

# **EFFECTIVENESS OF COMMUNITY SERVICE ORDERS IN REHABILITATING OFFENDERS BEHAVIOUR IN KERICHO COUNTY, KENYA**

**Collins Kipchirchir Ngetich**

Master of Arts Degree in Criminology and Criminal Justice, Egerton University, Kenya

**Hadija Murenga (PhD)**

Lecturer, Department of Peace, Security and Social Studies, Egerton University, Kenya

**Wafula Kisaka**

Lecturer, Department of Peace, Security and Social Studies, Egerton University, Kenya

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## **ABSTRACT**

Community Service Order (CSO) is one of the sentences being utilized by courts in Kenya to rehabilitate petty offenders. The introduction of CSO in Kenya was meant to be an alternative to imprisonment for petty offenders. It was envisaged that these offenders would be effectively rehabilitated in the community while at the same time serving their sentence. There is however little empirical data on the effectiveness of CSO in Kericho county. It is this knowledge gap that this study sought to fill. This study examined the effectiveness of Community service Orders in rehabilitating offenders behaviour in Kericho County, Kenya. The specific objectives of the study were; to determine the role of CSO in reducing recidivism among offenders in Kericho County, to assess the perceptions of offenders towards the CSO programme and its influence on their behaviour change in Kericho County. The study was informed by the system theory. Descriptive survey research design was adopted by the researcher. A target population of 376 offenders was used. The unit of analysis consisted of offenders currently serving a sentence of more than 3 months and ex-offenders who had served a sentence of more than 3 months. Simple random sampling was used in selecting current offenders, whereas snowballing sampling was used to identify ex-

offenders. Purposive sampling was employed to select key informants. Primary data was obtained from respondents by use of interview schedules and key informant guide. Data was analyzed using descriptive statistics and content analysis and presented in the form of tables, pie charts graphs and percentages. The study established that CSO played big role in reducing recidivism among offenders. This was achieved through the various rehabilitation interventions the offenders underwent through. It was also established that most offenders had positive perception towards CSO and towards their supervisors. This it was noted to have a positive influence on their behaviour change. This study recommends the department should scale up skills acquisition interventions for offenders. In addition, it should explore mechanisms of economically empowering offenders or linking them to potential employers as most of the offenders were persons with low-socio economic status. Offender management training for supervising officers should be conducted regularly to enhance their supervision skills. Supervision greatly influenced the perception of offenders towards CSO programme.

**Key Words:** *community service orders, rehabilitation, offenders behavior, Kericho County, Kenya*

## **INTRODUCTION**

The pursuit for effective measures in the rehabilitation of offenders has led the criminal justice system to look beyond the walls of prisons for programmes that are effective in complementing the rehabilitative efforts of the penal institutions (Turner & Trotter, 2013). One such alternative is Community Service Order (CSO). According to Kilicoms (2014) interventions delivered in a community setting are more effective than those that are

delivered in prisons. When utilized appropriately and efficiently they have the potential to decrease overcrowded prisons, be more cost effective than incarceration and more importantly reduce reoffending rates. Anderson (2012) in addition mentions that CSO unlike imprisonment promote integration back into the community as well as rehabilitation and are considered more appropriate for certain types of offenders and offences. Barebere (2008) furthermore posits that CSO represents a shift from traditional methods of dealing with offenders towards a more restorative form of justice that takes into account the interest of both society and the victim.

McLaughlin and Muncie (2006) posits that the main objective of CSOs is to integrate offenders with society and change the content or form of punishments ascribed to offenders, in order to achieve this. Hudson (2003) further states that rehabilitation focuses on modifying an offender's inclination towards criminal behaviour through intervention and shaping the inclination into a more pro-society tendency with rational-thought process and responsible action capabilities. Through several combinations of treatment, education and training, offenders may return to the society as useful individuals and live a more productive way of life compared to situations that pushed them toward criminal acts (Miethe & Hong, 2005).

Miethe and Hong (2005) state that placing criminal offenders to work is not a new idea and has a long history. They however point out that contemporary CSO differ substantially from the earlier forms of penal servitude. According to McNeill (2009) contemporary community service first emerged as a form of punishment in the United States of America in the mid-1960s. It was initially designed to meet the goal of providing an alternative to imprisonment or fines for petty offenders, such as those convicted of traffic violations. The petty offenders especially financially destitute women were given the opportunity to provide community service. Legislators believed that the programme was an opportunity or a way to address the problem of prison overcrowding and as a means of reducing criminal behaviour (Cullen, 2012).

