



Excellence in Training on Rehabilitation in Africa (ExTRA) Project

Community service as an alternative to imprisonment

Pilot project final evaluation



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PRI would like to offer special thanks to all those involved from the below ministries for their involvement in and support of the ExTRA Project. The project has been built on and invested in the hard work, ideas and expertise of those working in the justice sectors of each of the countries and PRI looks forward to further positive collaboration for fair and effective criminal justice reform.



Ministry of Interior and Coordination of National Government, Kenya



Ministry of Home Affairs, Tanzania



Ministry of Internal Affairs, Uganda

PRI would also like to thank all the researchers involved throughout the project for all their hard work and analysis of data in often difficult circumstances.

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Acronyms	
CS	Community Service
CSDVs	Community Service Department Volunteers
CSMT	Community Service Measurement Tracker
CSO	Community Service Order
DfID	Department for International Development
ExTRA	Excellence in Training on Rehabilitation in Africa
KPAS	Kenya Probation and Aftercare Service
TPCS	Tanzania Probation and Community Services
UCSD	Uganda Community Service Department
UNAFRI	United Nations African Institute for the Prevention of Crime and Treatment of Offenders
PRI	Penal Reform International
PSP	Peer Support Persons

Foreword

Stephen Pitts

Ambassador, The Confederation of European Probation (CEP)

This report addresses a pressing and widespread issue; how to reduce the unnecessary use of imprisonment through increasing the use of appropriate community alternatives. The ExTRA Project identified a number of key obstacles to the employment of alternatives, devised solutions, and tested their impact. That it did so by working simultaneously with partners in Kenya, Tanzania and Uganda adds to the breadth, reliability and transferability of the findings. This report is relevant to all with an interest in this vital challenge.

As this report notes at the outset, the prison systems in all three countries are characterized by severe overcrowding and poor conditions; the innovative approaches piloted were conceived in order to disrupt the poverty-prison cycle and to provide, through community service, a valid and humane alternative to custodial sentences, thereby reducing the unnecessary use of imprisonment.

Whilst the precise causes of high rates of custodial use vary from country to country, the issues tackled by the ExTRA Project will be widely recognised. The report's insights and recommendations have, with appropriate adaptation, broad relevance and applicability. The United Nations Office of Drugs and Crime and PRI's own Global Prison Trends Reports have highlighted the scale of the problem; many of the more than 10 million people in custody globally are held in overcrowded conditions. 118 of 194 countries for which data is available have declared overcrowding. About one third are held in connection with violent offences and the proportions of women and children are increasing.

Furthermore, as the UNODC has noted, the majority of prisoners worldwide come from economically and socially disadvantaged backgrounds. In turn prison disproportionately affects people living in poverty, including through the impact of income loss on families and the continuation of socio-economic exclusion after release. An endless cycle of poverty, marginalization, criminality and imprisonment may result, sometimes perpetuated by the increased chance of children of parents who have been imprisoned coming into conflict with the law. Unnecessary imprisonment is not only resource wasteful but may run counter to social justice and the development of more inclusive, safer and sustainable societies.

Barriers to the use of non-custodial options are also widely experienced; the legislation of many countries provides for a limited range of alternatives appropriate to the seriousness and nature of the offence. When legislation does exist there may be court reluctance to use it because of low confidence in effectiveness and poor infrastructure and mechanisms for cooperation between criminal justice agencies. Other issues may include a lack of funding for staff, inadequate training and organizational oversight, and weak public support.

The ExTRA Project identified three main issues for attention: stakeholder engagement, practice (and its links to public acceptability), and public attitudes. This report explores in detail three corresponding "pillars" of effectiveness; Increased use of alternatives through training of decision makers, improved capacity and delivery through training of implementers, and the generation of positive attitudes through public awareness activities. As a result of project learning, two further pillars were added; policy/legislation includes attention to crime definition and disproportionate sentencing. Empowerment projects offered small grants to help individuals support themselves and their families by creating businesses. All five pillars are underpinned by a gender-sensitive approach including attention to staff who work with females and the nature of community work placements.

In addition to their impact on prison use, the alternatives described in this report are clearly valuable in their own right. By tackling poverty and locally identified needs directly, the project inspires consideration of how community alternatives, and especially community service, imaginatively conceived and delivered with community participation and support, might support achievement of UN Sustainable Development Goals more broadly. Areas include health, inclusive learning, work, gender equality, food security, and water and sanitation, together with promotion of justice, inclusion, and sustainable development.

These views are supported by insights gained through the project's stakeholder feedback. The community service alternative is seen as positive including for its rehabilitative potential, the work delivered, and the opportunity afforded for individuals to work and support their families. The project's emphasis on stakeholder and community engagement and participation also aligns with growing understanding of processes of desistance from crime. Desistance appears to be supported by development of a more positive self-identity reinforced by recognition of change by justice staff and others in the community (both might be strengthened through community service), together with practical measures including employment. The ExTRA Project therefore illustrates the potential of alternatives such as community service to disrupt the prison-poverty cycle and to do so in ways that support both individual desistance and sustainable community development.

An additional and potentially far-reaching benefit of the project has been the opportunity provided by project meetings for the three core countries, and others in the region, to progress development of a Probation and Community Service Network. Together with emerging and established networks in other parts of the world, including the CEP, this development will significantly increase opportunity to share experiences and learning regionally and globally. In this context too the ExTRA Project, and this report including its well-considered findings and clear recommendations, have wide relevance. They provide just the kind of valuable, practical insights on which such networks depend and thrive.

Stephen Pitts

1. Executive Summary

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:

1. to increase the number of orders made by courts;
2. to raise levels of compliance with the orders carried out to completion by offenders;
3. to improve public understanding of and confidence in community service orders as an alternative to short prison sentences.

In terms of the number of CSOs, Tanzania saw a 104% increase and Uganda a 58% increase, both exceeding the target of 40%. Kenya did not meet this same target for reasons linked to uncontrollable variables and the loss of trained magistrates. These and other reasons are discussed, 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 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 affect perceptions. Direct interventions with stakeholders such as magistrates and local chiefs saw positive attitude change, as illustrated in case studies.

As a pilot project, 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 learnt were identified, including the importance of increasing resources and capacity of responsible departments to match workload; improving feedback to stakeholders and the involvement of the community; and improving data collection and methods for measuring change.

After analysing all results, a number of recommendations are offered. PRI 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 livelihoods¹ 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.

¹ In Kenya an additional activity providing empowerment grants to CSO offenders in order to start their own business and avoid further poverty-related offending was piloted and informed the recommendations

2. Introduction

2.1 Need for the project

A lack of a toilet in your home; selling fruit by a roadside without a licence; brewing your own alcohol; being a vagrant, a rogue or a vagabond. These are just some of the non-violent, poverty related crimes that lead to thousands of people being unnecessarily imprisoned across East Africa in inhumane conditions for days, months and sometimes years.

This pilot innovation project was conceptualised to disrupt the poverty-prison cycle and provide a valid and humane alternative to imprisonment, thereby reducing the unnecessary use of imprisonment in East Africa.

In many countries, including Kenya, Tanzania and Uganda, the overuse of imprisonment has led to citizens experiencing deplorable conditions in violation of United Nations standards such as the Nelson Mandela Rules². A Human Rights Watch report found that prisoners have been 'brutally beaten and forced to work under conditions resembling slavery'³ and that in some areas 'the conditions and treatment rise to the level of cruel, inhuman or degrading treatment, and even torture'.

Prisons are often so congested that people sleep on concrete floors, packed tightly on their sides, head to toe, or sit the whole night, squashed with their knees under their chins. For example, currently in Kenya, the prisons system is at more than 200% capacity⁴ and there is severe overcrowding throughout all three countries. These conditions are a perfect breeding ground for disease.

The picture (right) shows pretrial detainees squatting in tight lines in order to be counted during the intense midday heat at Meru Men's Prison (Kenya).



Overcrowding has vast, long-lasting effects for both the imprisoned individual and their families⁵. PRI research has shown that not only do these experiences cause health problems to prisoners, but they also lead to hidden impacts for their families such as being unable to buy food, afford school fees, stigmatization⁶ and perpetuation of the poverty cycle. The stigma can often be felt more acutely by female prisoners, who face a greater chance of losing their home, job, partner and access to their children as a result of unnecessary imprisonment.

² United Nations Minimum Standard Rules for the Treatment of Prisoners (Nelson Mandela Rules) (2015)

³ Human Rights Watch (2011) 'Even Dead Bodies Must Work': Health, Hard Labor, and Abuse in Ugandan Prisons

⁴ Kenya official prison capacity is 26,757, but occupancy is 54,154 Meaning occupancy rate of 202.4%.

⁵ <http://www.prisonstudies.org/country/kenya> Accessed 20/04/16

⁶ <http://www.penalreform.org/blog/human-rights-bodies-must-address-the-overuse-of/> Accessed 03/03/16

⁶ PRI Report A shared sentence: children of imprisoned parents in Uganda <http://www.penalreform.org/resource/a-shared-sentence-in-uganda/> accessed 03/03/16

However, there is an alternative. Community service orders⁷ (CSOs) allow petty offenders to provide a valuable service to the community, while also supporting their families and avoiding the inhumane conditions of prison. Despite some excellent work from the Probation and Community Service Departments, this alternative is underutilised and there is much work to be done to meet the requirements of the United Nations Standard Minimum Rules for Non-Custodial Measures⁸ (The Tokyo Rules), in terms of levels of use, community involvement and monitoring.

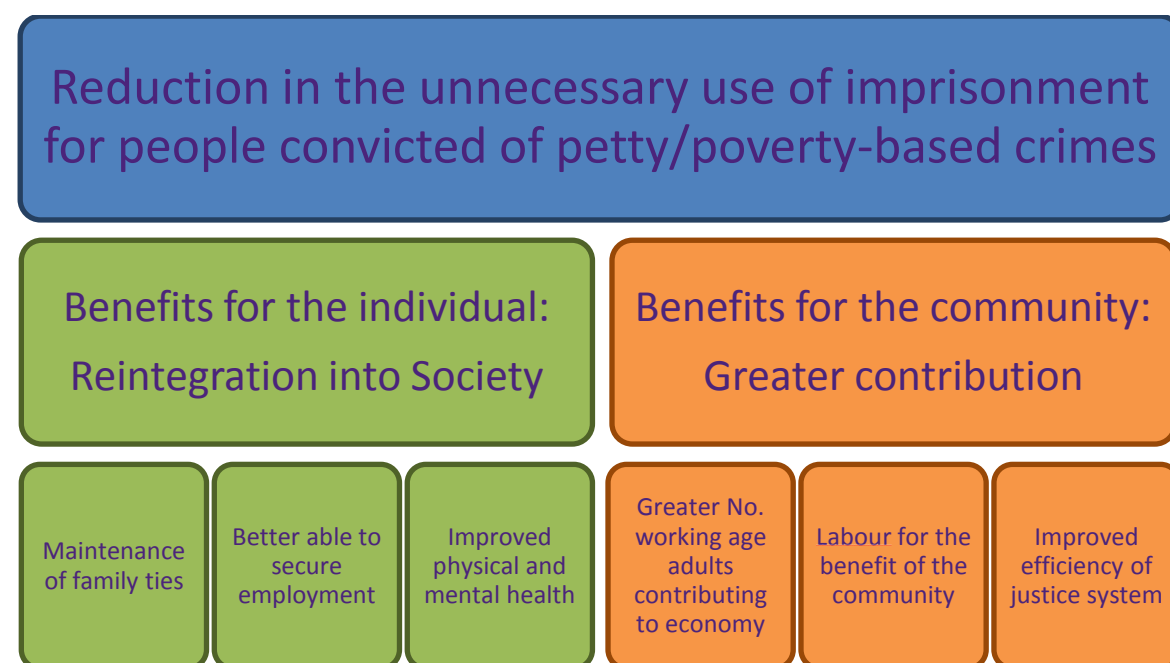


Figure 1: Impact of effective community service

2.2 Project background

Community Service Orders were introduced into Africa in the 1990s, first in Zimbabwe and subsequently into a range of countries including Kenya, Tanzania and Uganda. PRI played an important role in providing technical assistance during the development of community service programmes but this assistance has only been possible when funding was available. Table 1 lists all PRI activities in the region that have led to this current project.

Activity	Date
Regional scoping visit and research study	Nov-11
Resource produced: Alternatives to imprisonment in East Africa: trends and challenges	Feb-12
Resource produced: Making Community Service Work: A Resource Pack from East Africa	Feb-12
CSO trainings (2) (Kenya)	Feb-Mar 2012
Magistrates and State Attorneys CSO training (Uganda)	May-12
CSO training (Tanzania)	May-12
CS training and seminars (2) (Kenya)	Sep-12

⁷ For further definitions and discussion of the value of CSOs, see PRI: *Making community service work. A resource pack from East Africa, 2012* <https://www.penalreform.org/wp-content/uploads/2012/05/Making-Community-Service-Work-A-Resource-Pack-from-East-Africa-2MB.pdf> Accessed 30/08/16

⁸United Nations Standard Minimum Rules for Non-Custodial Measures⁸ (The Tokyo Rules) <http://www.ohchr.org/Documents/ProfessionalInterest/tokyorules.pdf> Accessed 08/08/16

Presentation at ACSA Conference (Uganda)	Oct-12
Uganda CS department participated in Kenya Probation Offer Conference	Nov-12
Magistrates CSO training (Uganda)	Dec-12
Follow-up surveys and assessment (Kenya)	Dec-12
East Africa Criminal Justice e-network established, 4 e-bulletins per year	Apr-13
Follow-up surveys and assessment (Uganda)	Mar-13
'Models of Excellence' (data gathering, workshops, manual and guidelines, Supervisors and training of trainers (2), (Kenya)	May-Jun 2013
Africa Conference on Alternatives to Imprisonment (Tanzania)	Nov-13
'East Africa: Trends and Challenges' summary update	Nov-13
Africa Network for Probation & Community Services (APC) created	Nov-13
Follow-up surveys and assessment (Kenya)	Feb-14
Contract signed with DFID – Security & Justice Innovation Fund	Jul-14
ExTRA Project began	Aug-14

Table 1: Project Background Timeline

2.3 Challenges to an effective community service system

The first key challenge relates to fact that alternatives are not considered for many offenders for whom these sentences might be appropriate.

The second main challenge relates to the implementation of the sentences once they are imposed. A lack of resources, particularly in Uganda and Tanzania, affects the successful placement and supervision of offenders and as a result, compliance and reoffending rates vary.

The third challenge is to build the confidence of the public and the courts in non-custodial punishments. Although efforts were made to sensitise and educate people when CS was first introduced, many members of the public either lack awareness about or are hostile to alternative sentencing; it is common to hear CS referred to as a “soft landing”.

2.4 Innovative Intervention

While there had been activities in the past that have had some positive effects, the DfID Security and Justice Innovation fund provided an opportunity to test and measure whether coordinating a comprehensive range of training and other technical assistance activities in carefully defined settings could bring about significant improvements in the effectiveness of CSOs. The ExTRA project was designed to test this theory and ran from 1 August 2014 to 31 July 2016.

2.5 Description of Community Service Systems in Kenya, Tanzania and Uganda Kenya

Community Service is the responsibility of the Probation and Aftercare Service within the Ministry of Interior and Coordination. The department is also responsible for the supervision of probation orders and a number of other functions including those related to bail, victim impact, reintegration and reconciliation and crime prevention. The Probation Service was established during the colonial period with the first probation officers in post in 1946. Community Service Orders were introduced under the Community Service Orders Act. No 10 of 1998.

Probation and community service officers, numbering more than 650 in total, are located in court stations around the country. Since 2005, use has been made of volunteer probation officers in some areas; people of good character and integrity identified from within the

community to support the work of probation staff by offering close supervision to offenders and helping to prepare reports for the courts. They support those directly supervising the offenders whilst they work.

Offenders eligible for a CSO are those who have committed an offence carrying a maximum penalty of three years' imprisonment and below, or an offence that can attract more than three years but which, in a particular case would be punishable by three years or less. A practice has also developed in which prisoners may have their sentences reviewed and can be released from prison to complete a CSO, as determined by the High Court. This system is also applied to cases of longer term prisoners who have three years or less remaining to serve.

The order is imposed for a fixed period and sets out a number of hours of unpaid work to be undertaken by the offender in accordance to the formula developed by the National CSO Committee. The minimum daily period of work is two hours and the maximum is seven hours.

Community service officers report to the courts on an offender's suitability for a CSO. Placement supervisors ensure the offenders comply with the orders. The work may include the construction or maintenance of public roads; forestation works; environmental conservation and enhancement works; and projects for water conservation, management, distribution and supply. It could also include work in public schools, hospitals and other social service amenities or other activity for the benefit of the community.

In 2009 the CSO national afforestation programme was introduced, through which offenders contribute to meeting Kenya's target of increasing its forest cover from 3% to 10% by 2030. In 2010 projects were launched to equip offenders with skills to help them earn a living rather than commit petty crimes, for example, offenders are taught how to raise and keep rabbits, fish, goats and bees and skills such as brick-making.

Tanzania

Community service was introduced in 2002 and since 2008 has been the responsibility of the Probation and Community Services Department within the Ministry of Home Affairs. The enactment of the Community Service Act was prompted by a report prepared by the Law Reform Commission of Tanzania in 1986 and published in 1994. Probation and community services are available in 21 out of 25 regions but only 66 out of 118 districts are covered in these regions. There are 107 probation staff in total, with the vast majority based in the regions.

The CS model is similar to the model in place in Kenya. A National Committee is chaired by a High Court judge and other members are drawn from various agencies within the Criminal Justice system.

Community service orders can be imposed for a fixed period of up to three years not exceeding the period of time for which the court would have sentenced the offender to prison. Orders tend to be targeted at first-time offenders with a fixed and permanent place of residence. Eligible offenders are interviewed at court, but there are insufficient numbers of probation staff to interview all of those who are eligible, particularly in larger courts which can comprise up to six chambers. Recommendations put forward in social inquiry reports tend to be accepted by the courts. Before a CSO is imposed a guarantor has to be identified who will pay a surety in the event of the offender absconding or otherwise failing to complete their order. This has limited the numbers eligible for CSOs but ensured high completion rates for orders that are made.

As in Kenya, prison officers are able to identify eligible offenders in prison. Lists are produced and suitable cases are reconsidered by magistrates. Large numbers of those on CS come from prison in this manner. In the pilot area, Probation Officers visit the prison every Friday to assess the suitability of people on the list for CSO.

Community service is undertaken for four hours a day, five days a week. Supervision of the work is undertaken by the placement institution - generally government institutions. The work tends to be physical or menial labour, such as slashing (cutting grass with a machete) or cleaning, but does also include construction or maintenance of public roads, afforestation, environment conservation and enhancement works, water conservation projects, maintenance work in public schools, hospitals, foster homes or orphanages, as well as rendering specialist or professional services in the community.

Uganda

Unlike in Kenya and Tanzania, CS in Uganda has been the responsibility of a distinct Community Services Department headed by a commissioner in the Ministry of Internal Affairs. There is a National Community Service Committee chaired by a High Court judge with representation from all criminal justice administration agencies.

Following a pilot programme in 2001, CSOs were extended to all districts in 2004 but the resources available for the Community Service Programme have remained limited.

Any person over 18 years who commits a petty offence punishable by imprisonment of no more than two years may be sentenced to carry out unpaid work for the community instead. An offender serving a CSO is required to carry out up to maximum of 980 hours (within six months) of unpaid work. A maximum of eight hours a day can be imposed. The Children's Act does not provide for CS as a penal sanction for children. Most orders are imposed by magistrates and the agreed practice is that pre-sentence information is provided to the courts by the police through the completion of Police Form 103 (PF103), although this is not always carried out.

