contacted often and 15.0% being contacted rarely). These findings were confirmed by 96.6% of the Community Service Officers who said that they contacted the supervisees often and 3.4% who reported that they contacted the supervisees rarely. The mode of contact included: Home/Work agency visit (75.9%); offender reporting to the Community Service Office (51.7%); through phone calls (41.4%); and information passed through work agency supervisors (13.8%). Only a minority (29.0%) of offenders argued that the officers were not contacting them. According to them, the possible reasons for the officers failing to contact supervisees or for contacting them rarely were because CSO officers were receiving reports about the offenders from work agency supervisors (11.0%), heavy workload (6.0%), missing contact addresses/details (5.0%), poor infrastructure (3.0%) and inadequacy of resources/funds (1.0%). The reasons given by Community Service Officers who did not contact supervisees were inadequacy of

resources/funds (6.9%) and poor infrastructure (3.4%) to reach the supervisees or the supervisee to reach the officer.

Magistrates and Community Service Officers were asked to indicate, generally, how well CSO offenders were supervised in Meru region. The findings in Figure 17 below showed that CSO offenders were generally well supervised.

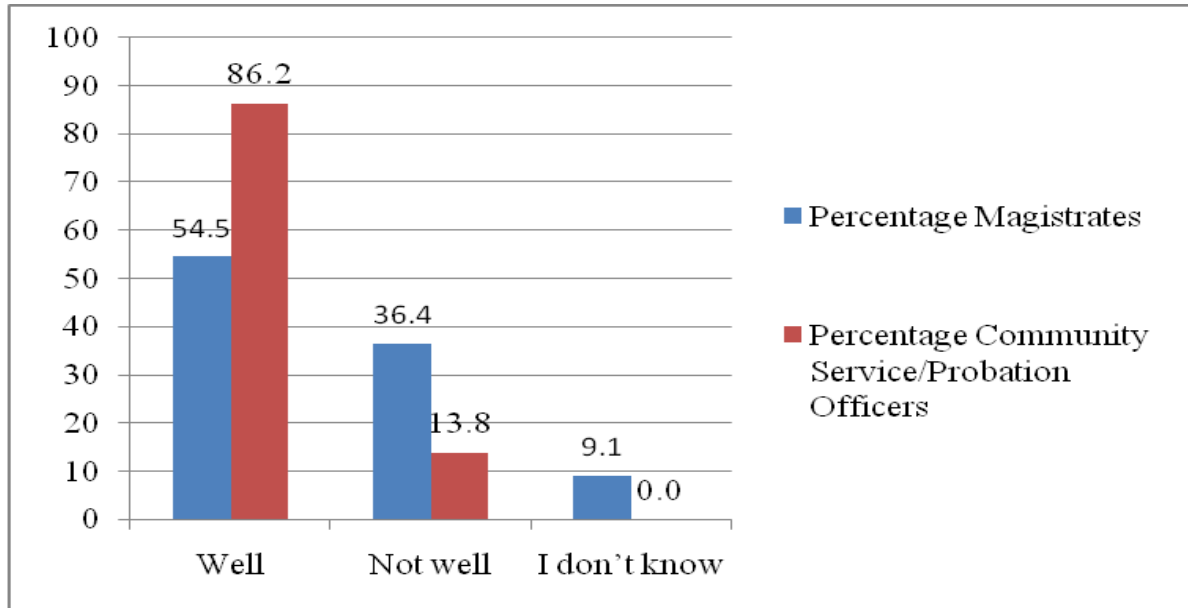


Figure 17 – Responses on how well CSO offenders are supervised

From the findings in the figure above, a larger percentage of Magistrates (36.4%) than Community Service Officers (13.8%) were of the opinion that the offenders were not well supervised. There are a number of possible interpretations of the above findings. As the main supervisors of the CSO Programme, Community Service Officers could have been subjective in rating themselves; the two drivers of the CSO Programme could be using different parameters of gauging quality of the supervision aspect where Magistrates do not take into consideration the role of the third party, that is, the Work Agency Supervisors in the supervision; and Magistrates, Community Service Officers and Work Agency Supervisors could also be having different expectations in the supervision of CSO offenders. These divergent parameters need to be harmonized in joint key stakeholder forums.

The finding on unsatisfactory supervision of CSO offenders was supported by an Officer Commanding Police Division in one of the sub-counties in Meru County who had served in the locality for 2 months as at the time of the interview. The Key Informant argued that:

“Although there are tangible CSO projects such as the afforestation of the government-owned Gikumene Forest by the offenders, CSO offenders are not well supervised to the level I would be adequately satisfied because some do not perform their duties as assigned while some run away and never come back to their work agencies (15/12/2014)”

A County Commissioner in the Meru High Court Administrative Jurisdiction said:

“I am satisfied with compliance because the offenders do complete their sentences but with supervision I am not because it is not well done. You can always see the Supervisees idling or performing very little work when the Supervisors leave them working alone (18/12/2014)”

3.4.1.2 Follow ups, monitoring and evaluation of CSO

A key component of the CSO Programme is follow up, monitoring and evaluation of the CSO by sentencing officers and Community Service Officers.

1. Visits to offenders in work agencies

In Kenya, Magistrates are expected to make periodical visits to offenders in their placement work agencies as part of follow up and monitoring of the CSO Programme. The findings showed that majority (72.7%) of Magistrates visit CSO supervisees in their work agencies and 27.3% do not. Majority (54.5%) of the Magistrates visit rarely and only 18.2% visit supervisees often. Those who do not visit or visit the supervisees rarely was because of a big caseload (18.2%), limited resources (18.2%), time constraints (18.2%) and poor transport and communication infrastructure in the region (9.1%) for example in Tharaka Nithi and Isiolo counties.

All (100.0%) Community Service Officers visit supervisees in their work agencies (65.5% often and 34.5% rarely). The reasons for visiting the supervisees in the work agencies rarely were limited resources (35.5%), a big case load (6.9%), time constraints (6.9%) and poor transport and communication infrastructure (6.9%).

Majority (70.0%) of the Supervisees confirmed that their Community Service Officers visited them in their work agencies often (56.0%) and rarely (14.0%). The probable reasons for not visiting or visiting rarely were given as: limited resources (8.0%), a big caseload (3.0%), time constraints (1.0%) and poor transport and communication infrastructure a big caseload (1.0%).

According to the findings, most (44.9%) community members had never seen sentencing officers visit offenders in their places of CSO work. However, 16.3% said that the officers visited rarely, 10.2% said they visited often and 28.6% did not know whether or not the sentencing officers visited offenders in their places of CSO work. The probable reasons for not visiting or visiting rarely were that: sentencing officers get feedback from CSO Officers (24.5%); heavy workload/busy court schedules (20.4%); lack of interest (6.1%); and limited resources (1.0%).

2. General monitoring and evaluation of the CSO Programme by Courts

Majority (63.6%) of the Magistrates reported that they conducted monitoring and evaluation of the CSO Programme often, 27.3% conducted it rarely and 9.1% never conducted any monitoring and evaluation of the CSO Programme. The reasons for not conducting

monitoring and evaluation or for doing it rarely were heavy workload/busy court schedules (18.2%) and because they had left the Community Service Officers to do (18.2%).

According to majority (55.2%) of the Community Service Officers, courts conducted monitoring and evaluation of the CSO Programme rarely. However, 41.4% said courts did it often and the rest (3.4%) said that courts never conducted monitoring and evaluation of the CSO Programme. The likely reasons for not conducting monitoring and evaluation or for doing it rarely were heavy workload/busy court schedules (5.2%), lack of interest (13.8%), poor coordination among stakeholders (10.3%), limited resources (10.3%) and because they had left the Community Service Officers to do (6.9%).

CSO Supervisees were also asked how often courts conducted monitoring and evaluation of their CSO sentences. Most (47.0%) of these respondents said that courts never conducted monitoring and evaluation of their CSO sentences, 25.0% said that courts did it often, 6.0% said courts did it rarely and 22.0% did not know whether or not courts conducted monitoring and evaluation of their CSO sentences.

3. Contacts between CSO Officers, the Community and Work Agency Supervisors

Findings from the study showed that most (36.7%) community member respondents did not know whether or not Community Service Officers contacted members of the community to find out how CSO offenders were performing their work and fairing in their rehabilitation, 35.7% said the officers contacted community members and 27.6% said the officers did not contact community members.

According to most (44.9%) community member respondents, community members don't take interest in knowing whether or not CSO offenders comply with the requirements of CSO sentences. However, according to 41.8% of these respondents, community members take an interest. The rest of the respondents did not know whether or not community members take interest in knowing whether or not CSO offenders comply with the requirements of CSO sentences. The explanations for the answers were: community members follow up to find out if supervisees have complied with the sentence (33.7%); community members are not concerned (31.6%); community members find it difficult to distinguish CSO supervisees from other workers in the Work Agency (10.2%); and work agency supervisors ensure supervisees carry out the work assigned (5.1%).

The survey established that 96.6% of the Community Service Officers contacted CSO Work Agency Supervisors often to find out how placed offenders were performing their CSO work. However, 3.4% contacted the Supervisors rarely. The modes of contact were: phone calls (93.1%), Work Agency visits/meetings (89.7%) and official letters (10.3%). The reasons for contacting the Supervisors rarely were: limited resources (10.3%), time constraints (3.4%) and poor transport and communication infrastructure (3.4%).

According to 66.0% of the CSO Offenders who were interviewed, their Community Service Officers contacted Work Agency Supervisors often to find out how they (offenders) were

performing their CSO work. However, 5.0% said they contacted Agency Supervisors rarely, 5.0% said they never contacted and 24.0% did not know whether or not their officers contacted the Agency Supervisors. The modes of contact were Work Agency visits/meetings (42.0%), phone calls (39.0%) and official letters (1.0%). The likely reasons given for the officers not contacting or for contacting the Agency Supervisors rarely were that: the offenders return dully signed work schedule to Community Service Officers (2.0%); poor transport and communication infrastructure (2.0%); heavy workload (1.0%); and missing contacts of Supervisors (1.0%).

With regard to Work Agency Supervisors contacting Community Service Officers to inform the latter how Supervisees were performing their CSO work, 69.0% of the interviewed Community Service Officers said they were contacted often while the rest were contacted rarely. The modes of contact were phone calls (89.7%), Supervisor's visit to CSO Office (86.2%) and official letters (13.8%). The likely reasons given for the Supervisors not contacting or for contacting the Community Service Officers rarely were: limited resources (10.3%); reluctance and/or negative attitude by some Supervisors (10.3%); some CSO Supervisors not understanding the CSO Programme (10.3%); poor transport and communication infrastructure (6.9%); and some Supervisors not knowing where CSO offices are located (3.4%).

When CSO Supervisees were asked to indicate how often Work Agency Supervisors contacted their (Supervisees) Community Service Officers to inform them how they (Supervisees) were performing their CSO work, 54.0% said they contacted often, 6.0% said rarely, 5.0% said they never contacted and 35.0% said they did not know whether or not the Work Agency Supervisors contacted their Community Service Officers. For those who made contacts, the modes of contact were phone calls (38.0%), Supervisor's visit to CSO Office (19.0%) and official letters (2.0%). The likely reasons given for the Supervisors not contacting or for contacting the Community Service Officers rarely were: compliance by CSO offenders and hence little need to contact the officers (6.0%); reluctance and/or negative attitude by some Supervisors (1.0%); and some CSO Supervisors not understanding the CSO Programme (1.0%).

The above findings on follow ups, monitoring and evaluation highlight a number of key issues. First, the interpretation of what monitoring and evaluation is among the players (Courts, Community Service Orders Officers, Work Agency Supervisors, CSO Supervisees and the community) appears different. Secondly, CSO offenders and the community 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. Third, 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. Fourth, heavy workload/busy court schedules among both sentencing officers and Community Service 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, monitoring and evaluation of the CSO Programme.

3.4.2 Satisfaction with level of compliance with CSO

The findings captured in Figure 18 below showed that majority (72.7%) of the Magistrates and majority (55.2%) of the Community Service Officers were generally satisfied with the level of compliance with Community Service Orders by supervisees in the Meru region. Asked to explain why they were satisfied with the level of compliance with the Orders, low level of absconding among the CSO Supervisees was cited by 63.6% of the Magistrates and 41.4% of the Community Service Officers while strict supervision by CSO Officers was cited by 27.3% of the Magistrates and 6.9% of the Community Service Officers as the main reasons for satisfaction.

