

**ASSESSMENT OF THE PUBLIC KNOWLEDGE ON COMMUNITY
SERVICE SENTENCE AS AN ALTERNATIVE TO IMPRISONMENT: A
CASE STUDY OF DAR ES SALAAM**

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**DISSERTATION SUBMITTED IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE DEGREE OF MASTERS IN SOCIAL WORK
OF THE OPEN UNIVERSITY OF TANZANIA**

2015

CERTIFICATION

The Undersigned certifies that he has read and hereby recommends for acceptance by the Open University of Tanzania the dissertation titled “*Assessment of the Public Knowledge on Community Service Sentence as an Alternative to Imprisonment*” in partial fulfilment of the requirements for the degree of Master of Social Work of the Open University of Tanzania.

.....

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.....

Date

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.....

Signature

.....

Date

DEDICATION

This work is dedicated to my Parents Mr. John Philip Kagaruki and Ms. Amelia Gamanywa who found the laid of my Education. Also the late Mr. Simon Gamanywa (Uncle), your efforts and contribution in my life will never be forgotten.

ACKNOWLEDGEMENTS

Many people have been very generous to me with their knowledge, time and support during the study and I am very grateful to them. I would like to thank my supervisor Prof. Rwegoshora for his efforts and guidance towards the completion of this dissertation. I also wish to thank my colleagues in the Department of Probation and Community Service for sharing their knowledge and helpful advice. Words are not sufficient to express my gratitude to my husband Mr .Valency .Mutakyamirwa for all the love and care for the family when I was busy with studies. Thanks to my lovely Children Alesius Mutakyamirwa and Caren. Mutakyamirwa for being so patient when I was not available as a Mother.

Almighty God bless you.

ABSTRACT

The aim of this study was to know the level of understanding/awareness of the public regarding Community Service sentence and suggest the better ways to make the public understand its benefits and participate in the implementation. 500 respondents were used in the study where by (300) respondents were Public members, (100) respondents were Community Service stakeholders (100) respondents were Offenders under Community Service. Data were collected using three methods which include: questionnaire, interview, and Focus Group Discussion (FGD). The analysis of quantitative data used SPSS (Statistical Package for Social Science Studies) and then data was summarized and presented using frequency distribution tables and pie charts. Qualitative data was analyzed, identified and examined to identify major themes in relation to the interview questions. It was found that 70.7% of the respondents had no knowledge on alternative to imprisonment. However there are various challenges pointed out by the respondents which hinder the implementation of CS, they include: poor awareness on alternative to imprisonment, insufficient staff of Community service offices, poor attitude of the public towards CS and also mind set that offenders should be imprisoned. It is concluded that effective sensitization on Community Service Sentences is needed which will enable the public to have an understanding of what Community Service is as well as other alternative to imprisonment.

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LIST OF ABBREVIATIONS

UN	United Nations
PRI	Penal Reform International
NITRO	National Institute of Training and Rehabilitation of Offenders
UK	United Kingdom
CS	Community Service
CSO	Community Service Order
LEAA	Law Enforcement Assistance Administration
KCSA	Kenya Community Service Act
MOHA	Ministry of Home Affairs
NPC	National Population Censer
CSS	Community Service Sentences
REPOA	Research on Poverty Alleviation

CHAPTER ONE

INTRODUCTION

1.1 The Definition of the Problem

1.2 Background of the Problem

A community service sentence is a type of alternative to imprisonment which requires the offender who has been convicted to perform unpaid public work within the community for a specified period of time specified in the order (Community Service Act, 2002). Before the sentence is made, the Court considers the circumstances, character and antecedents of the offender and asks him/her whether he/she consents to the order.

The Court also explains the order to the offender in a language he/she understands and the effect of the order and that failure to comply with the order (Community Service Act, 2002). It is important for offenders to understand the order and what is expected of him/her so as to enable offenders perform tasks provided under the order.

Community Service should be physically and emotionally demanding of the offender in that, it is a restriction of liberty, involves self-discipline and respect for others and should engage the offender in tasks or situations that challenge his/her outlook, experience and ability (Walgrave, 1992). Community Service can be a positive way of making an offender makes reparation that the Community is affected by criminality and the community can see that the offender can make a constructive rather than destructive contribution to the community (Walgrave, 1992).

Community service can be a reparative sanction that links the nature of the service to the offence to be sanctioned, it can be a positive sanction that evokes responsibility from the offender for his/her actions and it can reduce the burden on the system of incarceration (Walgrave, 1992).

Community service provides an opportunity for the offender to see first-hand the indirect injuries caused by his/her offence. In this way, the offender may see the reasons for the limits of social tolerance. Moreover, the offender is provided with a constructive, proactive means of repairing the injuries caused by his/her crime, with the potential to improve the offender's overall sense of self-worth and this can be an effective means of promoting the offender's legitimacy and finally offenders' services can be a tremendous resource to governmental and non-profit organizations (VanNess, 1986).

The emphasis of community service is not only based on punishment and rehabilitation but also on accountability. It focuses "not on offenders' needs but their strengths, not on their lack of insight but their capacity for responsibility, not on their vulnerability to social and psychological factors but their capacity to choose". These differentiate a rehabilitative response from a restorative/community service response to crime. And punitive elements of community service orders may attend its imposition, within a restorative system, only as by-products of the offender's commitment of time and effort (Wright, 1991).

Community Service in Europe and in the United States started when prison reformers envisaged a prison system that would be capable of regenerating the morality of

prisoners and reintegrating the convict into the community as a useful, productive and law-abiding citizen since the causes of crime were seen as ‘oblivion of religious and moral principles, ignorance of duty, idleness and habits of drinking. It was believed that through discipline, education and classification according to a ‘moral diagnosis prison would enable inmates to resist criminal inclinations within and outside of prison. Such a system, in their view, was to enable the convict to acquire industrial, scholastic, moral and religious education, whereby particular importance was attached to moral instruction (Sciciuna, 2001).

In accordance with the above view, many of the reformers were in principle against the idea of a harsh, cruel and vindictive prison regime and of the opinion that corporal punishment-based prison discipline did not, in the long term, contribute to the ‘moral amendment’ of the convicts. In this sense, the very drive for the ‘moral correction’ of prisoners through a prison stay and through discipline soon led to a certain disillusionment as to the ability of the prison to fulfil such expectations. It began to be acknowledged that prison created the danger of further moral contamination and deviant careers. Hence, the reformers thought of having alternative to imprisonment where the offender can be involved into different programs which can enable the offender to be a law abiding citizen (Roberts & Jan, 1999).

In African Countries the history of Community Service sentences was influenced by the major Trusts. The first was the success achieved in Zimbabwe in 1990 with the introduction of Community Service Orders. The Second was the meeting held in Uganda named “The Kampala Declaration” on Prison and Penal Reform in 1996 that

reflected a shared concern about prison conditions (UN, 1996). The third meeting was held in Zimbabwe named “The Kadoma Declaration” on Community Service Orders of 1997 and the fourth meeting was held in Bukina Faso named “The Ouagadougou Declaration” on Accelerating Penal and Prison Reform in 2002 (Penal Reform International, 2005).

Members of the trusts signed up a document which sets out a specific prison and sentencing reform agenda. The declaration was noted by United Nations Commission on Crime Prevention and Criminal Justice and annexed to one of its resolutions (United Nations, 1996). The declaration sets out a broad reform agenda calling for better prison condition, fewer remands in custody, and more professional opportunities for prison staff and development of Community service. A number of recommendations were made. Petty offences should be dealt with customary practice. Community Service and other alternative to imprisonment should be preferred to imprisonment. The public should be educated about the objectives of Community service and other alternatives to imprisonment and how they work (Penal Reform International, 1996).

Community service in the United States began with female traffic offenders in Alameda County, California in 1966, with local initiatives following in several counties throughout the United States (Wright, 1991). One such initiative, advocated and supported in part by Justice Fellowship, secured the funding of the Indiana legislature to create community service programmes as a viable alternative to imprisonment in the State (Van Ness, 2005). Legislators believed the programme to be an opportunity to address the problem of prison overcrowding in the State and

also as a means of reducing criminal behaviour. Petty offenders who would have otherwise gone to prison were given the opportunity to provide community service or make restitution to their victims in lieu of imprisonment (Van Ness, 2005).

In the United Kingdom, enactment of legislation started in the early 1970's giving the courts specific powers to order community service as a sentencing sanction. Community service grew as part of the probation scheme and probation officers were delegated sole responsibility of securing support for and organizing community service programmes. As community service programmes garnered public support, some speculated that the reparative element provided the attraction (Wright, 1991).

In three countries of East Africa that is Kenya, Uganda and Tanzania community service has developed in its present form over the last 10-15 years. The UK international organization Penal Reform International (PRI) played a role in assisting with its introduction and has recently undertaken an assessment of trends in its use and sponsored activities designed to improve the performance. The main aim of assisting the use of Community service instead of imprisonment to criminal offenders is to reduce criminality and make sure that the offenders change the behaviour and become law abiding citizen (PRI, 2012).

The introduction of Community service had the objectives which include prevention of prison overcrowding. Prison overcrowding poses Public health hazards, undermines the control of violence inside the prison, creates dangerous environment for prison staff and makes it impossible to deliver standards of detention requiring adequate light, air, decency and privacy (PRI, 2000). Also to prevent petty offenders

to learn criminality from dangerous offenders in prison by sharing negative skills, allowing community participation and monitoring of offenders, Reduce the likelihood of the first offender to re- commit another offence by providing viable, disciplined and worthwhile Community based sentence which may also induce rehabilitation and also making amends to victims and the community (Walgrave, 2007).

1.3 The Emergency of Community Service

The prison abolition movement attempts to eliminate prisons and the prison system. Prison abolitionists see the prisons as an ineffective way to decrease crime and reform criminals. They also believe the modern criminal justice system to be racist, sexist, and classist. One of the many arguments made for prison abolition is that the majority of people accused of crime cannot afford to pay a lawyer. For this case a variety of proposed alternatives to prisons arose from the prison abolition movement and Community Service was one of them (Wright, 2003).

The prison reform and alternatives to incarceration has been largely supported by the United Nations Office on Drugs and Crime (UNODC). The United Nations Office on Drugs and Crime promotes reform from an argumentative point of view that includes human rights considerations, imprisonment and poverty, public health consequences of imprisonment, detrimental social impacts and the cost of imprisonment. The UNODC highly encourages member nations to adopt alternatives to incarceration, dropping the traditional ways to punishment such as imprisonment (Roberts et al, 1999).

Imprisonment often takes away the basic liberties of human rights as declared in the Universal Declaration of Human Rights. Many inmates in the U.S. prison system have voiced the inhumane conditions that they were subjected to during their time. While prisons enforce and encourage inmates to receive counseling sessions to regain their confidence and find ways to reintegrate into the society again, many inmates expressed that their hard-earned self-esteem is regularly stripped away by the prison policies.

Some women prisoners have voiced that even though it seems nice to be able to leave the prison complex for a while, they would rather not leave the penal institutions complex because of the degrading strip search that awaits them upon their return. For those who have experience sexual abuse, the obligatory search brings up traumatic experiences and episodes. Similar to this example, many inmates are subjected to unfair treatments and abuse from prison (Wright, 2003).

Incarceration affects the financial circumstances of families by means of taking away financial sources, thus putting the families of incarcerated into an endless cycle of poverty, marginalization and criminality. The socioeconomic situations of nations are thus greatly impacted. Mass incarceration has been found to decrease the overall economic circumstances of families. With the increase and spike of incarceration rates, many families continue to fall below the official poverty rate, thereby magnifying the hourglass economy. Statistics from a study of released inmates show that populations are finding difficulty to re-integrate back into the society, and have a high re-arrest rates. This is due in part from the overcrowding of jail cells and the high concentration of diseases and substance abuse (Wright, 2003). The environment

that most of these inmates are exposed to is not a positive influence for motivation to change for the better. Re-arrest rates in addition to newly convicted individuals add on to the burden of taxpayers (Mark, 2009).

Financial circumstances are not the only factor affected when one is imprisoned. Many offenders who enter prisons have existing health conditions which they hope to seek treatment for during their time served, as financial circumstances do not allow them to regularly receive medical help. However, their conditions only continue to worsen after their time at penal institutions.