The work undertaken by offenders is provided by public organisations or community-based organisations such as churches or mosques. Generating a list of placements is the responsibility of the District Community Service Committees. They include construction and environmental conservation; work in schools and health facilities; planting trees and the establishment of nursery beds; unblocking drains; solid waste collection and disposal in urban areas; sinking pit-latrines; brick-making and-laying; and the maintenance of feeder roads and community utilities. In some cases, offenders' professional skills have been matched with placements as carpenters, cooks and teachers. Where suitable placements are not available, work is provided at police stations or courthouses. A significant number of placements remain linked to slashing and cleaning.

The Community Service Department has a small budget to support placement institutions by providing tools such as wheelbarrows and seeds for planting. Responsibility for supervising the placements is undertaken by officials or others in addition to their main job.

An initiative has been started to identify defendants on remand in prison who might be eligible for CS. Community service officers therefore make regular visits to prisons to sensitise the inmates on CS and identify those who are eligible. Plea bargains are used and mini court sessions organised to change the sentences of those who are willing to do CS. Sensitisation is also carried out at police suspect parades, where the identification of eligible offenders also takes place.

2.6 Project Outcomes and Activities

Outcomes

The project aims to have a positive impact on the reduction in the unnecessary use of imprisonment for offenders convicted of non-serious offences in the targeted project regions.

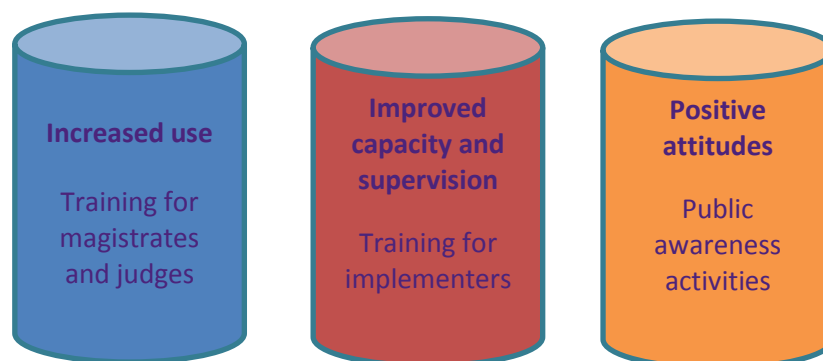


Figure 2: Three Pillars of Effective Community Service

In order to achieve this, a three pillar approach was taken to tackle the current challenges and in order to realise of the following long-term outcomes:

- increased use of CSOs in the pilot regions;
- increased compliance of CSOs in the pilot regions;
- positive stakeholder attitudes towards CSOs in the pilot regions.

There is also a further long term outcome in Kenya to empower selected offenders who perform well during their CSO to open their own small business and be better able to secure employment. This is in recognition of the accepted position that a large amount of petty offending is poverty driven.



Figure 3: Kenya Specific Activities to address poverty-related offending

Activities

The project began with a Planning Meeting in Kampala 2014.

approaches Different approaches were adopted to fit the specific systems of each country. Project regions were selected in each country to test the activities of this pilot project. Control areas were also identified where no project activities took place in order for a comparison to be made during the end-term evaluation.

Key stakeholders were trained in specific project regions in across all countries and the training focused on

- the legislation governing CS
- the CS process and relevant documentation
- the benefits to the individual, the community and the state
- the roles of each stakeholder and of the community.

The tables below show the category and number of beneficiaries trained in each country.

Kenya

	Total	2015											
		J	F	M	A	M	J	J	A	S	O	N	D
Kenya	Magistrates	16					16						
	Probation Officers/CSO Officers	34		34									
	Supervisors	189		189									
	Multi Stakeholder	76				76							
	Media	16	16										
	Public (Open days etc.)	934				358	576						
	Offenders (Empowerment)	36							36				

Table 2: Number of Beneficiaries Trained in Kenya

In Kenya, the project activities were held in the region served by Meru High Court (including counties of Meru, Tharaka and Isiolo) with a population of 1.86 million. The area has eight courts including the High Court and five prisons. The control area was Kisii region in the south west of the country.

Tanzania

	Total	2014	2015											
		D	J	F	M	A	M	J	J	A	S	O	N	D
Tanzania	Magistrates	100			100									
	Probation Officers/CSO Officers	27			11				6	10				
	Supervisors	80					80							
	Multi Stakeholder	80							40	40				
	Media	24		21	3									

Table 3: Number of Beneficiaries Trained in Tanzania

Project activities in Tanzania were held in the Mbeya region, which has a population of 2.7 million, who are served by one high court, one magistrate court, seven district courts and 43 primary courts. The control area was Dodoma further south of the country.

Uganda

	Total	2015											
		J	F	M	A	M	J	J	A	S	O	N	D
Uganda	Magistrates, State Attorneys, Prosecutors, CID	97						45	52				
	Probation Officers, CSO Officers, Prison staff, court staff, local government	280						117	163				
	CS Volunteers	17					17						
	Peer Support Persons	79								79			
	Media	58							58				
	Public (Open days etc.)	3827							3556	271			

Table 4: Number of Beneficiaries Trained in Uganda

Ugandan project regions included the three magisterial areas of Jinja, Iganga and Mbale of Eastern Uganda. These areas cover 17 districts with a total of 25 courts. The control area is Luweru and is further north.

Right: Group photo of a multi-stakeholder meeting in Bugiri, Uganda.

The Uganda arm of the project had two extra distinct stakeholders who were also recruited and trained as activities of the project.



Community Service Department Volunteers (CSDVs)⁹

Mainly located at the courts, CSDVs provide information and support to the Community Service Department and the magistrate to make a decision. They travel to prisons and police stations to sensitise those being held about CS, who may be eligible and what the benefits are. The CSDV liaise with the court, the community, the victim and the and gathers the opinions of t local leaders.

Once a CSO has been made, the CSDV may help identify a suitable placement and liaise with the supervisor. They visit the offender at home and at the placement during the CSO. They are the point of contact for the offender and the supervisors. A full recruitment and interview process took place to identify strong CSDVs and most are recent graduates and hold degrees in topics such as social work.¹⁰

Peer Support Persons (PSPs)

Selected by CS Officers and managed by the CSDVs, PSPs are former offenders who have already successfully completed CSOs and have been identified as people who can be a positive influence on the offenders currently carrying out CSOs. They provide counselling and support to the offenders and help ensure that they do not abscond.

Activity timeline

Chart 1 below outlines all the activities across the three countries and highlights the original planned dates and the dates of actual completion.

¹⁰ Volunteers received a small facilitation fee which covered their travel expenses and lunch, unlike other volunteer programmes, e.g. in Kenya, where volunteers receive no fee

ExTRA Project

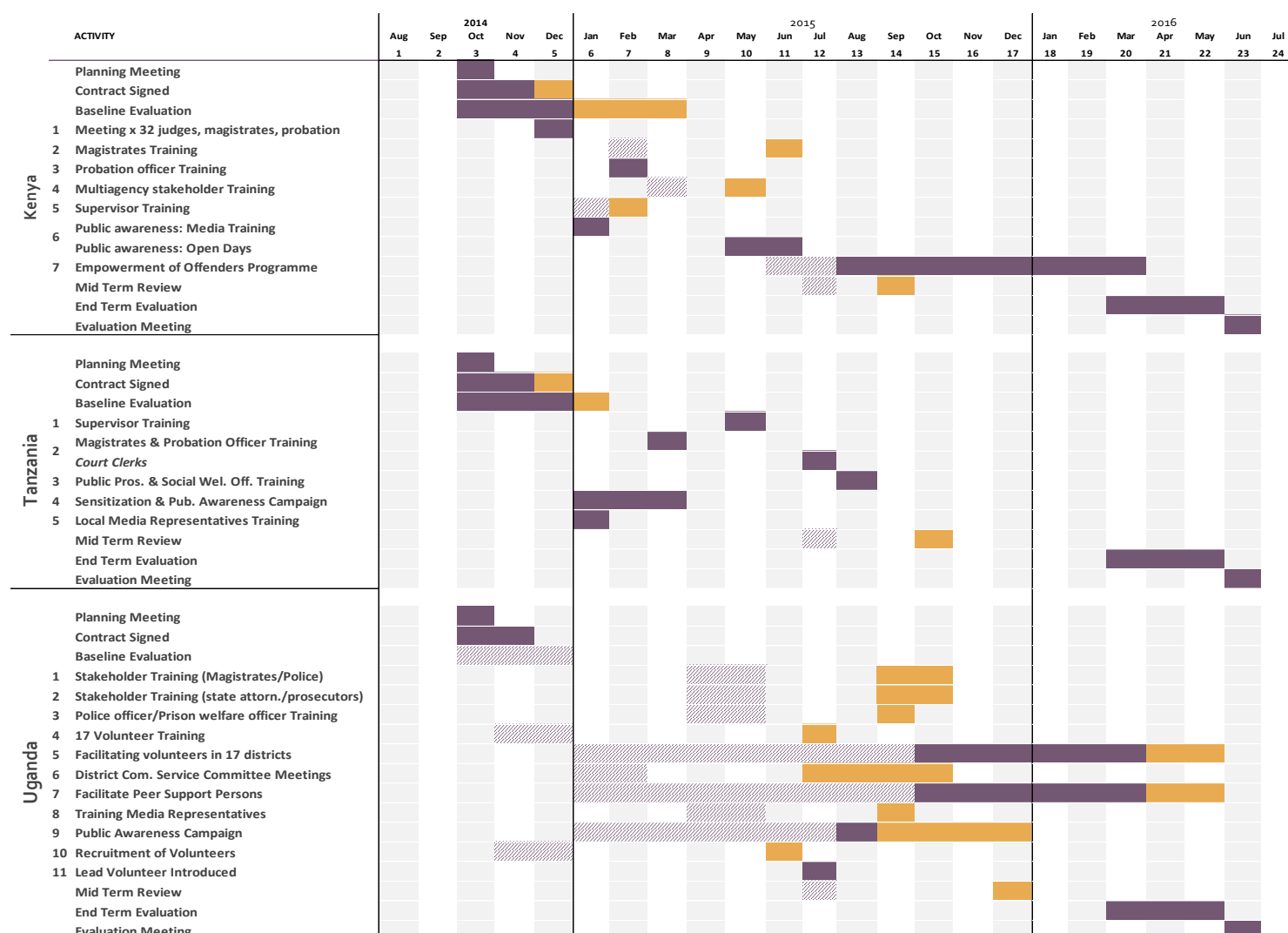
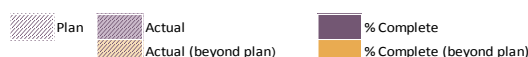


Chart 1: ExTRA Project Activity Timeline

3. Evaluation Purpose and Methodology

3.1 Evaluation design

PRI employed a mixed methods design in order to monitor and evaluate the project. Specific data collection and analysis took place on three separate occasions, as well as on-going oversight from the Project Manager and Heads of Probation and Community Service in each country:

- Baseline data capture
- Mid-term Evaluation
- Final Evaluation

Baseline data capture

An independent researcher was commissioned in each of the project countries to collect data on the three key areas of the project:

- the number of CSOs
- the completion rates and
- the perceptions of CS in the eyes of key stakeholders.

Data was collected in project and control areas and presented with a contextual analysis. Where possible, quantitative data was mined from record books at local court stations for the number of CSOs received by offenders and secondary sources were also utilised from the Probation or Community Service Departments. The departments were also responsible for providing the number of completions and non-completions of CSOs.

Qualitative primary data was gathered on perceptions of CS through face-to-face cross-sectional surveys with key stakeholders, using both open and closed-ended questions. All participants took part with fully informed consent and in the language with which they were most comfortable.

Use of a control to assess impact

A control region was identified in each of the three countries. In the control region, no activities were implemented but the researchers collected CS data so the results could be compared to the pilot regions. The main purpose of the control was to enable evaluators to attribute cause and effect between interventions and outcomes (counterfactual analysis). The control 'counterfactual' measures what would have happened to the beneficiary in the absence of the intervention, and impact is estimated by comparing the results of the control regions to the results of the pilot intervention. The results of the control region can provide a strong indication on what is happening in the external policy environment:

- If the control remains relatively stable – there is no significant increase or decrease compared to the baseline in 2014 – it is an indication that there have been no major external changes in the external policy environment. This is an ideal scenario because it makes it easier to attribute impact to the project activities.
- If the control results decreases – there is a significant decrease compared to baseline in 2014 – it is an indication that there have been some unfavourable changes in the external policy environment. For example, the Government may introduce a country-wide policy that encourages the use of imprisonment in all regions.
- If the control results increase – there is a significant increase compared to the baseline in 2014 – it is an indication that there have been some favourable changes in the external policy environment. For example, a country-wide plan to reduce the prison population is agreed.

Mid-term evaluation

The evaluation visits to the project regions were carried out by a team of three UK based staff (including one independent consultant) who, accompanied by members of the respective Probation or Community Service teams, met with various stakeholders in the project.

All three evaluation visits generally consisted of meeting with the resident judge or magistrate in the region, followed by key stakeholders who were involved in the training activities and work with the CSO system.

The team adopted a semi-structured interview approach, covering subject areas including:

- current effectiveness of the CSO system;
- positives and negatives about the training that took place;
- what has changed (if anything) since the training;

- their views on public perceptions and how this can be improved;
- what they would change about the system if they were able to.

The visits were combined with a thorough examination of the statistics linked to the number and completion of CSOs and a comparison made with the baseline data.

Statistical data was not gathered for the stakeholder perceptions at the midterm stage, as a planned comparison of surveys at the baseline and end-term phases was agreed.

A theory-based evaluation design (see Box 1) was used to test the programme's theory through the links in the causal chain. In terms of method it is close to 'process tracing' (George and McKeown, 1985; Collier, 2011), which is defined by Aminzade (1993) as 'theoretically explicit narratives that carefully trace and compare the sequence of events constituting the process'.

Box 1: Theory-Based Evaluation

In order to explain we need theory to bridge the gap between data and interpretation of that data; and in the case of impact evaluation to bridge the gap between 'causes' and 'effect'.

Theory-based evaluation is process orientated. It regards the programme as a conjunction of causes that follow a sequence. It follows a change pathway of a programme from its initiation through various causal links in a chain of implementation, until intended outcomes are reached. The process is built upon a 'theory of change' - a set of assumptions about how an intervention achieves its goals and under what conditions (Stern et al, 2012).

The evaluation process was as follows:

- Analysis of project documentation generated by PRI and project partners.
- Analysis of project activities (e.g. quarterly reports); the project theory of change and logical framework; the primary data (e.g. community service statistics) collected by the partners during the lifetime of the project
- Interviews with a range of external stakeholders to identify and evidence (a) what targeted outcomes actually materialised; (b) the plausible causal explanations that underpinned the targeted outcomes; (c) PRI's contribution to the change; (d) case study material for different stakeholder groups.
- Analysis of additional documentation (e.g. relevant reports produced by other agencies) and secondary data (e.g. Government statistics) to verify the qualitative data collected in step 3.
- Drafting a final report documenting the research process and key findings.

Final evaluation

The independent researchers who completed the baseline study returned at the end of the project to revisit the same locations and apply their adapted tools for the end phase. An analysis of the change from the baseline period and contextual analysis was completed and this final evaluation report is a culmination of the three individual country reports and PRI's ongoing assessment.

Notes on Data Collection.

Due to unforeseen circumstances in Kenya, the National Crime Research Centre (NCRC), who completed the baseline report were unable to be employed to complete the final evaluation, which was instead conducted by STRATEGIS.

4. Results

4.1 Outcome 1 – Increased use of community service as an alternative to short-terms of imprisonment

Kenya

Comparison against baseline

The researchers collated baseline data in the pilot region (Meru) over a 12-month period, January to December 2014. The project activities were implemented as scheduled (January-December 2015) and during the intervention period, data was collected for two timeframes:

- *1 January 2015 to 31 December 2015 (project implementation).* Collection and analysis of CS data during this timeframe is required to measure the short-term impact of the project activities on the use of CS.
- *1 January 2016 to 31 March 2016 (after project implementation).* There is often a time lag that occurs between the implementation of an intervention and the complete impact of the intervention. This timeframe therefore assesses the short-to-medium impact of the project activities.

See Table 5 below for a comparison between the baseline (2014), the project implementation timeframe (2015) and after the project implementation timeframe (2016).

		Jan-Dec 2014 (Baseline)	Jan-Dec 2015	Percentage change (%)	Jan-March 2016
Length of CSO sentence	1 day	879	554	-37%	183
	2-7 days	96	125	+30%	18
	9-30 days	452	539	+19%	155
	31-90 days	262	397	+52%	166
	3-6 months	615	615	0%	168
	6-12 months	241	422	+75%	48
	1-2 years	68	116	+71%	15
	2-3 years	16	19	+19%	2
Total number of CSOs:		2,629	2,787	+6%	755

Table 5: Total number of CSOs in Kenya, by length of sentence

The end of project target (end of March 2016) was to increase the use of CS by 40% compared to baseline. Table 1 shows that between 1 January and 30 December 2015, there was a 6% increase compared to the baseline in 2014. This represents a good increase but falls well short of the target of 40%. However, this does not take into consideration the number of CSOs that were used during sentencing from 1 January to 30 March 2016. When comparing data against a baseline, it is important to have two equal timeframes. To take the 2016 sentencing data into account, Table 6 uses the average number of CSOs per month to compare the baseline to the entire project period (1 January 2015 to 30 March 2016).

	Jan-Dec 2014 (Baseline, 12 months)	Jan 2015– March 2016 (Intervention, 15 months)	Percentage change (%)
Total number of CSOs:	2,629	3,542	
Average number of CSOs per month:	219	236	+8%

Table 6: Average number of CSOs per month in Kenya, compared to baseline

Table 6 shows that the average number of CSOs per month has increased by 8% compared to the baseline in 2014. This is a positive result because it shows that use of community is trending upwards, increasing year on year compared to the baseline. However, it still falls well short of the targeted 40%.

In hindsight, a targeted increase of 40% was not appropriate for Kenya. Kenya has the most developed CS system of the three countries. In the pilot area in 2014, Kenya had 2,629 CSOs, which is much higher than both Tanzania and Uganda and it may be easier to develop or improve a simpler system compared to a mature and more complex system. At the mid-term evaluation stage, the evaluators met with several Kenyan magistrates and it was clear that all of the magistrates were aware of CS. However, some of the hard-to-reach magistrates were reluctant to use CS because (a) they felt it was a 'soft' sentencing option; (b) they believed that the community perceived CS as a 'soft option'; (c) they lacked confidence in the implementation and supervision of CS placements. For some magistrates in Kenya, it is clear that training and awareness raising was not enough and different tactics need to be taken to influence their hearts and minds. However, in Tanzania, where CS is less developed, it is clear that training and awareness raising is enough to generate a significant increase in the number of orders.

We learned that:

- Each country's CS system is at different stages of development. It is important to design a project tailored to the needs of each system.
- The milestones and targets should differ, depending on each country's level of maturity. For example, in Kenya (high maturity) a 5-10% increase compared to baseline would be an appropriate target. In Uganda (medium maturity), a 10-20% increase would be appropriate. In Tanzania (low maturity), 20-30% increase would be an appropriate and sustainable target.

Table 5 shows that there has been a significant change in the length of CSO sentences given. In 2014 there were 879 one-day orders and in 2015 there were 554 one-day orders, which represents a decrease of 37% compared to the baseline. At the beginning of the project, PRI did not explicitly set a target of increasing the use of longer-term community sentences. However, through discussions with KPAS it was recognised that one-day sentences do not allow for any meaningful work to be done with the offender in terms of building skills or rehabilitation; they may also negatively affect women. The crimes that received these sentences were more *misdemeanours*, and magistrates were encouraged not to give a formal sentence for these crimes at all.