Muntingh (2008) contends that whilst community sentences have a long history of application in Europe and North America, they have found limited application in Africa. According to PRI (2012) the use of CSO in Africa, is relatively new. It was first adopted in Zimbabwe in 1992. The primary rationale for a community service programme was to decongest prisons. Other impetuses of CSO in Africa according to PRI (2012) were initiated at various forums to address and strengthen legalization regarding the protection of prisoners' rights and improvement of prison conditions. The first was a conference on 'Prison Conditions in Africa', which was held in Kampala, Uganda in 1996. The 'Kampala Declaration' recommended that CSO and other non-custodial measures should be preferred to imprisonment where possible.

Thereafter a conference 'International Conference on Community Service Orders in Africa' was held in Kadoma, Zimbabwe in 1997. It recommended that overcrowding in Africa's prisons required positive action through, inter alia, the more widespread introduction of community service which it described as a positive and cost-effective measure to be preferred whenever possible to a sentence of imprisonment. It also noted community service as being

in conformity with African traditions of dealing with offenders and with healing the damage caused by crime within the community (PRI, 2012). In 2002, a conference was held in Ouagadougou, Burkina Faso on 'Accelerating Penal and Prison Reform.' This declaration called for the development of community service as way to rehabilitate offenders. It also recommended that the public should be educated about the objectives of CSO and how they work (PRI, 2012).

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 petty offenders. Its origin can be traced to the Extra Mural Penal Employment (EMPE) Programme commonly referred to as 'kifungo cha nje' ran by the prison service. It operated on the basis that a non-serious offender would be sentenced to work in a public institution under the supervision of a prison officer. 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).

In July 1999 following the successful enactment of the Community Service Act No 10 of 1998 the CSO sentence in Kenya became operational. The act refers to CSO as an 'order made by the court requiring a person found guilty of a criminal offence to perform public work within a community for the benefit of the Community'. Magistrates and Judges issue the Orders but Probation Officers who also double up as Community Service Officers supervise them. The CSO sentence may range from a few hours to three years depending on the offence or circumstances of its commission. Since its inception, the sentence has been utilized variedly by Kenyan courts. (Probation Department, 2014).

The conceived benefits of CSO according to UNAFRI (2011) include: rehabilitation of petty offenders within the community; individual offenders pay back to the community for the wrong they committed; prevention of hardening of petty and first offenders by the hardened ones in prison; enabling the offender to maintain familial ties while at the same time serving the sentence. Other benefits include 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).

From Table 1 above it can be seen that the number of males sentenced to CSO is high compared to the females. It is also important to note that the figures include the high number of offenders serving one-day CSOs. The actual number of offenders serving CSOs over a period of time, and thus having sustained interaction with supervising officers and community officers, is much lower than the one indicated by these statistics. In Kericho County, the programme was operationalized in 2000 (Waikwa, 2017). The County probation office based in Kericho town oversees the CSO programme. The overall number of offenders serving CSO in Kericho has been rising gradually. For instance, in 2014, 4,375 CSOs were

issued to both male and female offenders and the number rose gradually to 4,902 in 2016 (KNBS, 2017). A total of 4,902 orders were made for the year 2016.

**Table 1: Statistics of Offenders Sentenced to CSO in Kericho County in 2016**

<b>Month</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
January	320	129	449
February	306	116	442
March	307	100	414
April	295	103	398
May	298	96	394
June	301	94	395
July	312	92	404
August	319	98	417
September	329	106	435
October	265	114	379
November	278	121	399
December	259	117	376
Total	3589	1313	4902

*Source:* (Probation Department, 2017)

## **STATEMENT OF THE PROBLEM**

The introduction of CSOs in Kenya in 1999 as a sentencing option was meant to be an alternative to imprisonment for petty offenders. The Kenya Probation and Aftercare Services (KPAS) was tasked with the mandate of rehabilitating offenders serving CSO sentences in Kenyan communities. To effectively carry out its task, KPAS is expected to put in place various rehabilitation activities whose ultimate aim is to ensure the offenders are effectively rehabilitated in the community while serving their CSO sentence. There, however, exists little systematic documentation in Kericho County as to whether CSO, influences the behaviour of offenders serving CSO despite offenders being placed under CSO each year. There is need, therefore, to have knowledge and understanding on the contribution of CSO in changing the behaviour of offenders. It is against this background and knowledge gap that this study sought to assess the effectiveness of CSO in rehabilitating offender's behaviour in Kericho County.

## **BROAD OBJECTIVE**

The broad objective of the study was to assess the effectiveness of CSOs in rehabilitating offender's behaviour in Kericho County, Kenya.