Due to the increased, overcrowded populations of prisons and the lack of medical personnel, many of the prisoners' conditions deteriorate. The conditions of these inmates upon release will only further worsen public health rates increasing the incidences of HIV infections, substance abuse and tuberculosis on the society (Wright, 2003).

Many groups and organizations have stepped forward to push for an end to incarceration. These groups, for example, the Anarchist Black Cross have developed a strong passion to abolish the prison system completely. Research done by many professionals, particularly from that of the legal, political science and criminal justice field have shown that Alternatives to Incarceration bring more benefits to the society in the long run as compared to imprisonment. The prison abolition movement is not only driven by the benefits that released inmates will have when re-integrating back to the society but also through the restructuration of the economy and the activation of ant globalization movements (Mark, 2009).

1.4 Statement of the Problem

Punishment of wrong doing is a common practice in our society. Before colonial rule societies used to punish offenders because they threaten its ethics and integrity. As such society had the duty to avoid criminality by prescribing punishments that would deter, provide retribution to victims, rehabilitate Offenders and prevent crime from happening again (Roberts et al, 1999).

The Penal system introduced imprisonment which was adopted from colonial rule. The aim of imprisonment was to keep offenders away from the community and to rehabilitate them. Imprisonment is viewed by every individual as the most suited punishment to deter criminals from committing further offences. Imprisonment is understood to every individual that wherever a person is convicted of a criminal offence should be imprisoned as it is considered to be the real punishment and the way of keeping the offender out of the society (Andrew, 2010).

However, over reliance on prison had created a number of problems including overcrowding and violation of human rights that call for the need of an alternative to imprisonment such as Community Service. The use of Community Service seems not to be understood to the public and also to some stakeholders in the Criminal Justice System. Community Service is perceived as a favour to offenders or as a mechanism by which the magistrates and judges could solicit a bribe from criminals.

Also Judges and magistrates hesitate to offer Community Service to offenders in a fear that they will be seen as if they have taken bribe from the Offender. The study therefore call for the need to assess the public's level of awareness on the use of

Community Service and come up with an appropriate mechanism to educate the general public on what Community Service is and its benefits.

1.5 General Objective

To assess Public knowledge on Community Service sentence as an alternative to imprisonment in Dar es Salaam.

1.5.1 Specific objectives

The study was guided by the following specific objectives namely:

- (a) To examine whether the Public knows alternatives to imprisonment.
- (b) To assess whether Community Service orders are utilised in sentencing offenders
- (c) To examine the challenges in the implementation of Community Service

1.5.2 Research Questions

The following research questions were used to guide the study

- (a) Do you know anything about alternative to imprisonment?
- (b) Do Community service orders utilised in sentencing offenders in your area?
- (c) What are the challenges in the implementation of Community Service?

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The question of punishment for overstepping legal boundaries is a subject of continuing interest. Although not the most frequently used penal sanction, imprisonment of offenders remains a common punishment for crime which is authorized by international human rights law to the extent that it is imposed following a trial respecting due process of law and does not amount to treatment prohibited by human rights standards as being in particular clearly disproportionate to the criminal offence committed (Anderson et al, 2009). The International organizations and policy makers have seen the need to use Community Service to petty offenders so as to overcome the adverse conditions found in prison and also to reduce the frequency of criminality as Community Service seem to rehabilitate offenders through different programs offered to offenders while serving their sentences (Van Ness, 2005).

2.2 Community Service in Developed Countries

In the United States formal Community Service programmes began with the establishment of the Alameda, California programme in 1966. This programme focussed on female traffic offenders who could not pay a fine, and for whom a jail sentence would have created a hardship. The growing reputation of the Alameda programme led to other court referral programmes developing across America, with the feature of voluntary participation by offenders as an alternative to fines, or in some cases, imprisonment (Harris& Lo, 2002).

Community Service sentences spread across the country in the late 1970s, as the Federal Law Enforcement Assistance Administration (LEAA) pumped out funding to encourage it. Sentencing offenders to Community Service inspired some judges' creativity as they combined community service with jail or a fine or both. Offenders did low-level maintenance work for public agencies--clearing litter from playgrounds, sweeping up around public buildings or housing projects, cutting grass and raking leaves in parks, washing cars in an agency motor pool (Van Ness, 2005). Others did clerical work or answered phones. Thousands more were sent off to help out at hospitals, nursing homes, social service centres, and other non-profit organizations (Anderson, 2005).

Many of the Community service programs withered in the 1980s after the LEAA well dried up. Judges appreciated Community service that it results into behaviour change and more productive than imprisonment. Community service sentencing provided free labour for public works or non-profit groups, held offenders accountable for the damage they caused, and perhaps even left them with some new job or life skills to help keep them out of further committing offences (Harris& Lo, 2002).

In the United Kingdom Community service was introduced in 1973 in six pilot areas and by 1991 the Criminal Justice established a Community Service as a sentence on its own rather than a combination order. Further change occurred in 2001 when Community Service became Community Punishment in an effort to make the sanction more attractive to sentences (Anderson, 2005).

There are 2 substantive alternatives to prison available to courts in the United Kingdom when sentencing an adult. These include:

- (a) Community Rehabilitation Order (previously a Probation Order)
- (b) Offenders placed under supervision of a probation officer for between 6 months and 3 years. Offenders under those two orders are required to have regular weekly meetings plus increasingly participation in ‘offending behaviour programmes’ where offenders face up to the crimes they’ve committed, the damage they’ve caused and the changes they need to make to their lives.

Examples of offences being committed include: alcohol and driving, anger management, and domestic violence. Courts can also specify additional requirements as part of the community rehabilitation order such as living in a probation hostel (Cliver, 1994). Under the Criminal Justice Act of 1972 of the United Kingdom, courts must decide that the offending is “serious enough” to merit a community sentence but not “so serious” that only an imprisonment sentence can be justified (Cliver, 1994). Of those commencing community sentences in 2000, theft and handling stolen goods represented the largest specific offence group.

The proportion of those starting community rehabilitation orders for these offences has whether community service actually makes good to the community losses due to crime (Cliver, 1994). For this case, Community Service is considered as both the reparative and also restitution. It is restitution because it repairs the harm to the individual victim. Community service repairs the harm to the victim since the offender works in the Community where the victim of the crime is living. Repairing

the harm to the community requires that the Community Service Order must link the particular offence to the work involved (Van Ness, 2005).

2.3 Public Awareness and Support on Community Service in Developed Countries

Public knowledge on Community Service and other alternatives to imprisonment is necessary and sufficient for public acceptance and support. It is said that, there is limited literature on alternative to imprisonment that most people are unfamiliar with the alternatives available to courts (Canadian Sentencing Commission, 1987). Canadian research conducted in the mid 1980s found that most respondents were able to identify the correct definition of Community Service but they knew little on other alternative to imprisonment (Roberts, 1988).

In England and Wales, one sweep of British crime survey contained a question in which respondents were asked to identify the sentencing alternatives other than imprisonment. Over two thirds of the sample identified Community service, there was far less awareness of other alternatives (Hough, 1996). Also national wide survey of Canadians reported by Sanders and Roberts (2000) explored the public's awareness of Community Service sentence that had attracted the wide spread of media coverage in five years since its creation.

However, when respondents were asked to give the differences from other alternatives to imprisonment, more respondents were wrong than right. More than half the sample confused Community service with bail or parole (Hough, 1996). Woeling (1990) explored a public knowledge with respect to Community Service in

Holland and found that almost a quarter of adults aged 18-24 and one fifth of all female respondents had not even heard of Community service. Moreover, over half of the respondents confused Community service Officers with Prison Officers.

The absence of familiarity with Community service can be demonstrated by examining findings from research involving comparison between sentencing preferences of people who are not provided with a menu of sentencing alternatives. This kind of research has been conducted in different ways in number of countries. When the Community Service sentences are made salient, public support for this sentence increases. The most compelling demonstrations of these findings came from research conducted by John Doble and his associates in the US (Doble et al, 1991).

A research on public awareness was conducted where by members of the public were first asked to sentence offenders described in scenarios. Having responded, they were then given a list of the possible alternatives to imprisonment and again asked to sentence the offender described in scenarios. Having responded they were then given a list of possible alternatives to imprisonment and again asked to sentence offenders. Simply making the subject aware of the alternatives had the effect of changing their preference for the incarceration of the offender.

In one survey, when asked to sentence an offender convicted of armed burglary for the second time, 83% of the respondents favoured imprisonment. After learning about the alternative sanctions, the percentage endorsing custody dropped to 19% (Doble and Klein, 1989). The research conducted in Manchester, England in 1994; in which members of the public attended an educational weekend of presentation about

criminal Justice is another example after attending the weekend sessions, participants showed an increased willingness to support alternative sentences (Fishkin et al, 1995). These quite significant shifts in subjects sentencing preferences (away from imprisonment and towards Community Service), suggests that large proportions of the public support community service and other alternatives but are simply unfamiliar with them. An important challenge for Western criminal Justice systems is to increase public knowledge of community service and other alternative to imprisonment (Fishkin et al, 1995).

2.3.1 Public Support on Community Service Sentence

Although public knowledge on Community Service tends to be poor, there is considerable evidence that people supports these alternatives to imprisonment. Indeed, research around the globe has revealed widespread support for alternative sanctions, although this may have escaped the attention of politicians. The degree of public support for community service is clear from many representative surveys published around the world in recent years. The findings from qualitative studies such as focus group discussion also revealed strong support for alternatives to imprisonment. Some of the polls pose a general question; others provide specific cases and ask the respondents to impose a sentence, regardless of the method, the results are generally (Walker et al, 1988).

A survey of Canadians in which people were simply asked whether they were for or against alternative to imprisonment. Almost nine out of ten respondents expressed support (Solicitor General Canada, 1998). In other poll, views were canvassed about future prison overcrowding. A sample of the public was asked to choose between

building more prisons and making more use of alternatives to imprisonment, over half of the respondents supported Community sanctions compared to one third who supported prison construction (Environics research group, 1998).

It can be concluded that, public support and acceptance on community service sentence and other alternatives to imprisonment can be achieved by increasing public awareness of the existence of these alternatives and also by dispelling some misconception about the nature and performance of these alternatives. The misconception on Community Service is that, these alternatives appear to have insufficient impact to the offender. This misconception will be proved wrong by making the Community service scheme effective (Walker et al, 1988).

2.4 Community Service Sentence in African Countries

In African traditions the nature of punishments handed out to offenders included fines, cautions, death, compensation, corporal punishment and castigating or chasing one out of the clan or community but not imprisonment. Every African tribe had its own established mechanisms of handling offenders depending on the gravity of the crime committed (UN, 1996).

According to Ayittey (2002), each indigenous African tribe or state had its own established mechanisms of handling offenders, for example, in West Africa, among the Vais of Sierra Leone; there were established court systems in which the chief was the judge. Murder and witchcraft were punished by death, while crimes like rape, abduction, seduction, adultery, arson and theft were punishable by fines or imprisonment. In minor cases, the courts emphasized reintegration, compensation

and reconciliation (Morris & Tonry 1990). The person found at fault at the end of the community deliberations rendered an apology and presented the aggrieved person with small gifts, and all shared a drink at the end of the court session (Ayittey, 2002).

However, during colonial rule, traditional punishment was later being replaced by imprisonment which created a number of problems like prison overcrowding and also petty offenders were likely to commit even bigger crimes because while in prison, the prisoner through interaction with other experienced prisoners would undergo a process called “Prisonisation” where he/she would be taught how to survive in prison and how to commit even harder offences without being caught by law enforcers (UN, 1996). It was during this time where law enforcers and International Organizations found a need to reform the Prison system and to emphasize on alternative to imprisonment (Heitz & Remmy, 1997).