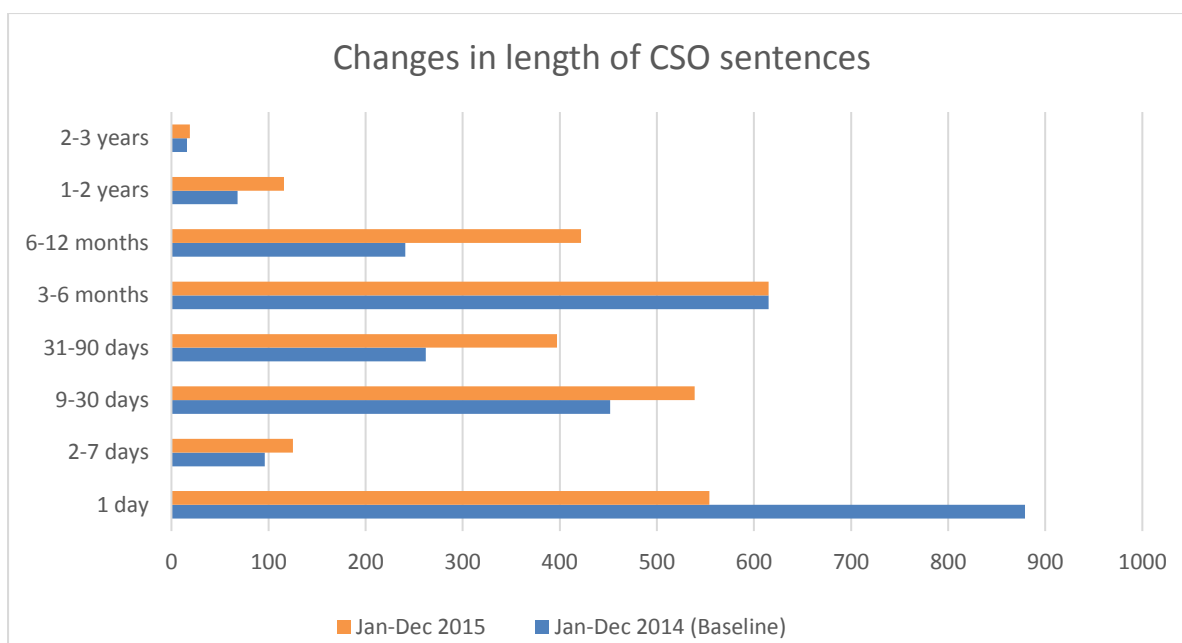


Chart 2: Changes in length of community service sentencing in Kenya

Interviews with the Probation Department and the magistrates after implementation showed that the attitude towards one-day orders has changed: several informants noted that short CSO sentences were not a good use of CSOs because they provided little value to the community and less time to change the offender's behaviour. Indeed, it was noted that the CSO trainings encouraged magistrates to use longer CSO sentences and this is reflected in the figures provided in Table 1. In terms of the duration of the CSO sentence, in 2014, magistrates gave 1,202 offenders a CSO that was more the one-month but less than 3 years. In 2015 this figure increased to 1,569, which is an increase of 31% compared to the baseline.

The trend towards the use of longer-term CS sentences is a positive unintended consequence.

As a result of this focus, the total number of CS days (number of order times the number of days served) has increased significantly compared to the baseline, which brings potential benefits to the community and the offender.

The mid-term evaluation noted that the number of CSOs issued is not the best indicator to measure the performance of a CS project because it too susceptible to external factors (e.g. changes in crime rate). The CSO sentence rate – the percentage of persons sentenced who received a CSO – was put forward a better indicator because it enables implementers to track the performance of magistrates and is less susceptible to external factors. Table 7 below provides a comparison against the baseline of the CSO sentence rate.

	Jan-Dec 2014 (Baseline)	Jan-Dec 2015	Percentage change	Jan-March 2016
No. of registered criminal cases	7,748	13,751	+77%	7,664
Number of CSOs	2,629	2,787	+6%	745
Number of Probation Orders	979	727	-26%	215
Number of Fines	2,088	2,510	+20%	645
Number of people imprisoned	1,050	727	-31%	243
CS Sentence Rate	39%	41%	+2%	40%

Table 7: Sentencing data for Meru region, compared to baseline

Table 7 shows that the CSO sentence rate in 2015 increased by 2%, from 39% to 41%, compared to the baseline in 2014. This is a good result and suggests that magistrates are more likely to use CS compared to other sentencing options. During the first quarter of 2016, the CSO sentence rate dropped slightly to 40%, still a small increase compared to 2014.

To analyse the impact of the project activities on these encouraging results, Table 8 breaks down the CS data on a monthly basis and shows when key project activities took place.

Month / Year	Number CSO orders	CSO sentence rate	Number of CSOs – percentage change	Project activities
January 15	187	37%		
February 15	201	38%	+7%	Supervisor / probation training
March 15	239	40%	+19%	
April 15	240	40%	0%	
May 15	230	40%	-4%	Training for police / prisons / councils
June 15	232	41%	+1%	Magistrates training
July 15	269	42%	+16%	
August 15	298	44%	+11%	
September 15	267	43%	-10%	Mid-term evaluation
October 15	232	41%	-13%	
November 15	226	44%	-3%	
December 15	166	36%	-27%	
January 16	238	40%	+43%	
February 16	256	42%	+8%	
March 16	251	39%	-2%	
Total	3,532	41%		

Table 8: Number of CSOs in Kenya, by month, 2015-16

Table 8 suggests that the magistrates training in June had a positive impact on the number of CSOs made in July and August. After the initial impact of the training, there was a small drop in the number of CSOs between September and December, but a subsequent increase in 2016. At the end of the project there were 251 court orders, a 34% increase compared to January 2015 (start of the project), and a 13% increase compared to March 2014 (baseline). Analysing the monthly figures, it is clear that the CSO sentence rate was consistently higher between July and September, 41-44% (after the trainings) compared to January to February. This suggests that the training had a sustained positive impact on magistrates and that because of the training they were more inclined to use a CSO over other sentencing options.

In terms of increasing the number of CSOs, it is clear that magistrates' awareness, perceptions and attitude is the single most important factor. Training of magistrates was therefore a key project activity. In Kenya, there were fewer magistrates trained compared to the other two countries, partly due to the fact that the project coincided with magistrates moving to new stations, so all magistrates posted to the project region were targeted. In Tanzania, 100 magistrates were trained through the project and in Uganda 30 magistrates were trained. Table 9 below shows that the training of magistrates in the Kenyan pilot helped to increase the magistrates' knowledge on a range of topics. At the beginning of the training, 50% of magistrates said that they had a poor understanding of the concept and background

of community service. At the end of the figure increased significantly: 70% said they had an excellent understanding and 30% said they had a good understanding.

Knowledge	Before training (%)					End of training (%)				
	Very weak	Weak	Good	Very Good	Excellent	Very Weak	Weak	Good	Very Good	Excellent
To present an overview on alternatives	0	20%	40%	30%	10%	0%	0%	0%	30%	70%
To explain the concept and background of the CSO	20%	30%	30%	30%	0%	0%	0%	0%	30%	70%
To explain the statutory mandate of CSO	10%	20%	20%	50%	0%	0%	0%	0%	20%	80%
To specify the roles and responsibilities of magistrates	10%	0%	30%	20%	40%	0%	0%	0%	20%	80%

Table 9: Knowledge and skills, magistrates' training in Kenya, June 2015

Comparison against the control

In Kenya, Kisii and Keroka were identified as the control regions. In Kisii and Keroka, data was collected in same three timeframes as the intervention: January to December 2014 January to December 2015 and January to March 2016.

Table 10 below provides a summary of the results in the Kisii and Keroka control regions.

	Jan-Dec 2014 (Baseline)	Jan-Dec 2015	Percentage change	Jan-March 2016
Number of CSOs	807	1,205	+49%	236
Number of Probation Orders	109	140	+28%	30
Number of Fines	2,278	1,840	-19%	375
Number of people imprisoned	1,197	1,010	-16%	258
CS Sentence Rate	18%	29%	+11%	26%

Table 10: Sentencing data for the control regions, compared to baseline

Between 1st January and 31st December 2015 there was a 49% increase in the number of CSOs in the control regions compared to the baseline in 2014. The CS sentence rate in 2015 in the control region increased by 11% compared to the baseline. This provides an indication that in 2015 there was a positive external policy environment for the use of CS:

- The number of registered cases in Meru (pilot region) increased by 77% compared to 2015. The sentencing data for the control region suggests there was an increase in the crime rate – and consequently potentially eligible for CS.
- In the pilot regions both the number of CSOs and the CS sentence rate increased significantly compared to the baseline. No project activities were implemented in the control region and therefore this improvement suggests that the external policy environment was favourable towards CS.

Further examination of the context revealed that during the project implementation period, there was a period of drought that effected both pilot and control regions. Through the evaluation interviews, 87.5% of magistrates and 90% of probation officers questioned, stated

that the drought increased the number of petty crimes. It was noted that many people had been arrested for stealing food or fighting over scarce resources.

In terms of the number of CSOs and the CS sentence rate, it is clear that the control region outperformed the pilot Meru region. However, there are some valid reasons for this:

Alcoholic Drinks Control Act¹¹

The High performance in Kisii may have also been linked to the presidential crackdown against illicit alcohol with a special focus on central Kenya (where Meru is situated). Therefore, Meru and the central region were under pressure to apply more fines and custodial sentences. Kisii region was not as affected in this way, and thus the magistrates more open to CSOs.

Impact of decongestion exercises. Overcrowding is an ongoing issue throughout Kenya's prison system, and at times the government and high court intervene and release or commute sentences to non-custodial alternatives to ease the situation. There was an exercise that targeted Kisii, the control region during this time that vastly increased the number of CSOs up until the end of 2015.

There was less room for improvement in the pilot region. The baseline data shows that compared to the Kisii and Keroka (18% CS sentence rate) regions, CS in the Meru region was a lot more developed (39% CS rate).

Transfer of trained magistrates to other regions. During the evaluation interviews, the Probation Team noted that the majority of the magistrates trained in June 2015 were transferred to other regions of Kenya. This meant that a number of magistrates who participated in training and other project activities have been posted to stations outside the pilot areas and been replaced by magistrates who had not benefitted from activities designed to increase their awareness of and confidence in CSOs.

However, as shown in the case study section of this report, when the sentencing decisions of a magistrate who received the training is directly compared to another magistrate at the same court station who did not receive training, there is a clear positive effect that can be attributed to the project activities.

Contamination and misuse of the control. The gold-standard approach to impact evaluation is to use a randomised control trial (RCT). A RCT randomises which participants receive an intervention– the target treatment group – and who does not – the control. It then compares outcomes between those two groups; this comparison gives us the impact of the programme. This approach was not practicable in this project for a number of reasons. However, it brings into question whether it is possible to draw reliable conclusions when comparing the intervention to the control regions.

Kisii and Keroka were chosen as the control region because of the cultural and social similarities with Meru. Despite being in different areas of the country, the two communities exhibit similar language dialects and were identified as having high crime rates. However, the control regions were much smaller than Meru and the baseline data shows that CS system in Meru was much more developed than that of the control. Consequently, it is difficult to compare CS in Meru against the control because they are at different stages of development with Kisii/Keroka at an early stage of development with a lot of room for improvement.

¹¹ A Presidential Decree in June 2015 urged a law enforcement crackdown on the production, sale and consumption of so-called 'secondary alcohol' – illegally brewed alcohol which can cause adverse effects on health and wellbeing. This Decree encouraged magistrates to impose tougher penalties such as large fines or prison sentences for alcohol-related offences

Taking all these factors into consideration, it is difficult to say whether the ExTRA project activities had a significant and sustained impact in the Meru region of Kenya. It is important that the Kenyan Probation Department continues to monitor and track sentencing data in Meru to see whether the use of CS continues to increase.

Tanzania

Comparison against baseline

The researchers collated baseline data in the pilot region (Mbeya) over a 12-month period, January to December 2014. The project activities were implemented as scheduled (January-December 2015) and during the intervention period, data was collected from January to December 2015.

	Jan-Dec 2014 (Baseline)	Jan-Dec 2015	Percentage change (%)
Number of community service orders:	126	257	+104%

Table 11: Total number of CSOs in Tanzania, compared to baseline

The project target for the end of December 2015 was to increase the use of CSOs by 40% compared to the baseline. Table 5 shows that the target in Tanzania has been exceeded: the number of CSOs increased by 104% in 2015 compared to the baseline in 2014. This is an extremely encouraging result.

To analyse the impact of the project activities on this result, Table 12 breaks down the 2015 data on a monthly basis and shows when the project activities were carried out.

Month	Number of CSOs	Percentage change	Project Activities
January	17		Training of local media
February	22	+29%	Sensitisation material produced
March	22	0%	Training of magistrates and probation
April	32	+45%	
May	32	0%	Training of supervisors
June	13	-41%	
July	18	+38%	
August	18	0%	Training of Prosecutors and Social Welfare Officers
September	17	-6%	Mid-term evaluation visit
October	5	-71%	
November	17	+240%	
December	44	+159%	
Total:	218		

Table 12: Number of CSOs in Mbeya, Tanzania, by month, 2015

In Tanzania, the training of magistrates and probation staff in March 2015 was a key activity aimed at increasing the use of CS. Magistrates are responsible for sentencing and are therefore the key stakeholders in terms of increasing the number of orders. Probation officers are also key because their presence at court can encourage magistrates to issue a CSO. Moreover, in Tanzania, Probation Officers often visit the prison to identify suitable candidates for CS. Compared to Kenya, Tanzania is at a relatively early stage of developing its CS system and therefore key stakeholders such as magistrates are less aware of CS compared to their Kenyan counterparts. One would therefore expect a training of magistrates and probation officers to have an immediate impact on the number of CSOs issued.

Table 12 shows that in February there were 22 orders and in March there were also 22 orders. After the training of magistrates and probation staff in March, the number of orders increased to 32 in April (45% increase compared to February and March). In May, there were also 32 orders. Interviews with the Tanzanian Probation Department also seem to indicate that the training and sensitisation activities had a positive impact on the use of CSO in the pilot region:

‘You can see the trend: in courts where magistrates have received community service training, the number are going up. In courts where magistrates have not received training, the numbers are not going up.’ (Interview with Tanzania Probation Department, September 2015)

In Tanzania, there was a strong focus on training of magistrates. Indeed, 100 magistrates were trained during the project - more than both Kenya (16) and Uganda (30), because the Tanzanian CS and probation system had received less investment than its Kenyan and Ugandan counterparts. The end-of-training questionnaire from the magistrates in Tanzania showed that 85% of them said that their knowledge and skills on CSOs were higher at the end of the training than before. In addition, 87% of the trained magistrates said they were more positive towards CS at the end of the training, which suggests that the magistrates’ knowledge and attitude towards CS was increased by the training.

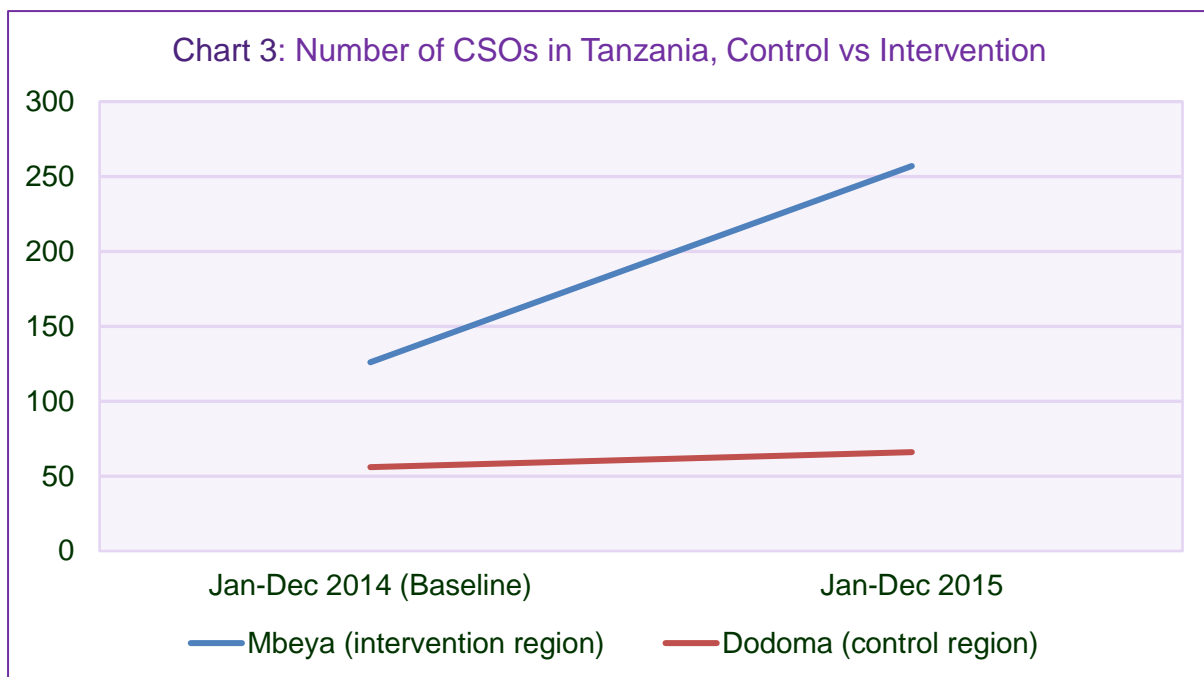
Comparison against the control

In Tanzania, Dodoma was identified as the control region and data was collected for the same periods as the pilot Mbeya region: January to December 2014 (baseline) and January to December 2015. Table 7 below provides a summary of the results for both the intervention (Mbeya) and control (Dodoma) regions.

	Mbeya pilot region			Dodoma control region		
	Jan-Dec 2014 (Baseline)	Jan-Dec 2015	Percentage change	Jan-Dec 2014 (Baseline)	Jan-Dec 2015	Percentage change
Number of CSOs	126	257	+104%	56	66	18%

Table 13: Community service data for Mbeya and Dodoma region, pilot compared to control

Table 13 shows that in the control region, CS increased by 18% in 2015 compared to the baseline. This suggests that there was a slightly favourable environment for CS in Tanzania in 2015. However, it should be noted that in Dodoma the number of CSOs is very small and an increase from 56 to 66 is not particularly significant and can be explained as a natural progression in an early developing system. Compared to the control region, the results in Mbeya are much more impressive.



As Chart 3 shows, the number of CSOs in the control region remained relatively stable between 2014 and 2015. However, in the intervention region (Mbeya), the number of CSOs increased sharply in 2015. The pilot region where the activities were implemented, significantly outperformed the control area where no activities were implemented and this increase can therefore be largely attributed to the ExTRA project activities.

Due to limited resources, the Tanzanian Probation and Community Services Department struggled to make courts aware that CSOs are available as an option and to provide credible opportunities for unpaid work. The ExTRA activities succeeded in raising awareness not only among magistrates but with other agencies who provide placements. These include local government officials who not only offer work placements but inform the Probation and Community Services Department and courts about the suitability or otherwise of particular offenders for CS, appropriate types of work and sometimes the community's attitude towards a particular offender or offence. In some cases, CSOs may put an offender at risk of reprisals or might cause feelings of anger and hostility from the victim or wider community.

However, Tanzania set up community service in order to reduce the use of imprisonment and there are regular amnesties which free offenders, for example, on Union Anniversary celebrations and other important state occasions (which may affect the number of CSOs being given directly from prisons).

The evaluation team were told that there is considerable support for CSOs from the senior judiciary. The principal judge encouraged magistrates to make more use of alternatives and support for prison reform has come from the very top. The President of the Republic has lent his support to a National Committee to Decongest Prisons and work is underway to develop bail information schemes to reduce the use of pre-trial detention.

Overall, the results in Tanzania are very encouraging: there has been a 104% increased use in the number of CSOs compared to the baseline and the data suggests that activities have had a positive impact on the use of CS. Compared to Kenya, the Tanzanian CS system is less developed and therefore there is more room for improvement. The data system is in need of improvement, so the Department can collect data on imprisonment and other

alternative sentences such as probation orders and fines. This will give a fuller picture on the relative performance of the CS project in Tanzania.