## **SPECIFIC OBJECTIVES**

1. To determine the role of CSO in reducing recidivism among offenders in Kericho County.
2. To explore the perceptions of offenders towards CSO and its influence on their behaviour change in Kericho County.

## **LITERATURE REVIEW**

### **Role of CSO in Reducing Recidivism**

Various definitions have been put forward to explain recidivism. Nadeau (2007) defines recidivism as repeated undesirable behaviour by persons after they have either experienced negative consequences of that behaviour or have been treated or trained to extinguish that behavior. Harris et al. (2011) and Przybylski, (2008) refer to recidivism as the commission of an offense by a person already known to have committed at least one other offense. The National Institute of Justice (2010) defines recidivism as an offender relapse into criminal behavior, often after receiving sanctions or undergoing intervention for a previous crime.” This study adopted the definition used by National Institute of Justice (2010).

According to Heretick and Russell (2013) recidivism can be categorized into two; prerelease recidivism and post release recidivism. Prerelease recidivism occurs when an offender who is serving a community service sentence commits a technical violation relating to a criminal offense while undergoing supervision in a criminal justice program. Post release recidivism on the other hand occurs when an offender who had completed a sentence is rearrested for commission of a crime within a period of two years of release. (Heretick & Russel, 2013). This study sought to look at the two categories by looking at offenders currently serving CSO and ex-offenders who had completed CSO.

Skeem et al. (2011) suggests that studies on recidivism are common means of measuring the effectiveness of the various criminal justice programs and interventions. They in addition state that reoffending is a major overall performance indicator for the criminal justice system. Turner and Trotter (2013) stresses that CSO is different to other correctional programs in some general, but important ways. Specifically, they point out that: the offender is also a giver, rather than just a receiver of assistance; the contract between the court and offender is very specific and this has particular implications for breaches of such contract; and the extent and nature of contact with the offender required by the scheme is unique.

Several studies (Bouffard & Muftic, 2007; Cullen, 2012; Killisa *et al.* 2010 & Werminket *et al.* 2010;) have compared the effects of short-term imprisonment with those of community sentences. These studies have tried to examine what sanction may be the most effective in reducing recidivism. Although there are differing results, a big majority of these studies indicate that community sentences are more effective in reducing recidivism than prison.

A study by Killisa *et al.* (2010) compared the effects of community service versus short prison sentences in Switzerland. Using follow-up interviews, official rearrests and conviction data, the study found small differences in recidivism rates between the two types of offenders. The number of offences known to the police was also higher among prisoners than among those selected for community service after a 24-months follow-up period. The results show that prevalence of re-arrest by the police was slightly, but not significantly higher among prisoners. This present study did not compare offenders serving short prison sentences with those in CSO but only examined offenders who are currently serving CSO and ex-offenders with a focus of those serving/served a period of more than three months.

A similar study by Wermink *et al.* (2010) comparing the effects of community service and short-term imprisonment on recidivism found out that re-offending was significantly less frequent after community service compared to imprisonment both in the short-term and the long run. In further support, a study by BOCSAR (2017) compared offenders who received community sentences between 2010 and 2012 with those who, in the same period, received prison sentences of less than two years. It found that the offenders sentenced to community sentences were younger, more likely to come from major cities and less-disadvantaged areas, and less likely to have committed certain offences, such as justice procedure offences and indictable offences. Using two different models, the study concluded that those offenders who received community sentences were less likely to reoffend.

Robert *et al.* (2008) conducting a review of literature on CSO noted that evidence of a link between community sentences and reduced reoffending to be “sparse and dated”. That report did however note though that offenders reported a positive effect from participation in unpaid work, including predicting that they were less likely to reoffend. Finally, a report by the Victorian Sentencing Advisory Council (2014) found only a non-significant lower rate of reoffending by those given community work as part of their community-based orders, stating that there was “no clear relationship” between the two. From the studies mentioned above it can be concluded that community-based sentences are effective in reducing recidivism than short-term prison sentences. It should however be noted that the differences are not that significant.

Comparisons between custodial and non-custodial sanctions has however been challenged. Bales & Piqueiro (2012) argues, “the main problem in this area of research is that individuals sentenced to prison differ in fundamental ways from those individuals who receive a noncustodial sanction”. Robert (2017) in support notes, the main difficulty in comparing offenders who receive custodial sentences with offenders who receive non-custodial sentences is that the former group are usually worse to start with. Generally, more frequent and serious offenders are more likely to receive a custodial sentence. This means that, irrespective of the effects of sentences, those who receive custodial sentences will probably have more frequent and serious criminal careers afterwards than those who receive non-custodial sentences. This study did not venture to compare between custodial sentences and CSO but rather only focused on offenders serving the CSO sentence.