The International Organization (PRI) facilitated the meeting in African Countries which gave emphasis on alternative to imprisonment. The first meeting was held in Uganda Kampala in 1996 and included 40 African Countries where Members of the meeting signed up the “Kampala Declaration”, a document which sets out specific prison and sentencing reform agenda (PRI, 1997). The Declaration sets out a broad reform agenda calling for better prison conditions and the development of non custodial sentences. A number of recommendations for Community Service sentences were made. It was recommended that petty offences should be dealt with according to customary practice where all those involved agreed Community service and other alternatives to imprisonment to be preferred than imprisonment. They agreed that the public should be educated on the objectives of Community service

and how it works (UN, 1997). The Second meeting was held in Zimbabwe (“The Kadoma Declaration”) on July 1997 aimed at recalling on the Kampala Declaration on Prison conditions in Africa, which takes into account the limited effectiveness of imprisonment, especially for those serving short sentences, and the cost of imprisonment to the whole of society. Members of the meeting signed the Declaration and amongst other matters the Declaration addressed the following issues with regard to Community service sentences:

- (a) Community Service orders are inconformity with African traditions of dealing with offenders and with healing the damage caused by crime within the community. Furthermore, it is a positive and cost-effective measure to be preferred whenever possible than imprisonment.
- (b) Community service should be effectively implemented and supervised and involve a programme of work where the offender is required to carry out a number of hours of voluntary work for the benefit of the community in his or her own time.
- (c) Countries that do not yet have Community Service Orders are encouraged to develop them and members committed to cooperate each other and coordinating their action through other national Committees on community service, and/or interested groups, in order to better promote the scheme. Countries that already have community service should take into account lessons learned from elsewhere and review their own schemes accordingly.
- (d) Participants adopted a Declaration agreeing, among other things, that the use of prison should be strictly limited to a measure of last resort and that community

service is a positive and cost-effective alternative that should be preferred to imprisonment (PRI, 2000).

In September 2002, representatives from Africa gathered in Burkina Faso, for the third time. The Declaration continued in the tradition of the preceding two declarations but some shift in thinking was noticeable. Members acknowledged the achievements based on the previous meeting but also recognized the slow pace of Penal and Prison reform (Nasser, 2006). The plan of Action during the declaration was to increase the use of Community Service (PRI, 2014).

2.4.1 The Zimbabwe Experience on Community Service Sentence

Community Service was introduced in Zimbabwe in 1992. According to Stern (1999) Zimbabwe had a population of 11m people and had a prison population of 22,000 in mid 1996. This proportion was higher than that of all western countries like Canada and Australia and some countries in Sub-Saharan Africa. To reduce the higher number of prisoners, the government of Zimbabwe introduced a programme which emphasized the use of alternative to imprisonment especially Community Service.

Masamba, *et al.* (2002) stated that the Zimbabwean community service scheme is now a model for not only African countries but for other countries as well. Six years after its introduction in 1992, the prison population was able to stabilize and the government made some savings as a result of Community service. A number of institutions, reeling under financial constraints, continued to benefit from the work done by offenders, and members of the public appreciated that community service

was more beneficial than imprisonment. As a result the programme gained confidence both from the public and the judiciary.

The introduction of community service within the criminal justice system of Zimbabwe played a significant role in relieving the country of the costly expenses it was incurring in maintaining offenders in prisons. It further helped in solving the problem of overcrowding. Mukemo (2000) stated that about 17500 offenders benefited from community service programmes from 1993 to 2000, and 90% completed their punishments. The successful inception and implementation of community service by the Zimbabwean government later inspired many African countries to incorporate community service as an alternative to imprisonment, especially with regard to minor offences, as earlier pointed out (PRI, 2001).

2.4.2 The Malawi Experience on Community Service Sentence

Malawi is regarded as one of the countries in Africa that has also succeeded in reducing overcrowding in its prisons and saving government costs since the Community service orders programme was introduced. This is despite the relatively high prevalent crime rates as described by Sekhonyane (2005). The introduction and implementation of the Community Service orders started on 2000 on a pilot basis and was later expanded to other places like Mzuzu in the North, Lilongwe in central Malawi and Blantyre and Zomba in the South (PRI, 2001). By June 2003, different magistrates had issued over 3,150 Community service orders, an indication that Community Service as an alternative to imprisonment was working effectively. In terms of financial savings, just within the six months of the program implementation a total of 5.5 million kwacha (Malawian currency) was saved by the Government

from potential expenses that would have been spent to maintain offenders in prison. An additional total of 20,742,000 kwacha was saved by June 2002.

The success of community service programme in Malawi is entirely attributed to the way it has been organised and run. In Malawi offenders are made to work on permanent projects like building schools and local government buildings, which makes their contribution more tangible and beneficial to the community (Masamba et al, 2002). This is unlike any other African country, for example Uganda where in most cases offenders are sentenced by courts to sweep market places or slash school compounds. The effect of such types of punishments is that once the offenders are done with the sentence, it is hard to tell after a while that work was done there. Such work easily fades away, showing almost no impact (PRI, 2001).

In terms of offenders completing their sentences, 80% of the offenders in the above-mentioned period successfully completed their work, with only 0.3% (9 offenders) repeating their offences. Hence this provides an indication that the rate of recidivism was low (PRI, 2001). Furthermore, the role played by the mass media, including electronic and print, in terms of creating awareness and sensitising the communities, popularised the community service programme. This has effectively contributed to attitude changes among the people, who have fully embraced it as an effective alternative to imprisonment. Radio and television programmes are organised and people participate in giving their views. Such involvement of communities as stakeholders has contributed greatly to the implementation process, thus making its operation successful and sustainable (Masamba, *et al*, 2002).

2.4.3 The Kenyan Experience on Community Service

In Kenya the attempt by the Government to introduce penal reforms within its Criminal Justice system dates back to the early 1960s. The use of alternative to imprisonment was aimed at curbing overcrowding in prisons and its associated effects such as high expenditure incurred by the government in terms of maintaining offenders.

According to Riechi (2002), a programme known as Extra Mural Penal Employment (EMPE) was introduced under Section 68 of the Prison Act Cap 90 in 1963. It was intended to consider all categories of offenders who were to serve a period of six months or less in prison and all activities, including its management and supervision of offenders was the responsibility of the prison department. A total of 201 EMPE centres were established in the whole of Kenya with a population of 1600 offenders serving their punishments outside the prison.

According to Mukemo (2000), the entire implementation process was characterised by poor supervision of offenders by the prison wardens, resulting in ineffectiveness in reducing the prison population and rampant abuse of the programme. As a result, there was a need to establish why such abuses were occurring. Therefore in 1995, the Attorney General of Kenya in conjunction with the regional office of the African Network for Prevention against Child Abuse and Neglect (ANNPCAN), with financial assistance from the Penal Reform International (PRI), organised a workshop to assess the performance of EMPE and why it was failing and, if possible, set mechanisms for improving it or come up with alternative strategies of dealing with offenders. Various stakeholders within and outside the Criminal Justice System

attended the workshop, including representatives from donor communities and civil society.

The recommendations made by the workshop participants required the Attorney General to appoint an interim committee. Among its cardinal duties was to carry out countrywide consultations with various stakeholders on how best to introduce Penal Reforms in Kenya. The outcome of the interim committee that started its work in 1996, recommended that the Community Service Orders Programme be introduced in Kenya as an alternative to imprisonment so as to address the problem of high prison population (Mukeno, 2000). Consequently the community service orders Bill was drafted and enacted into law of Parliament that was adopted on the 31st December 1998.

Finally it was gazetted on 23rd July 1999 and provided a platform for the establishment and introduction of Community service orders in Kenya (Reichi, 2002). The implementation of Community service in Kenya is vested in the National Committee of the Community Service orders Programme, which is chaired by the Judge of the High Court. The National Committee is responsible for all activities including creating awareness amongst the public on what community service is all about and what the benefits are.

In terms of the effectiveness of the programme, by 2002, more than 60,000 offenders had benefited from community service orders instead of going to prison. The Community Service setup and its operation in Kenya facilitate the public awareness more easily compared to Uganda and Tanzania. The National Committee of the

Community Service orders Programme, which is chaired by the Judge of the High Court is responsible for all activities including creating awareness amongst the public on what community service is all about and what the benefits are. The national Committee has influential people who can easily convince the public on the implementation of Community service (Kenya Community Service Act, 1998).

Also, activities conducted by the Social Reintegration Unit in Kenya (as part of the Community Service Department) include offender follow up at the placement institution, counselling, skills empowerment, home visits and sensitizations. Counselling offenders as they serve sentences enhances successful order completion; while home visits facilitate reintegration, keep offender's behaviour in check and encourage community involvement (KCSA, 1998).

The Kenya Community Service also run so-called 'flagship projects', which were launched in 2009/10 and aim to provide community service placements that integrate a rehabilitative approach. The projects are primarily designed to equip offenders with relevant practical skills for the entire duration of the community service sentence with the objective to ensure that offenders gain skills which they can make use of rather than engaging in petty survival crime for their upkeep. Such skills include: small animal production such as rabbits, bee keeping, fish, poultry, and dairy goat (KCSA, 1998).

Flagship projects therefore provide opportunities for offenders to engage in lawful gainful employment thereby reducing poverty among the offending population which is one of the major causes of crime. In this regard, flagship projects are an important

instrument to aid the government in delivering its vision 2030 goals especially in the area of employment creation and poverty reduction as well as providing a secure and conducive environment for investment by lowering the crime rate to propel economic development (KCSA, 1998). Lastly, offenders under Community service in Kenya attend their duties while putting on their uniforms named at the back “*Community Payback*”, this makes the public easily identify these offenders and also to know about Community Service.

It can be concluded that giving offenders the work that is easily seen and has the impact in the community and makes the programme (scheme) to be easily known by the public more than doing sensitization alone. Also building different skills to offenders enhances public knowledge on Community service since it makes the offender to engage in other activities and become law abiding citizens.

2.4.4 The Experience of Community Service in Uganda

It was the recommendations made at the Kampala Conference on the ‘Conditions of Prisons in Africa’ that led to the introduction of penal reforms within the Ugandan Criminal Justice System. These reforms included the process of introducing community service orders that were to be implemented alongside the punitive custodial measure of imprisonment, as a possible alternative that could be used by courts as a form of sentencing offenders, especially those with minor offences following the recommendations of the conference participants. While launching the official start of Community Service, the Deputy Chief Justice of Uganda pointed out some of the decisions taken by government to adopt community service as a Penal Reform process and its likely contribution to the improvement of the rule of law in

the country (Mukono, 2001). Another decision was to take economic considerations into account. According to the Deputy Chief Justice, it was becoming impossible and very expensive for the government, and also unfair for the taxpayer, to keep feeding and clothing 'unproductive people' because they are in prison. Hence a more reliable and feasible approach had to be thought of.

The introduction of the Community Service programme in Uganda was also intended to ease the work of the already understaffed police and prison personnel. The assumptions were that offenders would easily plead guilty resulting into time saving that they would have spent on carrying out prolonged investigations of the offence committed. The final decision related to the Judiciary. The community service programme that was envisaged would help to alleviate the predominant problem of backlogs in courts. Hence, the process of the administration of Justice would be accelerated.

According to the Interim National Committee on Community Service (INCCS) Report (1998), the introduction of community service in Uganda as an alternative to imprisonment was in line with the National Law (the Constitution). This is in accordance with sub-paragraphs (c) and (d) of Articles 126(1) 126(2) of the Constitution of the Republic of Uganda. Article 126(1) state that "Judicial power is derived from the people and shall be executed by the courts established under the constitution in the name of the people and in conformity with law and with the values and aspirations of the people." Article 126(2), among other things, stipulates that "Reconciliation between parties shall be promoted and adequate compensation

shall be awarded to victims of wrongs”. This is in conjunction with Chapter 4, article 24 that state that, “No person shall be subjected to any form of torture, cruel, inhumane, or degrading treatment”. Lastly, Uganda is a signatory to the United Nations Standard Minimum Rules for Non-Custodial Measures popularly known as the ‘Tokyo Rules 1990,’ as well as a member of the United Nations Minimum Rules for Administration of Juvenile Justice popularly known as the ‘Beijing Rules,’ the Kadoma Declaration of 1987, the ‘Ouagadougou Declaration’ of 1998 as well as being a member of the African Commission on Human and People’s Rights. Uganda was therefore obliged to incorporate and implement these reforms in its Criminal Justice System like other member states.

The basic principles of these rules are to promote the use of alternative to imprisonment as well as ensuring minimum safeguards for persons subjected to imprisonment. Magezi (2003) states that “ the Tokyo Rules specify that the Criminal Justice Systems should be for reintegration measures while encouraging greater community involvement in the management and administration of Criminal Justice”. Therefore, the community has a role to play in ensuring that offenders are not treated as misfits but as people who are still productive and constructive to their societies. It was on the basis of the ‘Kampala Declaration’ that a Community Service programme was finally introduced in Uganda as a an alternative to imprisonment on a pilot basis in 2001 in four districts, namely Masindi, Mpigi, Masaka and Mukono.

