



Excellence in Training on Rehabilitation in Africa (ExTRA) Project

Community Service as an Alternative to Imprisonment

Overview of Pilot Project Final Evaluation

In 2014, Penal Reform International (PRI) received funding from the UK's Department for International Development (DfID) to implement the ExTRA project, a two-year pilot programme to test ways of increasing the effectiveness of Community Service Orders (CSOs) in Kenya, Tanzania and Uganda.

The prison systems in these countries are characterised by severe overcrowding and inhuman conditions and this pilot innovation project was conceptualised to disrupt the poverty-prison cycle and provide a valid and humane alternative to custodial sentences, thereby reducing the unnecessary use of imprisonment in East Africa.

CSOs are community-based sentences, where offenders do not go to prison, but must provide unpaid work of benefit to the local community over a specified time period. These sentences are imposed by courts as an alternative to imprisonment and overseen by Probation or Community Service Departments.

Pilot areas were identified where a range of project activities were undertaken by the responsible government departments in each country, in order to achieve three objectives:

- increase the number of orders made by courts;
- raise levels of compliance with the orders carried out to completion by offenders;
- improve public knowledge of and confidence in CSOs as alternatives to short prison sentences.

Results

In terms of the number of CSOs given, Tanzania saw a 104% increase and Uganda a 58% increase, both exceeding the target of 40%. Kenya did not meet this same target and reasons such as uncontrollable variables and the loss of trained magistrates are discussed in the report, as well as the difficulty in improving what in relative terms is a more mature CSO system.

Baseline results across all three countries showed levels of compliance over 90%, meaning the target of an increase of 20% was not possible. Fluctuations were seen, however, and the training of placement supervisors and the introduction of Community Service Department Volunteers (CSDVs) appear to have a positive effect that can be learned from.

Initiatives such as public open days specifically focussed on community service were very successful in facilitating public engagement with the concept. However, these successes require a longer, sustained campaign in order to positively change perceptions. Direct interventions with stakeholders such as magistrates and local chiefs saw positive attitude change, as illustrated in case studies.

In Kenya a, a number of former offenders who performed well during their CSOs and who showed remorse for their crimes and a desire not to reoffend, were given the opportunity to attend entrepreneurial training and received a small grant to allow them to open a basic business (referred to as the empowerment element of the project). Of the 54 empowerment grants awarded, 44 (82%) were deemed successful as their businesses were still running at the end of the project. PRI intends to develop and scale up this activity in future projects due to the successful results.

Lessons learned

As a pilot project, a great emphasis was placed on learning, both in terms of what works and how to implement justice projects in the region. A number of lessons learned were identified, including the importance of increasing resources and capacity of responsible departments to match workload; improved feedback to stakeholders and the involvement of the community; and improved data collection and methods for measuring change.

After analysing all results, a number of recommendations are offered and PRI has also adapted the three pillar model for effective community service, to a five pillar model, which takes a more holistic approach, including opportunities to improve livelihoods and advocacy for policy change, all underpinned by a gender-sensitive approach. This new model should be applied for scaling up reform to community service within the three project countries and throughout the East African region.

Further innovation

The results indicate there is still much to do to achieve effective community service in the project areas, but this pilot project has allowed for much greater understanding of the complexity of the issues surrounding reform in each country and resulted in the reconceptualisation below:

