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## PARTICIPANTS' PAPERS

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### MULTI-AGENCY COOPERATION IN COMMUNITY-BASED TREATMENT OF OFFENDERS

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#### I. INTRODUCTION

The need for all agencies involved in the criminal justice system to work together in order to reduce the rate of recidivism cannot be over-emphasized. Probation and aftercare services in this regard work in collaboration with a host of agencies who play different roles in treatment and rehabilitation of offenders. Whatever contribution a partner is able to give towards the welfare of a reforming offender goes a long way in positively changing his/her life. Working in sync with all relevant players will ensure that information and other resources are shared and better results are achieved in the long term, as well as guaranteeing public safety.

The Probation Department, in recognition of the over-riding importance of collaboration and networking amongst the key agencies in offender treatment and rehabilitation, has in place a programme in the department for reform and collaboration which is managed by an Assistant Director of Probation whose mandate includes<sup>1</sup>: identification of relevant agencies or partners with whom to work, preparing an inventory of the same, exploring areas of cooperation, signing of MOU's on how to engage, establishment of a focal point for ease of operations by all agencies and research among other important issues<sup>2</sup>.

The programme's activities have been cascaded to the sub-county or community level where reports on engagements at this level are furnished to the probation headquarters on a quarterly basis, further showing how important this component of reforms and collaboration is to the department. All these activities are framed in a manner purposed to help in treatment and rehabilitation of all community-based offenders in order to succeed in gaining their full rehabilitation and reformation. With society being the most important stakeholder in that the offenders spend over 95% of their time in the same, its inclusion in all activities is paramount. As other areas of offender treatment and rehabilitation are worked on, the important role of psycho-social support is played by the offender's family and society at large. In this regard, the society carries the biggest burden in the rehabilitation process and hence the need to make it aware of the same in order to forestall or stifle any chance of stigmatizing the offender which is most likely to come from the community and which can negatively affect the rehabilitation process.

The key partners or agencies identified and who closely work with the Probation Department include:

1. Judiciary
2. Police service
3. Labour Ministry
4. Non-governmental organizations
5. Church and Faith-based organizations
6. Prison service

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<sup>1</sup>Probation and Aftercare Service (2014). Standards Operating Procedure Manual.

<sup>2</sup>Ibid (1).

7. The community.

However, the goal of reducing recidivism cannot be achieved if there is no synergy among all the mentioned stakeholders. The effectiveness of community-based treatment is dependent on all players playing their roles with commitment<sup>3</sup>. Evidence of cooperation in these critical areas of job and housing assistance in regard to offenders can be seen in the following engagements.

**A. Job Assistance for Offenders**

An engaged person has no time for anti-social thoughts and activities as the desire to meet his/her needs is satisfied. In regard to offenders, therefore, provision of jobs helps them attain self-reliance, greatly reducing the possibility of recidivism. The jobs available can either be in the formal or informal sector. In formal employment, the Probation Department has partnered with the Labour Ministry to secure jobs for offenders undergoing treatment and rehabilitation within the community. The Labour Ministry handles all matters related to employee welfare as well as recruitment<sup>4</sup>. Most organizations contact the Ministry whenever vacancies arise and especially in respect to semi-skilled and unskilled labour. The Labour Ministry, being a member of the department's case committee<sup>5</sup>, ensures that such information is passed on to the department for immediate action. As such, offenders undergoing rehabilitation are immediately referred, and those found to be in need of employment are able to secure such opportunities. This makes them more acceptable to the society as they can support themselves, their dependents and even participate in development projects within their communities.

In regard to informal job support, several agencies give much needed assistance. The Children's Department, which falls under the Labour Ministry, manages a social welfare fund for vulnerable groups within the society all over the country; they give each identified beneficiary a monthly stipend of Kshs 3000/- (approximately 28 US dollars) to cater for their basic needs. Though it may seem little, this money has had a significant impact on offenders under rehabilitation, especially those found to be vulnerable. In collaboration with the Children's Department, we are able to enroll them in the programme, offer them the required entrepreneurial skills and help them start small businesses whose proceeds they use for their own sustenance.