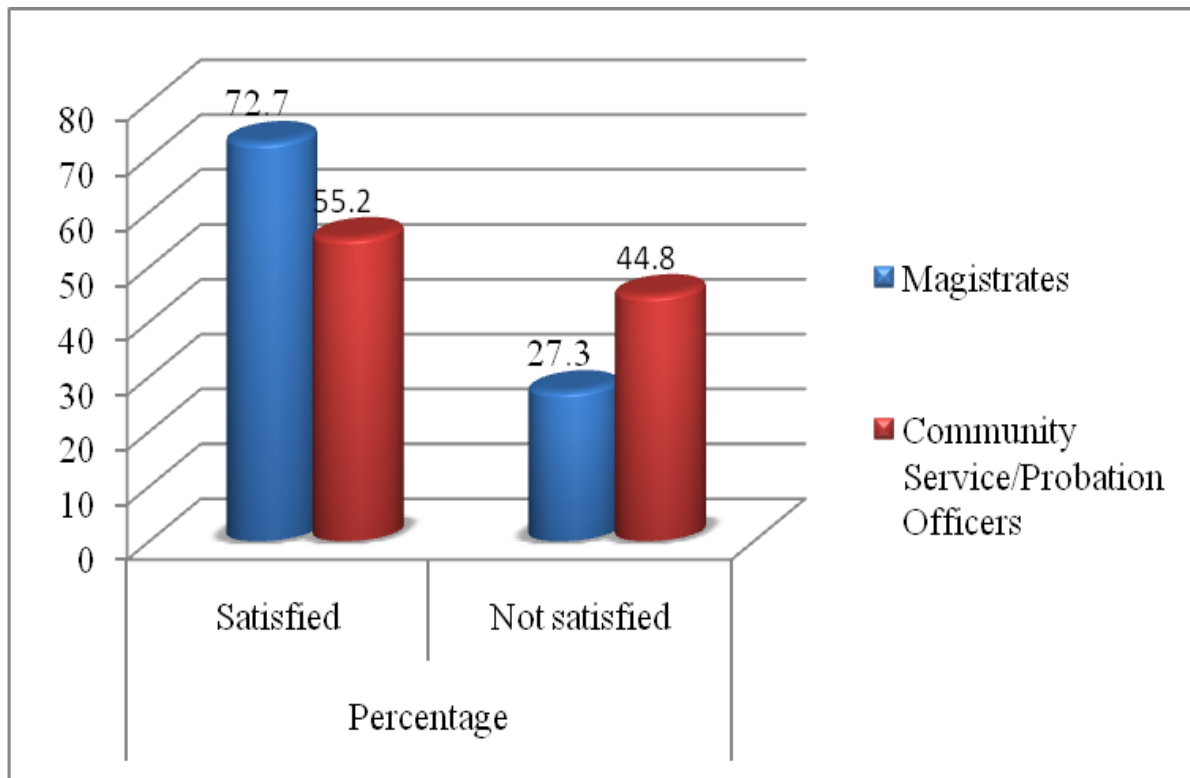


Figure 18 – Satisfaction with level of compliance with CSO

As indicated in the Figure above, a relatively large proportion of Community Service Officers (44.8%) was not satisfied with the level of compliance again citing high levels of absconding as the main reason for their being unsatisfied. These findings highlight the need to address issues mainly within the Community Service Orders Department which affect compliance with the Orders.

Community member and CSO Supervisee respondents were also asked to indicate if most CSO Supervisees complied with the Orders. Majority of the community members (70.4%) and the CSO Offender (92.0%) said that CSO offenders complied with the Orders. The respondents mainly cited low levels of absconding as the main reason for their answer. However, 29.6% of the community member and 6.0% of CSO offender respondents said the

Orders were not complied with and mainly cited high levels of absconding as the main reason for their answer. Only 2.0% of the CSO offender respondents did not know whether or not the Orders were complied with.

A Police Officer of 24 years of service and 2 years stay in Tharaka North Sub-county of Tharaka Nithi County confirmed the finding that the level of compliance with CSO was satisfactory. The officer observed:

“I am very satisfied with the level of compliance, 90% of offenders have completed and complied with their sentence except one breach where a warrant of arrest was issued, executed and the Order revoked to a custodial sentence (9/12/2014)”

3.4.3 Rate of successful completion of CSO sentences

As a further measure of compliance, Magistrates and Community Service Officers were asked to estimate the rate of successful completion by offenders of the CSO sentences in the Meru region. As shown in Table 3.26 below, successful completions were estimated at 50% and above of the placements. This was reported by 81.9% of the Magistrates and 82.7% of the Community Service Officers.

Table 3.26 Estimated rate of successful completion of CSO sentences

Rate of successful completion	Frequency and Percentage	
	Magistrates	Community Service/Probation Officers
Below 24%	1 (9.1%)	0 (0.0%)
25-49%	1 (9.1%)	5 (17.2%)
50-74%	5 (45.5%)	17 (58.6%)
75%+	4 (36.4%)	7 (24.1%)
Total	11 (100.0%)	29 (100.0%)

The survey collected data on actual successful completions of CSO sentences in the Meru and Kisii regions as shown in Table 3.27 below. From the analysis of the above actual successful CSO sentence completions and actual placements between 1st January, 2012 and 31st December, 2014 in Meru region, the crude actual estimated rate of compliance with CSO Sentences was 81.5% (that is, the percentage of 6868 successful completions against 8424 placements). This crude actual estimated rate of compliance was in consonance with perceptions of the majority (81.9%) of the Magistrates and the majority (82.7%) of the Community Service Officers who had estimated the successful completions at 50% and above of the placements.

Table 3.27 Actual successful CSO completions in Meru and Kisii regions for placements made between 01/01/2012 and 31/12/2014

Region	Year	Number of CS Orders completed successfully by gender and length of sentence																Total
		1 Day		2-7 Days		8-30 days		More than 1 month up to 3 months		More than 3 months up to 6 months		More than 6 months up to 12 months		More than 1 year up to 2 years		More than 2 years up to 3 years		
		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Meru	2012	1091	143	92	28	340	67	222	100	291	166	119	79	16	2	0	0	2756
	2013	651	114	99	25	270	72	200	97	250	89	125	31	39	6	0	0	2068
	2014	870	183	103	53	290	48	108	58	150	81	60	40	0	0	0	0	2044
	Total	2612	440	294	106	900	187	530	255	691	336	304	150	55	8	0	0	6868
Kisii	2012	334	90	68	35	166	41	185	80	69	18	55	10	16	0	3	1	1171
	2013	203	42	12	6	70	30	263	109	46	32	26	18	1	0	0	0	858
	2014	181	40	32	3	218	74	188	121	35	51	3	0	0	0	0	0	946
	Total	718	172	112	44	454	145	636	310	150	101	84	28	17	0	3	1	2975

From the analysis of actual successful CSO sentence completions and actual placements between 1st January, 2012 and 31st December, 2014 in Kisii region, the crude actual estimated rate of compliance with CSO sentences was 87.1% (that is, the percentage of 2975 successful completions against 3416 placements). Tables 3.28 and 3.29 below capture the actual monthly successful CSO sentence completions in Meru and Kisii regions respectively in year 2014.

Table 3.28 Year 2014 actual monthly successful CSO completions in Meru region

Month	Number of CS Orders completed successfully by gender and length of sentence																Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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Table 3.29 Year 2014 actual monthly successful CSO completions in Kisii region

Month	Number of CS Orders completed successfully by gender and length of sentence																Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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3.4.4 Factors influencing compliance with CSO sentences

Failure to secure participation and/or involvement of the significant others 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 others.

According to 89.7% of the Community Service Officers who were interviewed, most offenders were in most cases before sentencing given the freedom to participate in deciding whether or not to benefit with CSO sentences. These sentiments were confirmed by 61.0% of the CSO Supervisees who reported that they were given the freedom to participate in deciding whether or not to benefit with CSO sentences. Figure 19 below presents these findings.

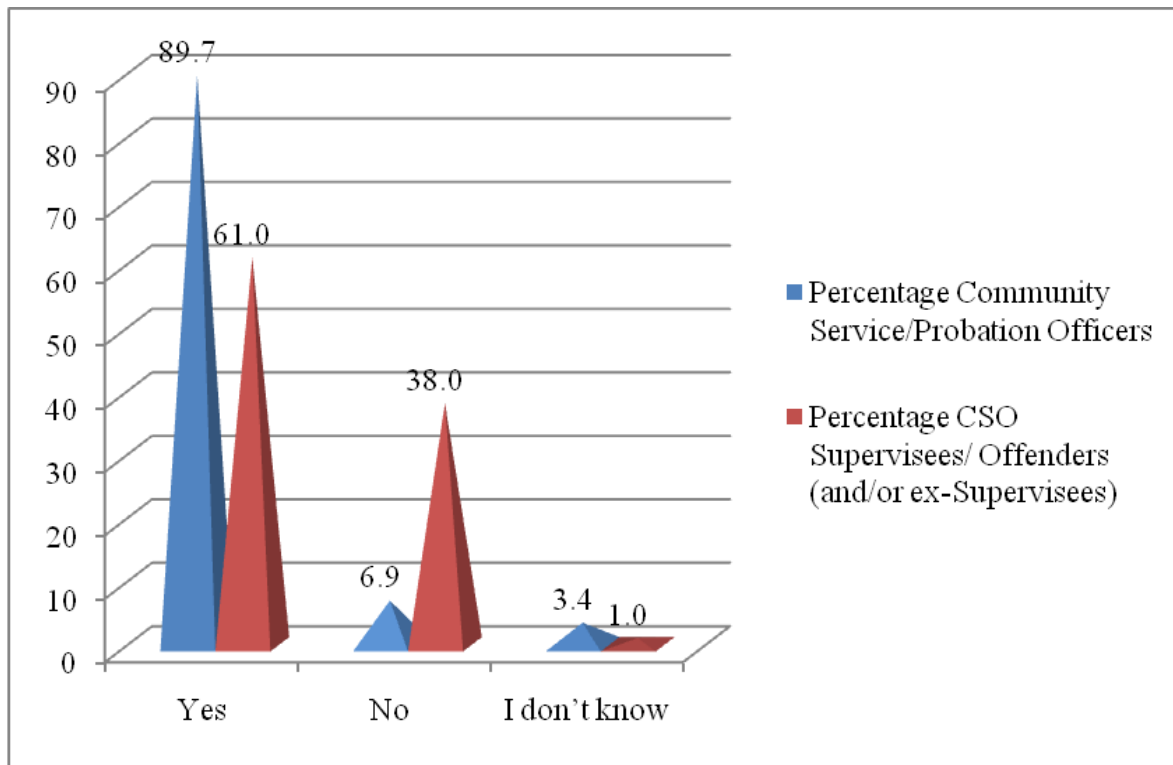


Figure 19 – Offenders’ participation in deciding their CSO sentences

The above findings illustrate that the CSO sentence is participatory and respects the rights of the offender to participate in decisions affecting his/her.

The explanations given by Community Service Officers to indicate that offenders were given freedom to participate in deciding on whether or not to benefit with CSO sentences were: offenders are asked if they are willing to undertake the CSO sentence (65.5%); and offenders are informed/ enlightened on what CSO entails (41.4%). The explanation to indicate that offenders were not given the freedom to decide on their sentence was that the CSO sentence is determined by CSO Officers or Courts (10.3%). With regard to the CSO Supervisees, 60.0% said that they were asked if they were willing to undertake the CSO sentence and 4.0% said that they were informed/ enlightened on what CSO entails as ways of involving them in deciding about their sentences. However, among those who said they were not given the opportunity to decide, 31.0% said that the CSO sentence was determined by CSO Officers or Courts without any input from them into the decision. 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.

The study also 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 compliance of the offender with the Order. According to 86.2% of the Community Service Officers, before sentencing, relatives of offenders are given the opportunity to participate in deciding whether or not the offender

benefits with a CSO sentence. However, 74.0% of the CSO Supervisees said that their relatives were not given the opportunity. Figure 20 below captures these results.

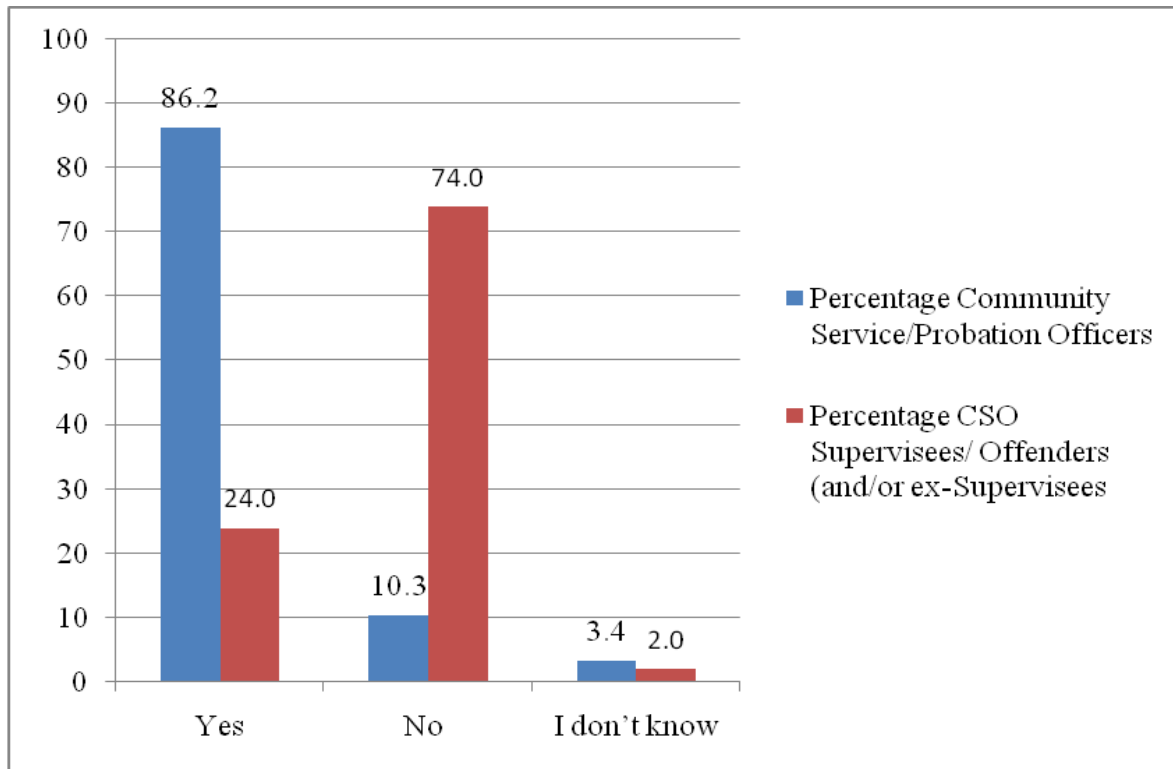


Figure 20 – CSO Offenders’ relatives’ participation in deciding the offender’s sentence

The disparity between responses of the Community Service Officers and the CSO Supervisees are explained by the fact that details of social inquiries conducted by the officers with 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 against the offender and if he/she gets to know 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).