Robinson and McNeill (2015) posits that community services’ effects on recidivism rates are varied and may rely more on extenuating factors rather than participation in this sanction. In agreement Armstrong and Weaver (2010) suggests the greater effect of community sentences in reducing reoffending may be due to the fact that offenders on community sentences have more opportunities to access rehabilitation services compared to offenders on short-term prison sentences who have limited access to rehabilitation programmes in the short period of time they are in prison. According to Andrews & Bonta (2010) it is the quality of the service that is provided within a sanction rather than the sanction in itself that can affect recidivism. The study in support of Robinson and McNeill (2015) sought to examine factors outside participation in the CSO sanction that might have an influence on the recidivism rates of offenders.

A factor influencing recidivism rates among offenders according to Caverley and Farrall (2011) is their motivation to change and their optimism about the future. This they emphasize is a key in determining whether offenders will cease from re-offending. They state that interventions are more likely to be successful if they target motivational factors and provide a sense of hope. Motivation they argue should be seen not simply as a selection criterion but a treatment need especially for those at the start of the journey towards desistance, providing a sense of hope for the future which can help promote and sustain their motivation to change. Offenders who are contemplating change need to believe that an alternative future is possible and, therefore, it is worth changing to accomplish future goals. Giordano (2014) however contends that, whilst motivation to change may be a necessary condition of reducing reoffending, it may not be sufficient in itself to reduce reoffending if it is not coupled with tangible resources to support change.

### **Offenders Perceptions towards Community Service Orders**

Solomon and Silvestri (2008) state that despite the fact that far more offenders were serving community sentences than were in custody at any one time, not much information was available about these sentences and the offenders who served them. They nonetheless point out that most studies of offenders' attitudes toward community service have consistently found an acceptance of the appropriateness of work as a form of punishment. Chui's (2003) exploration of the views and experiences of supervision from the young adult offender's point of view in Hong Kong suggested that those who successfully undergo CSO view it positively as a period of self-evaluation and reflection. In agreement with these findings, McIvor (2007) found out that probationers who are engaged in supervisory relationship are likely to define it as positive and to be committed to change. According to the study, the probationers saw probation as a "second chance to regenerate a socially acceptable identity and individual." This current study likewise sought to examine the attitude and perception of the offenders in Kericho County towards CSO and went an extent further to find out its influence on their behaviour change.

According to a study by Ang (2003) which evaluated employment of community service programmes in rehabilitating offenders, it was established that from offenders and agencies viewpoints that they perceived positively. Amongst the benefits cited by the offenders and agencies were the acquisitions of new skills among the offenders, improved intra-family relationship through better communication, becoming more useful at home, responsible, considerate and mindful of others. The agencies generally found probationers' work to be good or at the very least, satisfactory. This present study similarly to Ang (2003) will venture to examine the reasons behind the offender's attitudes and perceptions.

A study by Gelsthorpe and Rex (2004) of offenders' attitudes towards community service indicates that offenders in CSO programme feel that their participation in community services make them less likely to offend again. Interestingly, Weisburd *et al.* (2008) found out that some offenders found community service activities to be enjoyable, with some continuing to donate their time or finding employment with community service agencies even after their community service obligation were completed. Wood (2012) in a study that focused on views



of young offenders who undertook community service, found out that aside from the inconvenience and restrictions, most offenders had positive experiences of their CSO. He found out several offenders continued to attend their placement after the order was completed and others expressed willingness to do so. From the studies mentioned above it can be seen that most offenders have a favorable view towards CSO.

McIvor (2007) undertook a study on offenders serving CSO in Scotland. The majority of the study's respondents considered their experience to have been 'worthwhile'. The 'very worthwhile' group reported to have said that they had acquired 'a great deal' of additional skills through doing unpaid work, and 'a great deal' of contact with members of the public who benefitted directly from the unpaid work carried out. They were found to be of the generally view that the nature of the unpaid work carried out would be useful to the community and of benefit to the intended recipients rather than being simply a job of work. This present study, though in agreement with McIvor (2007), is of the view that for the offenders to acquire much from the CSO programme they should also be receptive and proactive in the process rather than play a passive role.

A study by Skeem et al. (2011) in Scotland focused on what offenders had to say about their problems, their attitudes toward offending, and their perceptions of the supervision process. Findings show that most offenders viewed their experience positively. They gave the probation service high marks for working hard to achieve its aims of reducing re-offending, encouraging, and assisting offenders to lead law-abiding lives. The present study similarly to Skeem et al. (2011) will seek the views of offenders on the supervision process but more particularly the relationship between the offenders and their supervisors and its influence on their behaviour change.