Non-governmental organizations equally play an important role in rehabilitation and treatment of offenders. While still in penal institutions, they receive vocational training which in most cases is not adequate. Once released, the NGOs come in to assist in further training of the offenders to a level where they can either get employed or employ themselves by starting small businesses. This is normally through our recommendation; we also work together to equip them with tools in line with the training skills gained which makes it easy for them to start businesses, open workshops and even offer employment to other members within their societies. Therefore, instead of being looked at as criminals or rejects and stigmatized, they are seen as resourceful members of their respective families and society earning a lot of respect and making rehabilitation efforts possible.

The existing legal framework ensures that data of all offenders is captured and safely kept for future reference by the Kenya Police Service for the purpose of tracking and management of crime and analysis of criminal trends which include fingerprinting. This therefore implies that offenders going through treatment and rehabilitation or those who have already gone through it cannot acquire a certificate of good conduct, a very vital document demanded by employers before offering a job to prospective job seekers. However, through our cooperation with the Police Service, those offenders being rehabilitated or those who have satisfactorily completed their sentences, are able to get this document if we so recommend. This gives the offender a chance to join the job market and earn an honest living, hence keeping away from behaviour which may lead him/her to recidivism.

**B. Preventing Recidivism through Housing Assistance.**

Shelter is a potent basic human need. Abraham Maslow in his theory of the hierarchy of human needs takes cognizance of this fact and places it first amongst food, water and air. It is therefore impossible to

<sup>3</sup>Probation service strategic plan 2008-2009.

<sup>4</sup>Directorate of personnel management - January 2006.

<sup>5</sup>Probation of offenders Act, Cap 64 (schedule R2).

attempt to rehabilitate offenders without first fulfilling this requirement. A significant number of offenders find themselves in a very tricky situation once released from penal institutions due to lack of a place they can call home. They either face rejection from their immediate families or they do not have anywhere they can call home if at the time of arrest they were living in the streets. Therefore, once released from prison they go back to the same streets that they knew as home. This calls for measures to offer them temporary shelter as a permanent solution is sought on their settlement and reintegration back into the society.

According to research carried out by the University of Cincinnati<sup>6</sup>, successful management of halfway houses or homes requires incorporation of the following: proper leadership and efficient implementation strategies, trained and adequate staff, appropriate and effective offender assessment and relevant components, and core correctional practices. All these will prepare the offender for smooth reintegration into society and greatly reduce his/her chances of recidivism.

The provision of halfway homes therefore comes in handy as a stop gap in the long reintegration process. This, however, is yet to fully take root in Kenya but despite this, a few NGOs have come up with facilities to help this category of offenders. There are several halfway homes in the country but key among those who cooperate with the Probation Department are Philemon Trust<sup>7</sup>, which has a fully furnished home to receive these offenders, and The Nest.

In addition to providing shelter to these offenders, Philemon Trust has partnered with the Probation Department to equip them with tools in line with training skills gained while in custody. This helps them establish businesses once they are allowed to join their families, making rehabilitation and treatment efforts succeed.

The Nest for example targets female offenders. They rescue children left behind by mothers sentenced to serve custodial sentences, and, once released, they take them in at their halfway house to reside with their children and provide shelter for a period of between three to six months. During this period, the mothers are given entrepreneurial skills as their families are prepared to receive them, and at the time of release, they are given capital to establish simple small businesses to help them earn viable and legal incomes<sup>8</sup>. As a department we step in as guarantors as the majority have no collateral to help them secure the offered seed capital; this is also a way of monitoring as we partner with the agency to rehabilitate and reintegrate them back into their societies.