2.4.5 The Experience of Community Service in Tanzania

The Probation and Community Services Department was established in July, 2008 following the changes in the Organization Structure of the Ministry of Home Affairs.

These changes upgraded the former National Secretariat of Community Services that was responsible for supervising the implementation of the Community Service Act. The Department is responsible for managing the implementation of alternative to imprisonment across Tanzania Mainland (Ministry Of Home Affairs, 2013).

The main objective of the department is the rehabilitation of offenders through different programmes of behaviour change undertaken while the offender is serving the sentence under Community Service and other alternative to imprisonment implemented by the department. Rehabilitation is the key component in the management of offender's behavioural change. Thus, offenders are assessed by Community Service Officers to identify the actual and special needs for rehabilitation. In daily practice, offenders are given socio-psychological counselling for behaviour modification, taught social and life skills and entrepreneurship as means of empowering them to live life-free of crimes.

Offenders with special needs (Drug addicts, HIV/AIDS, T.B) are referred to appropriate institutions for treatment. However, Community Service Officers also practice restorative justice by bringing together conflicting parties for reconciliation (the Offender, Victim of crime and the Community). Reconciliation helps to restore trust and strengthen relationships among the parties which in turn facilitate smooth implementation of Community service (MOHA, 2013). In Mainland Tanzania, Community Service Program is currently implemented in 20 Regions namely; Arusha, Coast, Dar es salaam, Dodoma, Geita, Iringa, Kagera, Kilimanjaro, Mara, Morogoro, Mbeya, Mtwara, Mwanza, Shinyanga, Singida, Ruvuma, Tanga, Tabora, Simiyu and Njombe. From July, 2005 up to April, 2013 the Department has managed

to supervise a total number of **5,157** offenders under Community Services (MOHA, 2013), this number of offenders who have served their sentence for such period seem to be small compared to the 20 regions implementing Community service sentences. That means the scheme is not operating effectively.

When the Government of Tanzania passed the Community service Act, in 2002, it was advised that before starting implementation, there should be sensitization to the general public and other key stakeholders on the objectives of community service, how it works and advantages it has to the community, individual offender and victim of crime. Following that advice, six pilot regions were selected from each country zone. Mtwara was selected to represent Southern Zone, Kilimanjaro Northern Zone, Mwanza Lake Zone, Dodoma Central Zone, Mbeya South-West highlands Zone and Dar es salaam Eastern Zone (MOHA, 2012).

It was alleged that the selected regions have high crime rate, maximum security prisons with high number of convicts and also there are high developed infrastructure for implementation of community service program. As the pilot regions were identified, the National Community Service Secretariat by then launched intensive sensitization education to key stakeholders and the general public. The training involved all magistrates in the respective regions. Others were Public prosecutors, Police and Prisons officers, City, Municipal and District Executive Directors, Social welfare officers, Community development officers, Administrative Officers Security officers and the Public. Unlike in other East Africa countries; Kenya and Uganda, the sensitization campaigns in pilot areas were financed by the Government without external assistance (MOHA, 2013).

The sensitization on Community Service sentences is also done by Community Service officers when conducting social investigations, Community service officers use this opportunity to sensitize and educate relatives of the offender, neighbors and other people around about and prepare them in the supervision of offenders who would work in their areas after being ordered to be under Community service. In courts, Community Service Officers distribute brochures, leaflets and posters about implementation of Non custodial sentences to ordinary people who came to court to hear their cases.

Similarly, offenders awaiting trials are sensitized about community sentences. Also Community Service officers through meetings convened by Ward Development Committee do sensitize and educate members of the committee and other invited guests on proper implementation of community sentences. The Ward Development Committee members include, Councilor who is a chairperson, Ward Executive officers, Village Executive officers, Chairpersons of local authorities, political leaders and all professionals who are working in a particular ward (MOHA, 2013).

At the grass root, the local community leaders are being used to pass education about community sentences to ordinary people when conducting meetings to discuss development issues, they are asked also to include community sentences in their agenda. Also, local community leaders (Ten cell leaders) are normally used to supervise offenders who are working in their areas of administration because these leaders know all people who stay in their areas. Also the mass media have been playing an active role for sensitization and educating the public on the implementation of community sentences and its advantages. For instance, local radio

stations, televisions and Newspapers have been used to pass information to the general public (MOHA, 2013).

Regions that have been sensitized and educated on the proper implementation of community sentences are enjoying support and cooperation from the public. Conversely, regions that have not been adequately sensitized lack support and cooperation from the local communities since ordinary people still held negative attitudes towards offenders and community sentences Programs. For that matter, there is a need for international donors and the respective Government to finance sensitization campaigns to raise awareness of the public and other key stakeholders so as to increase imposition of community service orders which in turn would redress the problem of overcrowding in our prisons (MOHA, 2013).

2.5 Factors Influencing Criminal Behaviour

Criminal behaviour refers to conduct of an offender that leads to and including the commission of unlawful act (Bohman et al, 1982). For criminal behaviour to result in a conviction, not only the act must be proven, but the criminal intent or mental state behind the act must be proven as well (Bohman et al, 1982). Criminal behaviour includes: stealing, using abusive language, Court Contempt Malicious harm, obtaining money by false, House breaking, Possession of Bangi and Possession of Drug abuse (National Institute for Correctional and Rehabilitation of Offenders, 2014).

Criminal behaviour analysis identifies multiple factors that are in correlation with crime. Studies show that, these factors evolve from an individual's environment and

genetics. People experience environmental and genetic factors that influence their personality, behaviour, and life style; however what aspects ultimately separate the criminals from the non-criminals are important to know. Every criminal-influencing factor can take part in predisposing an individual to criminal behaviour, but there are specific factors seen as providing gateways into being susceptible to other factors, and the main cause of crime. Specific factors that influence criminal behaviour include: family, education, inheritable genes, economic, community and peers and substance abuse (Tibamanya, 1976).

2.5.1 Family

Parental behaviours play a strong role in shaping a child's behaviour. Parental criminality appears to be strongly correlated with an increased risk of developing conduct problems and later criminal involvement. The influence of parental criminality is complex because of the multiple mechanisms (shared environment factors, genetic and other biological factors, negative modeling by parents) (Tibamanya, 1976). Poor parental practices modest predictors of subsequent delinquency by a child. Family violence and maltreatment of children have significant inter-generational effects on an individual's likelihood of becoming involved in a crime (Bohman et al, 1982).

2.5.2 Education

Education has an important role in influencing an individual's opportunity for success in society. Criminologist and educators stipulated that achievement of young people in education might lower the probability that they engage in criminal activities. Non-participation in school level education is a risk factor for later

delinquency and criminal activity. Education raises skill levels and wage rates, which then changes the relative opportunity afforded by crime. Greater levels of education answer greater returns from employment that make it more attractive than engaging in criminal activities (Bohman et al, 1982).

2.5.3 Economic

Economic factors that influence criminal behaviour include relative wealth (disparity) poverty deprivation and unemployment. The balance of evidence suggests a link between disparity and violent crime (Gendreau & Andrews, 1990). Studies argue that social economic deprivation is associated with self-reported crime even after controlling other factors (Bohman et al, 1982).

2.5.4 Community and Peers

Community and neighbourhoods effects on criminality do appear to extend an influence on antisocial behavior and crime. Neighbourhood effects became more important as a child gets older (Bohman et al, 1982).

2.5.5 Alcohol and other Drugs

Not all alcohol and drugs directly leads to offending but sustained abuse of either drugs or alcohol does appear to increase individual chance of becoming involved in crime. Offending committed by individual under influence of alcohol and drugs is often affected by other factors such as mental health (Bohman et al, 1982).

2.5.6 Genes (Biological Factors)

There is no gene for crime as such rather there are genes that code for proteins and enzymes that can influence physiological processes which can in turn predispose

an individual towards a crime. Criminal behaviour is both influenced by genes and environment and the interaction between both factors (Gendreau, & Andrews, 1990).

2.6 Relationship between Community Service Sentence and Criminal Behaviour Change

According to a study of Community Service on recidivism rate to offenders in Finland, it was found that Community Service can affect offenders in a rehabilitative way and thus reduce re-offending. This study compares the subsequent re-offending of people sentenced to Community Service in 1991-1992 with re-offending of people sentenced to prison showing the higher re-offending rate to offenders from prison (Sue, 2002).

A Swiss study found lower conviction rates among offenders sentenced to Community Service than among those given short prison sentences. The results suggested that those randomly assigned to Community work rather than prison reduced delinquency more than the control group, and developed less negative attitudes towards their sentence and the Criminal Justice System. The author suggests that offenders feeling they have been treated fairly may impinge on later reduction of re-offending (Andrews & Bonta, 1998).

The review of the literature indicates that there is a divergence in the application of Community Service in different countries. Most studies highlighted findings that offenders responded to the sanction more positively if they perceived themselves to have been treated fairly by the system in general and perceived their order as an

opportunity to give something back to the society they had wronged (Andrews & Bonta, 1998).

When offenders are sentenced to Community service, risk factors contributing to and maintaining criminal behaviour can be addressed and offenders are afforded the opportunity to turn their lives around. Community Service includes attending therapeutic services and programmes, and by so doing offender's behaviour can be changed. By making therapeutic services available to offenders under Community service, it makes it easier to address the behavior that caused the crime and hence plan for the appropriate program of behavior change (Andrews & Bonta, 2003). Community service sentencing can also allow offenders to make amends for their crime. Elements of community sentencing include:

- (a) Challenging unpaid work (community service) such as removing graffiti, cleaning up derelict areas or working for charities.
- (b) Community supervision, which involves meeting regularly with a Community service officer to make sure compliance with their court order, verifying their actions and challenging attitudes and behaviours and seeking to change those attitudes and behaviours.
- (c) Abiding with a curfew, where an offender must stay indoors at certain times, they can be electronically tagged to monitor the curfew.
- (d) Undertaking programmes to address offending behaviour for example drug or alcohol abuse, violent behaviour, sexual offending, domestic violence.

If an offender does not go along with the requirements of a Community Order immediate action will be taken by Community service staff and they may be returned

to court or directly to custody. In some cases offenders may be re-sentenced and sent to prison (Andrews & Bonta, 2003).

2.6.1 Role of Social Workers in the implementation of Community Service

Sentences

Social workers have had a defined role in providing services to offenders and other individuals since the inception of the profession. Social work has since evolved has different settings and play different roles depending on the setting. These settings includes: School social worker, Medical social worker and in the Criminal Justice system is referred to as Criminal Justice social work, correctional social work, or forensic social work. (Roberts & Springer, 2007).

Social workers play a vital role in the Implementation of Community Service sentences. They carry Social investigation to find eligible offenders for serving their sentence under Community Service. They are also the main supervisor of the offender under community service after the court as ordered the offender to serve the sentence outside the Prison. Crime prevention is among the aim of the initiation of alternative to imprisonment and this is also done by social workers. Successful crime prevention strategies must be accompanied by, psychological, and social support at the time of their release, offenders may have a very difficult time breaking the cycle of criminality.

Social workers (Community service officers) develop effective interventions that will assist offenders to successfully reintegrate into the community and avoid further criminality (Andrew, 2010). Social reintegration is often understood as the support

given to offenders during their reentry into society following imprisonment or after completion of Community service order. A broader definition, however, encompasses a number of interventions undertaken following an arrest to divert offenders away from the criminal Justice system to an alternative measure, including a restorative justice process or suitable treatment.

It includes imposing community-based sanctions rather than imprisonment in an attempt to facilitate the social reintegration of offenders within the community, rather than subjecting them to the marginalizing and harmful effects of imprisonment. For those who are sentenced to imprisonment, it includes correctional programs in prison, and aftercare interventions. These kinds of programs are carried out by the social workers since the programs need skills on behavior change and the whole process of reintegration (Andrews & Bonta, 2003).