Ashworth (2010) in a study on Sentencing and Criminal Justice found that CSO participants considered the work they completed as being very rewarding and worthwhile. Completion of a CSO also fostered pride among family members, an important factor in the rehabilitative process. CSO recipients in addition described how completing community service had increased their sense of belonging within wider society. When completing their community work, recipients reported feeling similar to other people, i.e. those in regular employment. Participants believed community service provided a certain level of anonymity as the public was unaware that recipients were completing a criminal justice sanction; an increased sense of self-worth associated with completing a work task was also reported by a number of CSO recipients. Ashworth (2010) is of the view work provides meaning to individual lives and helps people to avoid becoming involved in offending behaviour again, by giving them "something to lose." This current study unlike Asworth (2010) did not venture to examine the factors influencing completion rates of CSO order.

## **THEORETICAL FRAMEWORK**

### **Systems Theory**

The systems theory is built upon ideas presented by both Durkheim and Webber and advanced by Ludwig von Bertalanffy. The Systems theory argues that the criminal justice

system, which is represented by the Community Service Order in this study is composed of varying levels/systems that interact with one another and have driving force in that relationship. These levels are identified as micro, mezzo, and macro. In this study, the micro level will consist of the offender and those closest to him/her such as family and friends. The mezzo level is identified as the community they belong to as well as the rehabilitation activities and supervision they are involved in. The macro level is identified as the government and its polices, which dictates rules, regulations, and services that impact the lives of offenders during CSO as well as after completion of their sentence (Green & McDermott, 2010).

An individual sentenced to CSO is controlled by the mezzo system in regards to what they can and cannot do, where they are allowed to be, as well as what activities and services they are required to be a part of. The mezzo level bases their rules and regulations on the macro levels standards. The government provides funding and decides what programs, services, and responsibilities the community-based programs have in meeting offenders' needs. The macro level is also influenced by micro and mezzo levels through the general public and other relevant stakeholders in the community (Green & McDermott, 2010).

According to Higgins and Severson (2009) if all systems/levels involved in the rehabilitation process join thoughts, ideas and information about what can be done to rehabilitate the offender through community-based programs a more integrative, encompassing solution is possible. By utilizing the knowledge of system theory, we are able to target offender needs and ideally help them access appropriate services within the CSO systems.