Community Service Officers who said that relatives of offenders participate in decisions of sentencing argued that a social enquiry is conducted involving the relatives to determine the suitability of the offender for the CSO sentence (86.2%). However, those who said that relatives are not given the opportunity to participate argued that due to time limit, relatives are not involved (10.3%). CSO Supervisees who said that relatives of offenders do not participate in decisions of sentencing argued that the sentence is determined by the CSO Officer without involving the relatives (61.0%) and due to time limit, relatives are not involved (3.0%). Those who said that their relatives are given the opportunity to participate in the decisions of sentencing the offender argued that a social enquiry is conducted involving the relatives to determine the suitability of the offender for the sentence (25.0%).

Victim impact statements are mandatory during preparation of a pre-sentencing report on an offender. Members of the community were therefore asked to indicate if relatives of a victim

are given the opportunity to participate in deciding whether or not an offender could benefit with a CSO sentence. According to most (41.8%) community members, relatives of victims are given the opportunity to participate. However, 30.6% said that the relatives of victims are not given the opportunity to participate and the rest did not know whether or not relatives of victims are given the opportunity to participate. The explanation to indicate that relatives of victims are given the opportunity to participate was that the relatives of the victim were involved to determine suitability of offender to undertake CSO (35.7%). However, among those who said that relatives of victims were not given the opportunity to participate, 23.5% said that the CSO sentence was determined by CSO Officers or Courts and due to time limit, relatives are not involved (6.1%).

Although the decision of community members with regard to sentencing of a particular offender is not binding to courts, it is normal 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 report. Participation of the local community in CSO sentencing was therefore examined. According to findings presented in Figure 21 below, majority (82.8%) of Community Service Officers 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, majority (64.0%) of CSO Supervisees and most (40.8%) community member respondents reported that the local community was not given the opportunity to participate in the decisions.

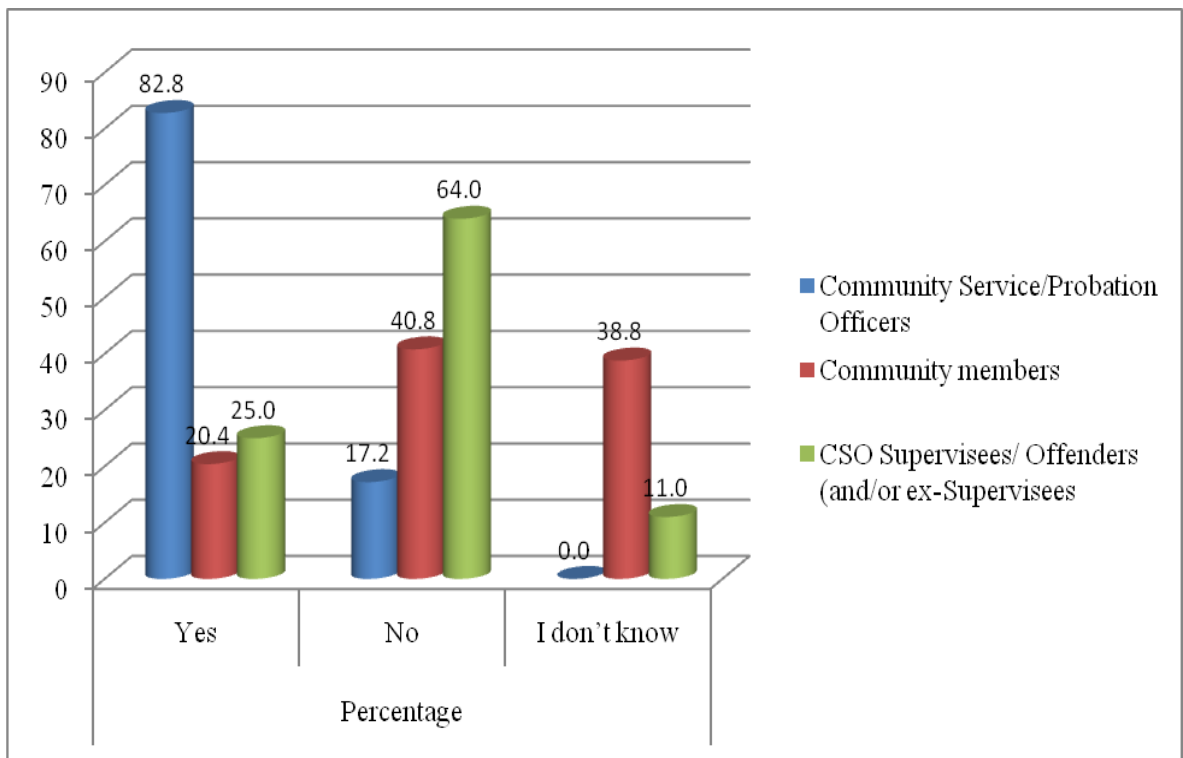


Figure 21 - Local community's participation in deciding the offender's CSO sentence

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

The explanations for the answers given by Community Service Officers, community members and CSO Supervisees on if the local community is given the opportunity to participate in deciding whether or not an offender could benefit with a CSO sentence are as presented in Table 3.30 below.

Table 3.30 Explanations on community participation in offender's sentencing

Response category	Explanation	Frequency and Percentage		
		Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Yes	Community through community leaders are involved in giving their opinions	24 (82.8%)	14 (14.3%)	16 (16.0%)
	Local administrators are consulted and asked to give recommendation	4 (13.8%)	9 (9.2%)	9 (9.0%)
No	The ruling is a preserve of the Magistrate	0 (0.0%)	32 (32.7%)	0 (0.0%)
	CSO sentence is determined by the CSO Officer or Court.	0 (0.0%)	0 (0.0%)	58 (58.0%)

The findings of this study 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; a clear understanding and attitude of the offender towards CSO; and offender's proximity and accessibility to CSO work area from his/her residence. Table 3.31 below provides details of the factors.

Table 3.31 Factors influencing compliance with CSO sentences

Factors	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Level of supervision by CSO Officers	6 (54.5%)	16 (55.2%)	24 (24.5%)	17 (17.0%)
Fear of incarceration for breach of CSO	3 (27.3%)	6 (20.7%)	52 (53.1%)	61 (61.0%)
Clear understanding and attitude of offender towards CSO	2 (18.2%)	4 (13.8%)	12 (12.2%)	12 (12.0%)
Offender's proximity and	2 (18.2%)	1 (3.4%)	2 (2.0%)	1 (1.0%)

Factors	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
accessibility to CSO work area from his/her residence				
Benefits the offender gets from CSO	1 (9.1%)	1 (3.4%)	8 (8.2%)	12 (12.0%)
Use of local administration and community in supervision of offenders	0 (0.0%)	3 (10.3%)	4 (4.1%)	1 (1.0%)
Nature of work given	1 (9.1%)	1 (3.4%)	2 (2.0%)	2 (2.0%)
Community support	0 (0.0%)	2 (6.9%)	5 (5.1%)	8 (8.0%)
Facilitation of CSO Officers	0 (0.0%)	2 (6.9%)	1 (1.0%)	0 (0.0%)

The above factors were echoed by a Work Agency Supervisor at the Locational Police Post in Kirendene Location of Imenti South Sub-county, Meru County who argued that:

“CSO Supervisees would many a times comply with the Order for fear of revocation of the Order and being granted a custodial sentence (19/12/2014)”

A Work Agency Supervisor at Nkubu High School had this to say of factors influencing compliance with CSO sentences:

“Personal dedication and a positive attitude to perform a CSO sentence, humane supervision, work socialization and the possibility to seek and find paid employment may influence compliance with the Order (11/12/2014)”

A participant in a Focus Group Discussion observed the following on factors influencing compliance with CSO sentences:

“There are several factors influencing compliance: the sentence is conceived as light compared to imprisonment; the distance and proximity of work station to their homes is favourable and therefore offenders can do their other work; the short time of working of two hours in a day are motivating; the fear of re-arrest and imprisonment which is harsher; community policing that makes tracing absconder offenders easy; depends on who the Supervisor is- those who are strict make sure offenders comply; and corruption which may lead to compromise” (Participant in a Focus Group Discussion for members of public held at Meru South (Chuka) Probation Office; 16th December, 2014).

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 general perceptions of Community Service Officers, community members and CSO offenders on key aspects of compliance with CSO. Table 3.32 below captures these perceptions as indicated by the responses to relevant statements on the CSO Programme.

Table 3.32 General Perceptions on Key Aspects of Compliance with CSO

Statement	Responses in Percentages								
	Agree			Disagree			I don't know		
	Community Service/ Probation Officers	Community members	CSO Supervisees/Offenders (and/or ex-Supervisees)	Community Service/ Probation Officers	Community members	CSO Supervisees/Offenders (and/or ex-Supervisees)	Community Service/ Probation Officers	Community members	CSO Supervisees/Offenders (and/or ex-Supervisees)
CSO Offenders with a negative opinion about the sentence are likely to breach the order.	100.0	70.4	47.0	0.0	29.6	48.0	0.0	0.0	5.0
Offenders who corrupt sentencing officers to get CSO sentences are likely to breach the order.	93.1	70.4	48.0	3.4	26.5	40.0	3.4	3.1	12.0
Offenders who corrupt CSO Officers to get CSO sentences are likely to breach the order.	89.7	69.4	47.0	6.9	25.5	42.0	3.4	5.1	11.0
CSO Work agency supervisors who are corrupted by CSO offenders facilitate breach of the order.	100.0	78.6	60.0	0.0	20.4	35.0	0.0	1.0	5.0

Statement	Responses in Percentages								
	Agree			Disagree			I don't know		
	Community Service/ Probation Officers	Community members	CSO Supervisees/Offenders (and/or ex-Supervisees)	Community Service/ Probation Officers	Community members	CSO Supervisees/Offenders (and/or ex-Supervisees)	Community Service/ Probation Officers	Community members	CSO Supervisees/Offenders (and/or ex-Supervisees)
Direct placement of offenders by courts to CSO supervision contributes to non-compliance with the orders.	86.2	24.5	13.0	10.3	64.3	78.0	3.4	11.2	9.0
Tribalism, nepotism and favouratism within the sentencing agencies contribute to non-compliance of offenders with the orders.	62.1	54.1	24.0	27.6	40.8	61.0	10.3	5.1	15.0
Tribalism, nepotism and favouratism within the offender rehabilitation and supervising agencies contribute to non-compliance of offenders with the orders.	62.1	57.1	25.0	27.6	39.8	61.0	10.3	3.1	14.0
Lack of CSO offender's family support to CSO/Probation Officers during the offender's rehabilitation and supervision contributes to breach of the order.	82.8	51.0	45.0	6.9	46.9	51.0	10.3	2.0	4.0
Lack of support to CSO/Probation Officers from the local community during offenders' rehabilitation and supervision contributes to breach of CSO.	86.2	48.0	30.0	6.9	48.0	66.0	6.9	4.1	4.0
Lack of support to CSO/Probation Officers from the direct victims of offences during offenders' rehabilitation and supervision contributes to breach of CSO.	62.1	39.8	29.0	31.0	56.1	67.0	6.9	4.1	4.0
Lack of support to employed CSO offenders from their employers contributes to breach of CSO.	82.8	65.3	62.0	6.9	31.6	33.0	10.3	3.1	5.0
Most supervisors in work agencies have not been trained and/or sensitized on supervision of CSO and the offenders.	93.1	49.0	26.0	6.9	27.6	44.0	0.0	23.5	30.0
Most economically unstable CSO offenders are likely to abscond their sentences to look for livelihoods.	86.2	66.3	50.0	13.8	31.6	44.0	0.0	2.0	6.0

The above findings highlight a number of pertinent issues and are also related with other findings of this study. Most respondents in the three categories agreed with most of the

statements thus implying that most of the issues the respondents agreed with were important and needed to be considered by all players if compliance with CSO sentences was to be secured.

Although this study did not attempt to establish the extent of corruption in the CSO Programme, the findings indicated that corruption among offenders, sentencing officers, Community Service Officers and Work Agency Supervisors was likely to contribute to breach of Community Service Orders. Measures are therefore needed to stamp out and/or prevent incidents of corruption in the CSO Programme for example by warning that any attempts to bribe a Supervisor would be treated to be a breach of the Order. Training and sensitization of relevant players on corruption prevention in the CSO Programme could improve on compliance with CSO.

Majority of the 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 interviewed CSO Supervisees believed that tribalism, nepotism and favouritism within the sentencing and offender rehabilitation and supervision agencies was not an important factor contributing to non-compliance of offenders with the orders. This could be explained by the fact that most offenders were unlikely to be close acquaintances and/or associates of sentencing and rehabilitation officers.

The findings showed that most (51.0%) of the CSO Supervisees did not agree 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. These findings reinforced other findings which were reported by 74.0% of the CSO Supervisees who had said that their relatives were not given the opportunity to participate in deciding whether or not the offender could benefit with a CSO sentence.

