

EFFECTIVE TREATMENT AND SOCIAL REINTEGRATION OF JUVENILES IN KENYA: PRACTICE AND LATEST DEVELOPMENTS

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I. INTRODUCTION

Intermediary life stages from childhood upbringing experiences and before maturity can present significant challenges both to the parents, actors and the children themselves. This may be characterized, for adolescents, with conflicts and for children in difficult circumstances, with desolation. Addressing deviance and delinquency occasioned by these experiences is one of the most pressing concerns for juvenile justice practitioners and governments world over.

The development of delinquent tendencies can be apportioned to the individual (capacities to cope) and his or her interaction with the environment. There are five developmental risk domains in juveniles, according to Howell (2009)¹, that characterise and influence delinquent behaviours. These include the individual, family, peer group, school and the community. When causes of juvenile delinquency are examined, it is these areas that come out most responsible, and therefore intervention should be focused on addressing them.

The delinquency and criminal activities of Kenyan youth are not dissimilar from the rest of the world, much as there are disproportionately high poverty levels which may be a predisposing factor to criminal behaviour. This is reflected in the data from the National Police Service in Kenya (2016) and from the Kenya Prison Service (2015), which provide an indication that crimes committed by youthful offenders are more related to survival. In attending to juvenile problems, agencies respond to the negative risk factors as well as develop responses that help in reducing chances of engaging in criminality. In this regard, both the state and non-state actors share responsibility in addressing these challenges.

This paper looks at how Kenya Probation Service endeavours to assist the court towards addressing juvenile delinquency and the specific role of probation officers both in court and in community supervision of offenders. It first attempts to understand the challenge of assessing child offenders considering their developmental domains and defining possible approaches in addressing the problem behaviour. It looks into the subject of social investigations, assessment, development of supervision and treatment plans. The paper also explores promising collaborative approaches by juvenile justice agencies and also the attempts at how the Probation Service is engaging the community in the supervision of juvenile offenders in the community through volunteerism.

II. PHILOSOPHY AND MODELS UNDERPINNING JUVENILE JUSTICE RESPONSES

Social science research tells us that, for the majority of youth who commit offences, the behaviour will desist in late adolescence or early adulthood, Farrington (2007) and Loeber, R., et al. (2002)². It is the contention of these eminent researchers that only about 8 to 10% of boys who are offenders as youth who continue to offend increasingly into adulthood. Thus, most youth who commit one or more delinquent acts do not continue offending into adulthood. This means that findings of high risk during adolescence are weak predictors of long-range offending, even if they are good indicators of offending during adolescence, (Ibid). Given this notion, actors need to apply plausible approaches that are likely to stem delinquency at the adolescence stage.

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¹Howell, C. James. Preventing and Reducing Juvenile Delinquency: A comprehensive Framework 2nd Edition. Sage.

²Farrington, D. P. (2007); Loeber, R., et al. (2002); Moffitt, T. E., & Caspi, A. (2001), Moffitt, T. E., et al. (1996); Roberts, B. et al. (2001) in Gina M. Vincent, et al (2012), Models for Change, System Reforms in Juvenile Justice.

The handling of children within the juvenile justice system characterises a perceived philosophical approach in a given society. In Kenya this view has been framed by different situations, instruments and the practices shaped overtime by colonial and successive governance regimes. The philosophies are conceptual ideals that best explain the juvenile offender and the manner in which the state may respond within a defined juvenile justice parameter. The conceptualisation rests upon society's view on childhood, adolescence, maturation and social development (Howell 2009). The understanding that children are developmentally different from adults helps in shaping the juvenile justice philosophy.

According to Howell (ibid), there are three broad philosophical principles which underpin the administration of juvenile justice. These are:

- Diminished capacity/responsibility,
- Proportionality and
- Opportunity for reformation.

Howell explains that the principle of Diminished Capacity is the extent to which a juvenile has the capacity to bear blameworthiness or culpability for the offence. It considers whether the child has the ability to make full judgement in a circumstance that an adult would make better reasoning. The second principle on Proportionality springs from the first in that the child, even though he or she may have the capacity to make judgement, cannot be required to take full accountability for the omission or commission and thus should not be subject to a punishment that would have been meted out to an adult in similar circumstances. In which case the punishment should not just be proportionate to the offence but also take cognisance of the developmental stages and level of maturity. The third philosophical principle on opportunity to reform relates with the notion that adolescence and youth in general are at transitory stages in life that require safeguards and room to navigate through into adulthood.