## **RESAERCH METHODOLOGY**

### **Research Design**

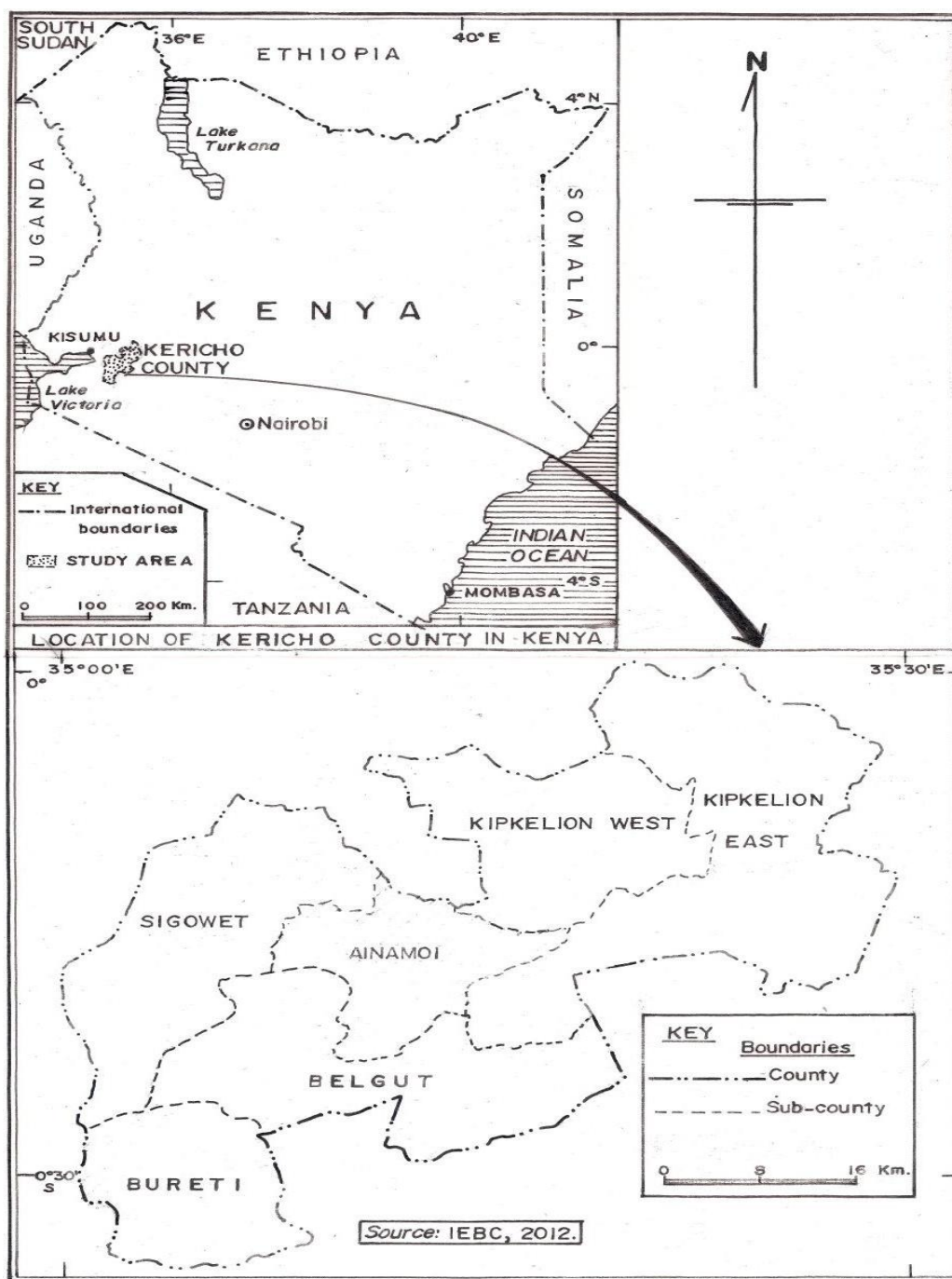
This current study utilized descriptive survey research design. A descriptive survey was considered suitable for the current study that sought to collect and analyse data in order to describe and report on the effectiveness of CSO in rehabilitating offenders behaviours in Kericho County. Kothari (2004) states that descriptive survey design enables a researcher to ask personally in an interview or impersonally through a questionnaire about things which cannot be observed easily and that variables under study cannot be manipulated. According to Orodho and Kombo (2003), descriptive survey is ideal for gathering information about people's perceptions and attitudes, opinions, habit and a variety of social issues. The design is also concerned with finding out who, what, where and how of a phenomenon which was a concern of this study.

### **Study Area**

This study was carried out in Kericho County. Kericho County covers an area of approximately 2,454km<sup>2</sup> with a population of 752 396 (2009 census). Kericho town is the headquarters to Kericho County and the major center of commerce in the county. The CSO programme was operationalized in Kericho County in 2000. The county probation office located in Kericho town serves six administrative units (sub counties). These are: Kericho

East, Kericho West, Sigowet, Kipkelion West, Kipkelion East and Bureti. CSO cases handled by Kericho County Probation office comes from Kericho law courts located in the same locality. The offenders serving CSO in Kericho were located in various agencies/institutions spread within the six administrative units in the county where they undertook their community work. Offenders were assigned supervising officers from the agencies/institutions where they performed their work. It is worth noting that the probation office also supervises offenders sentenced to probation order who formed the majority of cases. This study however focused only on offenders serving CSO.

**Figure 1: Location of the Study Area: Kericho County**



## **Target Population**

According to Ogula, (2005), a population refers to any group of institutions, people or objects that have common characteristics. The target population for this study comprised of all offenders serving a CSO sentence of 3 months and above in Kericho County and ex-offenders who had completed serving a CSO sentence of 3 months and above in Kericho County.

## **Sample Size and Procedures**

A sample can be seen as a small proportion of a population that is selected for observation and analysis (Osoo & Onen, 2004). The sample size consisted of 91 current offenders. In order to accomplish this task, the researcher first obtained a sampling frame of all community service offenders serving a sentence of more than 3 months from the central register in Kericho County Probation Department. After which, the researcher assigned unique number of all names of the offenders in the sampling frame. Finally, random number table was used to pick the samples. Snowball sampling was applied in identifying 16 ex-offenders. Osoo and Onen (2004) noted that snowball sampling is the technique of finding research respondents where each of the research respondents propose another in the community who bears similar or specific characteristic and therefore qualified to be interviewed. This method was employed by requesting community service officers and supervising officers who supervised an ex CSO offender to link the researcher with an ex-offender. The ex-offenders identified were requested by the researcher to link him with their fellow ex-offenders. Snow- ball was chosen because one study subject recruited others from among their acquaintances. Purposive sampling was used to select key informants who were picked because they have information that would enrich the study. The key informants were 6 community service officers and 12 supervising officers, hence the study's target population was 125.