Uganda

Comparison against baseline

For the baseline in Uganda the researchers collated CS data in the pilot region over a six-month period between 1 April 2014 and 30 September 2014. There was a delay in the implementation of project activities – the volunteers were recruited in July and started work in August 2015. The trainings were carried out in autumn of 2015, over a much shorter time period than the other two project countries. To allow for the project activities to have an impact, CS data was collected over a 6-month period between 1 October 2015 and 31 March 2016. Table 8 below provides a comparison between the baseline and the project implementation timeframe for the pilot region.

		April-Sep 2014 (Baseline)	Oct 2015-March 2016 (Project timeframe)	Percentage change (%)
Length of CSO sentence	1-6 days	89	127	+43%
	1 week-3 months	150	235	+57%
	3-6 months	2	19	+850%
Total number of CSOs:		241	381	+58%

Table 14: Number of CSOs in Uganda, by length of sentence

The end of project target (end of March 2016) was to increase the use of CS by 40% compared to baseline. Table 14 shows that the target in Uganda was exceeded. The number of CSOs increased by 58% in 2015/16 compared to the baseline, an extremely encouraging result. Table 15 below provides a monthly breakdown of the number of CSO orders during the project timeframe, 1 October 2015 to 31 March 2016.

Month / Year	Number of CSOs	Percentage change	Project Activities
June 2015			Training for CS volunteers
July 2015			Training for key CS stakeholders, including magistrates + CSO officers
August 2015			Training for key CS stakeholders, including magistrates + CSO officers. Public open days
September 2015			Training for peer support persons. Public open days
October 2015	70		
November 2015	105	50%	
December 2015	86	-18%	Mid-term evaluation
January 2016	56	-34%	
February 2016	41	-26%	
March 2016	23	-43%	
Total:	381		

Table 15: Number of CSOs in Uganda, monthly breakdown

Table 15 shows that the number of CSOs has actually trended downwards. Between 1st October and 31st December 2015 there were 261 CSOs issued; between 1st January and 31st March 2016 there were 120 CSOs issued, a decrease of 54%. There are a number of reasons to explain this:

- The CS volunteers were recruited and trained in June 2015. The mid-term evaluation report noted that the volunteers had an immediate impact on the number of orders: 'after their initial training the volunteers were enthusiastic and keen to help facilitate

as many CSO orders as possible during sentencing'. This may explain why there was such a large increase in the number of CSOs between September and December.

- In Uganda the project activities were concentrated between June and September 2016. As a result, there was a large immediate impact on the number of orders between September and December but this was not sustained in 2016.
- Doubling the number of orders in such a short timeframe, caused capacity issues: the CS Department and volunteers did not have the capacity to supervise the offenders adequately. An increase in the number of breaches can have a medium to long-term negative impact on the use of CSOs: magistrates would be less confident that orders will be properly implemented and would therefore be less likely to use them. There was also anecdotal evidence that suggested that breaches had not been accurately recorded by placement supervisors in the period before the project activities. With the intervention of the CSDVs, the accuracy in breach reporting vastly improved and therefore the increase in breaches observed may be more linked to an improvement in data accuracy than anything else.
- During the mid-term evaluation field visit to Uganda in December 2015, the Commissioner of the Community Service Department noted that over time the CSDV's have been encouraged to put more emphasis on their supervisory duties. As a result, in 2016 they may have spent less time at court to focus on supervising and managing their current case load. This in turn could lead to a decrease in the number of CSOs because magistrates are reliant on the volunteers for up-to-date information on offender's suitability for CS.
- External factors could also have had an impact on the 2016 figures. After some delay, in February 2016 presidential elections were held in Uganda. The elections could have had a negative impact on the number of CSO because (a) the number of political prisoners increased during this time and political prisoners are less likely to be given a CS; (b) there could have been fewer court sittings because everyone was out campaigning; (c) the heightened security climate could have led to more risk adverse sentencing with politicians calling for tougher crackdown on crime.

Although the decline in the number of CSOs in 2016 is disappointing, over the six-month timeframe there was overall an increase of 58% compared to baseline. However, to increase the sustainability of the use of CS, the Ugandan experience has taught us that it is better to implement project activities over a longer timeframe of 9 to 12 months rather than a shorter one. A condensed timeframe that can produce a large immediate effect is less desirable because the community service team will not have the capacity to manage such a sharp increase. A longer time frame is more sustainable because (a) the community service department will have the capacity to manage their caseload; (b) longer-term results help to gradually build the confidence of key stakeholders such as magistrates, the community, prosecutors and lawyers; (c) community service department can use the long-term trends to argue for an increase in their resources.

Comparison against control

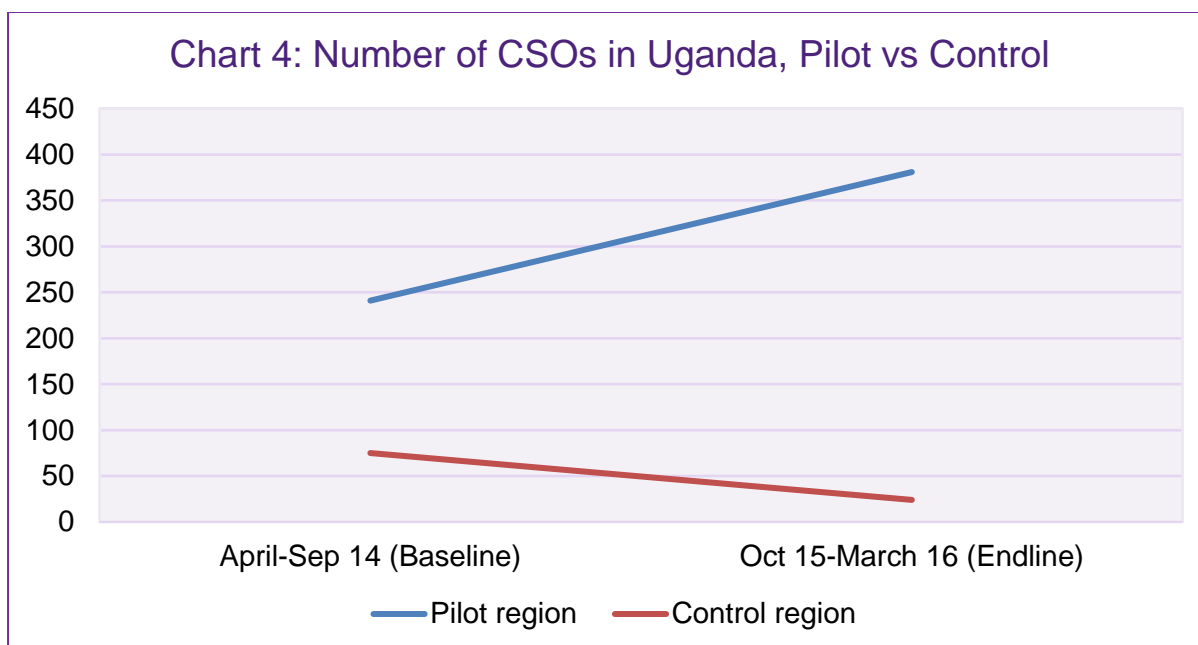
In Uganda, Luwero and Nakaseke were identified as the control region. In the control regions, data was collected for the same two timeframes as the pilot region: April to September 2015 (baseline) and October 2015 to March 2016 (end-line). Table 16 below provides a summary of the results for the both pilot region and the control region.

Pilot region			Control region		
April-Sep 14 (Baseline)	Oct 15- March 16	Percentage change	April-Sep 14 (Baseline)	Oct 15- March 16	Percentage change

Number of CSOs	241	381	+58%	75	24	-68%
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Table 16: Community service data for Uganda, pilot compared to control

Table 16 shows that in the control region, CS decreased by 68% compared to the baseline in 2014. This suggests that there was an unfavourable external policy environment for CS in Uganda in 2015/16, possibly because of the effect of the general election. Compared to the control region, the results in pilot region are much more impressive.



As Chart 4 shows, the number of CSOs in the control region decreased between the baseline and the end-term. However, in the pilot region, the number of CSOs increased sharply in the end-term compared to baseline. In other words, the pilot region where the activities were implemented, significantly outperformed the control area where no activities were implemented. The increased use of CS in 2015/16 in the pilot region can therefore be largely attributed to the ExTRA project activities that were implemented in 2015.

Further evidence for the positive impression of the training of magistrates can be seen in the results from the post training questionnaire. Training in Mbale in September 2015 included magistrates, police, prosecutors and state attorneys, but the feedback was not disaggregated by stakeholder group. It is therefore not possible to say what impact the training had solely on the magistrates. However, Table 17 below shows that the training had a positive impact on the group's knowledge, skills and perceptions towards CS.

	Yes, a lot	Yes, a little	No	Not sure
Has the workshop increased your knowledge about the law on community service?	92%	8%	0%	0%
Has the workshop increased your knowledge on the practice and implementation of CS?	89%	11%	0%	0%

Table 17: Knowledge of community service, training feedback from Uganda

Table 18 below suggests that the training workshop has changed stakeholders' attitudes towards CS.

	Yes, in many ways	Yes, in some ways	No	Not sure
Has the workshop changed your opinion on alternatives to imprisonment?	58%	42%	0%	0%

Table 18: Perceptions of community service, training feedback from Uganda

When asked to explain how the workshop had changed their opinion, one participant noted: “imprisonment is not the only solution”¹² and another noted, “instead of imprisonment I now feel that community service is reformatory”. One participant noted that the training had put forward good arguments for alternatives to imprisonment. This encouraging feedback seems to suggest that the training had a good impact on changing stakeholder perceptions.

4.2 Outcome 2 – Improved implementation and supervision of community service

Kenya

Comparison against baseline

The researchers collected supervision data for the following three timeframes: 1st January to 31st December 2014 (Baseline); 1st January to 31st December 2015; 1st January 2016 to 31st March 2016. Table 19 below provides a summary of the number of orders completed, the number of CSOs that were breached and the CSO completion rate for 2014-16.

	Jan-Dec 2014 (Baseline)	Jan-Dec 2015	Percentage change (%)	Jan-March 2016
Number of CSOs successfully completed:	2,250	2,016	-10.4%	768
Number of CSOs breached:	116	69	-41%	13
CSO completion rate:	94.8%	96.6	+1.8%	98.3%

Table 19: CSO completion rate in Kenya Pilot Region, 2014-16

The end-of-project target was to increase the CSO completion rate by 20% compared to baseline. Table 19 shows that in the Kenyan pilot area, the completion rate for January-December 2015 was 94.8%, which represents a 1.8% increase compared to baseline. The completion rate for January to March 2016 was 98.3%, which represents a 3.5% increase compared to baseline. The combined figures show the CSO completion rate is 97.1%, which is an increase of 2.2% compared to baseline. This is well short of the targeted 20% increase and indicates 20% increase was an inappropriate target. The baseline completion rate was 94.8%, which is extremely high and leaves little room for improvement. Within this context, an increase of 2.2% is a good result. Anything over 90% is a very good completion rate.

In this instance, the completion rate is perhaps not the best indicator to measure supervisory performance. A breach occurs when an offender absconds and does not complete their sentence or does not comply with the terms outlined in their sentence. The number of breaches provides a good indication of the performance of the monitoring and supervision process because the better and more robust the process the less likely an offender will breach their order. Table 19 shows that in 2014, 116 offenders breached the terms outlined in their CS sentence. In 2015, the number of breaches dropped to 69, a decrease of 41%. This provides a strong indication that the CS supervision process in Kenya has improved and is working well. To decrease the likelihood of a breach, the following systems and processes have been implemented:

- Identification of suitable placements for offenders. For example, taking the offenders skills into consideration and ensuring that the placement is near to the offender's home.

¹² Quotes taken from PRI Post-training questionnaires, completed by participants during ExTRA Project training in Uganda

- Training Probation Officers to enhance their supervision and monitoring skills. Probation Officers visit offenders at their homes and at their placements on a regular basis to monitor the offenders' progress. Probation Officers are also the first point of contact for the placement supervisors if the offender does not turn up for their work.
- Training of placement supervisors so they can better supervise and monitor offenders. Supervisors have day-to-day responsibilities for ensuring that the offender turns up and completes their duties to a high standard and are also responsible for updating and maintaining their CS records.

A training session for placement supervisors was carried out in February 2015. Table 20 below shows that the training of supervisors in the Kenyan pilot area helped to increase the supervisors' knowledge and skills on a range of topics. At the beginning of the project, 66% of the trained supervisors said that they had weak or very weak knowledge on the concept and background of CSOs. By the end of the training, 78% of the trained supervisors said that they now had excellent knowledge on the concept and background of CSOs. The feedback in Table 20 also shows that the trained supervisors increased their knowledge of their roles and responsibilities and they were more able to list the offences that are suitable for CSOs. At the beginning of the training supervisors had little understanding (56% weak or very weak) of the types of challenges that a supervisor typically faces when supervising offenders. By the end of the training 76% of supervisors said that they could identify the challenges faced by CSO supervisors.

Knowledge and skills:	Before training (%)					End of training (%)				
	Very weak	Weak	Good	Very Good	Excellent	Very Weak	Weak	Good	Very Good	Excellent
To explain the concept and background of CSOs	38%	28%	24%	5%	5%	2%	2%	1%	17%	78%
Enumerate roles of CSO supervisors	35%	28%	28%	4%	5%	1%	1%	3%	20%	75%
List the type of offences that are considered for CSO placement	32%	30%	28%	5%	5%	1%	2%	2%	19%	78%
Name the challenges faced by CSO supervisors	28%	28%	29%	9%	6%	1%	0%	2%	21%	76%

Table 20: End-of-training feedback from Kenyan Supervisors

This suggests that the training of supervisors has increased supervisors' capacity to better manage their CS placements. They are in a unique position to ensure that offenders adhere to the terms their order and it is likely that the training of supervisors had a significant impact on the decrease in the number of breaches and the increase of CSOs completed.

Comparison against the control

In the control regions of Kisii and Keroka, supervisory data was collected in same three timeframes as the pilot: January to December 2014 (baseline), January to December 2015 and January to March 2016. Table 21 provides a summary of the number of breaches and CS rate in the pilot region compared to the control region. To compare the different timeframes - baseline 12 months, end-term 15 months – Table 21 focuses on the average monthly values.

	Pilot region			Control region		
	Jan-Dec 14 (Baseline)	Jan 14- March 16	% change	Jan-Dec 14 (Baseline)	Jan 14- March 16	% change
Average no. of CSOs completed per month	2,250	2,016	-10.4%	59.9	86.3	+69%
Average no of CSOs breached per month:	116	69	-41%	1.4	2.2	+64%
CSO completion rate:	94.8%	96.6%	+1.8%	97.6%	97.4%	-0.2

Table 21: Community service completion rate in Kenya, pilot vs control

Table 21 shows that the CS completion rate is extremely high in both the pilot (94-97%) and control (97-98%). Indeed, the completion rate is slightly higher in the control region. This provides an indication that the CS supervision process is strong throughout Kenya. However, it is possible that absconds are being underreported and that the completion rates are actually lower in practice.

With such a high completion rate, the trend in number of breaches is actually a better indicator for supervisory performance. In the pilot region, the number of breaches in 2015-16 decreased by 41% compared to baseline, which indicates that the CS supervision process has been strengthened during the project timeframe. In the control region, the number of breaches increased by 64% compared to the baseline in 2014. In the control region, the caseload increased by 69% in 2015, so there was less capacity to supervise and manage the increased caseload, which probably explains the increase in breaches. Comparing the trend between the pilot and control regions, the data provides additional evidence (triangulated against the end-of-training supervision data in Table 20) that the ExTRA project activities have helped to strengthen and improve the supervisory process in the pilot region.

Tanzania

Comparison against baseline

	Jan-Dec 2014 (Baseline)	Jan-Dec 2015	Percentage change (%)
Number of CSOs successfully completed:	59	154	+161%
Number of CSOs breached:	2	9	+350%
Number of ongoing cases	65	88	+35%
CSO completion rate:	97%	94%	-3%

Table 22: CSO completion rate in Mbeya, Tanzania, 2014-16

The end of project target for the CSO completion rate was an increase by 20% compared to the baseline. Table 22 above shows that this target in Tanzania has not been met: the CSO completion rate decreased by 3% in 2015 compared to the baseline in 2014. In Tanzania, it seems that this was an unrealistic target because the CSO completion rate in 2014 was already 97%, which allows very little room for improvement.

A likely reason why the completion rate was so high is that offenders often go to prison first and then a Probation Officer visits the prison and makes a list of those eligible for CS. In order for the offender to be eligible for CS, a friend or member of the family must be identified as a guarantor and agree to sign that they are liable to pay a monetary surety in the event of default. If the offender absconds or fails to complete the order they would lose their surety. As a result of this guarantor system, very few offenders abscond. This maintains a low breach rate, yet it means that CS is not accessible to the poorest in society.

Table 22 indicates that in 2015 was a large increase in the number of CSOs for the Probation and Community Services Department (161% increase) compared to 2014. As a result, the capacity of the Probation Officers will have been stretched: 'When you increase the number of community service cases and your resources stay the same, then you do not have the capacity to supervise the offenders so closely.' (Interview with Assistant Director of Tanzania Probation Department, September 2015).

In future projects it will be important to focus on developing the capacity of the Probation and Community Services Department, particularly the number of Probation Officers that are employed to supervise the cases. It is therefore recommended that the following indicators are used to track the probations systems capacity:

- average number of CS cases per probation officer;
- average number of hours Probation Officers/Volunteers spend per week on (a) sensitisation (e.g. time spent at court, police stations, prisons and on social enquiry) and (b) supervision (e.g. time spent visiting offenders at the home and at their placements after sentencing).

Comparison against the control

In Tanzania, Dodoma was identified as the control region. In Dodoma, data was collected for the same two timeframes at the pilot Mbeya region. Table 23 below provides a summary of the supervision results for both the intervention (Mbeya) and control (Dodoma) regions.

	Mbeya pilot region			Dodoma control region		
	Jan-Dec 2014 (Baseline)	Jan-Dec 2015	% change	Jan-Dec 2014 (Baseline)	Jan-Dec 2015	% change
Number of CSOs completed	59	154	+161%	35	18	-49%
Number of CSOs breached:	2	9	+350%	0	4	0%
Number of ongoing cases:	65	88	+35	21	44	+110%
CSO completion rate:	97%	94%	-3%	+100%	78%	-22%

Table 23: CS sentencing data for Mbeya and Dodona region, pilot compared to control

Table 23 shows that during the baseline the CS completion rate was extremely high in both the pilot (97%) and control (100%). Indeed, the completion rate is slightly higher in the control region. However, it should be noted that in the Dodoma control region it is easier to achieve a 100% completion rate because the number of orders are very small (66 CSOs in 2014). In 2015, the pilot Mbeya region outperformed the Dodona region:

- In 2015 there were four breaches in the control Dodona region, only 18 completions and therefore the completion rate dropped to 77%
- In 2015 there were nine breaches in the pilot Mbeya region, with 154 completions and a completion rate of 94%

It is clear that the pilot region did much better on the supervision of orders in 2015. This result is even more impressive as the number of orders in the Mbeya increased by 104% and in the Dodoma region the number of orders increased by 18%. Mbeya was able to handle the increased strain on the capacity of the Probation Officers much better than the Dodoma region. Overall, maintaining a completion rate of above 90% in the Mbeya region should be considered a good result because 94% is a very high completion rate and there

was an increased strain on the capacity of the supervision system due to the increase in the number of orders.

Uganda¹³

For the baseline in Uganda the researchers collated CS supervision data in the pilot region over a six-month period between 1st April 2014 and 30th September 2014. In Uganda there was a delay in the implementation of project activities – the volunteers were recruited in July and started work in August 2015 and the trainings were carried between September and December of 2015, rather than at the beginning of the year. To allow for the project activities to have an impact, CS supervision data was collected over a 6-month period between 1 October 2015 and 31 March 2016. Table 24 below provides a comparison between the baseline and the project implementation timeframe for the pilot region.