2.7 Theories of Behaviour Change to Offenders

2.7.1 Social Learning Theory

Social Learning theory is the behaviour theory most relevant to the interventions used by the Community Service Officers with clients in the last five years (Bandura, 1977) Bandura reported that nearly all behaviour is learned. He claimed that all phenomena resulting from direct experience could occur vicariously by observing other people's behaviour and its consequences for them. The capacity to learn by observation enables people to acquire rules for generating and regulating behavioural patterns without having to form them gradually by tedious trial and error (Bandura, 1986). Observational learning is also known as imitation or modelling. Learning

occurs when individuals observe and imitate other's behaviour. According to Bandura (1977), there are four component processes to observational learning. These components are: attention, retention, motor reproduction and motivation.

- (a) Attention: The observer must be able to attend to and perceive accurately the significant features of the modelled behaviour.
- (b) Retention: The observer must be able to retain in memory the observed learning. This is done through the use of symbols and imagery. It is the advanced capacity for symbolization that enables humans to learn much of their behaviour by observation behaviour. The observer must code the information into long term memory. Images and verbal coding facilitate observational learning.
- (c) Motor Reproduction: Learners must possess necessary skills to transfer learning into action and refine and monitor behaviour on the basis of informative feedback. Where deficits exist, then modelling and practice must first develop the basic sub skills required for complex performances.
- (d) Motivation: People are more likely to adopt modelled behaviour if it results in outcomes they value than if it has unrewarding or punishing effects. Observed consequences also influence modelled conduct. Behaviours that seem to be effective for others are favoured over behaviours that are seen to have negative consequences.

2.7.2 Social Cognitive Theory

The Social Cognitive Theory explains how people acquire and maintain certain behavioural patterns, while also providing the basis for intervention strategies

(Bandura, 1977). Some of the key concepts of Social Cognitive Theory underpin the 'What Works' approach and the model of practice proposed by Trotter (Trotter, 1996). These concepts state that:

- (a) Environment provides opportunities and social support to the person.
- (b) Misperception of one's environment can be corrected to promote a healthier outlook.
- (c) Person's knowledge and skill to perform a given behaviour can be learned through skills training.
- (d) Modelling positive outcomes of healthy behaviour help the person to anticipate outcomes of behaviour change.
- (e) Outcomes of change must have meaning for the person.
- (f) Provide opportunities for self-monitoring, goal-setting, problem solving and self-reward.
- (g) Include credible role models of the targeted behaviour.
- (h) Provide reinforcements and incentives (Glanz et al 2002)

2.7.3 Pro-Social Modelling

Trotter (1996) defines pro-social modelling as an approach that involves workers identifying and being clear about the values they wish to promote and purposefully encouraging those values through the use of praise and other rewards. It also involves appropriate modelling of the values the worker seeks to promote, and challenging anti-social or pro-criminal expressions and actions.

Trotter claims that the pro-social approach (by which he means the use of pro-social modelling and reinforcement) is based on the research about effective practice,

which shows it to be an effective method of working with involuntary clients (Trotter, 1996). The basic behavioural principles of this approach are:

- (a) That behaviour is more likely to be maintained or developed if it is rewarded
- (b) The promise of rewards does not work as well as simply providing the actual reward following an occurrence of the particular behaviour.
- (c) Rewards are more effective if they are no greater than they need to be, rewards work best if they are perceived as fair in the circumstances (Trotter, 1996).

2.7.4 Desistance Theory

There is a growing body of literature proposing that the focus of probation work be shifted away from 'offending related' to 'desistance focussed' matters (Maruna et al, 2004). This literature says that understanding how and why offenders stop committing crime is crucial for the development of effective crime prevention and criminal justice practices. According to Bottoms et al (2004) the study of desistance properly includes any significant crime-free gap in the course of a criminal career.

Farrell from his study of 199 offenders (Farrall, 2002) argues that while cognitive behavioural work is not to be abandoned in that it correctly focuses on increasing offenders human capital (i.e. their own skills), it is unable to address the wider social and economic needs - what he calls social capital - of offenders. It is social capital that is necessary to encourage desistance. Helping people develop human capital (personal skills, capacities and knowledge) can involve a range of both one to one and structured group programmes. These can include motivational interviewing, structured programmes and pro-social modelling.

In social capital theory the core idea is that social networks have value. Social capital refers to connections among individuals-social networks and the norms of reciprocity and trustworthiness that arise from them. There is difference between Bonding social capital and Bridging social capital. Bonding social capital denotes ties between people in similar circumstances (e.g. families, close friends and neighbours).

Bridging social capital includes more distance ties (e.g. acquaintances, loose friendships, and relations with workmates) (Farrall, 2002). The Desistance literature seems to suggest a refocus on the traditional welfare aspects social work working with the client on family problems, employment, addictions and overcoming what Rex (Rex, 2001) calls social obstacles.

The Liverpool Desistance study (Maruna et al, 2004) highlighted the importance for ex-offenders of achieving redemption through engagement in generating activities which help to make sense of damaged past by using it protect the future interest of others. Research indicates that it is constructing a new identity as a person with something to contribute that distinguishes those who go straight from those who do not (Maruna, 2001).

According to Farrall, (2002) involvement in altruistic activity provides offenders with a sense of accomplishment, grounded in self-esteem, meaningful purposiveness and has restorative implications. Community Service seems to have relevance in offering redemptive opportunities echoing findings that offenders valued work they could recognize as being of benefit to the recipients (Maruna, 1992).

2.8 Synthesis and Knowledge Gap

Community Service as an alternative to prison at its inception was taken up very strongly by the Judiciary as part of the reform of the Criminal Justice System in Tanzania. Various studies and criminologists recommended the sentence as a viable alternative to imprisonment. Despite the sentence to be of benefits compared to imprisonment, it is not known among the Public. This unawareness call the need for this study which will help to suggest the better ways of making Community service be known among the public as among the alternative to imprisonment and it also enable Magistrates and Judges to give Community service orders to eligible offenders hence enlarge the implementation.

Mugidde (2001) studied the need for the community service sentence in Uganda. He identified a number of reasons and among them was rehabilitation and reconciling. However the research does not go ahead to specifically point out how the community service sentence will be supported by the Public. Garwe (1997) dealt with the role of the Judiciary in implementing community service in Zimbabwe. He noted that the decision to sentence an offender to community service is a judicial function exercised by a judicial officer who may be a Judge or as in most cases a Magistrate.

The limiting factor of this study is that it does not address how the judiciary as an Institution relates to other Institutions especially where offenders are placed to do unpaid work. Different studies on Community service as it was done in different places above, none of the studies clearly addresses the concept of the public awareness in the implementation of Community Service sentence.

2.9 Conceptual Framework

Conceptual Framework is a visual or written product, one that explains either graphically or in narrative form, the main things to be studied, the key factors, concepts or variables and the presumed relationships among them. It is used to organise ideas (Miles & Huberman, 1994). For this study, we have Public knowledge on Community service sentence as dependent variable which is being affected or influenced by independent variables which include: Public attitude on Community Service, knowledge on the Benefits of Community Service Sentences, Public support on Community Service, attitude towards the work being performed by offenders in Community Service Sentences and perceived effectiveness of Community service. When sensitization is done on Community service to the Public, it will raise public knowledge on Community service.

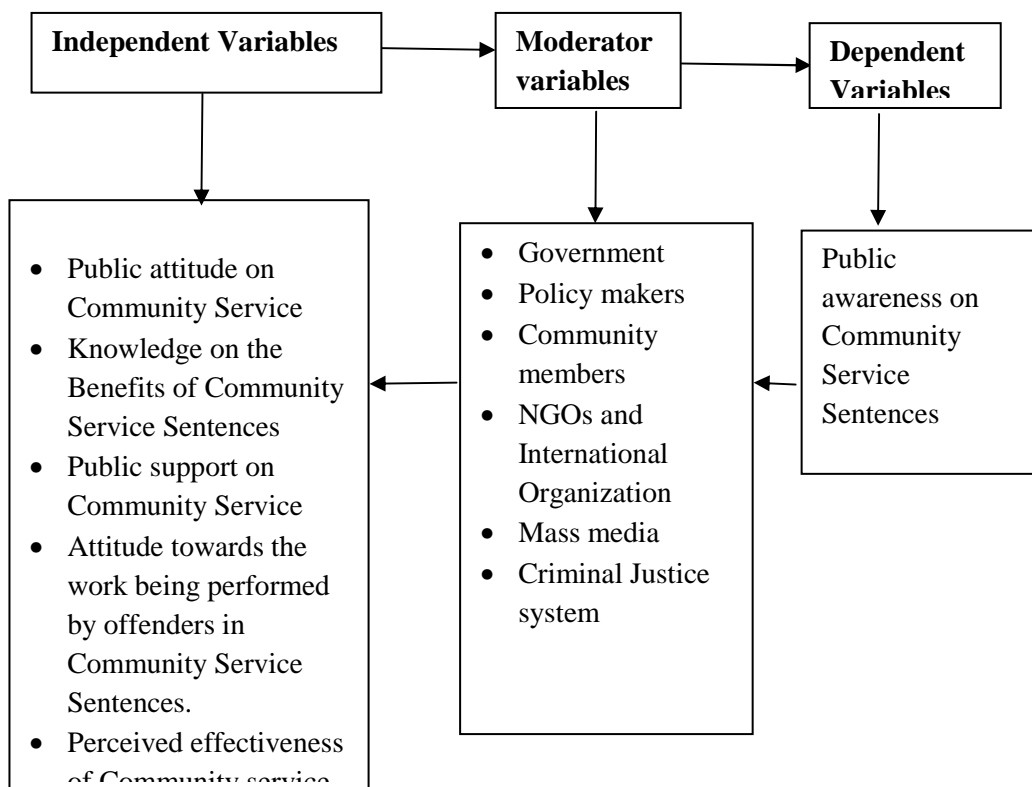


Figure 2.1: Conceptual Framework

However, there are stakeholders and different actors to facilitate the Public knowledge on Community Service. These include: The Government, policy makers, Community Service Department, Non-Governmental Organization, International Organization, Mass media and the Criminal Justice System.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

Research Methodology is the general research strategy that outlines the way in which research is to be undertaken and among other things, identifies the methods to be used in it, the process used to collect information and data for the purpose of making business decisions. The methodology may include publication research, interviews, surveys and other research techniques, and could include both present and historical information. Also it may be understood as a science of studying how research is done scientifically. In it, we study the various steps that are generally adopted by researcher in studying his research problem along with the logic behind them (Kothari, 2005).

This chapter provides details of materials and methods used in the study. This includes research design, Sample and sampling techniques, data collection methodology and data analysis. The chapter reviews relevant literature about research methodologies. The meaning and characteristics of the approach and data collection techniques adopted in this research (the questionnaire) is also discussed. In addition, the chapter explains how the interviews were conducted and how the samples were chosen.

3.2 Research Design

A research design is the arrangement of conditions for collecting and analyzing of data in manner that aims to combine relevance to the research purpose with the

economy in procedure (Kothari, 2005). According to Hussey and Hussey (1997), research design is the overall approach to the research process, from the theoretical underpinning to the collection and analysis of the data. A research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to research purpose with economy in procedure.

In fact, the research design is the conceptual structure within which research is conducted; it constitutes the blueprint for collection, measurement and analysis of data (Kothari, 2005). Saunders, Lewis and Thornhill (1997) state that the research design helps the researcher to make an informed decision about the research methodology. The researcher had to decide how data were to be collected and analysed. This needs an overall configuration of the research process to ensure success.

This study employed the **cross section study design** for the purpose of enhancing flexibility in data collection and analysis. In social science research, a cross-sectional study (also known as a cross-sectional analysis, transversal study, prevalence study) is a type of observational study that involves the analysis of data collected from a population, or a representative subset, at one specific point in time—that is, cross sectional population based study (Bland, 2001). This study used cross sectional design since the data were collected in one time that is from April to June 2015. The design was chosen also because it has the following advantages:

- (a) Relatively inexpensive and takes up little time to conduct
- (b) Can estimate prevalence of outcome of interest because sample is usually taken from the whole population.

- (c) Many outcomes and risk factors can be assessed
- (d) Useful for public health planning and for the generation of hypotheses

3.3 Study area

The study data were collected from all three Districts of Dar es Salaam Region. According to the 2012 national census, the region had a population of 4,364,541, which was much higher than the pre-census projection of 3,270,255. For 2002-2012, the region's 5.6 percent average annual population growth rate was the highest in the country (NPC, 2012). This study used both men and women aged 18 and above living in the three districts in Dar es Salaam. There were three categories of the study population which include the stakeholders of Community service, offenders under Community Service and the members of the Community.