## **Methods of Data Collection**

In realization of this study, data was obtained through primary and secondary methods of data collection. Primary data was collected through field survey by use of interview schedules and interviews guide. Secondary data was obtained through books, internet, journals, unpublished theses and published research papers relevant to the study. In this study, interview schedules were used to collect data from the offenders and ex-offenders. The choice of an interview schedule was preferred because it allows room for clarifications and explanations when issues may not have been clear to respondents (Kothari, 2004). Key informant guide was administered to the key informants who were purposively chosen based on their knowledge of the subject matter. A total of 18 key informants, comprising of 6 community service officers and 12 supervising officers, were interviewed. The guides were designed in such a way that specific and truthful answers that are related to the study are to be realized. Interviews were preferred because, according to Kothari (2004), they give an opportunity to probe detailed information on an issue. The unit of analysis for this study were 91 offenders serving a CSO sentence of 3 months and above and 16 ex-offenders who had completed their CSO sentence of 3 months and above in Kericho County.

## **Data Analysis**

The study employed both qualitative and quantitative analysis. Data collected from the field was first edited for completeness and accuracy to ensure data quality had been achieved. All qualitative data collected were coded and placed under themes consistent with the objectives of the study. Narrative description and quotes was used to present analysis in qualitative analysis. Quantitative data was analyzed using descriptive analysis which included frequencies, pie-charts, bar charts and percentages to back up qualitative data.

## **RESEARCH RESULTS**

### **Role of the CSO programme in Reducing Recidivism among Offenders**

The aim of the first objective of the study was to determine the role of CSO in reducing recidivism among offenders serving CSO in Kericho County. The study findings revealed that offenders sentenced to CSO were involved in a variety of mainly manual tasks in public institutions. The common tasks were cleaning compounds/buildings, attending to tree nurseries and flowers, clearing school fields and planting trees. In regards to rehabilitation the study revealed that 93% of the offenders engaged in rehabilitation activities. About half of the offenders 45 % mentioned undergoing guidance and counseling while 38% of the offenders reported that they were offered general pieces of advice by their supervisors/ community service officers. The advice received was informal in nature and chiefly focused on prompting them to change their behavior. A few of the offenders 24% mentioned that they were being trained on/had acquired training on various skills.

A small number of the offenders, 9% mentioned undergoing some form of reconciliation activities between them and the victims/community. The key informants mentioned that they requested for support of community leaders in undertaking reconciliation of offenders with the victims and the community. Interestingly a small percentage of the respondents 7% indicated that they were neither undergoing/underwent any rehabilitation activities. They mentioned of only being assigned work. Among the main reasons that the offenders associated with it was that their supervisors were often busy and lacked interest in the offenders.

A majority of the respondents, 84.1%, indicated that CSO had a positive influence on their behavior. They attributed this positive change to the rehabilitation activities undertaken. The study showed that 15.9 % offenders had not observed any positive changes in their behaviors since they were sentenced to CSO or did not know if they had changed or not. Interviews with key informants attributed the negative attitudes of the offenders to their prevailing socio-economic factors.

Regarding re-offending, the study revealed that 92% of the offenders had not been involved in any criminal offence while serving or after having completed the CSO sentence. Only 8% of the offenders indicated that they had been involved in some criminal offences while serving CSO or after completing the sentence. The findings imply that most offenders who

are sentenced to CSO are less likely to engage in crime because of the fear of being imprisoned.

The research's findings showed that most respondents considered community service effective, with 48 % of the respondents viewing community service as 'very effective' because they believed it had helped them change their criminal behaviors and be more sensitive of their actions. About 31% of the respondents considered community service to be 'effective' because it was regarded as humane given the treatment to which offenders were subjected to as compared to being imprisoned. A small group 11.5 % of the offenders regarded community service as 'not effective' because they felt that some offenders still had failed to refrain from engaging in criminal activities despite the punishments that they had been subjected to. Still, 6.2% stated that they did not know if community service was effective or not. Hence the need of educating the offenders on the purposes of the CSOs on rehabilitating them to become better persons in the society.

### **Perceptions of Offenders towards the CSO Programme**

The second objective sought to explore the perceptions of the Offenders towards the CSO programme. The study revealed that a majority of the offenders do not have a clear understanding of what CSO was neither do they know its purpose. Nonetheless, the study revealed that the respondents were able to express several themes on what they perceived the purpose of CSO to be. Some believed it is a form of punishment, non-custodial sentence that spares them a jail sentence and as a sentence that gives them a second chance. The few respondents who understand the CSO reported that it was an opportunity given to them to correct their criminal behaviors in order to be useful and responsible members of the society.