	April-Sep 2014 (Baseline)	Oct 2015 – March 2016	Percentage change (%)
Number of CSOs successfully completed:	212	337	+59%
Number of CSOs breached:	6	24	+300%
Number of ongoing cases	26	20	-24%
CSO completion rate:	97%	93%	-4%

Table 24: Completion rates in Uganda pilot region, 2014-15

The end of project target for the CSO completion rate was an increase by 20% compared to the baseline. Table 24 above shows that the target in Uganda has not been met: the CSO completion rate decreased by 4% in 2015/16 compared to the baseline in 2014. In Uganda, this was also an unrealistic target because the CSO completion rate in 2014 was already 97%, which allows very little room for improvement.

In Uganda, the CSDVs have a dual responsibility: to increase the number of orders by being present at court, and to provide supervisory and monitoring support to the placement supervisors and offenders. They have helped to increase the capacity of the probation system and this is evident in the increase in the number of CSOs issued at court due to the presence of volunteers during sentencing. As was noted in the case of Tanzania, when number of CSOs increase, greater investment is needed in the monitoring capacity of the implementation team (Indeed, this helps to explain why the number of breaches in 2015-16 was higher (24) compared to the baseline (6). During the mid-term evaluation field visit, the Commissioner of the Community Service Department in Uganda noted:

‘The volunteers were recruited in June 2015, received training in July. When they first started they were very much focused on being present at court and increasing the number of orders. They were less focused on their supervisory and monitoring duties. Over time, they have put more emphasis on their supervisory duties.’
(Interview with Commissioner of the Community Service Department in Uganda, December 2015)

During the mid-term evaluation in December, the evaluation team worked with the Community Service Department to collate supervision data for August and September 2015. The monthly breakdown of breaches from August 2015 to March 2016 corroborates the Commissioner’s observations: the number of breaches in August 2015 was 21 with a completion rate of only 42% and in February 2016 there was 1 breach and a completion rate of 97%.

¹³ The Ugandan researcher did not collect supervision data for the control region. It is therefore not possible to compare the results of the pilot region against the results of the control region.

Month / Year	Number of CSOs completed	Number of CSOs that were breached	CSO completion rate	Percentage change compared to previous month
August 2015	36	21	42%	
September 2015	39	10	74%	+32%
October 2015	72	2	97%	+23%
November 2015	98	5	95%	-2%
December 2015	77	11	86%	-9%
January 2016	48	4	92%	+6%
February 2016	38	1	97%	+5%
March 2016	17	3	82%	-15%
Total:	425	57	78%	87%

Table 25: CSO completion rate in Uganda, by month, Aug 2015 - March 2016

Table 25 shows that August 2015 was a particularly poor month with a completion rate of only 42%. The poor performance in August can perhaps be explained by a number of factors:

- CSDVs were new to their job and put more emphasis on being present at court. They may have put forward unsuitable cases due to enthusiasm and inexperience.
- Most of the project activities, including the trainings, took place at the end of September and in October 2015 and had little to no impact on the August-September figures.
- It was noted during the evaluation interviews that in the past the number of breaches was not always accurately recorded and had been raised as an issue during the training of CSDVs. This may help to explain why the number of breaches were higher during the project period: breaches were more accurately recorded than they were in the baseline.

It is encouraging that the number of breaches is trending downwards and the completion rate is trending upwards. This suggests that there has been a sharp learning curve for the CSDVs and the effectiveness of the monitoring system as a whole.

It is worth noting that in the Ugandan pilot region, the Community Service Department did not hold a training session specifically for supervisors, due to capacity constraints. Instead, there was more focus on developing the capacity of the CSDVs. However, as noted in the case of Kenya above, placement supervisors have a unique role with regards to the supervision and monitoring of CS placements.

In the Uganda pilot region, there has been a sharp increase in the number of orders in 2015/16 compared to 2014. As a result, there are a lot more offenders to supervise and it is perhaps unsurprising that there have been more breaches. Between August and September 2015 there 221 orders issued and 33 breaches with a completion rate of only 82%. Between January and March 2016, there 120 orders issued and 8 breaches with a completion rate of 93%. Similar to Tanzania, if you dramatically increase the number of orders, you also need to increase the capacity of the Department so that it can properly supervise the placements.

Indeed, an incremental improvement approach to system change is often advisable and more sustainable in the long-term. This is an innovation project and the Ugandan Community Service Department deserves credit for taking a risk and developing an innovative volunteer programme that has already produced some encouraging results. Going forward the Community Service Department can build upon these results and focus

on improving other aspects of the system (e.g. investing in the capacity of the supervisors and looking at how volunteers can support them in this role).

4.3 Outcome 3 – Positive stakeholder attitude towards CSOs in the pilot regions

The third main objective of the ExTRA project was to test whether it was possible to raise levels of knowledge about, and confidence in CSOs among the public and stakeholders.

If CSOs are not perceived as a legitimate response to petty crime by members of the public or if the implementation of orders is considered ineffective, there is likely to be limited scope to extend their use. Courts may be reluctant to impose a sentence which the community does not consider appropriate punishment or is not implemented properly on the ground. Community based agencies might be unwilling to provide placement opportunities for offenders.

Project activities included a range of activities designed to improve public awareness and understanding of CSOs. These included holding court open days for the public to visit and find out about the work of the criminal justice system; engagement with journalists and broadcasters to encourage increased coverage of community based sentences in the mass media; and a range of training courses provided for police, magistrates and placement providers - all groups which form part of the local community.

Measuring attitude change

Measuring changes in public attitudes to CSOs is not straightforward. Consideration was given to conducting large representative surveys of public opinion in the pilot and control areas before and after the ExTRA activities. However, such surveys would not be sufficiently sensitive to pick up any impact from the project on attitudes. A more targeted approach was therefore used in which the attitudes of criminal justice stakeholders were measured: magistrates, placement providers, police, probation, community service staff, volunteers and service users participated in stakeholder perception surveys at the start of the project and the end. Current and former offenders were also included. Members of the community in Kenya and Tanzania took part, and the Uganda surveys included victims of crime and representatives of the media (see Table 26). The relatively small numbers involved limit the conclusions that can be drawn about the impact of the ExTRA project on wider public attitudes to CS. However, the results do give an indication of how some of the specific activities such as training courses, have helped to change the attitudes of those who participated in them.

The long-term aim for this outcome was to achieve 'positive stakeholder attitudes towards CSOs in the pilot regions to be achieved through a series of short-term outcomes:

- Increased knowledge and awareness of CSOs amongst judges and implementers
- Increased stakeholder awareness of CSOs
- Increased media coverage on CSOs in target countries

The aim was to increase knowledge and awareness of Community Service Orders amongst judges and implementers who had been trained and increase stakeholder awareness of CSOs more broadly. In addition, the project sought to bring about promotional activities in the media; prior to the project very little, if any, media visibility on CSOs was noted.

Project targets included:

- a. At least 65% of participants indicate utilisation of knowledge 12 months post-training
- b. At least 65% of participants indicate increased ability to supervise offenders 12 months post-training and at least 70% of participants from the perception survey indicate increased knowledge of CSOs.

These targets were established in advance of the baseline survey, drawing on an assessment undertaken in 2012 which recommended that that “a programme of community outreach and sensitisation should be developed... to ensure that the community is aware of what is entailed in community service”¹⁴. Once the baseline survey of attitudes among stakeholders was conducted it became clear that knowledge of and confidence in CSOs was relatively high in both pilot and control areas. The targets set therefore were very difficult if not impossible to achieve.

The PRI evaluation team suspect that there may have been a social desirability¹⁵ effect especially during the baseline readings, whereby respondents gave answers that were more positive than their actual attitudes as this may be what they believed the researcher wanted to hear.

In this context it has been difficult to assess the impact the ExTRA project has made. Comparisons between attitudes before and after the pilot activities, and between pilot and control areas have also been hampered by the fact that the same questions were not always asked in the surveys and the numbers of respondents are small. For example, in the Kenya baseline survey, 45% of magistrates agreed that 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 orders. At the final survey 50% strongly agreed and 50% somewhat agreed with the statement. However, given that only eight magistrates participated in the final survey and the questions were different, it is difficult to make comparisons or draw accurate conclusions.

The larger numbers of community members surveyed in Tanzania and Kenya allow for a greater degree of certainty over conclusions and this pilot study indicates that more research is required than has been possible during this current project.

Country	Time	No. of Respondents	Public	CSO Offenders	Magistrates & Judges	Probation or CS Officers	Other
Kenya	Baseline	264	98	100	13	29	Police, prisons, Local officials, placement Institutions (24)
	End-Term	263	100	100	16	17	Police prison, Local officials, placement institutions (30)
Tanzania	Baseline	103	18	23	19	20	Prosecutors, Placement institutions, Gov. leaders, and Police (23)
	End-Term	111	20	51	5	10	Service Providers (supervisors, judges/ magistrates, probation officers and in charges of placement institutions) (25)
Uganda	Baseline	104		12	15	6	Prosecutors, Supervisors, Complainants, Community Development Officers, Police & Prison Officers, Media (71)
	End-Term	138		21	11	7	Prosecutors, Supervisors, Complainants, Community Development Officers, Police & Prison Officers, Media Houses, CSDVs (99)

Table 26: Respondents to perceptions surveys

Knowledge about CSOs

In Uganda, the proportion of respondents in the stakeholder perception survey who said they knew a lot about CSOs rose from 41% at baseline to 48% at the end of the project in the

¹⁴ PRI, *Alternatives to imprisonment in East Africa: trends and challenges*, 2012

<https://www.penalreform.org/resource/alternatives-imprisonment-east-africa-trends-challenges/>

¹⁵ Social desirability bias refers to the tendency of survey respondents to answer questions in a manner that will be viewed favourably by others – the researcher or an eventual audience. It can take the form of over-reporting perceived positive attitudes or aspects of behaviour or under-reporting the negative. For further discussion, see (1) Fisher, R. J. (1993). “Social desirability bias and the validity of indirect questioning”. *Journal of Consumer Research*, 20, 303-315.

pilot areas, while falling slightly (from 43% to 40%) in the control areas. This suggests that project activities may have played a role in increasing knowledge, with 37% of respondents attributing their knowledge to training by the Ministry of Internal Affairs in the final survey, compared to 25% in the baseline.

In Tanzania, 40% of the public claimed a lot or a fair amount of knowledge of CSOs at the end of the project with a further 50% reporting a little knowledge, representing little change from the baseline results. Comparative data on public knowledge is not available for Kenya.

The findings suggest that it may be possible to increase public knowledge about CSOs but that the impact of the project has been relatively limited in this regard. While there appears to be a positive effect on participants of the targeted trainings, much larger-scale public engagement is needed to create a sustained positive effect on the public knowledge.

Public Attitudes to CSOs

In Kenya, the final survey found 65% of the community members surveyed to be favourable towards CSOs and 25% unfavourable. The baseline survey had found that a higher proportion (84%) had agreed that CSOs were “beneficial in their localities”. While this suggests that public support for CSOs might have fallen during the course of the project, it is quite possible that respondents in the first survey were acknowledging the fact that CS provides benefits while those in the second were expressing their view about CS notwithstanding the benefits.

Interestingly, the findings of the final survey in Kenya showed that a large majority of the Magistrates (75%) and CS Officers (80%) *thought* that the public in the pilot area generally supported CSOs. This represents an increase from the baseline survey which found that 54% of the Magistrates and 67% of the CS Officers *thought* that the public supported CSOs.

Arguably it is Magistrates’ perceptions of public attitudes, rather than the attitudes themselves which are more important in influencing decisions to impose CSOs. When asked a slightly different question in the final survey, the results were slightly less positive; 63.6% of the Magistrates, 65.5% of the CS Officers, 56.1% of the community members and 74.0% of the CSO Supervisees interviewed agreed that the public attitude was “favourable”.

An increase in *perceptions* of public support was found in Uganda too, where in the final survey, 84% of the respondents in the pilot areas agreed that the public supports CS compared to 68% at baseline. However, a large increase was also found in the control areas, from 47% at baseline to 80% at final survey, which suggests that the change may not be directly due to project activities.

In Tanzania the final survey found that 70% of the community members agreed that the public gave very strong, strong or fair support to CSOs. While the same question was not asked in the baseline survey, 72% of community members in the baseline survey thought that CSO was appropriate for certain offenders, and 94% thought CSO assigned work was valuable. Overall about a quarter of the community respondents perceived that CSOs ‘are not effective’ and this proportion does not seem to have changed much.

In Uganda at project end, the vast majority (98%) of the respondents agreed that CSOs are an appropriate sentence for certain offences, representing a slight increase from the baseline 96%. The data suggests that a higher proportion of respondents in Uganda thought CSOs to be suitable for more serious types of offence after the project than at the start.

As far as the attitudes of judicial officers are concerned, in Kenya at baseline, 54.5% of magistrates agreed that some sentencing officers have a generally negative attitude towards the CSO sentence and therefore do not utilize the order. At end, 37.5% strongly agreed with

this, and a further 37.5% somewhat agreed. As noted in the discussion about the results on CSO knowledge, because the methodology differed in the two surveys, a straight agree/disagree in the baseline and a four-point scale (strongly agree, somewhat agree, strongly disagree, somewhat disagree) in the final survey, it is difficult to draw decisive conclusions.

Taken together the findings suggest that the project activities have not had a significant impact one way or another on public or magisterial support for CSOs

Attitudes towards Implementation

One area where the surveys suggest that the ExTRA activities may have made an impact is in the attitudes of stakeholders towards the way CSOs are implemented.

In Kenya, in the baseline just over 50% of magistrates thought that CSOs were well supervised and 36% thought they were not well supervised. By the time of the final survey the proportion of magistrates who thought them well supervised had risen to 62%.

In Tanzania, at baseline 74% of a sample of 19 magistrates and judges thought CSOs well or very well supervised. At the end of the project, all five magistrates surveyed considered them very well (one magistrate) or fairly well (four magistrates) supervised.

In Uganda, the proportion of magistrates who thought that CSOs were well or very well supervised rose from 53% at baseline to 76% in the final survey.

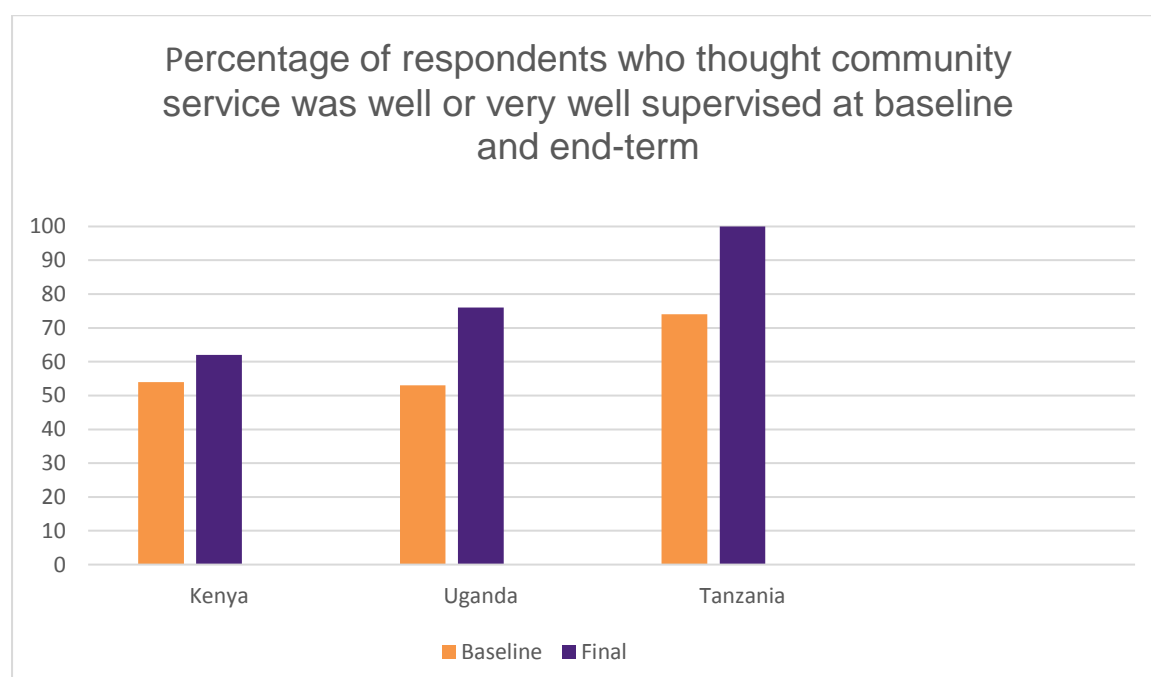


Chart 5: Percentage of magistrates who thought CS was well or very well supervised, Baseline Vs. End-term results

While the differences in the questions and size of respondent groups mean caution is required in interpreting the results, the fact that the change is reported in all three countries suggests that training of magistrates may raise their confidence in the way orders are supervised. This increase in confidence in the supervision of CSOs is noteworthy given the additional numbers of orders imposed and consequent demands on the supervising agencies.

Aspects of public attitudes

While measuring the impact of the project has been problematic, the six surveys have produced a range of useful information about attitudes to CSOs. The Kenyan surveys asked

community members about the specific benefits they saw in CS and the Ugandan surveys why the public support CSOs. The most commonly cited benefits at baseline and final surveys are shown below.

Rank	Kenya Benefits: Baseline	Kenya Benefits: End-term	Uganda Reasons for Public Support Baseline	Uganda Reasons for public support End-term
1	Saving public institutions of money	Maintaining Family Ties	It is human to have time for your family. It means families don't suffer.	Offenders can access their families as they serve the sentence i.e. offenders' families do not suffer
2	Rehabilitation of Offenders	Rehabilitation	Community wells, roads, towns, etc. get cleaned free of charge	The public benefits from the free labour given
3	Enabling Offenders to continue economic activities	Government institutions benefit from free labour	Offender gets ashamed being watched working and do not commit crime again	It is transformative i.e. the offender change, one way of rehabilitation
4	Assisting maintaining family ties	Freedom to do other work and develop	Some offences are petty and deserve CSOs	Public gets psychological satisfaction when the offenders are punished publicly
5	Decongesting Prisons	Environmental Protection	There is less suffering with CSO compared to prison	The public can supervise the offenders as they serve the punishment i.e. the public witnesses justice done

Table 27: Most commonly cited benefits of CSOs at baseline and end-term

Because the survey questions were asked in different ways, strict comparisons are not possible. It seems unlikely that any changes in the rank order of benefits between baseline and final survey are as a result of project activities. It is worth noting that the public see the ability to maintain family ties, rehabilitation and the free work for government institutions as the most important aspects of CS. Decongesting prisons is a less salient factor for community members although the surveys suggest it is more important for criminal justice stakeholders.

In similar vein, the Tanzanian surveys have an interesting breakdown of what aspects of CSOs the stakeholders consider effective. The table below shows significant falls in the percentage of community members who thought CSOs effective at paying back and being assigned appropriate work. Such a finding warrants further investigation but may reflect the fact the implementation challenges resulting from an increased number of orders being made in the pilot areas.

Aspect of Community Service	Percentage of community who think CSO effective:	
	Baseline	End-term
Maintain Family Ties	89%	75%
Appropriate Work assigned	72%	30%
Offenders Paying Back	72%	10%
Reducing Reoffending	67%	50%
Reformation	67%	55%

Table 28: Aspects of community service considered effective by community members in Tanzania

The maintenance of family ties and rehabilitation have considerable appeal for the public but the free work and some aspects of punishment are also important particularly in Uganda. These, rather than prison decongestion, seem to be the arguments to emphasise.

Community Service Scale-rating System

One of the ways of measuring the extent to which the project countries improved their overall CSO system within the target areas was to apply a Community Service Scale Rating System developed by PRI. Directors of Probation and Community Service in each country and an independent consultant were asked a series of questions both before and after implementation, to reveal their assessment of the performance of the CSO system across a number of criteria.