Figure 3.1: Dar es Salaam Region Map

Source: Dar es Salaam Region Demographic data (2014)

The reason to choose Dar es Salaam as a study area is that, Dar es Salaam was among the six pilot regions where Community Service was introduced in 2003. Also Dar es Salaam is the city where the crime rate is higher compared to other regions. The city has a total of 527 offenders under Community Service which is higher than all other 20 regions implementing Community Service sentence in Tanzania mainland.

Also the 2 out of 4 prisons in Dar es Salaam that is Ukonga, Segerea, Keko and Wazo are congested compared to their capacity (MOHA, 2013). Another reason is that, no research has been conducted in Dar es Salaam concerning the Public awareness on the use of Community Service sentence.

3.3.1 Prison Congestion Status in Dar es Salaam

Among the reasons to choose Dar es Salaam as the study area is the congestion situation of the Prisons. The two out of the four prisons are congested. The Table 3.1 shows the congestion status and the capacity of the prisons.

Table 3.1: Name of Prison, Number of Prisoners and Prison Status in Dar es Salaam

Name of prison	Number of prisoners		Capacity of the Prison	Status
	Male	Female		
Ukonga	1,457	-	1,040	Congested
Segerea	1,505	220	1,800	Normal
Keko	1,101	-	340	Highly congested
Wazo	88	-	120	Normal

Source: Prison Department, (2015)

3.4 Sample Size and Sampling Frame

3.4.1 Sample Size

A sample size refers to the number of items to be selected from the universe to constitute a sample. An optional sample is the one which fulfils the efficiency, representativeness, reliability and flexibility (Kothari, 2005). The study involved 500 respondents including 300 members of the community, 100 Community service stakeholders and 100 offenders under Community service. According to Kombo et al (2009) it is important for the researcher to identify and select respondents that fulfill the questions the researcher is addressing. For example if the study is on the Public awareness, it is important that, majority of the respondents is from the Community members. It is from this ground that out of 500 respondents, 300 respondents are from members of the Community.

3.4.1.1 Selecting the Sample Size

The section of the sample size used Rules of thumb for determining the sample size which has the following rules:

- (a) The larger the population size, the smaller the percentage of the population required to get a representative sample.
- (b) If the population size is around 500, 50% should be sampled.
- (c) Beyond a certain point ($N=5000$), the sample size of 400 may be adequate.

Basing on the population of Dar es Salam that is 4,364,541 (NPC, 2012), it is from this ground that a sample of 500 respondents were selected from such population in accordance with the rules of the thumb.

3.4.2 Sampling Frame

A sampling frame is a complete list of all the elements/cases in the population from which the sample will be drawn. Thus a sample frame consists of items from which the sample is to be drawn. It is a complete list of every unit in the target population (Verma, 1991). In conducting this study, different groups of people were involved. These include members of the Community, Community Service stake holders and offenders under community service. Members of the Community were involved because the question under investigation wants to know the knowledge of these people concerning the subject.

The criteria for selecting the above sample is that, stake holders who were selected (Prison officers, Police, Magistrates, Community service Officers), they were involved in the study because they participate in the implementation of Community service sentence in one way or another.

Table 3.2: The Category of Respondents Involved in the Study

S/N	Category of respondents	Male	Female	Total
1	Community members	200	100	300
	Stake holders			
	(a) Police	10	10	20
	(b) Prison officers	10	10	20
	(c) CSO	15	5	20
	(d) Magistrates	20	10	30
	(e) Prosecutors	5	5	10
3	Offenders under CS	80	20	100
	Total	340	160	500

Source: Field Data (2014)

Community members who were involved in the study were selected randomly by the help of street leaders and Ward Executive officers, those members were people living in the three districts of Dar es Salaam who were above 18 years of age. They were of different age and included employed, self-employed, businessmen, farmers, retired individuals and government Leaders.

3.5 Sampling Techniques

Sampling is the process of selecting participants from the population. It is a method that allows researchers to infer information about a population, without having to investigate every individual. Reducing the number of individuals in a study reduces the cost and workload, and may make it easier to obtain high quality information, but this has to be balanced against having a large enough sample size with enough power to detect a true association (Verma, 1991). Different methods are used in selecting the sample depending on the characteristics of the particular population. In this study, purposive sampling and simple random sampling techniques were used.

3.5.1 Purposive Sampling

Purposive sampling is also called judgmental sampling because the researcher chooses only those elements of which he/she believes that they will be able to deliver the required data. The major consideration for including a person in the sample is to identify those respondents having expertise or experience about a problem under investigation (Verma, 1991). It was from this ground that 100 respondents were Community Service stakeholders (Police, Magistrates, Prosecutors, Community Service officers and Prison officers). These people have experience on Community service sentences since they are directly in contact with offenders.

3.5.2 Simple Random Sampling

Is a probability sampling where by all members in the population have equal chance of being selected. Simple random sampling was used due its strength of giving the researcher the data that can be generalized to a large population as well as providing equal opportunity of selection for the elements in the population (Kothari, 2004). 300 members of the community were obtained from the three districts in Dar es Salaam. The aim was to give the Public members equal chance to participate in the study. Respondents were obtained by visiting the households with the help of ward executive officers (WEOS) and Street leaders. The key benefit of probability sampling method is that it guarantees that the sample chosen is representative of the population. This ensures that the statistical conclusions will be valid (Kothari, 2005). The study selected this kind of sampling since every member in the community has equal chance of being selected.

3.6 Methods of Data Collection

Research methods/ Instruments refer to the processes and instruments used for gathering information needed to answer the research problem. In collecting the data, the researcher must decide which data to collect, how to collect the data, who will collect the data and when to collect the data (Krueger, 1998). Instruments used in this study includes: face to face (personal) interview, Focus Group Discussion and paper-pencil questionnaires.

3.6.1 Interviews

An interview is a conversation between two or more people where questions are asked by the interviewer to elicit facts or statements from the interviewee.

Interviews are a standard part of qualitative research. Interview can also be defined as a very systematic method by which a person enters deeply into the life of even a stranger and can bring out needed information and data for the research purpose (Bernard, 1988).

In this study, interviewees were asked face-to-face questions using interview guide. This method was applied to 100 members of the community. The rationale for using this method was to obtain data to supplement data obtained through questionnaires. This was thought to be a proper method due to the fact that some of the respondents within the study area do know to read and write and also some old people were complaining of not seeing properly, for this case interview method helped to get information from this group.

3.6.2 Questionnaire

In this study, questionnaires were prepared and presented to respondents so as to fill them. Questionnaires were used because a large proportion of the desired information was collected within a short time and limited resources. Kidder (1981) argues that the use of questionnaire is of advantage because of economy, limiting interviews bias and possibility of anonymity. Questionnaires used were both open and closed ended questions. Questionnaires were presented to all the three categories of the respondents (community members, Community service stake holders and offenders) in the proportion of 200, 80 and 100 respectively.

3.6.3 Focus Group Discussion

Focus Group Discussion is a form of qualitative research in which a group of people are asked about their perceptions, opinions, beliefs, and attitudes towards a product,

service, concept, advertisement, idea, or packaging. Questions are asked in an interactive group setting where participants are free to talk with other group members. A small group – usually 10 to 12 people is led by a moderator (interviewer) in a loosely structured discussion of various topics of interest. The course of the discussion is usually planned in advance and most moderators rely on an outline, or moderator's guide, to ensure that all topics of interest are covered. The strength of FGD relies on allowing the participants to agree or disagree with each other so that it provides an insight into how a group thinks about an issue, about the range of opinion and ideas, and the inconsistencies and variation that exists in a particular community in terms of beliefs and their experiences and practices (Krueger, 1988).

FGDs can be used to explore the meanings of survey findings that cannot be explained statistically, the range of opinions/views on a topic of interest and to collect a wide variety of local terms. In bridging research and policy, FGD can be useful in providing an insight into different opinions among different parties involved in the change process, thus enabling the process to be managed more smoothly. FGD sessions need to be prepared carefully through identifying the main objective(s) of the meeting, developing key questions, developing an agenda, and planning how to record the session. The next step is to identify and invite suitable discussion participants (Morgan, 1988).

During the study, Focus Group Discussion was conducted to one category of respondents that is the Community Service Stake holders specifically Prison officers and Magistrates. Two sessions of FGD were conducted where each group had 10

respondents namely: 10 Prison Officers and 10 Magistrates. The arrangements for the Focused group discussion were made where the letter was written to the Prison officer in-charge so as to allow 10 Prison Officers to participate in the discussion. Also the same letter was sent to the Magistrate in-charge to ask for the permission for ten Magistrates to participate in the study. Gender issues were considered in those respondents so as to have the representative from both men and women. After the good responses the session was conducted as scheduled. This method helped to obtain different views so as to enrich the understanding.

CHAPTER FOUR

DATA PRESENTATION, FINDINGS AND DISCUSSION

4.1 Introduction

This chapter sets out the results of the research. These results were obtained from questionnaires distributed to respondents, interviews and Focus Group Discussion conducted. However, the chapter sets out results and commences the analysis element. Respondents were categorised into three categories which include Members of the Community, Community Service stake holders and offenders under Community Service. The data obtained from the interview and questionnaire were analysed using Statistical Package for Social science Studies (SPSS) while the data obtained from Focus Group Discussion (FDG) were mainly explanations and these were written at the end of the chapter as it was seen. The results give the answers to the three questions which were obtained from the three specific objectives.

4.2 Knowledge of the Public on Alternative to Imprisonment

The first objective was to know the knowledge of the Public on alternative to imprisonment. Alternative to imprisonment encompasses a range of sentencing options available to courts when passing a sentence. There is a wide range of options open to Sentencers depending on the type and severity of the offence. These alternatives to imprisonment include Community Service, Probation, Conditional discharge, Extra Mural Penal Employment (EML) and Parole (Van Ness, 2005).

The results in the Table 4.1 show the results obtained by asking the respondents if they know alternative to imprisonment. From the table below, 29.3% of the

respondents were aware of the alternative to imprisonment, but 70.7% were not aware of what is alternative to imprisonment. This indicates that, the majority of the Public members do not know what is alternative to imprisonment.

Table 4.1: Knowledge of the Public on Alternative to Imprisonment

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid YES	88	29.3	29.3	29.3
NO	212	70.7	70.7	100.0
Total	300	100.0	100.0	

Source: Author's Field Data (2015)

4.3 Knowledge of the Public on Community Service Sentence

Community Service is an alternative to imprisonment the court may use when it has decided that a person's offending is not so serious that the offender should be imprisoned. Community service should be physically and emotionally demanding of the offender in that it is a restriction of liberty, involves self-discipline and a respect for others and should engage the offender in tasks or situations that challenge his/her outlook, experience and ability. Community service can therefore be a positive way of making an offender make reparation for offences and it can encourage personal growth and self-respect. It shows the offender that the community is affected by criminality and the community can see that offenders can make a constructive rather than destructive contribution to the community (Walgrave, 1992).

The Second objective was to assess the knowledge of the public on Community Service. The results indicated that, 29.35 of the respondents know very little on Community Service but 70.7% do not really know about Community Service sentence.

4.3.1 Knowledge of the Stakeholders on Community Service Sentences

Community Service Stake holders (Police, Magistrate, Prison officers, CSO and Prosecutors) were assessed on their knowledge of Community Service. The table below indicates the results which show that, 97% of the respondents know about Community Service Sentences and only 3% do not know about Community service sentences. Therefore Stake holders have knowledge on Community Service sentences.

Table 4.2: Knowledge of the Stakeholders on CS Sentences

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid YES	97	97	97	97
NO	3	3	3	3
Total	100	100.0	100.0	100

Source: Author's Field Data (2015)

4.3.2 Offenders' Knowledge on Community Service Sentence

Offenders under Community service are those who are serving their sentence under Community Service. They do unpaid public work in the community for the period specified in the order at a specific work placement Institution. They were also assessed to know their knowledge on Community service, since they are serving their sentence under this program, the results show that, all 100 respondents knows about Community service sentence.

4.4 Challenges in the implementation of Community Service

Challenge is the situation of being faced with something that needs greater mental or physical efforts in order to be done successfully and therefore tests person's ability.