Although majority (62.1%) of the Community Service Officers 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 majority of community members (56.1%) and CSO Supervisees (67.0%) did not agree with the statement. This indicated that community members and offenders were not yet fully aware of the role of victims at the offender's rehabilitation and supervision stage. 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 consonance 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 (93.1%) of Community Service Officers agreed that with 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 in turn contributes 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

According to findings of the study, majority of the Magistrates (54.5%) and Community Service Officers (67.0%) thought that the public in the Meru High Court Administrative Jurisdiction generally supports Community Service Orders. However, the rest of the Magistrates (45.5%) and Community Service Officers (33.0%) thought that the public does not support CSO.

With regard to public attitude towards the Community Service Orders, 63.6% of the Magistrates, 65.5% of the Community Service Officers, 56.1% of the community members and 74.0% of the CSO Supervisees who were interviewed argued that the public attitude was favourable. These results are captured in Figure 22 below.

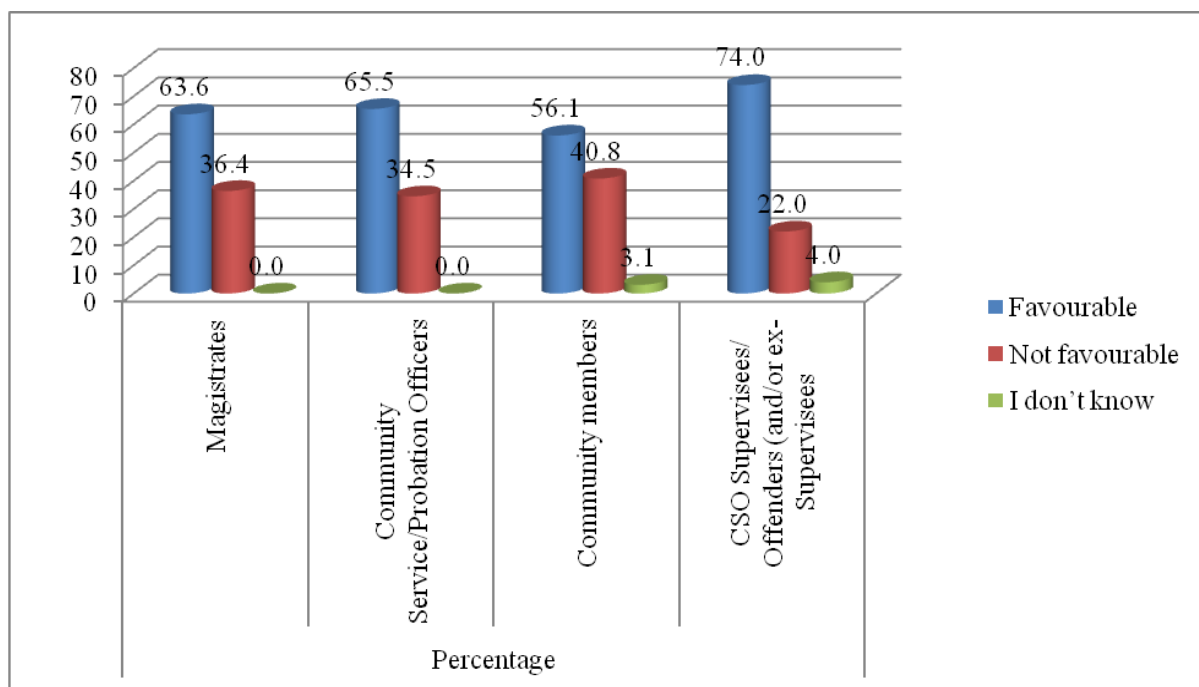


Figure 22- Responses on public attitude towards CSO

The position of sample respondents on public attitude is clearly illustrated with the words of one respondent who had this to say:

“While the CSO Programme has been utilized by the Law Courts in this area and it is of good assistance to institutions, it has not been very successful because of poor supervision and lack of education and understanding on CSO sentences especially by members of public. The CSO sentence and Programme is often seen as pro-offender, lenient to offender and unfair to the victim because work given is not commensurate to the offence done. If well structured and managed, it is a good alternative to custodial sentences and may have positive benefits to the community”
(Participant in a Focus Group Discussion for members of public held at Meru South (Chuka) Probation Office; 16th December, 2014).

The interpretation of the findings is that the failure of the local community to participate in deciding whether or not an offender could benefit with a CSO sentence does not translate to total lack of support of the Programme or even unfavourable public attitude towards the sentence. The above findings relate with findings which indicated that the public generally supports Community Service Orders. The implication of these findings is that the CSO Programme is sustainable in the region because of the existing public support and favourable public attitude.

3.5.2 Factors influencing public attitude towards CSO

The study examined the factors contributing to the favourable public attitude. According to the findings presented in Table 3.33 below (and which were obtained from multiple responses in an open-ended question), community sensitization on the CSO Programme leading to its support, offender’s opportunity to avoid suffering in prison, the offender’s opportunity to continue with other activities in life (for example, economic) and enhanced reconciliation between the offender and the victim were some of the key factors which had influenced favourable public attitude.

Table 3.33 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 (and/or ex-Supervisees)
Community sensitization on the CSO Programme	1 (9.1%)	8 (27.6%)	11 (11.2%)	12 (12.0%)
Offender’s opportunity to avoid suffering in prison	3 (27.3%)	2 (6.9%)	8 (8.2%)	24 (24.0%)
Opportunity to maintain	0 (0.0%)	4 (13.8%)		21 (21.0%)

Factors contributing to favourable public attitude	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
family unity			13 (13.3%)	
Offender's opportunity to continue with other activities in life (e.g, economic)	1 (9.1%)	5 (17.2%)	9 (9.2%)	10 (10.0%)
Enhanced reconciliation between offender and victim	1 (9.1%)	5 (17.2%)	3 (3.1%)	2 (2.0%)
Unpaid (free) CSO labour			8 (8.2%)	12 (12.0%)
Skills transfer	1 (9.1%)	3 (10.3%)	1 (1.0%)	1 (1.0%)
Enhanced rehabilitation of offenders	0 (0.0%)	0 (0.0%)	9 (9.2%)	0 (0.0%)
Compliance by most offenders	0 (0.0%)	0 (0.0%)	5 (5.1%)	0 (0.0%)

Some Key Informants confirmed that public attitude towards CSO sentences was favourable because of a number of factors. For instance, an Officer Commanding Station (OCS) in one of the Police Stations in Isiolo East Sub-County in Isiolo County who had 30 years of service in the National Police Service and had been in the locality for 2 months reported and said:

“The community supports the CSO Programme in this locality. The attitude of the public is positive and favourable because the service being rendered by CSO offenders is appreciated, they save the government money as well as giving the offender the opportunity to rectify and serve their sentences outside custody (15/12/2014)”

A Work Agency Supervisor at the Kenya Forest Service in Isiolo observed during an interview:

“The public attitude towards CSO is favourable because the community benefits from the services rendered by the Supervisees. Community members also get cheap seedlings (worked on by the offenders) when they come to buy from the department and sometimes we give free seedlings to schools (16/12/2014)”

The factors contributing to favourable public attitude need to be enhanced so that the CSO Programme gains increased favour and support from the public.

Sample respondents gave multiple responses which indicated that there were a number of factors contributing to unfavourable public attitude towards CSO. The results are indicated in Table 3.34 below.

Table 3.34 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 (and/or ex-Supervisees)
Notion of CSO as a lenient form of punishment	4 (36.4%)	7 (24.1%)	20 (20.4%)	11 (11.0%)
Inadequate sensitization about CSO sentence	1 (9.1%)	4 (13.8%)	4 (4.1%)	8 (8.0%)
High rates absconding	0 (0.0%)	3 (10.3%)	6 (6.1%)	1 (1.0%)
High rates of reoffending	0 (0.0%)	2 (6.9%)	8 (8.2%)	2 (2.0%)
Offender's bad reputation in the community	0 (0.0%)	0 (0.0%)	1 (1.0%)	2 (2.0%)
Corruption in CSO	0 (0.0%)	0 (0.0%)	1 (1.0%)	0 (0.0%)

According to a few Key Informants, some members of public have negative attitude towards CSO due to their cultural orientation. For instance, a Work Agency Supervisor at the Isiolo Law Courts reported that:

“Most of the communities who stay in Isiolo are nomadic and they like idling and don't like doing manual work saying that it is for the under-privileged in society. Their attitude towards manual CSO work is mostly unfavourable and lukewarm arguing that it is a shameful punishment for poor people from other tribes who cannot afford to pay fines. They normally prefer fines to CSO sentences (15/12/2014)”

The above findings emphasize the need to sensitize the public that CSO should not be viewed in light of punishment only because there are many benefits deriving from the sentence. Factors such as inadequate sensitization about CSO sentence, high rates absconding, high rates of reoffending and corruption in the CSO sentence need to be addressed.

3.5.3 Actions needed to achieve enhanced positive public attitude towards CSO

Respondents were asked to indicate what needed to be done to achieve an enhanced positive public attitude towards the CSO sentence in the region. Some of the key actions listed included: undertaking increased public awareness and sensitization on the CSO Programme; offering training to new and existing stakeholders; allocation of adequate resources to the

CSO Programme; close and strict supervision of CSO offenders; and initiation of tangible projects through the CSO Programme. Table 3.35 below captures this information.

Table 3.35 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 (and/or ex-Supervisees)
Undertaking increased public awareness and sensitization on the CSO Programme	8 (72.7%)	25 (86.2%)	58 (59.2%)	59 (59.0%)
Offering training to new and existing stakeholders	2 (18.2%)	6 (20.7%)	6 (6.1%)	3 (3.0%)
Allocation of adequate resources to CSO Programme	1 (9.1%)	6 (20.7%)	0 (0.0%)	2 (2.0%)
Close and strict supervision of CSO offenders	0 (0.0%)	5 (17.2%)	13 (13.3%)	7 (7.0%)
Initiation of tangible projects through CSO Programme	0 (0.0%)	5 (17.2%)	6 (6.1%)	6 (6.0%)
Encouraging reconciliation and reintegration	1 (9.1%)	2 (6.9%)	7 (7.1%)	10 (10.0%)
Encouraging integrity among stakeholders	0 (0.0%)	2 (6.9%)	7 (7.1%)	5 (5.0%)
Integrating CSO Programme into education curriculum	0 (0.0%)	1 (3.4%)	0 (0.0%)	0 (0.0%)

The above findings were supplemented by one of the Work Agency Supervisors at the Department of Social Services in Meru South Sub-County in Tharaka Nithi County who observed that:

“The public attitude towards CSO in this locality is generally positive. However, to achieve an enhanced positive public attitude, there is need to: continuously involve the public in the CSO Programme; undertake advocacy; strengthen community policing; practice zero tolerance to corruption in CSO; and to undertake media publicity of successful CSO projects (18/12/2014)”

The implication of the above findings is that deliberate efforts are needed to achieve enhanced positive public attitude towards CSO by addressing the listed key actions with special focus on undertaking increased public awareness and sensitization on the CSO Programme.

3.6 Effectiveness of CSO Sentences

3.6.1 General Effectiveness of CSO sentences

This study sought to establish the general effectiveness of CSO sentences in the Meru High Court Administrative Jurisdiction. As indicated in Figure 23 below, CSO sentences were generally effective.

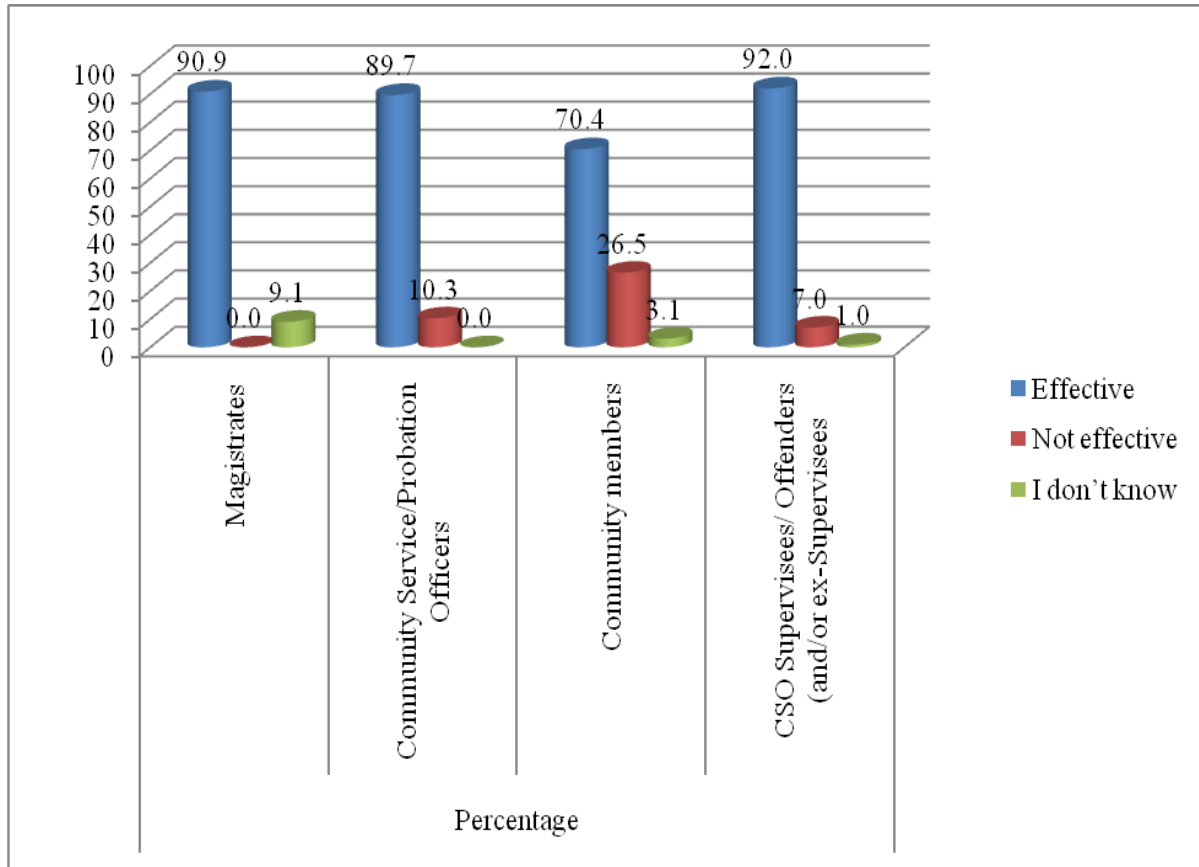


Figure 23 – Responses on general effectiveness of CSO sentences

Magistrates who reported that CSO sentences were effective argued that most offenders served their sentences successfully and they reformed based on the limited number of those re-arrested and prosecuted for consequent offences. They also argued that there were cost savings in public institutions utilizing the free CSO labour. However, the few Magistrates who reported that CSO sentences were generally not effective argued that there was re-offending among once placed CSO offenders.