Participants were asked to assess the CSO system for its functionality and effectiveness across the below five categories. In each category there was a core question:

4. Judicial System
5. Placement Institutions
6. Supervision System
7. Community Perception
8. CSO Rates

Participants were asked to choose one statement from the 'Core Points' section and then select all relevant additional statements from the 'Additional Points' section for each of the categories. In this second section, there were both positive and negative statements, which could add or remove points for the category.

Participants were unable to see scores for each statement although below they are shown to illustrate the system. Participants were also asked for supporting evidence and further comments after each selection. An example of the first category is given below:

Judicial System

1.1 Core Points	Score
Judges/Magistrates do not think that CSOs are a viable alternative to short prison sentences and therefore do not impose CSOs.	0
Some offenders are sentenced to CSOs but the vast majority receive short prison sentences.	1

Petty offenders are regularly sentenced to CSOs.	2
Petty offenders are regularly sentenced to CSOs and in addition, Judges/Magistrates have stated their commitment to using incarceration as a last resort.	3

Table 29: Core Points available for Judicial System Section of Scale Rating System

1.2 Additional Points	Please Select
Some petty offenders are sentenced to CSOs that would otherwise not have received short term prison sentences.	-1
CSOs are inappropriately given for serious crimes.	-1
There is evidence of corruption within the judicial system.	-1
Targets are set and monitored for awarding of CSOs by the relevant government department.	+1

Table 30: Additional Points available for Judicial Section of Scale-Rating System

The table below indicates the possible scores in each of the categories:

Category	Core Points Available	Additional +/- Points
Judicial System	0 – 3	- 3 and + 1
Placement Institutions	0 – 3	- 1 and + 4
Supervision System	0 – 3	- 2 and + 3
Community Perception	0 – 3	- 2 and + 4
CSO Rates	0 – 6	NA
Total	18	- 8 & + 12

Table 31: Minimum and Maximum scores available in the Scale-Rating System

The maximum possible scale rating score given by a participant is 30, and the minimum possible is -8. This has also been converted into an effectiveness level grade displayed in the below table:

Score	Description	Grade
23 +**	CSO system is excelling	A*
18 to 22**	CSO system is highly effective	A
12 to 17*	CSO system is functioning well	B
6 to 11	CSO system is moderately effective	C
1 to 5	CSO system is ineffective but no observable negative effects	D
- 8 to 0	CSO system is ineffective and causing negative effects	E

Table 32: Scale-rating scores and effectiveness level grade

*(including a minimum score of 2 in each of the 'Core Points')

** (including a minimum score of 3 in each of the 'Core Points')

Where the minimum 'Core Points' score is not achieved, a minus grade is given. E.g. a B-grade is given where the system is scored between 12 to 17, yet does not achieve a minimum score of 2 in each of the 'Core points'.

The below table shows the results of the perception of the Directors or Probation and Community Service departments and of an independent consultant, both before (or 'pre') project activities and post project completion.

Categories	Kenya				Tanzania				Uganda			
	Gov. Dept.		Independent		Gov. Dept.		Independent		Gov. Dept.		Independent	
	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post

Judicial System	Core Points	1	3	1	2	1	3	0	2	2	2	1	2
	Additional	0	0	-1	0	-2	-1	-1	0	-1	1	-1	0
Placement Institutes	Core Points	2	3	2	2	0	2	0	1	1	2	0	1
	Additional	3	2	1	3	1	3	0	1	2	2	1	1
Supervision System	Core Points	1	2	2	2	2	2	1	1	2	1	1	2
	Additional	2	3	-1	1	-2	3	0	0	2	3	0	1
Community Perception	Core Points	1	1	0	1	0	1	0	1	1	1	0	1
	Additional	0	1	0	0	-2	3	1	1	-1	3	1	1
CSO Rates	Sentences Awarded	0	1	0	2	1	3	0	2	2	2	0	2
	Completion Rates	2	2	1	1	3	3	2	3	2	1	0	1
Scale Rating		12	18	5	14	2	22	3	12	12	18	3	12
Effectiveness Level		B-	A-	D	B-	D	A-	D	B-	B-	A-	D	B-

Table 33: Results of Scale Rating Scores and Effectiveness Grades

The first point to note, is that in the eyes of all participants, there was an improvement in the effectiveness of the CSO system within the project areas and the target of an increase by at least one grade in each country by the end of the project has been achieved.

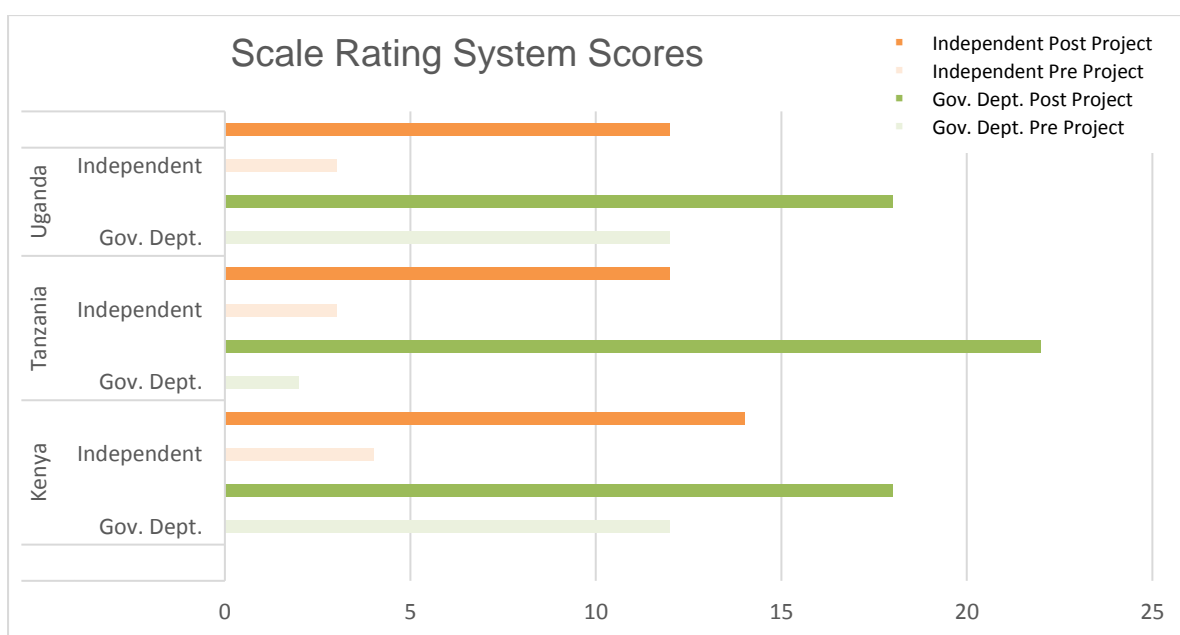


Chart 6: Scale rating system scores from government departments and an independent consultant – both pre and post project activities

Mirroring other findings, the Tanzanian Department of Probation and Community Services saw the greatest amount of change, scoring the system at 2 before the project at 22 after implementation, which indicates a change from a D to an A-. The largest change appears to be in their perceptions of the supervision system and community perceptions, which saw five point swings from -2 to 3.

The view of the independent consultant was more conservative but still significantly positive, showing incremental progress across the board. Tanzania scores highest on completion rates, although as previously discussed, the lack of accessibility to the surety system for the poorest in society is a limiting factor.

The independent consultant scored Uganda and Tanzania the same overall (12, which is a B-), however, where Uganda did not score as highly in the assessment of completion rates, scores were two points greater in the supervision section and this was linked to the positive outcomes linked to the CSDVs and Peers Support Persons. Kenya was scored at the marginally higher 14 points (although also a B- grade) and this appears to be due to the higher scores in the 'Placement Institutes' section, where the Kenyan system is more mature with a greater variety of placements.

4.4 Outcome 4 – Former offenders are better able to secure employment - Empowerment

A number of former offenders who performed well during their CSO 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 investment to allow them to open a basic business (referred to as the empowerment element of the project).

Probation officers worked closely with individuals to identify what kind of investment would help to prevent their previous poverty-related offending. The most popular option was to provide initial resources for the selling of cereals and groceries and Table 34 shows the variety in the focus of the grant.

Of the 54 empowerment grants awarded, 42 (78%) were deemed successful as their business were still running at the end of the project, with a further 2 on course (they have not yet received the whole grant).

Only 8 (15%) of the grants were deemed to have failed, where former offenders' businesses were not a success, they did not show the correct attitude (e.g. arriving intoxicated) or where they reoffended.

Nature of business	Frequency	Percent
Cereals	14	26
Grocery	10	19
Carpentry	5	9
Poultry Farming	3	6
Dairy Farming	2	4
Hotel	2	4
Shoe trade	2	4
Baking burns	1	2
Boutique	1	2
Business studies	1	2
Cobbler	1	2
Driving course	1	2
Electrical shop	1	2
Farming	1	2
Food cafe	1	2
Hawking	1	2
Knitting	1	2
Masonry	1	2
Shop	1	2
Not Specified	4	7
Total	54	100

Table 34: Nature of businesses opened

The reasons given for the failure included:

- Arriving at the probation office intoxicated
- Business failed (made no profits)
- Misuse of funds (e.g. bought livestock to give to mother instead of investing in a vegetable business)

Chart 7 displays the overview of the outcomes:

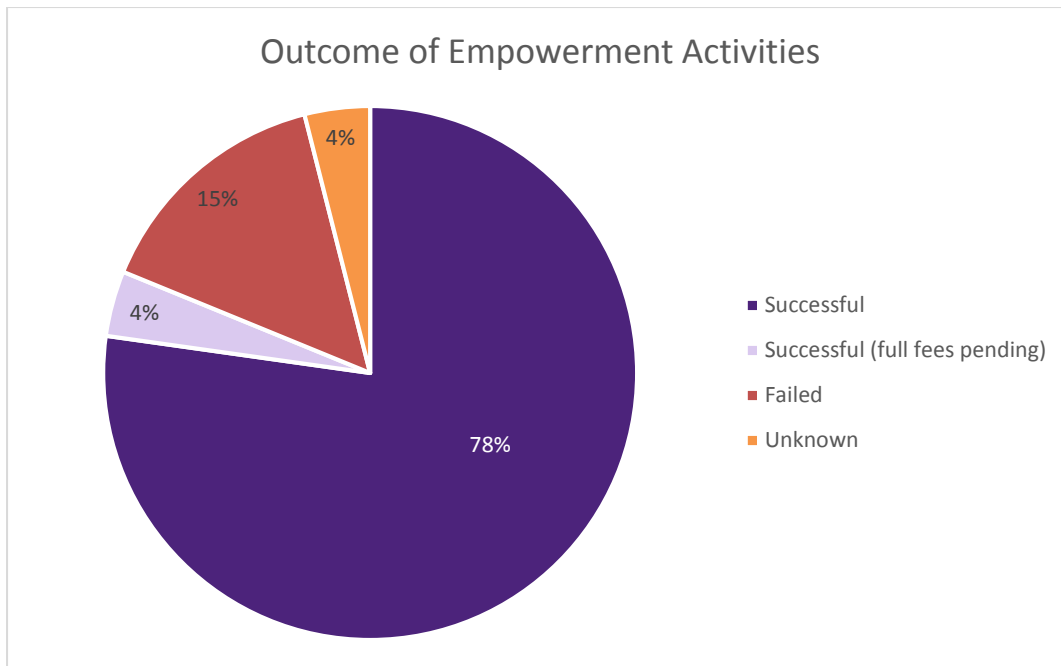


Chart 7: Outcomes of the empowerment grants

The results indicate a positive effect of the empowerment grants and the supervision and counselling from the Probation staff during this time. We set ourselves a high target of 40 out of 50 grants supporting successful businesses the end of the project (80%). Through the Probation department's selection criteria, 54 participants were selected to receive a grant and 82% were deemed successful at the end of the project period, indicating that the outcome has been successfully achieved.

Grants awarded were put towards the resources required for the business and were given in tranches. More than 85% of the former offenders received resources that were KES 20,000 or less (less than £150¹⁶). While this investment is relatively small, as we can see the results can be very positive. Understanding this transformational impact is better described using cases studies.

¹⁶ Based on exchange rates from Oanda's Currency Converter <https://www.oanda.com/currency/converter/> accessed 17/08/2016

Empowerment case studies

Kathy

Kathy from Karama received KES 12,000 (approx. £88) to invest into her previously failed doughnut making business. Kathy bought new baking items such as pans and jikos as well as ingredients and is now able to prepare a better quality of doughnut and in much greater quantity to sell at local markets.

In addition, she has been able to start preparing other foods to sell and is now employing two other people. Providing this small grant has empowered Kathy to be able to provide for herself and her family, to contribute to the local economy and provide much needed work as well as helping her to avoid reoffending.



Right: Kathy receiving her empowerment grant from KPAS staff¹⁷.

Peter

Peter hails from Kireenchune village in Nkomo. He was placed on CSO for one year at the Tigania probation office and received an empowerment grant to the value of KES 25,000 (approx. £182). Before his offence, Peter had been employed to sell clothes on a stall at Kianhai market and with the grant he was able to start his own clothes business. While he had not been able to acquire a shop to operate from, he has been able to sell his clothes in the open market where he has acquired a space.

The small profit that he has made from the business has allowed Peter to support his wife to purchase salon kits and establish a small business in the same market. Peter has said that although there is competition from well established businesses, the two avenues of work have meant that he has been able to feed and support his family, that would not have been possible without the empowerment grant.

Emmanuel

After completing his CSO, Emmanuel was empowered to start his own poultry project. He explained that it is hard for him to engage in some work as his right hand has been amputated. However, with the investment of KES 20,000 (approx. £145) Emmanuel enabled him to buy a small poultry house and a few chicken. He now buys and sells chicken which allow him to make a small profit. Emmanuel has said that with this small profit he has bought calf as an investment; whereby if there is a problem with the business, he will be able to sell it to restart the poultry farm.

¹⁷ Permission was given from participants to use their photos for evaluation report purposes, although names have been changed.

Mohammad

After originally being given a three-year prison sentence for a theft related offence, Mohammad received an 18 month CSO.

Before imprisonment, Mohammad had three goats which were the source of milk for his family. These were sold to buy food for the family and pay school fees while he was serving his custodial sentence. The family was left completely impoverished, which resulted in his two children dropping from school.

Mohammad performed well during his CSO and was nominated to take part in the empowerment project. He started a goat rearing business and was empowered with KES 8,000 (approx. £58). This has enabled him to provide for his family and meant that he did not reoffend.



Right: Mohammad receiving two goats in order to start his goat keeping business.

Hans

Hans was convicted for the offence of stealing and was subsequently placed on probation for three years. He had masonry skills and experience, but did not have the tools to enable him to get hired as a mason.



Hans benefited from an empowerment grant which saw him receive a complete masonry tool box kit. He then got employed as a mason at the on-going construction of the new court premises in Nkubu, Meru County. Evaluators stated that Probation staff consider Hans a success story, as he has been fully accepted by his community because he is financially stable and is able to better take care of his dependents.

Left: Hans during his recent employment for masonry work.

4.5 Gender and Community Service

As can be seen from Table 35 below, the largest female population of CS offenders were in Kenya, with approximately one third of orders being received by women. In both Tanzania and Uganda, around 12% of those receiving CSOs were women. Measures were taken at both baseline and end-term stage and no region saw more than a 1% change.

	Kenya		Tanzania		Uganda	
	Baseline	End-term	Baseline	End-term	Baseline	End-term
Female	34%	33%	12%	13%	12%	11%
Male	66%	67%	88%	87%	88%	89%

Table 35: Percentage of CSO offenders disaggregated by gender (intervention regions only)

Kenya

One-day Orders in Kenya

Probation staff noted that women often reported difficulties with completing CSOs on the same day as their trial. Often the women had left their children and/or elderly and sick relatives at home or with neighbours. This meant that they felt they were neglecting the needs of their children, especially when breast feeding and at times also accrued debt with for leaving their dependents in the care of others. For women held in prison before their trial, there were also further health and sanitation issues, such as a lack of access to sanitary towels.

Right, two women completing their CSO chopping wood at a local school in Meru, Kenya.

Recipients of Community Service

It is interesting to note that in Meru, over 43% of the women that received a community order sentenced were either separated from a husband, divorced or widowed, compared to just over 16% for men.

This may be an indication of the difficulties faced by women in society generally when they are single or no longer married and living in poverty.



Gender	Single	Married	Separated	Divorced	Widowed
Female	16.2%	40.5%	10.8%	10.8%	21.6%
Male	19.4%	64.5%	6.5%	4.8%	4.8%

Table 36: CSO offenders in Kenya disaggregated by gender

Alcoholic Drinks Control Act¹⁸

During the field visit to the Meru region, PRI evaluators found that the Presidential Decree for brewing illegal alcohol was being rigorously enforced by both police and magistrates. During a visit to Meru prison in September 2015, there were 294 women prisoners and over a third of them were serving a sentence for brewing illegal alcohol. Evidence suggests that the Presidential Decree has had a negative impact on the number of CSO orders issued in 2015 compared to 2014: in 2014 magistrates were giving offenders a CSO for illegal brewing offences, yet in 2015 they had changed to give offenders a fine or a prison sentence. The evaluators were told that in the vast majority of cases, alcohol is brewed by impoverished women who have few other options to raise money. It was noted that even those that did not

¹⁸ A Presidential Decree in June 2015 urged a law enforcement crackdown on the production, sale and consumption of so-called 'secondary alcohol' – illegally brewed alcohol which can cause adverse effects on health and wellbeing. This Decree encouraged magistrates to impose tougher penalties such as large fines or prison sentences for alcohol-related offences

receive a custodial sentence, but a fine instead, still often found themselves in prison after not being able to afford the fine. Further PRI research¹⁹ found that a number of other offences commonly committed by women were linked to poverty, such as cutting grass and theft, where the women explained that they were trying to support their family.

Empowerment

The empowerment grants were divided relatively evenly between women and men (51.9% to women), and of the eight participants who were deemed to have failed, four were women and four men.

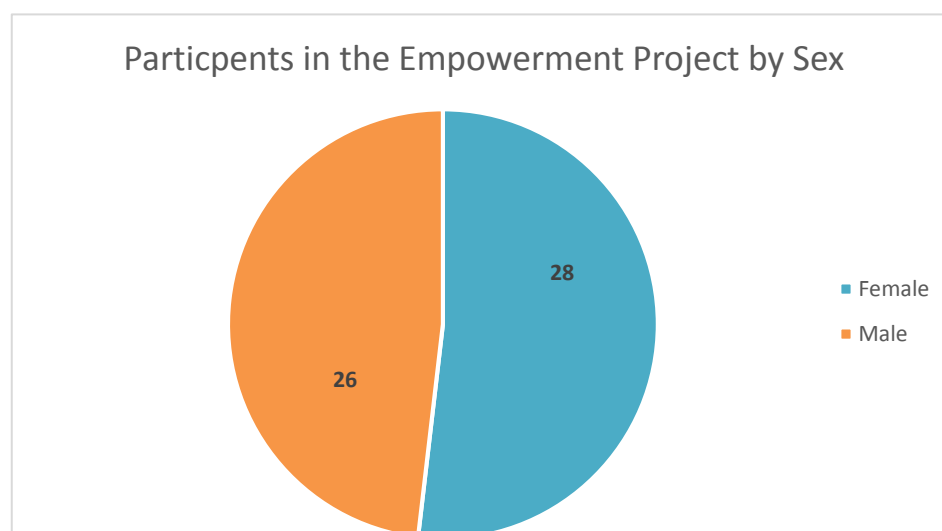


Chart 8: breakdown of empowerment recipients by sex

The gender distribution appears to have been equal with both the six participants whom received the most and the six receiving the least were evenly divided between women and men, as demonstrated in Table 37:

Table 37:

Rank	Sex	Grant
1	Female	41,000
2	Female	35,000
3	Female	30,000
4	Male	25,000
5	Female	22,000
6	Male	21,800
41	Male	8,000
42	Male	8,000
43	Female	7,800
44	Female	7,000
45	Female	5,000
46	Male	5,000

Recipients receiving the highest and lowest grants

Tanzania

In terms of the length of CSO sentences, Table 38 appears to suggest that a larger percentage of women receive sentences of one year and above (45.5%) compared to men (32.5%). This suggests that either the women committed more serious crimes and therefore

¹⁹ PRI (2016) *Community service and probation for women: a study in Kenya*, <https://www.penalreform.org/resource/community-service-and-probation-for-women-a-study>

received a longer sentence, or alternatively, women received disproportionately longer sentences for similar crimes.