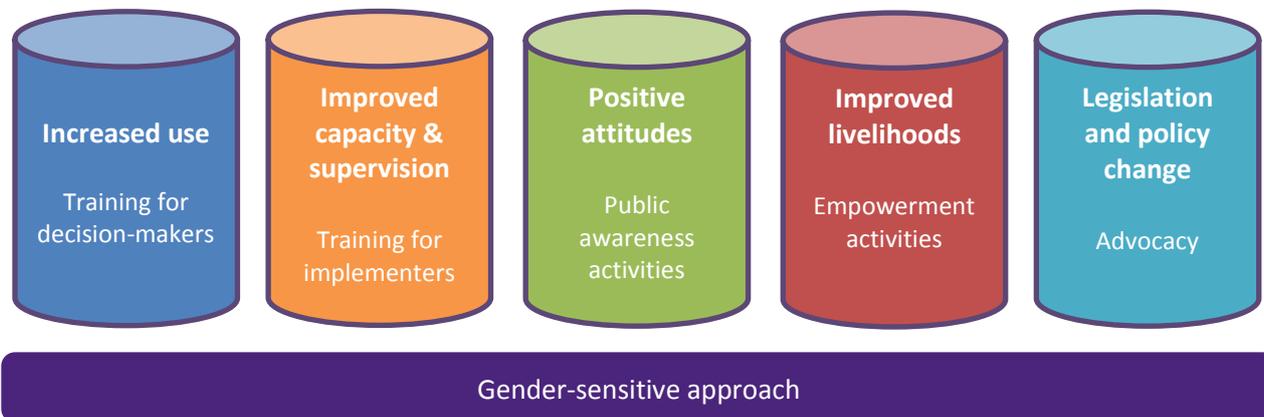


Figure 1: PRI Five Pillar Model of Effective Community Service

We have learned a great deal about ways of implementing activities related to the original three pillars and are now much better informed to be able to make progress and implement activities to improve the use of CSOs, strengthen capacity to effectively supervise CSOs, and to improve public attitudes. Some key development points have been identified for each Pillar:

Pillar 1: Increased use of CSOs

As well as training the decision makers (magistrates and judges), there is a need to develop and test alternative ways of positively influencing the hearts and minds of the 'hard-to-reach' magistrates. Feedback mechanisms should enable magistrates to learn the outcome of the alternative sentences and make exposure visits. The government officials who set targets for magistrates should work with them so that efficiency and effectiveness are collaborative and not combative concepts.

Pillar 2 Improved capacity and supervision

Good practice for data collection and analysis should accompany the training of supervisory staff. The need for greater staff numbers must be highlighted to cover all the work required and any projected increase in workload as a result of an increase of CSOs. Innovations such as the Community Service Department Volunteers have shown that this can be achieved in a low cost scenario; however, full-time and fully supported staff are clearly preferable where possible. For sustainable progress and long-term strength of staff capacity, a system of varied and on-going training must be developed.

Pillar 3 Positive attitudes

Initiatives such as open days dedicated to raising awareness about community service were very successful in facilitating public engagement with the concept. However, these successes were isolated and the effect can dissipate swiftly.

Clearly attitude change is not something that occurs overnight and systemic level change requires prolonged attention and focus. For this reason, PRI recommends a continued programme of public sensitisation alongside improved feedback mechanisms. The local community need to know that community service is happening around them and how they are benefiting from it. Greater levels of participation, for example, the public could suggest the most relevant work for CSOs, could be introduced which could also improve the diversity and support of placements.

These original three pillars have been joined by a further two, which PRI now considers to be integral to the effectiveness of community service as a valid alternative to custody.

Pillar 4: Improved livelihoods.

The success of the empowerment project piloted in Kenya shows that the provision of a small amount of resources can help those who have committed poverty-based crimes to secure livelihoods for themselves and their families. In any future project, the empowerment grants should be considered for those whose impetus to commit the offence was rooted in poverty and who show a willingness not to reoffend, alongside the improved levels of supervision and support.

Pillar 5: Legislation and policy change

There are a number of systemic level changes that would help to positively reform the justice system. One such reform would be to decriminalise misdemeanours and out-dated legislation, such as those related to being deemed a 'rogue and vagabond'. Change at this level will require advocacy work across government departments and sensitisation of police.

Further policy change around the emphasis of custodial sentencing as a last resort is also crucial. Advocating for sentencing guidelines that stress the use of non-custodial sentencing as the primary choice for non-serious crimes is required to reduce the unnecessary overuse of prison. Access to bail and developments of non-monetary forms of bail and surety should also be explored in order to increase access to justice for those with the least resources in society.

Gender-sensitive approach

The new *PRI Five-Pillar Model of Effective Community Service*, is underpinned by a gender-sensitive approach. A number of aspects need to be approached in a gender-sensitive way: from the decision making involved in sentencing, to the work completed and the manner of placement supervision. The UN Bangkok Rules and the UN Tokyo Rules underline the need for this approach and specific lessons on how to best achieve this and appropriate tools to be used are being developed by PRI¹.

Conclusion

The pilot study has led to an enhanced understanding of how to positively reform the community service systems in Kenya, Tanzania and Uganda to reduce the unnecessary use of imprisonment for petty crimes. Further project implementation and research is recommended to scale up the interventions with the new holistic five-pillar model, which is malleable enough to take into consideration the unique aspects of each country's system, while also remaining part of a broad approach that can be applicable to other ongoing and new systems of community service throughout the East Africa region.

¹ PRI, *A study on community service and probation for women in Kenya: Towards gender-sensitive alternatives to imprisonment*, 2016 (available on PRI's website in September 2016)