From the findings in Figure 23 above, there were more respondents in the community members' category than in the other three categories of respondents who thought that CSO sentences were not effective. These findings relate with earlier findings where more respondents from the community members' category than in the other categories had indicated that CSO sentences were not beneficial.

3.6.2 Perceptions on effectiveness and strengths of CSO sentences

3.6.2.1 Perceptions on effectiveness of specific aspects of CSO sentences

Community Service Officers, community members and CSO Supervisees were asked to rate the general effectiveness of specific aspects of CSO sentences. From the findings presented in Table 3.36 below, most respondents in all the categories perceived CSO sentences to be generally effective in most of the aspects.

Table 3.36 Perceptions on effectiveness of specific aspects of CSO sentences

Aspect	Responses in Percentages								
	Effective			Not effective			I don't know		
	Community Service/ Probation Officers	Community members	CSO Supervisees/ (and/or ex-Supervisees)	Community Service/ Probation Officers	Community members	CSO Supervisees/ (and/or ex-Supervisees)	Community Service/ Probation Officers	Community members	CSO Supervisees/ (and/or ex-Supervisees)
Rehabilitation of non-serious offenders within the community	89.7	72.4	96.0	10.3	25.5	4.0	0.0	2.0	0.0
Individual offender paying back (reparation) for the injury done to the community	86.2	50.0	66.0	13.8	46.9	31.0	0.0	3.1	3.0
Decongestion of prisons of non-serious and first offenders	96.6	92.9	95.0	3.4	6.1	2.0	0.0	1.0	3.0
Saving tax payers money	96.6	72.4	64.0	3.4	23.5	19.0	0.0	4.1	17.0
Avoiding contamination of non-serious and first offenders by hardened criminals	89.7	84.7	86.0	10.3	15.3	12.0	0.0	0.0	2.0
Enabling the offender to maintain family ties and providing for his/her family while at the same time serving the imposed sentence.	100.0	98.0	97.0	0.0	1.0	3.0	0.0	1.0	0.0
Promotion of reconciliation between the offender and the victim of crime.	93.1	56.1	73.0	3.4	42.9	27.0	3.4	1.0	0.0
Acquisition of survival skills	75.9	64.3	68.0	20.7	32.7	31.0	3.4	3.1	1.0
Linking of offenders to potential employers	55.2	61.2	60.0	44.8	35.7	35.0	0.0	3.1	5.0
Prevention of juvenile delinquency of the dependent minors	86.2	77.6	68.0	13.8	17.3	25.0	0.0	5.1	7.0

Some of the above findings were highlighted during an interview with an Officer Commanding Police Division in sub-county 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 (15/12/2014)”

There are a number of interpretations and implications from the findings on effectiveness of specific aspects of CSO sentences. First; in the opinion of the respondents, CSO sentences had performed the best 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; measures are required to improve mainly the community members' perception on the aspects of: linking of offenders to potential employers; offender paying back (reparation) for the injury done to the community; promotion of reconciliation between the offender and the victim of crime; and acquisition of survival skills all of which had relatively high percentages of respondents who believed that the aspects were not effective. Third; those who did not know whether or not the aspects of CSO sentences were effective came from the category of community members and CSO offenders. It is therefore necessary to enlighten them on the issues in question.

3.6.2.2 Perceptions on strengths of CSO sentences

In further establishing the effectiveness of CSO sentences, Magistrates and Community Service Officers respondents were asked to indicate what they thought were the main strengths of CSO in the region. The strengths included: goodwill, cooperation and support from the community, Government, Courts, local administration, Work Agency Supervisors and other stakeholders (reported by 63.6% of the Magistrates and 89.7% of the Community Service/Probation Officers); opportunity for the offenders to serve their sentences and undergo rehabilitation/reformation and reconciliation with the victim (reported by 18.2% of the Magistrates and 27.6% of the Community Service/Probation Officers); good supervision of the CSO Programme (reported by 27.3% of the Magistrates and 17.2% of the Community Service/Probation Officers); ability of the offenders to maintain family ties which contributes to prevention of juvenile delinquency of dependant minors (reported by 20.7% of the Community Service/Probation Officers); and decongestion of prisons (reported by 18.2% of the Magistrates and 17.2% of the Community Service/Probation Officers). Table 3.37 below captures these findings.

Table 3.37 Strengths of Community Service Orders

Strengths	Frequency and Percentage	
	Magistrates	Community Service/ Probation Officers
Goodwill, cooperation and support from the community, Government, Courts, local administration, Work Agency Supervisors and other stakeholders	7 (63.6%)	26 (89.7%)
Opportunity for the offenders to serve their sentences and undergo rehabilitation/reformation and reconciliation with the victim	2 (18.2%)	8 (27.6%)
Good supervision of the CSO Programme	3 (27.3%)	5 (17.2%)
Ability of the offenders to maintain family ties	0 (0.0%)	6 (20.7%)
Decongestion of prisons	2 (18.2%)	5 (17.2%)
Paybacks to the community for offences committed	0 (0.0%)	5 (17.2%)
Visible tangible CSO projects	0 (0.0%)	3 (10.3%)
Availability of petty offenders	1 (9.1%)	0 (0.0%)

A Key Informant who was an Officer Commanding Police Division from one of the Sub-counties in Tharaka Nithi County observed that:

“The CSO sentence has valuable strengths: rehabilitation of offenders is possible; it gives room for public participation in reforming the offender; it facilitates true reconciliation between the offender and the victim; it provides much needed labour in public projects; builds teamwork among government agencies; and encourages openness and interaction between Community Service Officers and the public (19/12/2014)”

A County Director of Probation in the Meru High Court Administrative Jurisdiction had this to say in relation to strengths of the CSO Programme:

“The cooperation among the stakeholders, that is, the Law Courts, Provincial Administration and the Police among others is very mutual. The community is very instrumental in the Programme’s success as we have never had any negative issues with community members (11/12/2014)”

3.7 Weaknesses and Challenges Facing Community Service Orders

3.7.1 Weaknesses of Community Service Orders

The survey established from Magistrates and Community Service Officers some of the main weaknesses of Community Service Orders in the Meru High Court Administrative Jurisdiction to include: inadequate supervision and follow up of CSO offenders; inadequate training of Work Agency Supervisors; inadequate community sensitization and support of CSO; and inadequate funding of CSO projects. The results are presented in Table 3.38 below.

Table 3.38 Weaknesses of Community Service Orders

Weaknesses	Frequency and Percentage	
	Magistrates	Community Service/ Probation Officers
Inadequate supervision and follow up of CSO offenders	6 (54.5%)	17 (58.6%)
Inadequate training of Work Agency Supervisors	0 (0.0%)	10 (34.5%)
Inadequate community sensitization and support of CSO	4 (36.4%)	6 (20.7%)
Inadequate funding of CSO projects	2 (18.2%)	6 (20.7%)
Re-offending and non-compliance of some CSO offenders	2 (18.2%)	4 (13.8%)
Lack of tangible projects	0 (0.0%)	3 (10.3%)
Inadequate offender skills transfer projects	1 (9.1%)	0 (0.0%)
Poor communication between Community Service Officers and Work Agency Supervisors	0 (0.0%)	1 (3.4%)

The findings in the above Table were supplemented by those of some Key Informants. For instance, a Prison Officer who was serving in one of the prisons in Meru County and had been in the locality for 2 years expressed his perceptions about the weaknesses of the CSO Programme and noted:

“The CSO Programme has been poorly funded thus affecting its smooth implementation. Courts rely on investigation reports from Probation Officers who at times do shoddy work and there is no other party to counter-check the authenticity of the reports. There is a weak follow up structure while the offender is serving and after he/she completes the sentence. Other weaknesses are: poor record management and information sharing among the criminal justice agencies; community members’ perception of CSO as a light sentence not commensurate to the offence; assumption that Probation Officers are professional counsellors when most are not; and the nature of work given to offenders may not qualify as tangible projects (16/12/2014)”

The above statement and findings help to confirm that the CSO Programme has a number of weaknesses that need to be addressed in order to realize its full potential. Priority should be focused on addressing: inadequate supervision and follow up of CSO offenders; inadequate

training of Work Agency Supervisors; inadequate community sensitization and support of CSO; inadequate funding of CSO projects; and re-offending and non-compliance of some CSO offenders

3.7.2 Challenges facing effective delivery of Community Service Orders

According to 94.9% of the community members and 67.0% of the CSO Supervisees who were interviewed, there were challenges facing the effective delivery of Community Service Orders in the Meru High Court Administrative Jurisdiction. Findings of the survey presented in Table 3.39 below showed that the major challenges included: limited resources (including personnel, CSO working tools and equipment); non-compliance and reoffending of offenders coupled with unexecuted warrants of arrest; lack of cooperation, support and negative attitude by some relevant stakeholders (e.g Sentencing Officers, community, Work Agencies, etc); and inadequate supervision of CSO offenders.

Table 3.39 Challenges facing Community Service Orders

Challenge	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Limited resources (including personnel, CSO working tools and equipment)	5 (45.5%)	22 (75.9%)	23 (23.5%)	27 (27.0%)
Non-compliance and reoffending of offenders coupled with unexecuted warrants of arrest	4 (36.4%)	7 (24.1%)	23 (23.5%)	8 (8.0%)
Lack of cooperation, support and negative attitude by some relevant stakeholders (e.g Sentencing Officers, community, Work Agencies, etc)	5 (45.5%)	5 (17.2%)	20 (20.4%)	9 (9.0%)
Inadequate supervision of CSO offenders	0 (0.0%)	0 (0.0%)	16 (16.3%)	2 (2.0%)
Difficulty in accessing the work station/agency	0 (0.0%)	0 (0.0%)	8 (8.2%)	14 (14.0%)
Corruption	0 (0.0%)	0 (0.0%)	13 (13.3%)	3 (3.0%)
Poor economic condition of the offender	0 (0.0%)	0 (0.0%)	0 (0.0%)	11 (11.0%)
Lack of knowledge and training of relevant stakeholders (e.g, Sentencing Officers, Work Agency Supervisors) on CSO	2 (18.2%)	0 (0.0%)	9 (9.2%)	3 (3.0%)
Lack of motivation among Community Service Officers	0 (0.0%)	0 (0.0%)	4 (4.1%)	4 (4.0%)
Heavy work load	0 (0.0%)	3 (10.3%)	1 (1.0%)	2 (2.0%)
Difficulty in tracing absconders due to lack of information	0 (0.0%)	0 (0.0%)	3 (3.1%)	1 (1.0%)
Low referral rate	0 (0.0%)	3 (10.3%)	0 (0.0%)	0 (0.0%)

The above findings from sample respondents were supplemented by those of Key Informants. A Prosecutor based at the Isiolo Law Courts spoke of challenges facing the effective delivery of CSO in Isiolo County and said:

“The CSO Programme is poorly funded and the Probation Department which is supposed to supervise the offenders and the Programme does not even have a vehicle to do the supervision (16/12/2014)”

The above findings relate with other findings on weaknesses of the CSO sentences and factors contributing to unfavourable public attitude towards CSO.

3.7.3 Suggestions for solving challenges facing Community Service Orders

All categories of respondents gave suggestions on the possible solutions to the challenges facing the effective delivery of Community Service Orders. The most popular suggestions as presented in Table 3.40 below included: provision of adequate resources to CSO Programme; training of implementers of CSO Programme; strict and close supervision of CSO offenders; and sensitization of the community on CSO Programme.