Community Service sentences like other alternative to imprisonment face a lot of challenges that hinder its implementation. Both the three categories of respondents were asked on the challenges encountered in the implementation of Community Service. They were able to mention the challenges facing the implementation of Community service which include, poor awareness, insufficient Staffing of the Community service officers, poor attitude of the people on alternative to imprisonment and Public Mindset that offenders should be imprisoned.

4.4.1 How to Overcome the Challenges in the Implementation of Community Service

Whenever there is a challenge, there should be mechanism to adopt in order to overcome those challenges. Respondents were asked to mention some means or ways on how those mentioned challenges can be eliminated. They were able to suggest ways of eliminating those challenges and those includes: Sensitization to the public was mentioned by most respondents (91%) as the way to enable the public to understand what Community service is and its benefits. Others include Magistrate to be educated on using Community service orders for offenders who qualify for such order. Also the availability of Community service officers in Court so as to assist offenders and initiate the process of Community service order and lastly was the funding, were they said that, by increasing funding will enable Community awareness and sensitization possible.

4.5 Public Benefits on Community Service Sentences

Community Service sentence are designed in way that benefits the Community through the work which is done by offenders. Doing unpaid work enables the

Institution to get free service instead of employing temporally workers. Also members of the Community participate in supervision since the offender is working in the Community, others includes environmental conservation and maintenance and also keeping family ties since the offender lives in his/her home with his family.

After the researcher has explained to the respondents about Community Service, they were asked on whether Community Service Sentences gives benefits to the Community or not. The results indicated that 84% of the respondents said community service sentences are beneficial while 16% said Community Service Sentences are not beneficial. For this case we can conclude that Community Service sentences give benefits to the Community.

4.5.1 Comparison between Prison Sentence and Community Service

Offenders under Community service can be obtained either directly from court, or sometimes from the Prison. Those from the Prison can give the differences between Prison sentence and Community Service sentence.

Table 4.3: Comparison between CS sentence & Prison Sentence

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid CS is better than imprisonment	91	91.0	91.0	91.0
Prison Sentence is Better than CS	9	9.0	9.0	100.0
Total	100	100.0	100.0	

Source: Author's Field Data (2015)

It is from this ground that offenders were asked to give the comparison between prison sentence and Community Service sentence based on the benefits. From the Figure 4.3 shows, 91% of the respondents said that, community service is better than Prison Sentence, and only 9% said prison sentence is better.

4.5.2 Benefits from doing Community Service Work

There are various advantages of doing community service work/activities. As explained earlier that offenders under Community Service do unpaid public work in the Community for specified period, they are also involved in other behaviour change program while doing Community service work. It is from those activities that make the offender gain different skills and also learn to be a good person in the society.

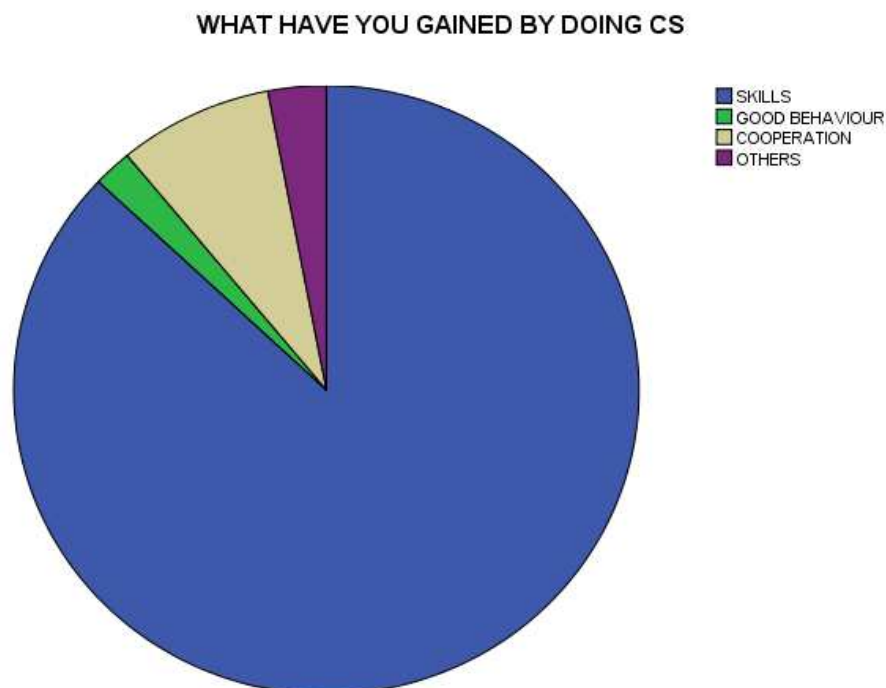


Figure 4.1: Benefits from doing Community Service Work

Source: Author's Field Data (2015)

Offenders (respondents) were asked to explained what did they gain while serving their sentence under Community service, the results indicates that, 87% gained skills through the work which they were given, 8% gained cooperation from the Institution where they were working, 2% learned good behaviour and 3% others which was not explained.

4.6 Findings from the Focus Group Discussion

This part reports the findings from the FGD with Community Service stakeholders (Prison Officers and Magistrates). As discussed in the Methodology section, 20 Respondents were invited for the FGD to discuss the knowledge and experience on Community Service sentences. The findings from the FGD were structured under the themes outlined in the topic guide (Appendix IV). To maintain confidentiality, quotes will be given from the group and not assigned to any one respondent.

4.6.1 What is Community Service?

Respondents defined Community Service as an order of the Court to the offender requiring him/her does unpaid public work for the specified period for the benefit of the Community. They added that, through doing public work, the offender may learn different skills and also may cooperate with other people in that institution and by doing that, the offender can learn to be a good person and hence stop offending behavior.

The Court states how many hours must be worked in a day which is 4 hours a day (CSA, 2002). And the work should be done in 5 days of the week excluding

weekends and public holidays. If the offender does not comply with the order, Community service officer can return the offender to the Court, and if the court finds it necessary may review the order requiring the offender to be sent to the Prison. Community Service officers (Social Workers), supervise and manage the order on behalf of the Court through its 'Community Service by Offenders' Scheme.

4.6.2 Does it exist in our Community?

Respondents explained that, Community Service exist in our Community since we have offenders serving their sentence under community service in our Community. They added that, there are offenders doing public work in their Institutions.

“I sentenced five offenders to serve their sentence under Community service last week, and I ordered them to be cleaning our offices for the whole period of their sentences, if you can come across our offices nowadays, they are so clean”.

“We were visited by the Community service officers last week, they came to interview offenders who have been sentenced for the period less than three years but also those who presents good behaviour for the period stayed in the prison, I presented to them ten names of offenders and now they are going on with the process so that, those offenders may serve the rest of the sentence under Community service”.

With the above evidence, we can conclude that, Community service exists in our Community.

4.6.3 What is its Aim?

As a Court ordered sanction Community Service aims to provide real benefits to communities through completing tasks that might not otherwise be done. It provides opportunities for offender to make reparation to the community for the wrong done in their offending. Community Service also provides a meaningful sanction and alternative to custody for Courts. Community Service allows offenders to pay back communities for their crimes by carrying out unpaid work for charities and community organisations or groups. A further objective of unpaid work placements in the community is to help offenders to learn and acquire new work skills to improve their employability and help them to move away from crime.

“Generally the aim of Community service was to decongest Prison (call for the International Instrument for non custodial sanctions), to alleviate the prison conditions which were existing in African Prisons. This enable to prevent hard core criminals to come in contact with Petty offenders and hence decrease the rate of offending”.

4.6.4 Advantages and Disadvantages of Community Service

4.6.4.1 Advantages

These programs generally allow the inmate to work in the community for four hours every day during the working days. The program requires the offender even to work in shift, either in the morning or evening depending on the working instructions of a given Institution. This allows the offender to get the time to earn her/his own income for the family. Also, Community service help the offenders become re-integrated into the community, so that once they are completely released, they are better situated to succeed.

“Offenders working in my Institution are given other activities after they finish their duties. For example, they are given cars to use where they are given money ranging from 2,000 to 3,000 per car, this amount of money enable the offender to survive hence may create the future self employment”

4.6.4.2 Disadvantages

Respondents argues that there is social stigma to offenders serving their sentence under Community Service, this makes many offenders to feel uncomfortable and sometimes may opt to be sent to prison other than doing Public work. Supervisors sometimes do not use proper language when supervising offenders, they use stigma language.

“We mfungwa mbona pale hujafagia vizuri, alafu jana pia hukudeki vizuri, utarudishwa gerezani shauri yako”.

Due to social stigma, there is a debate whether offenders under community Service should put on the Uniforms or not while performing their duties.

4.6.5 Do the Public know about Community Service?

There is low sensitization on Community service to the public members, they tend to see Community service as a soft option and as if the offender has given a favour or sometimes they associate it with bribe. One of the respondents quoted the public member as follows:

“Mahakimu wanakula rushwa na kuwaachia wahalifu wafagie fagie kwenye ofisi na barabarani, yaani badala ya Muhalifu kufungwa eti anakaa nje,lazima mkosaji aende gerezani”.

4.6.6 What are the Challenges in the Implementation of Community Service?

Community Service sentences like other alternative to imprisonment face a lot of challenges that hinder its implementation. They were able to mention the challenges facing the implementation of Community service which include, insufficient sensitization of the community Service sentence among the public, insufficient Staffing of the Community service officers, poor attitude of the people on alternative to imprisonment and Public Mindset that offenders should be imprisoned and also new recruitment of Court and Prison staffs who are unfamiliar with alternative to imprisonment. New staffs were quoted as follows when asked to offer Community service sentence:

“Hiyo Sheria ya kuwaruhusu wafungwa watumikie kifungo cha nje kwanza siijui, labda nilete nakala kwanza niisome nielewe, nisje nikafukuzwa kazi kwamba nimekula rushwa”

4.5.7 What can be Done to Alleviate those Challenges?

Sensitization to the public was discussed by respondents as the way to enable the public to understand what Community service is and its benefits. Others include Magistrate to be educated on using Community service orders for offenders who qualify for such order. Also the availability of Community service officers in Court so as to assist offenders and initiate the process of Community service order and lastly was the funding, were they said that, by increasing funding will enable Community awareness and sensitization possible. Also Magistrate’s Curriculum should include the use of Community service so that, when they are employed they are aware of Community Service sentences.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Summary

The findings of the study reveal that the current Community Service Program in Dar es Salaam is in place but it is operating at minimum or low level. This is because the majority of the respondents (Community Members) said that, they don't know about alternative to imprisonment and also Community Service. Community Service seems to have the potential to rehabilitate offenders but the same is not realized at all because the public do not know what is Community Service and its intention. It is now more than a decade since the introduction of Community Service in Tanzania (MOHA, 2013), but there is limited sensitization of the program among Community members.

It has been found that there is relatively enough sensitization about Community Service Sentences among Community service stakeholders and the offenders under community service. However, there is little or no knowledge about Community Service Sentence among the members in community. This limits the ability of the sentence to reform the offender because the community must embrace the offenders and help them to serve their sentence without shame and later accept them back into the community. This lack of sensitization of the public has greatly undermined the effectiveness of the sentence.

This has lead the community regarding the sentence as a weak and light or soft punishment therefore treating offenders as having been forgiven by the Judiciary

thereby associating it with corruption. Eventually the offender is not properly received back in the society. This makes him/her feel out of the place and eventually leads to committing other crimes.

There is not enough political will to promote the sentence among some stakeholders in Tanzania mainly the prisons department. This is because the prison department use offenders as tools from which they derive income to supplement some of the requirement. Prisoners are used in income generating activities especially farming in some prisons like Wazo prison in Dar es Salaam where prisoners are used in farming activities. For this case they found alternative sentences as an obstacle to them. Some Politicians, Court Officers and policy makers in the country still view prison sentence as a more appropriate punishment for wrong doers. They view community service as a soft sentence. This is why they are reluctant to issue Community service orders to offenders who qualify to serve their sentence outside the prison.