Length of CSO		Female	Male	Total
1 week to 3 months	No.	2	9	11
	% within gender	18.2%	22.5%	21.6%
4 months to 6 months	No.	4	12	16
	% within gender	36.4%	30.0%	31.4%
7 months to 1 year	No.	0	6	6
	% within gender	0.0%	15.0%	11.8%
Above 1 year to 2 years	No.	2	6	8
	% within gender	18.2%	15.0%	15.7%
Above 2 years	Count	3	7	10
	% within gender	27.3%	17.5%	19.6%
Total	Count	11	40	51
	% within	100%	100%	100%

Table 38: Length of CSOs in Tanzania disaggregated by gender

However, when tested for statistical significance, the results suggested that there was no statistically significant association between gender of CS offenders and length of imposed CS Order²⁰.

		Females	Males	Total
Mbeya	CSO	33	224	257
	Prison cases	97	612	709
Dodoma	CSO	11	55	66
	Prison cases	33	474	507

Table 39: Number of CSOs and short term prison sentences in Tanzania (both pilot and control regions), disaggregated by gender

Tanzania approx. CS to prison sentence ratio of approximately 1:3 for both women and men.

Uganda

As with the other two project countries, men received the vast majority of CSOs, however, it is worth highlighting that in 10 of the 16 districts, no CSOs were given to women at all.

The [United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders \(Bangkok Rules\)](#) call for 'gender-sensitive non-custodial measures'. However, to-date, little guidance has been made available on how to capture gender-specific backgrounds and ensure the design and implementation of non-custodial measures address gender aspects.²¹

²⁰ Pearson's Chi-Square test indicated that $\chi(4) = 2.312a$, $p = .679$. Therefore, the p – value is larger than .05 level of significance. (Pearson's Chi-Square test is a statistical test applied to sets of categorical data to evaluate how likely it is that any observed difference between the sets arose by chance).

²¹ Gender-responsive practices are 'practices, programs, assessments, or policies that account for the differences in characteristics and life experiences that women and men bring to the justice system and that have been tested by methodologically rigorous research and found to be effective in reducing recidivism'. (National Resource Center on Justice Involved Women, *Gender Responsive Interventions in the Era of Evidence-Based Practice: A Consumer's Guide to Understanding Research*, p1.)

This project has identified a number of areas where the experience of women and men may have been different within the CS system. For a more information on a gender-sensitive approach to alternatives to imprisonment, please see PRI's research project from Kenya²².

4.6 Results from end-term evaluation meeting

In June 2016, after all project activities had been completed PRI brought together all implementing countries and Directors of Probation and Community Service from across the East African region to Kampala in order to discuss the findings, identify the learning and discuss further progress and innovative reform for the future.

Delegates from Malawi, Namibia, South Sudan and Zimbabwe contributed alongside the UN Special Rapporteur on Prisons and Conditions of Detention in Africa, representatives from UNAFRI and the Confederation of European Probation (CEP).

Above: Group photo of regional delegates attending the End Term Evaluation Meeting



After each of the three project countries presented the provisional findings, there were in-depth discussions relating to the broad themes linked to successful non-custodial sentencing options.

Table 40 below gives an overview of the key points, recommendations and learning that came about as a result of this end-term evaluation meeting.

Discussion Topic	Key Points and Recommendations
Increasing the number of CSOs	Greater engagement with stakeholders through:
	Strengthening District Committees by looking at their obstacles and providing solutions.
	Ensuring courts are familiar with the placements in their jurisdiction and conditions inside prisons
	Addressing Capacity issues by:
	Increasing staffing levels of magistrates, supervisors and probation officers to reflect current caseload, as well as anticipated increase in non-custodial caseload.
	Ensuring that CS staff receive training to deliver high quality presentence reporting, data capture and supervision

²² PRI (2016) *Community service and probation for women: a study in Kenya*, <https://www.penalreform.org/resource/community-service-and-probation-for-women-a-study>

	Advocate for change to guidelines and procedures
	Amendment of laws to give alternatives more prominence - particularly those with minimum custodial sentences.
	Develop corruption prevention strategies to improve credibility of the programme
	Consider CSO legislation as an early prisoner-release system.
	Ensure all legal training curricular includes non-custodial alternatives
Compliance	Preparation and Management
	Work identification and matched placements - ensuring necessary preparations before an offender is sent to a placement institution and that their placement is matched to their skills, gender, age etc.
	Invest in in data management info systems able to track offenders
	Harmonise use of sureties across the region
	Agencies should have to make a formal request to receive offenders rather than accept them passively
	Breaches reported and actioned efficiently
	Capacity of Placement Institutions
	Ensure institutions have relevant equipment - either purchased or loaned
	Ensuring that supervisors have the capacity, time and resources to receive offenders
	Feedback to and from supervisors
	Rehabilitative Activities
	Intensify and invest use of evidence based reform programs, not just empathetic counselling.
	Promote reconciliation and compensation
	Community Involvement
	Establish effective communication channels between community and CSOs-Involve the community in identification of projects which are tangible.
Perceptions	Key Stakeholders
	Invest in training for trainers to enable regular training for new and current stakeholders
	Improve communication and coordination among different stakeholder groups
	Ensure tangible outputs of CSOs are publicised so that all stakeholders can appreciate them
	Wider Public
	Improving interventions by involvement of the victim and placing offenders where they are relevant
	Use of local council systems to raise awareness, can promote using drama, radio or local celebrities.
	Promote benefits and success stories via mass media and social media
	Involvement of local chiefs and traditional leaders to increase acceptance
	People with negative/hostile views about CSOs (hard to reach stakeholders)
	Importance of o visibility/tangible direct results
	Expose them to the realities of prison conditions
	Inclusion of this group in evaluation/supervision
	Demonstrate that victims are not forgotten, involve compensation and legal aid
CSO as a Decongestion Tool	Adapt and improve processes
	Improve sentencing guidelines to be clear about cases in which CSO can be used
	Hold regular decongestion meetings that have clear targets and include magistrates and other stakeholders
	Application of international human rights instruments linked to prison conditions

Achieving Tangible Projects	Procedural Changes
	Conduct thorough needs/skills assessment on each offender and work site to enable proper placements.
	Revise/develop guidelines to widen the scope of placements in order to ensure tangibility of work performed by offenders
	Increased Interaction with Stakeholders
	Local committees be more proactive in identifying tangible work sites
Building Partnerships	Sensitize all potential work agency heads and showcase success stories.
	Combined working and ownership
	Hold regular consultative meetings between all relevant stakeholders, strengthened with an MoU
	Involve this group in the creation of action plans
Gaining Political Buy-in and investment	Publicly recognise the efforts and achievements of groups and individuals
	Improve evidence base and visibility by:
	Improving data management and analysis
	Involvement of academic think tanks and research institutions
Empowerment, Socio-economic factors and Reoffending	Increase visibility of work completed and highlight economic arguments
	CSO can contribute to the reduction of poverty-related offending by:
	Using empowerment projects to build skills and provide a valid alternative for offenders
	Enabling family ties to be maintained
	Offenders being visible in the community thereby reducing chances of re-offending
Alternatives to Imprisonment beyond Community Service	Can contribute to SDGs by working on environmental sustainability projects, health and hygiene projects, or improved food security
	Areas requiring further investigation:
	Parole, early release schemes, work-release programmes, suspended sentences, diversion, compensation, electronic monitoring, alternative dispute resolution/restorative justice
	Care must be taken to avoid net-widening, meaning that people that would have not received a formal sentence e.g. may have been cautioned, instead start to receive a non-custodial sentence

Table 40: Key points and recommendations from end-term evaluation meeting

4.7 Unexpected Outcomes

Promised additional staff

The project aims to increase the use of CSOs within the targeted areas. However, it is clear that with already overstretched resources, it is very difficult for Probation or Community Service Officers to complete duties across presentence reporting, attending police stations, court stations as well as home visits and placement supervisions etc. Where the caseload increases, the staff numbers required to effectively manage this must also increase. Prisons and Probation are usually underfunded areas of the criminal justice system the world over, and alternatives to prisons often receive even less investment.

It has been a great positive outcome then that by the end of the project, the responsible ministries in each of the project countries have recognised the importance of investing in this area and have committed to increasing staff numbers.

Country	Staff Numbers 2014	2016 Commitment to Increase	Percentage Increase
Kenya	650	300	46.2 %
Tanzania	107	50	46.7 %

Table 41: Projected change in Probation/Community Service departmental staff numbers

While this increase cannot be completely attributed to the joint endeavour with PRI, the greater profile of CSOs in the light of the work being completed within each country and regionally is likely to have contributed to the committed increases.

By the end of 2016, KPAS will increase their staffing capacity by 300 officers, representing more than a 46% increase. TPCS plan to employ a further 50 Probation Officers within the financial year 2016/17, coincidentally also representing just under a 47% increase.

In Uganda the increasing awareness of the importance of community service has led to the decision by the government to change the Community Service Department into a Directorate and the number of staff will reach 167, to be phased in over a period of three years.

Design of Data collection tool

Through collecting data on the number and completion of CSOs, an area with little previous research, the need for a specific data collection and analysis tool was identified during the course of the project. PRI worked closely with the KPAS in order to create a new tool that was tailored to the current system, to ensure as little disruption to procedures as possible and to ensure that all data is useful for the department.

This tool was piloted in the collection of data for the final evaluation and proved to be much more efficient and effective. KPAS have found it very useful and intend to continue to use it within the pilot areas. Further research and development of data collection tools is required throughout the project countries and beyond the pilot regions.

Regional Collaboration

While this project was piloted in three East African countries, the longer-term aim is to develop a model that can be applicable to countries throughout the region and beyond. Through careful budgeting throughout the project, PRI were able to bring together key stakeholders from the region to benefit from and to contribute to the learning from the project.

As well as the evaluative discussion becoming more rich and diverse as a result of this expansion of thoughts and opinions, two further important outcomes were advanced:

- The Probation Network that had previously been established by PRI at a regional conference on alternatives to imprisonment in 2014, was given the opportunity to convene and discuss regional cooperation and mutual learning. While the will to reform is clear from the stakeholders, the opportunity to meet and progress the agenda is rare and this meeting provided for such a space.
- After participating in this evaluative meeting, Directors of Probation and Community Service from non-project countries were able to learn more about PRI's approach to positive reform of justice systems and as a result, requests for further collaboration and development of MoUs with PRI to initiate similar projects have come from Malawi, Namibia, South Sudan and Zimbabwe.

Further analysis of the context is required in each of the interested countries, just as the strengths and weaknesses of the CS systems across the current three project countries were discussed in depth during the mid-term evaluation stage of this project²³.

²³ PRI, Excellence in Training on Rehabilitation in Africa Project: Mid-term Evaluation, 2016
<https://www.penalreform.org/resource/evaluation-excellence-in-training-on-rehabilitation-in-africa/>

5. Case studies

Former offenders

School for Children with Learning Disabilities. Meru, Kenya

From left to right, the Head Mistress and CSO Offender Supervisor at a school in Meru stand alongside a former offender. The man on the right of the picture is called Nicholas and he can be seen as a CSO success story.

Nicholas served a CSO for one year at the school after being found guilty of theft of timber from a private forest to build a house for his family.

Upon completion of the CSO, the Head Mistress felt that he had performed so well that she offered Nicholas a full time job.

Nicholas has not reoffended and is able to provide for his family.



Tree Nursery Project. Iganga, Uganda



Musisi is another example of how a good placement can result in the prevention of future offending. Musisi was given a two-month CSO, during which he worked three hours a day, five days a week, rather than receiving a 12-month custodial sentence. He had been found guilty of adulterating food, as he had produced dairy milk without the appropriate machinery, which resulted in a potential health hazard. He spent three days in prison while waiting to be sentenced before he was released when his friends paid a surety for him.

Musisi said that when he first started the CSO he 'felt like a *nobody*', but that the supervisor and the CSDV spent a lot of time with him and really helped him a lot. When he left after two months he 'felt strong' and is now very proud of what he learned during the CSO. Just before he left, the CSDV helped him apply to the National Agricultural Advisory Services (NAADS) for some initial funds to start his own tree nursery. NAADS agreed to provide 30,000 coffee seedlings and his friends

also gave him some eucalyptus seedlings.

Musisi was able to start a viable business and has been able to pay off many of his debts since finishing his CSO. He has even been able to buy the correct machine to produce saleable and safe dairy milk from the appropriate authority and has restarted a legal dairy producing business.

When asked what he thought that his life would have been like if he had served a custodial sentence instead, he said that he would have suffered greatly inside the prison and that at his age he may have even died. He added that if he did leave the prison at the end, he would have had huge debts and no way of paying them back and did not know how he would have survived.

Community Service Department Volunteer

Health Centre II. Muyuge, Uganda.



Mwajuma Namathendhe is a CSDV and a recent graduate of a Social Work Degree. She has been volunteering in Muyuge five days a week since July 2015. Mwajuma works at the courts, police stations and prisons in order to sensitise people to the availability and benefits of CSO. She helps find relevant placements for those eligible by visiting them and their families and then also and monitors them during their order, to ensure they complete successfully.

Mwajuma explained one occasion when two women were arguing in court relating to a fight that they had previously had, which resulted in that court hearing. The magistrate threw them both out of court and said that if they could not behave, they would both be sent to prison. Mwajuma was able to take them both aside and convince them to have a reconciliatory meeting.

Mwajuma counselled both parties and their families so that they calmed down and could understand their options. Mwajuma asked everyone to leave except the

two women and she explained about CS and its benefits to their situation. She noted that at first the two women were so angry they could not even look at each other in the face, but after lengthy discussions, they ended up hugging.

Both women were given a two week CSO and they served it together at the same Health Centre II (below).

It is highly likely that both women would have received a much longer custodial sentence had it not been for intervention of Mwajuma in her capacity as a CSDV.



Community Service Institution
Poultry Project, Meru Kenya

The project teaches offenders the skills required to keep chickens as a business and emphasises the importance of responsibility.

During a project visit, PRI's Project Coordinator encountered three students who had each been given a one-month custodial sentence for not wearing a safety belt in a car. However, their sentences were successfully commuted to one day of community service, which they were performing at this poultry project.

The project also had longer term offenders on community service and the picture to the right shows a woman who PRI was told had performed exceptionally well, shown remorse for her crime and who the team intended to put forward for the empowerment element of the ExTRA Project, so that she can start her own small poultry project and put the new skills to use.

Local Chief

Chief's Office, Meru Kenya



The training included a variety of stakeholders. One key stakeholder in Meru is the Local Chief – a position that may now hold less power than it has historically, but is still an important opinion leader in the region.

Before attending any community service awareness training, this particular chief (second from left) was against the use of CSOs and called for harsh custodial sentences for offenders. Since attending the training, he has become a great advocate of CS and his team has supervised a number of offenders to help complete the building of new offices for the local government.



Magistrates

Comparison of two magistrates' performance in Nikubu, Kenya

A cornerstone activity of this project is training of magistrates. As well as equipping magistrates with knowledge and skills on CS, the trainings aimed to change magistrates' mind-set so they become more positive towards CSOs and therefore more likely to use them during sentencing. In Kenya, the evaluation team has worked with the Probation and Aftercare Service to pilot a new CS measurement tracker. Through the tracker PRI is able to disaggregate the training data by court/magistrate, which provides useful case study material.

Nikubu Station in Kenya has two courts and two magistrates. The first court has a magistrate who did not receive training through the project and the second court has a magistrate that did receive training. Table 41 below provides a comparison of their CSO performance by court.



	No. of CSOs		No. of Probation Orders		Number of Fines		Number imprisoned		CSO-total sentence percentage rate	
Court number:	1*	2**	1	2	1	2	1	2	1	2
Before Magistrates Training (Jan-June 2015)	51	33	4	9	144	22	23	3	23%	49%
After Magistrates Training (July-December 2015)	37	127	27	14	132	26	7	3	18%	64%
Total:	88	160	31	53	276	99	30	6	21%	54%

*Court 1: Magistrate was not trained

**Court 2: Magistrate was trained

Table 41: Sentencing data for Nikubu Station in Kenya, Disaggregated by Court (Source: Kenya Probation and Aftercare Service)

Table 41 shows that in 2015, the magistrate who received training (Court 2) used CS more often (160 CSOs) compared to the magistrate who didn't receive training (88 CSOs). This is evidence that the Court 2 magistrate is more favourable towards CS, although it does not show the contribution/attribution of the training. The Court 2 magistrate attended the training in June and a comparison between the before and after training sentencing data provides evidence that the training did have a positive impact on her/his use of CSOs:

- The magistrate that did not receive the training (Court 1) – her/his use of CSOs in the period after the training (July to December 2015) is lower compared to the period before the training. It is lower in terms of absolute numbers – 51 compared to 37 – and in terms of the CSO-total sentence percentage rate – a drop from 23% to 18%. This result is not unusual because the magistrate did not participate in the training.

The Court 1 magistrate provides a useful counterfactual²⁴ for the trained magistrates, which enables us to attribute cause and effect between the intervention (training) and the outcome (increased number of CSOs).

- The magistrate who received the training (Court 2) – her/his use of CSOs in the period after the training (July to December 2015) increased dramatically compared to the period before the training. It increased in terms of absolute numbers – 33 increased to 127 – and in terms of the CSO-total sentence percentage rate – an increase from 49% to 64%.

In this particular case, the data above provides significant evidence that the Court 2 magistrate increased their use of CS because they attended the training in June. Indeed, in this particular case, outcomes did in fact materialise: the magistrate changed his/her sentencing decision-making in favour of CS.

6. Lessons Learned

Lesson 1 – Resources and capacity

There are clear limits to what Probation and Community Service departments are able to do to increase the effectiveness of CSOs, even with additional capacity. In Kenya, the best resourced of the three departments, there were indications that probation cannot keep up with the pace of demand for suitable assessments. Innovative solutions have been developed, e.g. the use of volunteers and partnerships with other government bodies at the local level, some of which had been strengthened by the ExTRA activities.

However, in order to produce quality outcomes, the responsible government departments must be adequately staffed, especially where there is an aim to increase the number of CSOs being managed. Further research into the caseload per Community Service or Probation Officer to create an efficient system would be valuable.

Currently, in Tanzania, the Probation and Community Services Department have assessed that as a minimum, two probation staff are required per court station. That would mean 1,800 compared to the existing 107. While an increase of this level is not feasible in the immediate future, slow incremental growth should be advocated for, combined with creative solutions such as partnering with local government or other agencies (including NGOs) to increase their capacity or the use of volunteers.

In Uganda, the CSDVs have proven a success and should be invested in for the short-term, with a longer term aim of employing full time staff, who also take over responsibility for pre-sentence reporting, currently the remit of the police.

- **Recommendation 1.1: Probation and Community Service Departments should use the positive results of the ExTRA project to continue to appeal for greater investment in human resources, whilst using innovative solutions in the short-term.**

²⁴ Counterfactual analysis enables evaluators to attribute cause and effect between interventions and outcomes. The 'counterfactual' measures what would have happened to beneficiaries in the absence of the intervention, and impact is estimated by comparing counterfactual outcomes to those observed under the intervention. In this particular case, the untrained magistrate acts as a counterfactual to the trained magistrates and provides an insight into what have happened if the court 2 magistrate did not receive training.