Table 3.40 Suggestions for solving challenges facing Community Service Orders

Suggestions	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Provision of adequate resources to CSO Programme	5 (45.5%)	22 (75.9%)	14 (14.3%)	13 (13.0%)
Training of implementers of CSO Programme	5 (45.5%)	8 (27.6%)	8 (8.2%)	3 (3.0%)
Strict and close supervision of CSO offenders	0 (0.0%)	0 (0.0%)	26 (26.5%)	4 (4.0%)
Sensitization of the community on CSO Programme	0 (0.0%)	4 (13.8%)	19 (19.4%)	10 (10.0%)
Provision of motivation and recognition to Community Service Officers	0 (0.0%)	4 (13.8%)	0 (0.0%)	13 (13.0%)
Provision of alternative sentences (such as fines and Probation Orders) for those who cannot serve CSO sentences	0 (0.0%)	0 (0.0%)	0 (0.0%)	13 (13.0%)
Encouraging integrity and fighting corruption	0 (0.0%)	0 (0.0%)	11 (11.2%)	3 (3.0%)
Increasing referral cases	0 (0.0%)	1 (3.4%)	11 (11.2%)	0 (0.0%)
Enhancing collaboration	1 (9.1%)	3 (10.3%)	2 (2.0%)	8 (8.0%)

Suggestions	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
among stakeholders				
Initiation of tangible CSO projects	0 (0.0%)	3 (10.3%)	0 (0.0%)	0 (0.0%)
Establishment of a CSO crime data bank ¹ for reference	1 (9.1%)	0 (0.0%)	6 (6.1%)	0 (0.0%)
Placement of supervisees in agencies near their residence	0 (0.0%)	0 (0.0%)	7 (7.1%)	8 (8.0%)
Meting out strict penalties to absconders	0 (0.0%)	0 (0.0%)	7 (7.1%)	1 (1.0%)

Findings from the sample respondents on suggestions for solving challenges facing CSO were also highlighted by Key Informants. An Assistant Deputy County Commissioner in Meru South Sub-county in Tharaka Nithi County commented that:

“There is need to: undertake education and awareness creation towards changing the attitude of offenders and the public towards CSO; amend/re-examine legal aspects of CSO if they are adequately enough in the rehabilitation of offenders; enhance budgetary allocation to the CSO Programme in particular and Probation Department in general; ensure that agencies in the criminal justice system work as a team and share information on crime and criminals (17/12/2014)”

The above findings relate with earlier findings on actions needed to achieve enhanced positive public attitude towards CSO.

3.8 Interventions for Strengthening CSO Programme

The survey sought to establish the key interventions that needed to be put in place towards strengthening Community Service Orders Programme in the Meru High Court Administrative Jurisdiction. As presented in Table 3.41 below, the key interventions included: provision of adequate resources; training and sensitization of relevant stakeholders on CSO Programme; timely execution of warrant of arrest for CSO absconders; frequent monitoring and evaluation of CSO Programme; strict and close supervision of CSO offenders; improved record keeping and establishment of an efficient CSO crime data bank; embracing CSO as a sentencing option for all petty offenders; and establishment of effective rehabilitation and empowerment programmes for CSO offenders.

¹ A CSO crime data bank refers to a repository of CSO data or a database that facilitates easy retrieval and sharing among relevant stakeholders to assist in policy and programme formulation, planning and implementation.

Table 3.41 Interventions for strengthening CSO Programme

Intervention	Frequency and Percentage			
	Magistrates	Community Service/ Probation Officers	Community members	CSO Supervisees/ Offenders (and/or ex-Supervisees)
Provision of adequate resources	3 (27.3%)	18 (62.1%)	11 (11.2%)	13 (13.0%)
Training and sensitization of relevant stakeholders on CSO Programme	5 (45.5%)	8 (27.6%)	34 (34.7%)	22 (22.0%)
Timely execution of warrant of arrest for CSO absconders	0 (0.0%)	12 (41.4%)	0 (0.0%)	0 (0.0%)
Frequent monitoring and evaluation of CSO Programme	1 (9.1%)	11 (37.9%)	0 (0.0%)	0 (0.0%)
Strict and close supervision of CSO offenders	4 (36.4%)	5 (17.2%)	21 (21.4%)	8 (8.0%)
Improved record keeping and establishment of an efficient CSO crime data bank	4 (36.4%)	1 (3.4%)	1 (1.0%)	2 (2.0%)
Embracing CSO as a sentencing option for all petty offenders	2 (18.2%)	8 (27.6%)	0 (0.0%)	0 (0.0%)
Establishment of effective rehabilitation and empowerment programmes for CSO offenders	3 (27.3%)	0 (0.0%)	17 (17.3%)	26 (26.0%)
Motivation and proper remuneration of Community Service Officers	0 (0.0%)	3 (10.3%)	0 (0.0%)	0 (0.0%)
Proper coordination among relevant stakeholders	1 (9.1%)	0 (0.0%)	0 (0.0%)	6 (6.0%)
Tough penalties for absconders	0 (0.0%)	2 (6.9%)	5 (5.1%)	4 (4.0%)
Elimination of corruption	0 (0.0%)	2 (6.9%)	4 (4.1%)	0 (0.0%)
Putting in place a universal policy on CSO sentencing	0 (0.0%)	2 (6.9%)	0 (0.0%)	0 (0.0%)
Separation of Probation and CSO departments	0 (0.0%)	1 (3.4%)	0 (0.0%)	0 (0.0%)
Establishment of a Community Service Orders/Probation Police Unit	0 (0.0%)	1 (3.4%)	0 (0.0%)	0 (0.0%)

Key Informants interviewed proposed a number of interventions that needed to be put in place towards strengthening the CSO Programme in the region. A Judge based in Meru High Court had this to say:

“The interventions to strengthen CSO sentences need to take care of the following: involve the Court Users Committee (CUC)², Church leaders, community elders for example Njuri Ncheke (Council of Elders in the Meru Community), family members of both the victim and the offender in determining suitability and willingness of a particular offender to serve on CSO; consider the welfare of the victim while making the decision to put the offender on CSO; notify the community through Baraza (a public forum) about members of their community on CSO so that they can help with supervision, ensure compliance and support the offenders (9/12/2014)”

A County Director of Probation in the region observed that:

“Some of the best interventions to strengthen CSO should include: provision of start-up capital to empower CSO offenders and ex-offenders depending on their special needs, for example gender-based needs and the region they come from; and establishment of rehabilitation centres in every county to rehabilitate those in serious need for example drug users and alcohol addicts among others (15/12/2014)”

The above findings are related to earlier findings on factors influencing compliance with Community Service Orders, actions needed to achieve enhanced positive public attitude towards CSO and possible solutions to challenges facing Community Service Orders. In strengthening the CSO Programme focus needs to be on: provision of adequate resources; training and sensitization of relevant stakeholders on CSO Programme; timely execution of warrant of arrest for CSO absconders; frequent monitoring and evaluation of CSO Programme; strict and close supervision of CSO offenders; and improved record keeping and establishment of an efficient CSO crime data bank.

² Court Users Committees are established by the National Council on Administration of Justice (NCAJ). The Committees are chaired by senior judicial officers and comprises of members drawn from among agencies in the criminal justice system, the civil society and the local community. Among the duties of the Committees are to play an active role in implementing alternatives to pre-trial detention, dealing with related issues of bail reform and preventing unnecessary delays in the criminal justice process.

CHAPTER FOUR: SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.1 Introduction

This study sought to: establish a baseline of how CSO sentences are utilized and completed and a comparison to short term prison sentences in order for all these to be compared at a later reading at the end of the project; 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 delivery of Community Service Orders; and suggest appropriate and effective interventions towards strengthening Community Service Orders Programme in the Meru High Court Administrative Jurisdiction.

4.2 Summary of Major Findings

The study established from the respondents that the majority of offenders serving CSO in the Meru region were petty offenders. This was reported by all Magistrates and Community Service Officers, the majority (93.0%) of the CSO Supervisees/ Offenders (and/or ex-Supervisees) and the majority (98.0%) of the community members. It was evident that most sample respondents (90.9% of the Magistrates, 86.2% of the Community Service/Probation Officers, 55.1% of the Community members and 60.0% of the CSO Supervisees) felt that the CSO sentence was adequately utilized in the Meru region. However, these perceptions appeared inaccurate because short prison sentences of below 3 years in the Meru region in year 2014 were 162.0% the number of CSO sentences imposed (that is, 4526 short prison sentences of below 3 years against 2794 CSO placements). In the Kisii Study Control Area, short prison sentences of below 3 years in year 2014 were 321.3% the number of CSO sentences imposed (that is, 4202 short prison sentences of below 3 years against 1308 CSO placements).

The crimes/offences committed by CSO Supervisees were found to include: Possession of illicit/illegal brew and drugs, mainly, bhang/cannabis sativa (reported by 54.5% of the Magistrates, 65.5% of the Community Service/Probation Officers, 38.8% of the Community members and 47.0% of the CSO Supervisees); Being Drunk and Disorderly (reported by 72.7% of the Magistrates, 58.6% of the Community Service/Probation Officers, 35.7% of the Community members and 43.0% of the CSO Supervisees); Creating Disturbance (reported by 72.7% of the Magistrates, 48.3% of the Community Service/Probation Officers, 14.3% of the Community members and 13.0% of the CSO Supervisees); Assault Causing Actual Bodily Harm (reported by 72.7% of Magistrates, 34.5% of the Community Service/Probation Officers, 28.6% of the Community members and 23.0% of the CSO Supervisees); and General Stealing (reported by 45.5% of the Magistrates, 58.6% of the Community Service/Probation Officers, 49.0% of the Community members and 27.0% of the CSO Supervisees).

The main crimes/offences deemed appropriate for CSO sentences included: creating disturbance (reported by 72.7% of the Magistrates and 41.4% of the Community Service/Probation Officers); simple assault (reported by 63.6% of the Magistrates and 10.3% of the Community Service/Probation Officers); Being Drunk and Disorderly (reported by 54.5% of the Magistrates and 37.9% of the Community Service/Probation Officers); Selling Alcoholic Drinks Without a License (reported by 45.5% of the Magistrates and 51.7% of the Community Service/Probation Officers) and Petty theft/stealing (reported by 45.5% of the Magistrates and 41.4% of the Community Service/Probation Officers).

The majority (94.0%) of the CSO sentences ranged between one day and twelve months with most (42.0%) of them ranging between more than 6 months and up to 12 months followed by sentences of more than 3 months up to 6 months (32.0%). The actual placements confirmed that most (97.6% or 2728 cases) CSO Sentences in Meru region in 2014 ranged between 1 day and 12 months. The majority (94.0%) of CSO offenders who were interviewed had given the same estimate.

From the findings, majority (63.6%) of the Magistrates and majority (69.0%) of the Community Service/Probation Officers did not think short prison sentences were a good way of dealing with petty offenders. However, actual secondary data showed that the majority (93.9%) of inmates in prisons (that is, 4526 of the 4819 inmates) in the Meru region in year 2014 were sentenced to short prison sentences of below 3 years. Actual secondary data from the Study Control Area of Kisii also showed that the majority (56.8%) of inmates in prisons in 2014 (that is, 4202 of the 7403 inmates) were sentenced to short prison sentences of below 3 years. This finding begged the question why Law Courts (and in particular, Magistrates) had continued utilizing short prison sentences more than the CSO sentences.

According to the findings, CSO sentences were beneficial in many specific ways. The most popular benefits included: saving public institutions' of money/funds (indicated by the highest percentage recorded from majority (86.2%) of the Community Service/Probation Officers); decongesting prisons (indicated by the highest percentage recorded from majority (81.8%) of the Magistrates); reconciliation and reintegration of offenders, victims and the community (indicated by the highest percentage recorded from majority (63.6%) of the Magistrates); enabling offenders to continue with their economic activities (indicated by the highest percentage recorded from majority (61.0%) of the CSO Supervisees); rehabilitation of offenders (indicated by the highest percentage recorded from majority (54.5%) of the Magistrates); and assisting in maintaining family ties (indicated by the highest percentage recorded from 50.0% of the CSO Supervisees).

Results of the study indicated that offenders had been empowered in ways such as: acquisition and transfer of skills (indicated by the highest percentage recorded from 93.1% of the Community Service/Probation Officers); Guidance and Counselling (indicated by the highest percentage recorded from 40.0% of the CSO Supervisees); and financial support and/or provision of working tools and equipment (indicated by the highest percentage recorded from 36.4% of the Magistrates).

The study found that the tangible community projects implemented through the CSO Programme in Meru region were in the environmental conservation, agricultural and infrastructure construction and maintenance sectors and included: afforestation/tree planting (indicated by the highest percentage recorded from 72.4% of the Community Service/Probation Officers); farming, for example fish, poultry and bee keeping (indicated by the highest percentage recorded from 45.5% of the Magistrates); and construction of public utilities, for example of toilets (indicated by the highest percentage recorded from 27.6% of the Community Service/Probation Officers).

Adequate utilization of CSO was influenced by factors such as: committed, efficient and competent CSO Officers (indicated by the highest percentage recorded from 37.9% of the Community Service/Probation Officers); the petty in nature of the crimes/offences committed in the study area (indicated by the highest percentage recorded from 27.3% of the Magistrates); the need to decongest prisons (indicated by the highest percentage recorded from 20.7% of the Community Service/Probation Officers); Community's positive attitude towards the CSO Programme (indicated by the highest percentage recorded from 20.7% of the Community Service/Probation Officers); and compliance to the Orders by offenders (indicated by the highest percentage recorded from 18.2% of the Magistrates). According to other sample respondents, factors influencing the inadequate utilization of CSO in Meru region were: the serious nature of most offences committed in the locality (indicated by the highest percentage recorded from 22.0% of the CSO Supervisees); lack of community support to CSO Programme (indicated by the highest percentage recorded from 9.1% of the Magistrates); poor supervision of CSO Offenders (indicated by the highest percentage recorded from 9.1% of the Magistrates); corruption (indicated by the highest percentage recorded from 7.1% of the Community members); inadequate or lack of stakeholders' sensitization about the benefits of CSO Programme (indicated by the highest percentage recorded from 6.9% of the Community Service/Probation Officers); and difficulty in reaching work agencies (indicated by the highest percentage recorded from 6.1% of the Community members).

The findings showed that majority (72.7%) of the Magistrates and majority (55.2%) of the Community Service Officers were generally satisfied with the level of compliance with Community Service Orders by supervisees in the Meru region. For instance, successful CSO sentence completions were estimated at 50% and above of the placements. This was reported by 81.9% of the Magistrates and 82.7% of the Community Service Officers. Findings from the majority (86.2%) of the Magistrates and majority (54.5%) of the Community Service/Probation Officers also showed that CSO offenders were generally well supervised.