Faith-based organizations also play an important role in providing temporary homes to offenders released from penal institutions, they take them in and besides accommodating them, they offer psycho-social support and even jobs in case such opportunities arise. Given the role these organizations play in the society in meeting members' spiritual needs, it becomes easy for them to facilitate seamless reintegration of these offenders into their communities. Some communities unconditionally accept the offenders once released from penal institutions; they even offer to assist in their rehabilitation, materially or sharing information with the supervising agency. This underlines the critical position the community holds in the entire offender rehabilitation and treatment process. Suffice it to say that this is an area which needs more focus as it can bridge the gap between the offenders and their communities in the reintegration process.

### **C. Effective Multi-Agency Cooperation.**

Offenders undergoing community-based rehabilitation and treatment normally face myriad challenges which mostly slow down or deter effective treatment processes. Though there are several agencies engaged in helping the offenders, their efforts duplicate each other, fall short of expectations, out compete each other or lack focus. There is hence need for all agencies in the criminal justice system to come together, collaborate and share resources in order to achieve the desired goal of fully rehabilitating and treating offenders within the community. There could be differences in the way all these agencies operate, but one common factor is helping the offender reform within the convenience of his community and, in the end, reducing recidivism and ensuring public safety. Some of the challenges faced at different levels are as follows:

<sup>6</sup> <[www.sciencedaily.com./release/2011/07/110711104759.htm](http://www.sciencedaily.com./release/2011/07/110711104759.htm)>. Science Daily, 11<sup>th</sup> July 2011.

<sup>7</sup> [philemon.kenya@gmail.com](mailto:philemon.kenya@gmail.com).

<sup>8</sup> <[104](http://www.nathanb.com>safaris>conservation</a>>.</p>
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- ✓ Lack of recognition at the ministerial level of the need to bring together all agencies dealing with offender treatment to operate under one roof.
- ✓ Lack of data on agencies giving aftercare to offenders who have gone through penal institutions such as halfway homes/houses.
- ✓ Failure to formulate policies to guide and regulate all agencies on areas of cooperation in treatment of offenders.
- ✓ Failure to allocate resources to oversee collaboration of all agencies handling the treatment and rehabilitation of offenders.
- ✓ Suspicion and mistrust among the agencies dealing with offender treatment.
- ✓ Inadequate skills on offender treatment by some of the agencies involved.
- ✓ Society's negative attitude towards its own members who have been caught up in the complex world of crime.

The situation however can improve immensely if the following steps are considered: first there is need to establish a government department to bring together all these agencies whose mandate is to help in treatment and rehabilitation of offenders in the community to allow networking and sharing of information. This will not only ensure that there is no duplication of services rendered but also will address the offenders' needs. A legal framework and policy to guide and bring together all these bodies needs to be put in place in order to streamline the operation of all these agencies. This will address the grey areas in their operations and bring parity in handling the affairs of the offenders in the face of the law.

In regard to halfway homes, the government must take up the responsibility of establishing the same and fully support those that exist to help smooth reintegration of released offenders back into the society instead of leaving their fate in the hands of other non-committal agencies. It should allocate adequate resources for the required infrastructure and lead the way in ensuring that the entire process of rehabilitation and treatment of offenders is properly handled as a way of improving the security of its citizens. Capacity-building also needs to be carried out within all agencies so that they may operate at the same knowledge levels.

Sensitization needs to be carried out for members of the society to make them understand their role and ensure that they participate in rehabilitation of their own as this will drastically reduce the level of stigma and at the same time increase the level of acceptance back into the society. Each agency also needs to have a data bank of all other partners and their mandate so that if there is need for referral, the same can be channeled to the right partner within the appropriate timeframe.

## II. CONCLUSION

A holistic approach needs to be adopted so that efforts by all agencies bear fruit and the same are transferred to the offenders whose lives will not only change, but society's view towards them will also positively change. The challenge therefore is to all agencies using various methods to rehabilitate and treat offenders to re-examine their mode of operation, renew their energies, come together and work as a team in order for their efforts to be felt in society.

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