There are various types of alternative to imprisonment in Tanzania which include Community Service, Probation, Extra Mural Penal Employment, Parole, Conditional discharge and payment of fine. Among these alternatives, Community Service seems to be known more to the respondents compared to other alternatives. This is because offenders under Community Service serve their sentence in the Community. Also members of the Community are involved in offender supervision since offenders are placed in different placements in the community which include schools, Hospitals, Ward offices and Village offices. Community Service seems to have community benefits, according to respondents these benefits includes: Prison decongestion, reconciliation between the offender and the victim of the crime, and also the

community benefits directly from the work being done by the offenders. Creating relationship (reconciliation) between the offender and the victim of the crime enhances harmony in the Community. Also involving offenders in community work encourages employment and building skills which later on may create the employment to the offender or may also build certain skills.

However, the implementation of community Service seems to have challenges which include, insufficient Community Service staff, poor awareness on alternative to imprisonment, negative attitude towards the use of Community Service and Magistrate to hesitate on giving Community service order. These challenges can be alleviated by effective staffing of Community Service Officers so as to make them available to every Court from the Primary court to the residential Magistrate Court so as to identify the eligible offenders for serving their sentence outside the prison.

Insufficient staff of these officers led to many offenders who could serve their sentence outside the prison to be sent to prison. Public attitude on alternative to imprisonment hinder the implementation because they see alternatives as a soft sentences and hence bring the influence to the Magistrates to be reluctant on issuing Community service orders. Enough sensitization will enable the Community to understand the benefits of Community service and also Magistrate will offer the Community Service order with confidence.

5.2 Conclusion

For the Community Service Sentences to be known among the public and stakeholders there are factors which should be looked upon to enable the

implementation of Community Service to be effective. These factors include availability of fully trained and educated staff, sensitization of the scheme to the public through media and also through community meetings, effective and reliable records and information about offenders and effective supervision and monitoring of offenders.

Other factors include, adequate funding of the scheme and sufficient political will and support from the leaders and political players. Adequate funding will assist payment of staff members, undertaking sensitization, motivating staff, acquiring implements to impart skills to rehabilitate offenders as well as improve on supervision and monitoring of the sentence.

It is concluded that effective sensitization will enable the public to have an understanding of what Community Service is as well as alternative to imprisonment. This will help to eliminate the mentality that only imprisonment is an appropriate sentence to offenders. Understanding of Community Service will also enable the public and other stakeholders to see Community Service Sentence as one of the punishment of offenders and not a soft sentence or to associate it with corruption.

5.3 Recommendations

The researcher having arrived at the above findings and made the foregoing conclusions, these are the recommendations that are likely to improve the operations of the community service facilities in order to enable them rehabilitate offenders be effective and known as one of the sentences in the criminal Justice. These recommendations are made in categories for ease of explanation and appreciation.

5.3.1 Education and Sensitization

There is a need for Government to embark on education and sensitization of the communities through conducting seminars, conferences, radio programmes and workshops to the Public about alternative to imprisonment. This will help the Community to know the benefits of alternative to imprisonment. Also; Local press could be a natural vehicle for communicating information about Community Service and success stories in their area. Using examples of success stories in terms of how the community has benefited as well as the individual, rather than giving information to the public with figures, could engage on a more emotional and meaningful level.

5.3.2 Political Goodwill

There is need for increased political support and goodwill by all leaders at national and local levels for the sentence. The political and opinion leaders in society need to openly support the sentence and sensitize the masses about its benefits. There is also need to mobilize for more political will in order to drum up support for the sentence in all political and decision making offices like parliament, district and sub county councils. If community leaders and public figures talk positively about community service, then the sentence will become attractive to everyone.

The leaders in most cases are believed by the public. If they support a certain scheme, chances are that the scheme will succeed because they will be able to attract funding and appropriate budgetary allocations which will assist in the smooth running of the activities of the institutions. This support will also help obtain skilled manpower, facilities and other necessities needed for the success of the sentence.

5.3.3 The Legal Framework

There is need to amend the law so as to involve many eligible offenders to serve their sentence outside the prison. The current community service Act no 6/2002 provides that, only offenders sentenced to three years and below may serve their sentence through community service. The law requires the consent of the offender. This leads some offenders to refuse serving their sentence outside the prison as they feel its shame to do public work in the Community. There is a need to remove the word *Consent* of the offender such that it becomes mandatory for eligible offenders to serve their sentence under Community service.

Also the law guiding Presidential Amnesty should be amended so that those offenders released under Presidential Amnesty should be placed under Community Service before going direct to the Community. This will help them to change their behaviour and be good citizen. The law is also weak in relation to the powers of the supervisor over the offender. The work of the supervisor is limited to seeing that the offender has worked and if not report the matter to the court or to the Community Service. There is need for the supervisor to be given more on field powers over the offender in order to enhance the sentence

5.3.4 Economic Transformation and Empowerment

There is need for the Government to transform the incomes of peasants and rural households in order to improve their standards of living. With improved household earnings there would be low rate of criminality because the family would be able to meet its needs. This can be done through provision of jobs, income generating projects, cooperative societies, circles and access to credit facilities. Research has

shown that people with steady incomes are less likely to engage in criminal activities. Youth offenders seem to engage in theft than other crimes and this is due to having no income generating activities.

There is a need to encourage youths to avoid smoking, doing drugs, joining bad groups and encouraging them to keep in school in order to get better jobs and better lives. Education will also involve educating families and communities about the importance of a family in society. This may assist in eradicating problems like domestic violence, neglect of children who later become street children and engage in criminal behaviour. By strengthening families and communities and educating youth, criminal tendencies among them may be avoided.

5.3.5 Rehabilitation Centres

Rehabilitation centres should be put in place in the country just like it is in Europe and America. There should be centres where an offender is attended to all day and all night such that he is assisted to become a better person. These centres will provide better skills, knowledge and change the offenders behaviour which will enable them appreciate that life is not all about criminality.

5.3.6 Work Performed by Offenders

The current scheme enables the offender under Community service to do public work in the Community. These works include cleanliness, road construction and all activities concerning environmental conservation. They work in the Government offices and in the orphanage centres. Serving their sentences to such placements does not seem as valuable work in the Community. There is a need to have a specific

place where these offenders are placed and the work being performed to be seen by the Public. There should be tangible evidence of the benefits of Community Service Sentence that will enhance the public to see Community Service has a sufficient punishment.

5.3.7 Clothing (Uniforms)

The current Community Service operating in Tanzania allows offenders to wear their home clothes without any identity that they are offenders. This system does not separate the offender with the normal employee in an Institution. People sees them doing different activities but they seem as Public Servants. Higher visibility could be achieved at a local level by having the offenders wear clothing which identifies them as undertaking community service programmes. In Kenya these offenders put on the identification cloth named at the back “*Community Payback*” this system of wearing Uniforms has made the public be aware of Community service in Kenya more than any other country in East Africa.

5.3.8 Funding

There is a need for increased funding of the activities of the community service sentence. There is more need to fund sensitization, monitoring and supervision of the sentence if it is to work and rehabilitate offenders. Without the morale and desire to work and implement the sentence, reformation of offenders cannot be successful.

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APPENDICES

Appendix I: Questionnaire

Research on Public awareness on the use of Community Service sentence

Interview schedule for members of the Community

Section I: Socio – Demographic data

1. Name..... Sex.....
2. Age.....
3. Level of Education
 - (i) Primary
 - (ii) Form iv
 - (iii) Form vi
 - (iv) Vocational education
 - (v) College Education
 - (vi) University Education
4. Main Occupation
 - (i) Employed
 - (ii) Self Employment
 - (iii) Petty/Small business
 - (iv) Farming
 - (v) Fishing
 - (vi) Poultry

Section II: Public Knowledge on Community Services sentences

5. Do you know about alternative to imprisonment?
 - (i) Yes
 - (ii) No
6. If you answered Yes, Mention some of the alternatives to imprisonment you know
 - (i)
 - (ii)
 - (iii)
7. Can you please explain more to me about your knowledge on Community Service sentence?
8. Are Community Service Orders utilized in sentencing offenders?
 - (i) Yes
 - (ii) No
9. Please list the types of offences/crimes which have been committed by most offenders under Community Service
 - (i).....
 - (ii).....
 - (iii).....
 - (iv).....
10. Would you say that Community Service sentence are beneficial?
 - (i) Yes
 - (ii) No

11. If you answered YES, in what ways does the community benefit from
Community Service activities?

- (i)
- (ii)
- (iii)
- (iv)

12. If you answered No, why do you think that the community does not benefit
from CS activities?

- (i)
- (ii)
- (iii)
- (iv)

13. Do you think the public support the Community Service Orders in this
community?

- (i) Yes
- (ii) No

14. If you answered Yes to the above question, how would rate the public support to
Community services orders?

- (i) Strong support
- (ii) Fair support
- (iii) Poor support

15. If you answered No, why do you think that the public does not support
Community Service?

(i)

(ii).....

(iii).....

16. What do you think are the problems in implementing Community Service in
your community?

(i).....

(ii)

(iii)

(iv)

17. Please comment on anything else you would like in order to improve
Community Service in your area

(i).....

(ii)

(iii)

(iv)

**Appendix II: Research on Public awareness on the use of Community Service
sentence Interview schedule for Community Service Stakeholders**

Section I: Socio – Demographic data

1. Name..... Sex.....
2. Age.....
3. Level of Education
 - (i) Primary
 - (ii) Form iv
 - (iii) Form vi
 - (iv) Vocational education
 - (v) College Education
 - (vi) University Education

Employment Particulars

4. Category of respondents:
 - (i) Community service Officer
 - (ii) Magistrate
 - (iii) Prosecutor
 - (iv) Police Officer
 - (v) Prison Officer

Section II: Knowledge about Community Services Sentences

5. Do you know about alternative to imprisonment?

(i) Yes

(ii) No

6. If you answered Yes, Mention some of the alternatives to imprisonment you know

(i)

(ii)

(iii)

7. Are Community Service Orders utilized in sentencing offender

(i) Yes

(ii) No

8. Please list the types of offences/crimes which have been committed by most offenders under Community Service

(i)

(ii)

(iii)

(iv)

9. Would you say that Community Service sentence are beneficial?

(i) Yes

(ii) No

10. If you answered YES, in what ways does the community benefit from Community Service activities?

(i)

(ii)

(iii).....

(iv).....

11. If you answered No, why do you think that the community does not benefit from CS activities?

(i)

(ii)

(iii)

(iv)

12. Do you think the public support the Community Service Orders in this community?

(i) Yes

(ii) No

13. How well supervised are offenders on Community Service?

(i) Very well

(ii) Fair

(iii) Poor

14. What do you think are the challenges in implementing Community Service in your community?

(i)

(ii)

Appendix III: Interview guide for Offenders under Community Service

Section I: Socio – Demographic data

1. Name..... Sex.....
2. Age.....
3. Level of Education
 - (i) Primary
 - (ii) Form iv
 - (iii) Form vi
 - (iv) Vocational education
 - (v) College Education
 - (vi) University Education
4. Main Occupation
 - (i) Employed
 - (ii) Self Employment
 - (iii) Petty/Small business
 - (iv) Farming
 - (v) Fishing
 - (vi) Poultry
5. Place of work/Institution.....
 - (i) Health centre
 - (ii) Ward Office
 - (iii) School

(iv) Court Office

(v) Others

Section II: Role of Community Service sentence

6. Do you know Community Service Sentence?

(i) Yes

(ii) No

7. What are its advantages to you?

8. What are the advantages of Community service to the Community?

9. What kind of work do offenders on the community Service do?

(i)

(ii)

(iii)

(iv)

10. How valuable are the work the offenders carry out in Community service sentence?

(i) Very valuable

(ii) Fair

(iii).Not valuable

11. How well is the supervision of offenders in Community Service?

- (i) Well supervised
- (ii) Fair
- (iii) Poor supervision

12. How do you find the sentence as compared to Prison?

- (i) CS is better than imprisonment
- (ii) Imprisonment is better than CS
- (iii) I don't know

13. What have you gained so far in the Community Service?.....

- (i) Skills
- (ii) Good behaviour
- (iii) Cooperation
- (iv) Other
- (v) Nothing

Section III: Way Forward

14. What do you think are the challenges in the implementation of Community Service?

.....

.....

15. What can be done to overcome such challenges?

.....

Appendix IV: Focus Group Discussion guide

What is Community Service Sentence?

Does it exist in our Community?

What is its aim?

Advantages and Disadvantages of Community Service

Do the Public know about Community Service?

What are the challenges in the implementation of Community Service?

What can be done to alleviate those challenges?

Any other issue/point you would like to add or discuss?

THANK YOU