Compliance with CSO was found to be influenced by factors which included: the level of supervision by CSO Officers (indicated by the highest percentage recorded from 55.2% of the Community Service/Probation Officers); fear of incarceration for breach of CSO (indicated by the highest percentage recorded from 53.1% of the Community members); a clear understanding and attitude of the offender towards CSO (indicated by the highest percentage recorded from 18.2% of the Magistrates); and offender's proximity and

accessibility to CSO work area from his/her residence (indicated by the highest percentage recorded from 18.2% of the Magistrates).

According to findings of the study, majority of the Magistrates (54.5%) and Community Service Officers (67.0%) thought that the public in the Meru High Court Administrative Jurisdiction generally supports Community Service Orders.

Findings from the majority of Magistrates (63.6%), Community Service Officers (65.5%), community members (56.1%) and CSO Supervisees (74.0%) showed that the public attitude was favourable. According to the findings, key factors influencing favourable public attitude included: community sensitization on the CSO Programme leading to its support (indicated by the highest percentage recorded from 27.6% of the Community Service/Probation Officers); offender's opportunity to avoid suffering in prison (indicated by the highest percentage recorded from 27.3% of the Magistrates); the offender's opportunity to maintain family unity (indicated by the highest percentage recorded from 21.0% of the CSO Supervisees); the offender's opportunity to continue with other activities in life, for example, economic activities (indicated by the highest percentage recorded from 17.2% of the Community Service/Probation Officers) and enhanced reconciliation between the offender and the victim (indicated by the highest percentage recorded from 17.2% of the Community Service/Probation Officers).

CSO sentences were judged by 90.9% of the Magistrates, 89.7% of the Community Service/Probation Officers, 70.4% of the Community members and 92.0% of the CSO Supervisees as effective.

The main strengths of CSO in the region were listed as: goodwill, cooperation and support from the community, Government, Courts, local administration, Work Agency Supervisors and other stakeholders (reported by 63.6% of the Magistrates and 89.7% of the Community Service/Probation Officers); opportunity for the offenders to serve their sentences and undergo rehabilitation/reformation and reconciliation with the victim (reported by 18.2% of the Magistrates and 27.6% of the Community Service/Probation Officers); good supervision of the CSO Programme (reported by 27.3% of the Magistrates and 17.2% of the Community Service/Probation Officers); ability of the offenders to maintain family ties which contributes to prevention of juvenile delinquency of dependant minors (reported by 20.7% of the Community Service/Probation Officers); and decongestion of prisons (reported by 18.2% of the Magistrates and 17.2% of the Community Service/Probation Officers). The main weaknesses of Community Service Orders in the Meru High Court Administrative Jurisdiction included: inadequate supervision and follow up of CSO offenders (reported by 54.5% of the Magistrates and 58.6% of the Community Service/Probation Officers); inadequate training of Work Agency Supervisors (reported by 34.5% of the Community Service/Probation Officers); inadequate community sensitization and support of CSO (reported by 36.4% of the Magistrates and 20.7% of the Community Service/Probation

Officers); and inadequate funding of CSO projects (reported by 18.2% of the Magistrates and 20.7% of the Community Service/Probation Officers).

Findings of the survey showed that the major challenges included: limited resources including personnel, CSO working tools and equipment (indicated by the highest percentage recorded from 75.9% of the Community Service/Probation Officers); non-compliance and reoffending of offenders coupled with unexecuted warrants of arrest (indicated by the highest percentage recorded from 36.4% of the Magistrates); and lack of cooperation, support and negative attitude by some relevant stakeholders, for example, Sentencing Officers, community and Work Agencies (indicated by the highest percentage recorded from 45.5% of the Magistrates).

The key interventions that needed to be put in place towards strengthening Community Service Orders Programme in the Meru High Court Administrative Jurisdiction included: provision of adequate resources (indicated by the highest percentage recorded from 62.1% of the Community Service/Probation Officers); training and sensitization of relevant stakeholders on CSO Programme (indicated by the highest percentage recorded from 45.5% of the Magistrates); timely execution of warrant of arrest for CSO absconders (indicated by the highest percentage recorded from 41.4% of the Community Service/Probation Officers); frequent monitoring and evaluation of CSO Programme (indicated by the highest percentage recorded from 37.9% of the Community Service/Probation Officers); strict and close supervision of CSO offenders (indicated by the highest percentage recorded from 36.4% of the Magistrates); improved record keeping and establishment of an efficient CSO crime data bank (indicated by the highest percentage recorded from 36.4% of the Magistrates); embracing CSO as a sentencing option for all petty offenders (indicated by the highest percentage recorded from 27.6% of the Community Service/Probation Officers); and establishment of effective rehabilitation and empowerment programmes for CSO offenders (indicated by the highest percentage recorded from 27.3% of the Magistrates).

4.3 Conclusions

On the basis of the foregoing findings, this study concludes that:

1. The perceptions of most respondents that CSO sentences are adequately utilized appear to be inaccurate. The apparent accurate position is that CSO sentences are not adequately utilized on petty offenders in Meru region (and by extension, Kisii region) judging by the lower number of CSO placements against the higher number of short prison sentences. Respondents argued that the sentences' adequate utilization is mainly influenced by factors such as: committed, efficient and competent CSO Officers; the petty in nature of the crimes/offences committed in the study area; the need to decongest prisons; Community's positive attitude towards the CSO Programme; and compliance to the Orders by offenders. According to some sample respondents, factors influencing the inadequate utilization of CSO in Meru region were: the serious nature of most offences committed in the locality; lack of community support to CSO Programme; poor supervision of CSO Offenders; corruption;

inadequate or lack of stakeholders' sensitization about the benefits of CSO Programme; and difficulty in reaching work agencies.

2. CSO stakeholders are generally satisfied with the level of compliance with Community Service Orders by supervisees in the Meru region. CSO offenders are also generally well supervised through visits to offenders in work agencies, general monitoring and evaluation of the CSO Programme by Courts and making contacts between CSO Officers, the Community and Work Agency Supervisors. 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; a clear understanding and attitude of the offender towards CSO; and offender's proximity and accessibility to CSO work area from his/her residence.

3. Public attitude towards CSO is favourable. The key factors influencing favourable public attitude include: community sensitization on the CSO Programme leading to its support; offender's opportunity to avoid suffering in prison; the offender's opportunity to continue with other activities in life (for example, economic activities); enhanced reconciliation between the offender and the victim; unpaid (free) CSO labour; skills transfer; enhanced rehabilitation of offenders; and compliance by most offenders. However, factors contributing to unfavourable public attitude include: the notion of CSO as a lenient form of punishment; inadequate sensitization about CSO sentence; high rates absconding; high rates of reoffending; offender's bad reputation in the community; and corruption in CSO.

4. CSO sentences are generally effective. The main strengths of CSO in the region include: positive attitude of the community and other stakeholders; good will, cooperation and support from the Government (through funding), Courts, local administration, Work Agency Supervisors and other stakeholders; visible tangible CSO projects; and paybacks to the community for offences committed. The main weaknesses of Community Service Orders in the Meru High Court Administrative Jurisdiction are: inadequate supervision and follow up of CSO offenders; inadequate training of Work Agency Supervisors; inadequate community sensitization and support of CSO; and inadequate funding of CSO projects.

5. The CSO Programme faces some major challenges which include: limited resources (including personnel, CSO working tools and equipment); non-compliance and reoffending of offenders coupled with unexecuted warrants of arrest; lack of cooperation, support and negative attitude by some relevant stakeholders (e.g Sentencing Officers, community, Work Agencies, etc); and inadequate supervision of CSO offenders. Addressing the challenges will, among others, include: provision of adequate resources to CSO Programme; training of implementers of CSO Programme; strict and close supervision of CSO offenders; and sensitization of the community on CSO Programme.

6. There are key interventions that need to be put in place towards strengthening Community Service Orders Programme in the Meru High Court Administrative Jurisdiction. These include: provision of adequate resources; training and sensitization of relevant stakeholders

on CSO Programme; timely execution of warrant of arrest for CSO absconders; frequent monitoring and evaluation of CSO Programme; strict and close supervision of CSO offenders; improved record keeping and establishment of an efficient CSO crime data bank; embracing CSO as a sentencing option for all petty offenders; and establishment of effective rehabilitation and empowerment programmes for CSO offenders.

4.4 Recommendations

Arising from the findings and conclusions of this study, the following policy recommendations and areas for further research are recommended.

4.4.1 Policy Recommendations

- i. The Meru High Court Administrative Jurisdiction is dominated by petty offenders. Most prisons are congested with this category of offenders. It is therefore recommended that sentencing guidelines be put in place which will require Law Courts to issue CSO sentences to all petty offenders. The current situation is that placement to CSO depends on the discretion of Judges and Magistrates.
- ii. Most respondents hold perceptions that CSO sentences are adequately utilized in the Meru region. However, the accurate position is that the sentences are not adequately utilized. There is therefore need for the accurate position to be communicated to relevant stakeholders. This communication could be done through sensitizations and dissemination of the findings of the study.
- iii. The single most important factor influencing the inadequate utilization of CSO in Meru region was the inadequate or lack of stakeholders' sensitization about the benefits of CSO Programme. Sensitization and awareness creation among relevant stakeholders, particularly judicial officers on the CSO Programme is highly recommended.
- iv. The level of supervision by CSO Officers was found to influence compliance with the Orders. Community Service Officers and Work Agency Supervisors therefore need appropriate training on offender and project supervision and management.
- v. In the face of under-staffing of the CSO Programme, engagement of Volunteer Community Service Officers could be considered.
- vi. One of the major challenges of the CSO Programme was the inadequacy of resources. There is need for adequate resourcing of the Programme with finances, infrastructure and human resources for the supervision and rehabilitation of the CSO offenders and supervision of CSO projects.
- vii. The CSO Programme involves multi-agency participation. Enhancing collaboration among stakeholders through joint CSO planning and implementation strategy, formulation and review forums is therefore needed.
- viii. Visible and tangible CSO projects were found to influence public perception on CSO sentences. More viable and innovative tangible projects involving community members and addressing community's priority needs should be established and rolled within the community as opposed to being located within government premises as is the case currently.

- ix. Partnership with county governments in establishing more CSO projects within the community is recommended. The partnership is likely to address the challenge of lack of land to put up the projects and the required finances to jump-start and maintain them.
- x. The successful implementation of CSO sentences is partly anchored on the integrity of the implementers and the process. Whistle blowing of corruption incidents should be encouraged and effective investigation and prosecution of corruption perpetrators undertaken to guard against cases of corruption and lack of integrity among the players in the CSO Programme.
- xi. Data on the CSO Programme is scattered in different organizations. Hence, establishment of a centralized CSO crime data bank for reference is recommended. The National Crime Research Centre is mandated by law to establish and host the national crime data bank. Hence facilitation of the Centre in this respect is recommended.
- xii. Non-compliance and reoffending of offenders coupled with unexecuted warrants of arrest was found to be one of the challenges facing CSO sentences. It is recommended that alternative sentences such as punitive fines be meted out on those who breach the order. The Police need to be made responsible and accountable for unexecuted warrants of arrest.
- xiii. Probation Officers double up as Community Service Officers as provided for by the CSO Act. The officers are central in the successful implementation of the CSO Programme. Provision of motivation, recognition and other incentives such as enhanced remuneration, promotions and trainings to Probation Officers for their extra roles they perform as Community Service Officers is therefore recommended.
- xiv. In order to enlighten more Kenyans on the CSO Programme, there is a need to popularize the Programme through the mass media.

4.4.2 Recommendations for Further Research

This study recommends that further research be undertaken on the comparative cost-benefit analysis of CSO sentences and imprisonment in Kenya. The filling of gaps in the available statistics and other useful information on CSO in the country would inform resource allocation, sentencing and offender rehabilitation policies.

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APPENDICES

A BASELINE SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN MERU HIGH COURT ADMINISTRATIVE JURISDICTION

Appendix 1- 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). NCRC, in partnership with Penal Reform International (PRI) and DFID, is conducting “**A Baseline Survey on the Delivery of Community-Based Sentences: The Case of Community Service Orders in Meru High Court Administrative Jurisdiction**” for a PRI’s project on “**Excellence in Training on Rehabilitation in Africa (EXTRA)**”. 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 CSO in this locality 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; 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 this locality.

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**
 1. Secondary
 2. Middle Level (Certificate or Diploma or Higher Diploma)
 3. University degree
 4. Adult Literacy
 5. Other (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)

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) Do you think short prison sentences are a good way of dealing with petty offenders?

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

Please explain_____

(e) Which specific crimes/offences do you think are appropriate for CSO sentences?_____

(f) 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 in this locality? 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 this locality 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 selected rating inside the box).

Benefits of CSO	Extent the benefits have been realized in the locality	
	To a large extent	To a small extent

(c) If No, please explain. _____

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

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

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

(d) What kind of work do offenders on CSO do in this locality? _____

12. (a) Generally, how adequately (in terms of number of placements) 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, 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, 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 as they apply to CSO in this locality. (Tick selected rating inside the box).

Statement	Level of agreement		
	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.			

Statement	Level of agreement		
	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 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.			
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			

Statement	Level of agreement		
	Agree	Disagree	I don't know
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.			

14. (a) Generally, how well supervised are offenders on CSO?