Respondents had mixed attitudes and perceptions about the CSO programme. Those who expressed a positive view of CSO (63.5%) reported that CSO gave them an opportunity to serve their sentences outside prison, enabling them to maintain family ties, Other reasons were that the supervisors were friendly and the guiding and counseling offered by the probation officers greatly assisted in their behaviour change. They were also pleased with the short period they were assigned to do the work, which gave them opportunities to go on with their own activities except only when they are obliged to serve their sentences. They also reported that they were gaining/had gained additional skills through training which had empowered them to become useful members of the society.

The study findings showed that 20.6% of the offenders held a negative view towards CSO. The major reasons cited included; CSO was time consuming, especially for those who were employed, some were unhappy with the daily work reporting for CSO, they argued that it disrupted their normal lives. They also mentioned that the work given to them was physical and strenuous in nature. Some mentioned that it was embarrassing to be seen by the members of public who visited the agencies they were carrying out the sentence. Some indicated that the tasks assigned to them were not commensurate with the crimes they were charged with. A small number of the offenders 15.9% expressed mixed feelings. They were happy that they had an opportunity to serve their sentences in the community and maintaining family ties but

were unhappy with the main conditions attached to the sentence. Those unemployed indicated that this schedule left them unable to secure casual jobs, which they relied on to survive.

With regards to the relationship of the offenders with their supervisors, a majority of the offenders, 81.3% (87), reported that they had good relationship with their supervisors. The offenders stressed that they value being listened to, respected and recognized as individuals rather than criminals. They liked supervisors who were flexible, empathetic and professional. A small percentage 17.3% (20) of the respondents mentioned that they had strained relationships with their supervisors. These offenders mentioned that the supervisors assigned to them either did not have sufficient time for them because they were busy or were not interested in them. Others stated that the supervisors were very strict on them.

## **CONCLUSIONS**

The study concludes that the CSO programme is effective in reducing recidivism among offenders. This is through various rehabilitation interventions carried out including guidance and counseling of the offenders, empowerment through skill acquisition, general pieces of advice given to them by their supervisors, trainings and reconciliation of the offenders and the victims/community. The sentence in addition had a positive influence on the offenders behaviors.

The offenders perceived the CSO programme positively and they had good relationships with their supervisors. The quality of the relationship between the offenders and supervisors was seen to have a significant influence on the success or failure of the rehabilitation process.

The community service officers face a number of challenges in the implementation of the CSO for instance limited budget and staff which has slowed down the implementation process. In order to have a smooth operation of the CSO, these challenges are to be promptly addressed to achieve optimum results in effectively rehabilitating offenders

## **RECOMMENDATIONS**

CSO as a tool for rehabilitating offenders and empowering them to become responsible and useful members in the society is critical in the development of functional Criminal Justice System Kenya. Stemming from the above conclusions, the study proposes the following recommendations:

### **Recommendations based on Objective I**

Based on the study findings that the majority offenders sentenced to CSO were engaged in simple and manual tasks in the community, there is need to increase skills trainings and economic empowerment for CSO offenders in the Kericho County. A focus on skills acquisition and economic empowerment will increase the offender's likelihoods of employment thus address the causes of poverty and unemployment as one of the causes of offending. This is important as the current study noted a majority of the offenders had low levels of education and most were unemployed. Closely interlinked is linking of offenders

with potential employers as skills acquisition without associated links to tangible employment prospects are unlikely to lead to reductions in reoffending.

Agencies that provide specialized rehabilitation services should be involved in the process of rehabilitating offenders' behavior. The use of professional counselors should also be explored for those offenders with high-risk problems e.g. drugs and substance abuse. It is also recommended that there should be periodic follow up of ex-offenders by community service officers.

### **Recommendations based on Objective II**

There is need for stakeholders involved in the CSO process; courts, community service officers and supervising officers to be actively involved in educating and sensitizing the offenders on the meaning, purpose and objectives of CSO. The study noted that a majority of the offenders did not have a clear understanding of CSO, its purpose and objectives. Policies governing CSO should also be simplified, and if possible, be translated into local languages so that the offenders may easily understand.

Trainings and regular capacity building should be conducted for agency supervisors. This will empower them with necessarily skills in proper training on offender supervision and management. This is important because the agency supervisors have different academic backgrounds and experience.

Deliberate efforts should be made to create and sustain partnership and collaboration with more stakeholders. Partnerships with stakeholders such as business leaders, religious leaders will enhance the CSO programme can be a serve as a link for potential employers.

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