- **Recommendation 1.2: Sufficient female Probation/Community Service Officers should be employed to ensure all female CSO offenders are supervised by women²⁵**
- **Recommendation 1.3 The following indicators should be used to track the capacity of the Probation and Community Service Departments:**
 - a. average number of CS cases per probation officer;
 - b. average number of hours Probation Officers/Volunteers spend per week on
 - i. sensitisation (e.g. time spent at court, police stations, prisons and on social enquiry) and
 - ii. supervision (e.g. time spent visiting offenders at the home and at their placements after sentencing).

There is a strong case for looking at criminal justice spending in the round and taking a holistic approach to preventing reoffending. In Kenya's pilot area, two new prisons are being constructed and in Uganda a large prison building programme has been undertaken.

- **Recommendation 1.4: Further analysis of the costs and benefits of investment in alternatives should be a requirement before prison expansion projects are approved.**

Lesson 2 – Need for more effective and tangible placements

Despite some good examples of CS placements, including reforestation, waste disposal and poultry farming, these tend to be the exceptions rather than the norm and too many still involve cleaning and slashing.

While the EXTRA project stakeholder events appear to have stimulated an increase in the range of agencies and institutions willing to offer placements, the majority are unimaginative and produce too little satisfaction for the public and too little opportunity for rehabilitation, reparation or learning of new skills.

Part of the barrier to diversification has been the lack of resources and tools available to complete different tasks. Responsible departments should create partnerships with other areas of government or look to partner with NGOs to provide the necessary equipment.

- **Recommendation 2.1: Limit the use of slashing and cleaning and promote local initiatives that build skills of the offender**
- **Recommendation 2.2: Ensure that decisions around assigning placements and the completions of CSOs are gender-sensitive and stakeholders are fully trained in its importance²⁶**
- **Recommendation 2.3: During presentence reporting, make a recommendation of which placement the offender would be most suited to, based on skills matching and geographical location.**

²⁵ For more discussion for a gender-sensitive approach to community service and the importance of female probation officers, please see: PRI (2016) *Community service and probation for women: a study in Kenya*, <https://www.penalreform.org/resource/community-service-and-probation-for-women-a-study>

²⁶ As well as the aforementioned PRI project (ibid), also see:

The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules), adopted by General Assembly resolution 65/229 of 21 December 2010.

Which complements:

United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), adopted by General Assembly resolution 45/110 of 14 December 1990.

- **Recommendation 2.4: A list of available CSO placements to be provided to the magistrates and updated monthly**
- **Recommendation 2.5: Partner with other government departments or NGOs to provide the relevant tools and resources for varied CSO placements.**

Lesson 3 – Including influential local leaders and increasing community participation

In many areas and especially in the more rural regions, Local Chiefs or LC1 Chair Persons know every member of their community and have great power to drive opinions. As in the case study example, a local chief can move from being an obstacle to becoming a great advocate for its use as a valid alternative to prison, after receiving the appropriate training.

- **Recommendation 3.1: Include influential local leaders in training and awareness raising activities**

Local leaders can help drive a positive change in opinions about CSOs, but including the local community in decisions about what public works would benefit the local area would also increase participation in and ownership of the justice system. It is important that the local Probation and Community Service Departments engage the local community to develop useful and efficient projects where the outcomes are visible and communicated to the public.

- **Recommendation 3.2: Probation and Community Service staff to attend local community meetings and events to understand where the need is and promote CSOs**

Lesson 4 – Creation and maintenance of feedback mechanisms

Part of the reason that key stakeholders and the public can be sceptical about CSO as a punishment is that they do not often hear about the results. They do not hear about whether offenders abscond – which appears in practice to be very low; and they don't always realise that the school pit latrine was dug by CS offenders, nor the streets cleaned or trees planted. With prison, people generally feel more assured in that an offender receives a sentence and is released when the sentence is served.

PRI believes therefore that feedback is important in two clear directions:

1. To magistrates and other key stakeholders. Magistrates, as the decision makers for sentencing, very rarely learn the outcome of their decisions. Regular feedback on the outcome of CSOs would allow them to make more informed decisions. For example, hearing that the vast majority of offenders had completed their order successfully over the past month is likely to help drive an increase in future orders as the magistrate will have improved confidence in the system – something that PRI's original research identified as lacking. As well as this, if there are certain placements that continue to see offenders fail their orders, the magistrate can order an investigation into that placement institute or simply divert offenders to more effective placements.
2. To the local community. Many people are still unaware and suspicious of CS. By informing the public at community meetings, via various forms of media and through local leaders, about the number of CSOs that had been successfully completed in their locality over the past month and by giving an overview of the work completed to the benefit of the community during that time, confidence in the system can be grown and perceptions slowly improved.

- **Recommendation 4.1: Probation and Community Service Departments to provide regular feedback on the outcomes of CSOs to magistrates and discuss available placements institutions for the upcoming month.**
- **Recommendation 4.2: Probation and Community Service Departments to provide regular feedback on the number of successful completions and on what work was completed. This could be achieved by attending local meetings and communicating information via radio, print media and social media.**

Lesson 5 – Hard-to-reach stakeholders

It was clear from the training sessions and workshops that the majority of participants left with a much more positive view of CS than when they began. However, there were a minority of stakeholders that presented as clearly resistant to reform. An alternative approach is therefore needed to aim to improve the positive perceptions of this group. Further project research is required to test the effects of initiatives such as:

1. **Exposure visits.** This would involve facilitating visits for magistrates or senior police officials to the overburdened prisons within their locality, so that they are exposed to the reality of the unsanitary and dangerous conditions that they are sending offenders to when they are awarded a custodial sentence. Further visits to successful CSO placements are also advised so that an overt comparison can be made and the transformation effect of non-custodial options are clear.
 2. **Breakfast meetings.** Probation staff have suggested that meetings with the ‘hard-to-reach’ magistrates on mornings before they start court proceedings, with personalised information, directly relevant to her/him, may be able to build confidence in CSOs and willingness to use them.
- **Recommendation 5.1: Departments should pilot project activities around exposure visits, breakfast meeting and other local initiatives.**
 - **Recommendation 5.2: Training involving other stakeholders such as prosecutors, local chiefs and police officers should also involve exposure visits to fully understand the prison conditions.**

Note. It is important that the Officer in Charge of the prison is fully sensitised to the reason for the visits, so that a true representation of conditions is found and that nothing is masked or hidden. It is also essential that the correct permissions are granted for visits to prison or CSO sites.

Acknowledgement that stakeholders are not always aware of the evidence base when making their decisions is significant, but further awareness of the way to bridge the gap in understanding between the general and expert views is required. Sending the right messages and highlighting success stories as part of a broader approach to justice, have been found to be more beneficial than discussing solutions in isolation or outside a complete narrative²⁷.

²⁷ Frame Works Institute, *New narratives: Changing the frame on crime and justice*, 2016
http://www.transformjustice.org.uk/wp-content/uploads/2016/08/UKCJ_MM_July_2016_Final-1-2.pdf accessed 25/08/16

High level political support is also likely to help change attitudes and should be advocated for and highlighted. For example, on 16/02/2016, the Kenyan President made the statement²⁸ the below:

Box 2:

"I call upon all agencies in the criminal justice system and relevant partners to intensify collaborations with the Kenya Prisons Service and develop common approaches to the matter of penal reform, so that these noble tendencies can find concrete expression. One such programme, if I may, already operates: it is the scheme under which inmates work outside the walls of our prisons, serving the nation. It seems to me that these programs should be encouraged, not simply to rehabilitate our inmates, but also to make certain that public works do not remain undone for lack of labour".

His Excellency Hon. Uhuru Kenyatta, C.G.H.,
President of the Republic of Kenya

Lesson 6 – Performance management can change behaviour as much as persuasion.

The introduction of targets for individual magistrates to complete a set number of cases and, in Uganda at least, the incentives for the police to produce successful arrests (i.e. ones that lead to conviction) appear to have encouraged the use of CSOs. During the evaluation visits, a number of stakeholders remarked that where CS was seen to speed up the process to achieve a conviction, parties were more likely to engage in the process.

Therefore, while there is evidence to suggest that training and awareness raising are achieving positive results, it is also worth noting that behaviour change may be open to influence by the way performance is measured and rewarded.

- **Recommendation 6.1: Government departments should work closely with those who set performance measures in order to develop a strategy that targets an increase in efficiency.**

It should be noted, however, that there is a risk of efficiency purely being seen in terms of time taken to complete a case, or in the number of successful arrests. It is important the quality and fairness of the outcome are not overlooked.

Lesson 7 – Accurate data collection procedures required

PRI found that data collection methods differed between and within countries and in many cases records were hand written and not easily accessible.

Box 3

In a number of locations, PRI heard that if by the end of the month, some police officers had not completed enough successful arrests, they would go to a local bar in a poor neighbourhood and arrest all those not working for being 'idle'.

This was reaffirmed when PRI visited prisons and CSO placements where offenders said that they had been arrested for 'watching the TV during the day' or 'standing in the wrong place at the wrong time'.

²⁸ Speech during the Kenya Prisons Service Passing Out Parade At Kenya Prison Staff Training College (PSTC), Ruiru <http://www.president.go.ke/2016/02/16/speech-by-his-excellency-hon-uhuru-kenyatta-c-g-h-president-and-commander-in-chief-of-the-defence-forces-of-the-republic-of-kenya-during-the-kenya-prisons-service-passing-out-parade-atkenya-prison/> accessed 24/08/16

In some cases, data was collected by researchers directly from court records and this is the ideal and most accurate procedure. However, there are a variety of methods used, which are generally less reliable. Gaining the correct permissions from the court authorities can also be a barrier to access.

Without appropriate and trustworthy data collection procedures, testing and evaluation of alternative to imprisonment projects will not be completely effective and the sooner an accurate database is initiated in each context the better the future analysis can be.

This new collection method proved far superior to previous methods and PRI recommends that a project that researches and designs specific data gathering tools and a procedure for each individual context would be valuable to the project countries and to use as a basis for other countries that wish to reform their system.

- **Recommendation 7.1: A specific project should be commissioned to develop PRI's Community Service Measurement Tracker (CSDT) in order to create context specific tools and procedures for each country and a base for model that can be scaled to other countries. The project should also include thorough training for implementing staff and adequate resourcing to ensure processes are sustainable**
- **Recommendation 7.2: PRI should sign an MoU with the appropriate court authorities in order facilitate the ease of data collection. Probation and Community Service Departments should also reach written agreements with other relevant government departments for the same reasons.**

It is also important to ensure that when comparing data in an intervention region, a control region is identified with similar characteristics, with special notice given to the rate of CSOs given verses other sentences.

- **Recommendation 7.3: Ensure that control regions are matched in terms of context as closely to the intervention region as possible over all key outcome areas.**

Lesson 8 – Measuring the effectiveness and impact of community service programmes

Through this pilot project, PRI has learnt a lot about identifying the right indicators to measure the performance of a CS system. At the mid-term stage it had become clear that outcome indicators used in this project 'number of CSO orders' and 'percentage of CSOs completed', are not the best indicators for tracking the results of CS projects. It was also clear that a number of the outcome targets that had been set before the baseline report were not realistic or achievable.

Box 4

In Tanzania, the records on CSOs are kept by regional Probation Officers, many of whom do not have a computer. The officer will call the Probation staff in each of the local stations in order to retrieve the details. However, frequently the officers do not have the funds to make these calls.

If and when the officers do receive all the data for the region, it is then collated and sent by post to the head office. However, often the Department of Probation and Community Services does not have the funds to maintain its PO box and therefore cannot retrieve the information.

Adaptations were made to the end-term review where possible, yet for future projects, PRI will use the following basket of indicators:

- number of CSOs;
- CSO as part of total sentenced percentage rate;
- CSO to imprisonment ratio;
- CSO breaches to completion percentage rate;
- average number of CS cases per probation officer;
- average number of hours Probation Officers/Volunteers spend per week on:
 - a. Sensitisation (e.g. time spent at court, police stations, prisons and on social enquiry) and
 - b. Supervision (e.g. time spent visiting offenders at their home and at their placements after sentencing).

Taken together, the above indicators provide a good range of information on how a CS programme is performing. To collect this data, PRI has worked with the Kenyan Probation and Aftercare Service to develop and pilot a Community Service Measurement Tracker (CSMT). This tracker spreadsheet has helped to ensure that the right data is collected to feed the above indicators.

- **Recommendation 8.1: All future projects should adopt a methodology that uses the newer, wide basket of indicators and identify project targets after the completion of the baseline report.**

The basket of indicators listed above will help Probation and Community Service Departments to make a strong argument to policy-makers about the relevance, effectiveness and wider benefits of CS. For example, the CSO to imprisonment ratio can show how CS is having an impact on the number of people that are imprisoned and is therefore freeing up resources for the Prison Administration and Government that can be spent elsewhere. This comparison may also help to show the progress of CS as an alternative regardless of crime rate fluctuations.

The data shows part of the story, but the transformational impact of not unnecessarily being taken out of society and being placed in overcrowded and unsanitary prisons cannot capture this transformation impact. PRI has captured a number of case studies which document the stories of the offenders who have served a CSO in order to give a qualitative analysis. Qualitative data of this nature can be captured throughout the supervision of offenders and with an exit interview upon completion.

- **Recommendation 8.2: To measure the impact on the ultimate beneficiaries (the offender), PRI will work with the Probation and Community Service Departments to develop a form to capture the voice and story of the offender at the end of their CSO sentence.**

Lesson 9 – Applying a model

While there were small differences across each country, this project was piloted with the same basic design and the same targets were in place for each. This was an appropriate way of testing an initial model and allowed for comparison, yet through this learning process we have discovered different aspects that are unique to each context and any further activities in each of implementing countries should bear these in mind.

- **Recommendation 9.1: Testing innovative projects in new implementing countries should follow an initial model, yet subsequent scale-up projects**

should allow for greater levels of nuance within each country within the broader approach.

Lesson 10 - Advocating for change

Community service provides a valid alternative to prison for those committing petty and poverty-related crimes. However, during the course of the project, PRI came across a number of people in prison or completing a CSO, who had been convicted of crimes that can be considered archaic and unnecessary. Convicting people of crimes such as ‘rogue and vagabond’²⁹ or ‘idleness’, or for not following government instructions to install a toilet in your home, only serve to criminalise the poorest in society for the situation that they are in. The community does not benefit from sentencing a person for such misdemeanours and in fact it perpetuates the likelihood of further poverty for the individual and her/his family. If people who have committed such misdemeanours are given CSOs, this can be considered ‘net-widening’, and this then disrupts the effectiveness of the justice system.

- **Recommendation 10.1: Further investment need to be made by government departments and through NGO assisted advocacy projects to decriminalise out-dated crimes such as ‘rogue and vagabond’ and any other deemed damaging to the poorest in society.**

Community Service Orders target those who have committed petty crimes, however, there is an argument that suggests that a greater cause of overcrowding in East African prisons is the long sentences given for more serious crimes. Further research is required into alternatives to such sentences.³⁰

- **Recommendation 10.2: PRI to conduct research into alternative sentencing for serious crimes.**

7. Conclusions

The ExTRA Project has largely been a success. Despite some issues around data collection and uncontrollable variables, we have seen clear increases in the number of CSOs where we have been able to directly compare magistrates that have received training against those who had not. There have been impressive initiatives such as the Community Service Department Volunteers, as well as transformative shifts in some stakeholders’ opinions where they have moved from a position of obstruction of CSOs to one of promotion.

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. It has also allowed for specific learning around key areas such as appropriate data collection, leading to recommendations which, if followed, will improve quality, efficiency and accuracy, benefiting all future work in the area.

As a result of the findings, the PRI ‘Three Pillar Model for Effective Community Service’ has been reconceptualised to a *five* pillar model, as per below:

²⁹ Defined in Uganda Penal Code Act (1950) as every person found wandering in or upon or near any premises or in any road or highway or any place adjacent thereto or in any public place at such time and under such circumstances as to lead to the conclusion that such person is there for an illegal or disorderly purpose, shall be deemed to be a rogue and vagabond, and commits a misdemeanour and is liable for the first offence to imprisonment for six months, and for every subsequent offence to imprisonment for one year. Full definition: <http://www.osall.org.za/docs/2011/03/Uganda-Penal-Code-Act-1950-Ch-120.pdf> accessed 22/08/16,

³⁰ For further discussion, see Unlocking Potential: *Reflections on Prison Overcrowding* <http://reformingprisons.blogspot.co.uk/2016/08/reflections-on-prison-overcrowding.html> accessed 24/08/16

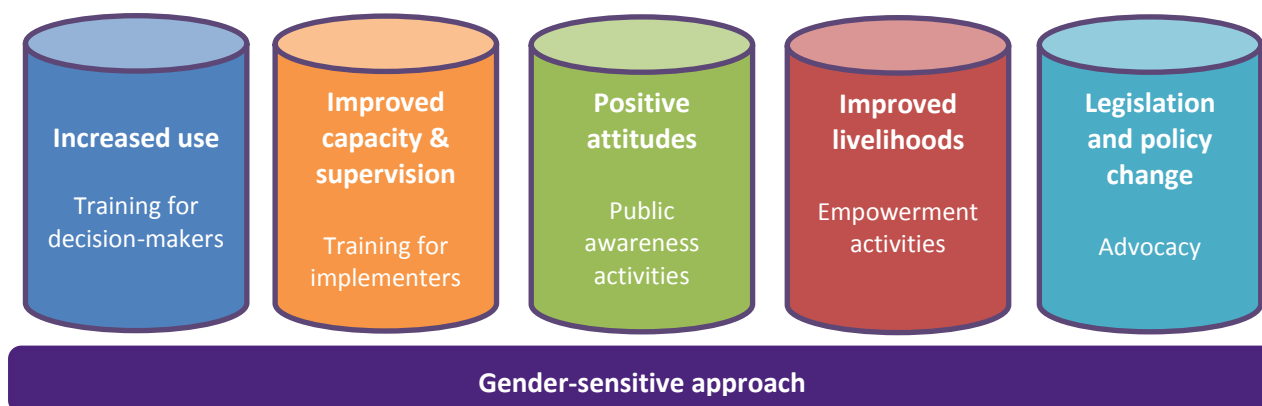


Figure 4: PRI Five Pillar Model of Effective Community Service

We have learnt a great deal about ways to improve the use of CSOs, the capacity to effectively supervise CSOs and to improve public attitudes. Some key development points have been identified for each:

Pillar 1 Increased use of CSOs

As well as training the decision makers (magistrates and judges), we should develop and test alternative ways of positively influencing the hearts and minds of the hard-to-reach magistrates. Improve feedback mechanisms so that magistrates learn the outcome of the alternative sentences and implement exposure visits. And also work closely with the government officials who set targets for magistrates, 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 any training of staff in their supervisory role. 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.

The issue of one-off training sessions was also highlighted; for sustainable progress and long-term strength of staff capacity, a system of multiple and on-going training is preferable.

Pillar 3 Positive attitudes

Initiatives such as open days specifically focussed on CS 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 strong systemic level change requires prolonged highlighting and focus. For this reason, PRI recommends a continued programme of public sensitisation alongside improved feedback mechanisms. The local community need to know that CS is happening around them and how they are benefiting from it. With greater levels of participation, the public could suggest the most relevant work for CSOs and thereby 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 CS as a valid alternative to custody.

Pillar 4: Improved livelihoods.

Through the successful pilot of the empowerment project in Kenya, we have seen how 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 projects, the empowerment grants should accompany the improved supervision for offenders completing CSOs, for those whose impetus to commit the offence was based in poverty and need and who show a willingness not to reoffend.

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 the least resources in society.

Gender-sensitive approach

The new *PRI Five-Pillar Model of Effective Community Service*, is also underpinned by a gender-sensitive approach. There a number of aspects to consider in the sentencing process, the work completed and the manner of supervision that must be approached in a gender sensitive way. 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 PRI³¹.

Further research

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.

³¹ PRI (2016) *Community service and probation for women: a study in Kenya*, <https://www.penalreform.org/resource/community-service-and-probation-for-women-a-study>