1. Very well
2. Well
3. Not well
4. Not well at all
5. I don't know

(b) 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

(c) If generally satisfied, please explain. _____

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

(e) 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 in this locality 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 in this locality 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 in this locality 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 in this locality? 1. Yes 2. No 3. I don't know

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

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 in this locality 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 in this locality? 1. Yes 2. No

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

1. Often
2. Rarely
3. Never

(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 CSO Programme in this locality?

1. Often
2. Rarely
3. Never

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

23. Please indicate your level of agreement with the following statements as they apply to CSO in this locality. (Tick selected rating inside the box).

Statement	Level of agreement		
	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 favouratism within the sentencing agencies contribute to non-compliance of offenders with the orders.			

Statement	Level of agreement		
	Agree	Disagree	I don't know
Tribalism, nepotism and favouratism 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) Do you think the public support Community Service Orders in this area?

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

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

1. Favourable
2. Unfavourable
3. I don't know

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

(d) 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 this locality in the following aspects.

Aspect	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 do you think are the main strengths of CSO in this area? _____

(b) What do you think are the main weaknesses of CSO in this area? _____

28. (a) What are the challenges facing the effective delivery of Community Service Orders in this locality? _____

(b) How can the challenges be addressed towards the effective delivery of Community Service Orders in this locality? _____

29. What specific interventions need to be put in place towards strengthening Community Service Orders Programme in this locality? _____

30. Please give any other relevant comments relating to the delivery of Community Service Orders in this locality? _____

Thank you for your cooperation.

A BASELINE SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN MERU HIGH COURT ADMINISTRATIVE JURISDICTION

Appendix 2- Questionnaire for Judges and Magistrates

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). NCRC, in partnership with Penal Reform International (PRI) and DFID, is conducting “**A Baseline Survey on the Delivery of Community-Based Sentences: The Case of Community Service Orders in Meru High Court Administrative Jurisdiction**” for a PRI’s project on “**Excellence in Training on Rehabilitation in Africa (EXTRA)**”. 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 CSO in this locality 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; 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 this locality.

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. What is your designation in your organization? _____
2. How long have you worked with your organization?
 8. Below 1 year
 9. 1-5 years
 10. 6-10 years
 11. 11-15 years
 12. 16-20 years
 13. 21-25 years
 14. 26+ years

Information on Community Service Orders (CSO)

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

(d) Do you think short prison sentences are a good way of dealing with petty offenders in this locality?
 1. Yes 2. No 3. I don't knowPlease explain _____

(e) Which specific crimes/offences do you think are appropriate for CSO sentences in this locality? _____

(f) 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+
5. (a) Would you say that Community Service Orders are beneficial in this locality?

(b) If Yes, please explain _____

(c) If No, 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? _____

(c) What kind of work do offenders on CSO do in this area? _____

7. (a) Generally, how adequately (in terms of number of placements) have CSO sentences been utilized by law courts in this locality?

5. Adequately
6. Not adequately
7. Not utilized at all
8. I don't know

(b) If CSO sentences have been utilized generally 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, what factors have influenced their lack of utilization or inadequate utilization/under-utilization by the courts in this locality? _____

8. Please indicate your level of agreement with the following statements as they apply to CSO in this locality. (Tick selected rating inside the box).

Statement	Level of agreement		
	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			

Statement	Level of agreement		
	Agree	Disagree	I don't know
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.			
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.			

Statement	Level of agreement		
	Agree	Disagree	I don't know
Security challenges posed by some offenders discourage the use of Community Service Orders sentences on them.			

9. (a) Generally, how well supervised are offenders on CSO in this area?

1. Very well
2. Well
3. Not well
4. Not well at all
5. I don't know

(b) 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

(c) If generally satisfied, please explain. _____

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

(e) 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
5. I don't know

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

11. (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? _____

12. (a) How often do courts conduct monitoring and evaluation of the CSO Programme in this locality?

1. Often
2. Rarely
3. Never

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

13. (a) Do you think the public support Community Service Orders in this area?

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

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

1. Favourable

2. Unfavourable

3. I don't know

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

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

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

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

1. Effective

2. Not effective

3. I don't know

(b) Please explain your answer _____

16. (a) What do you think are the main strengths of CSO in this area? _____

(b) What do you think are the main weaknesses of CSO in this area? _____

17. (a) What are the challenges facing the effective delivery of Community Service Orders in this locality? _____

(b) How can the challenges be addressed towards the effective delivery of Community Service Orders in this locality? _____

18. What specific interventions need to be put in place towards strengthening Community Service Orders Programme in this locality?_____
- _____
19. Please give any other relevant comments relating to the delivery of Community Service Orders in this locality?_____
- _____
- _____

Thank you for your cooperation.

A BASELINE SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN MERU HIGH COURT ADMINISTRATIVE JURISDICTION

Appendix 3- 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)

First I would like to learn about what you know concerning Community Service Orders sentence in Kenya.

1. What do you know about the Community Service Orders sentence Programme in this locality?
2. What do you regard as the main pillars of the CSO Programme in this locality?
3. What is your opinion about the CSO Programme in this locality?

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?
 - (b) Would you say the majority of the offenders on CSO sentences in this locality are petty or serious offenders?
 - (c) Do you think short prison sentences are a good way of dealing with petty offenders in this area?
Please explain.
 - (d) What types of offences/crimes have been committed by most CSO Supervisees/Offenders in this locality?
 - (e) Which specific crimes/offences do you think are appropriate for CSO sentences in this locality?
5. (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 (in terms of number of placements)?
 - (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.

6. Would you say that Community Service Orders sentences in this locality are beneficial? Please explain.

7. (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 in this locality.

8. (a) Generally, how well supervised are offenders on CSO in this area?

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

9. 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 in this locality.

10. (a) Would you say the public support Community Service Orders in this area?

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

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

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

11. 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 strengths, weaknesses and challenges of Community Service Orders in this locality.

12. (a) What do you think are the main strengths of CSO in this area?

(g) What do you think are the main weaknesses of CSO in this area?

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 this locality be addressed?

Finally on Community Service Orders, let me know something from you about interventions to strengthen the Community Service Orders Programme in this locality.

15. What specific interventions need to be put in place towards strengthening Community Service Orders Programme in this locality?

Thank you for your cooperation.

A BASELINE SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN MERU HIGH COURT ADMINISTRATIVE JURISDICTION

Appendix 4- Interview Schedule for Community Service Orders Supervisees/Offenders (and/or ex-Supervisees)

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). NCRC, in partnership with Penal Reform International (PRI) and DFID, is conducting “**A Baseline Survey on the Delivery of Community-Based Sentences: The Case of Community Service Orders in Meru High Court Administrative Jurisdiction**” for a PRI’s project on “**Excellence in Training on Rehabilitation in Africa (EXTRA)**”. Community Service Orders are court sentences used on offenders in Kenya nowadays. As one of those serving/have served CSO, 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 CSO in this locality 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 this locality.

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)

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/was your CSO sentence?_____
10. (a) Would you say that Community Service Orders are beneficial in this locality? 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 this locality 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	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 in this locality?_____
- _____
- _____

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

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

12. (a) Generally, how adequate (in terms of number of placements) have CSO sentences been utilized by law courts in this locality?

1. Adequate
2. Not adequate
3. Not utilized at all
4. I don't know

(b) If CSO sentences have been utilized generally, 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, 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 as they apply to CSO in this locality. (Tick selected rating inside the box).

Statement	Level of agreement		
	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			

Statement	Level of agreement		
	Agree	Disagree	I don't know
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 in this locality 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 in this locality? 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

3. Never

(b) 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
3. Never
4. I don't know

(b) 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 in this locality?

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 as they apply to CSO in this locality. (Tick selected rating inside the box).

Statement	Level of agreement		
	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 favouratism within the sentencing agencies contribute to non-compliance of offenders with the orders.			
Tribalism, nepotism and favouratism 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.			

Statement	Level of agreement		
	Agree	Disagree	I don't know
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. Unfavourable
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 this locality in the following aspects.

Aspect	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) 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? _____

28. How can the challenges be addressed towards the effective delivery of Community Service Orders in this locality? _____

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

30. Please give any other relevant comments relating to Community Service Orders in this locality? _____

Thank you for your cooperation.

A BASELINE SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN MERU HIGH COURT ADMINISTRATIVE JURISDICTION

Appendix 5- Interview Schedule for Community Members of on CSO

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). NCRC, in partnership with Penal Reform International (PRI) and DFID, is conducting “**A Baseline Survey on the Delivery of Community-Based Sentences: The Case of Community Service Orders in Meru High Court Administrative Jurisdiction**” for a PRI’s project on “**Excellence in Training on Rehabilitation in Africa (EXTRA)**”. 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 CSO in this locality 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 this locality.

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)

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 in this locality? 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 this locality 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 selected rating inside the box).

Benefits of CSO	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 in this locality? _____

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

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

12. (a) Generally, how adequate (in terms of number of placements) have CSO sentences been utilized by law courts in this locality?

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

(b) If CSO sentences have been utilized generally 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, 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 as they apply to CSO in this locality. (Tick selected rating inside the box).

Statement	Level of agreement		
	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.			

Statement	Level of agreement		
	Agree	Disagree	I don't know
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 in this locality 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 in this locality 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 in this locality? 1. Yes 2. No

(b) If Yes, how often do they report to CSO Officers?
 1. Very often
 2. Often
 3. Rarely
 4. Very rarely
 5. Never
 6. I don't know

18. Do CSO Officers contact members of community in this locality 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 in this locality? 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 in this locality?

1. Very often
2. Often
3. Rarely
4. Very rarely
5. Never
6. 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 as they apply to CSO in this locality. (Tick selected rating inside the box).

Statement	Level of agreement		
	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 favouratism within the sentencing agencies contribute to non-compliance of offenders with the orders.			
Tribalism, nepotism and favouratism 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.			

Statement	Level of agreement		
	Agree	Disagree	I don't know
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. Unfavourable
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. Very effective
2. Not effective
3. I don't know

(b) Generally, how effective are CSO sentences in this locality in the following aspects?

Aspect	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	Effectiveness		
	Effective	Not effective	I don't know
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? _____

26. How can the challenges be addressed towards the effective delivery of Community Service Orders in this locality? _____

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

28. Please give any other relevant comments relating to Community Service Orders in this locality? _____

Thank you for your cooperation.

A BASELINE SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN MERU HIGH COURT ADMINISTRATIVE JURISDICTION

Appendix 6- Interview Schedule 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)

1. (a) What do you know about the Community Service Orders sentence Programme in this locality? _____

(b) What is your opinion about the CSO Programme in this locality? _____

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

3. How does the Community Service Orders sentence Programme operate 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. (a) What are the types of offences/crimes which have been committed by most CSO Supervisees/Offenders in this locality? _____

(b) Do you think short prison sentences are a good way of dealing with petty offenders?

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

Please explain _____

(c) Which specific crimes/offences do you think are appropriate for CSO sentences?_____

6. (a) Please explain whether CSO sentences have been adequately utilized or they are underutilized (in terms of number of placements) in this locality._____

(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 are beneficial in this locality? 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?_____

(c) What kind of work do offenders on CSO do in this locality?_____

9. (a) Generally, how well supervised are offenders on CSO in this area?_____

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

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

11. (a) Do you think the public support Community Service Orders in this area?
(b) Generally speaking, what is the public attitude towards the Community Service Orders sentence in this locality? _____

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

- (d) 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? _____

14. (a) What do you think are the main strengths of CSO in this area? _____

- (b) What do you think are the main weaknesses of CSO in this area? _____

15. (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 this locality be addressed? _____

16. What specific interventions need to be put in place towards strengthening Community Service Orders Programme in this locality? _____

Thank you for your cooperation.

A BASELINE SURVEY ON THE DELIVERY OF COMMUNITY-BASED SENTENCES: THE CASE OF COMMUNITY SERVICE ORDERS IN MERU HIGH COURT ADMINISTRATIVE JURISDICTION

Appendix 7- Focus Group Discussion Guide for Community Service Orders

County where Focus Group Discussion takes place: _____
Sub-County where Focus Group Discussion takes place: _____
Name of CSO/Probation Office where Focus Group Discussion takes place: _____
Date of Focus Group Discussion: _____
Start time: _____ End Time: _____
Name of Focus Group Discussion Moderator/Supervisor: _____

Information on Community Service Orders (CSO)

1. What do you know about the Community Service Orders sentence Programme in this locality?
2. What is your opinion about the CSO Programme 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
4. (a) What are the types of offences/crimes which have been committed by most CSO Supervisees/Offenders in this locality?
(b) Do you think short prison sentences are a good way of dealing with petty offenders?
(c) Which specific crimes/offences do you think are appropriate for CSO sentences?
5. (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 (in terms of number of placements).
(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?
6. Would you say that Community Service Orders sentences in this locality are beneficial? Please discuss.
7. (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?
8. (a) Generally, how well supervised are offenders on CSO?
(b) Generally, how satisfied are you with the level of compliance with Community Service Orders by supervisees/offenders in this locality? Please explain.

9. In your opinion what influences compliance with the requirements of a Community Service Orders sentence in this locality?
10. (a) Generally, does the public support Community Service Orders in this area?
(b) Generally speaking, what is the public attitude towards the Community Service Orders sentence in this locality? Please explain.
(c) If the public attitude is generally favourable, what factors contribute to the same?
(d) If the public attitude is generally unfavourable, what factors contribute to the same?
11. Please indicate what needs to be done to achieve an enhanced positive public attitude towards the CSO sentence in this locality?
12. (a) What do you think are the main strengths of CSO in this area?
(b) What do you think are the main weaknesses of CSO in this area?
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?



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