These three principles explain the diligence required while assessing juveniles at the judgement and disposal stage of the case and the understanding required of courts and probation officers. Thus responses need to take cognisance of these at decision making. The three different philosophies on juvenile justice shape the models of responses and interventions that may be espoused by different jurisdictions. The foregoing philosophical principles have further produced different models of juvenile justice including the medical model, the Rehabilitation and Welfare Model, Community Reintegration Model, Control and Prevention Model, the Just Desert Model and The Due Process Model.

III. PROBATION OFFICERS AND THE REHABILITATION OF JUVENILES

Probation officers as juvenile justice actors are perhaps the most central players in the rehabilitation of offenders in Kenya. This follows their role in helping in decision making as to which juvenile offender should be accorded what sentence and where it should be served and under what conditions. In other words, the probation officer plays the role of advising courts through the presentence reports or through regulator consultation on the best disposal method for a child in conflict with the law. Subsequent to this is the probation officer's role in assessing and providing the requisite supervision and intervention in the community if so granted. Although the officers do not directly work with all those sent to correctional institutions, save for probation hostels, they remain the connection between such institutions and the community and family to whom the juvenile offenders shall return. Again, it is the role of the probation officer to provide advice on the pre-release conditions that must be taken on board before an institutional release decision is made. In the context of rehabilitation, the role of a probation officer in the change process ideally starts at the point at which the decision is being made at the courts to release a juvenile to the community or not, or what other measures may be preferred. While undertaking these functions, the probation officers have to work with the community, and the Kenyan system has embraced this ideal. The foregoing is examined below in detail.

A. Assessment for Decision Making at the Court

The court will always determine the disposal method of the child after careful consideration based on seriousness of the offence, aggravating and mitigating factors mental status, maturity, risk level, criminogenic needs, and amenability to treatment. Whereas some of these variables would have been dealt with at the trial stage, others are more personal and community oriented and as such may be hard for the

court to reach without engaging a probation officer. As noted, the juvenile trial process is more adversarial, but it is at the case disposal stage that it changes to a semblance of inquisitorial with the court's invitation of a probation officer to provide a presentence reports. While referring the case to a probation officer, the court appreciates that each child is unique, that children come from diverse social backgrounds, have experienced different problems, possess different personality traits and learn to cope in varied ways, in which case individual needs, problems and concerns should be assessed in the most effective way.

1. Social Investigation and Assessment

Social inquiry or investigation is a process of generating data and information on an offender for the purpose of documenting and understanding the attendant causes of behaviour for purposes of making decisions (at court or for interventions). Presentence reports provide advisory information to the courts with a view to the court making a sentencing verdict including decision on alternatives to imprisonment. The investigations are conducted for the purposes of generating various assessment reports including presentence reports. Social investigations help in formulating a plausible theoretical explanation of the criminal behaviour of an offender, understanding the personality of the offender beyond the crime committed, developing a basis for intervention/rehabilitation and identifying resources required to effect change.

Specifically, the aim of social investigations in light of a presentence report is to:

- Appraise the background, personality and conduct of the youthful offenders in light of the offence committed and what they perceive of their ill action
- Identify the criminogenic factors at play (using the offender Risk and Needs Assessment)
- Evaluate the seriousness of the offence and the impact on victims
- Engage families and significant others in the community about the offender
- Identify and arrange for partnership with organisations which can aid the process of eventual rehabilitation
- Gain knowledge of the culture and resources available in the local communities
- Propose cogent measures necessary to address the identified 'needs' and forestall risk of reoffending including an appropriate sentence

As noted by Howell³, the family and the individual are essential domains that influence developmental risk factors. The role of the probation officer is therefore to gather as much verifiable information as possible that relate to the social and economic standing of the parents and how this may sway the conduct of the child; the training and discipline (or lack of it) the parents have given to the youthful offender and his siblings, an overview of the offender's developmental history noting any gaps and incidences that may help to understand the current behaviour, how he relates with other people and how they may influence his conduct, the interpersonal relationship with siblings and other peers, and the schooling and performance of the offender thereof.

The other area that is investigated is the living circumstances in which the offender has stayed and if there can make a correlation with the presented conduct behaviour. The place of residence in the offender's lifetime including any stint in criminal justice facility is a variable for investigation and if the youthful offender has been staying alone the probation officer investigates how the offender is meeting the living expenses while looking at clues that may connect the type of offence and the lifestyle he or she may be leading. Of importance is also who the offender has been living with and if there has been change of residence especially moving from living with one relative to the other frequently and why this is so. The location of where the youthful offender is staying is also examined to determine the environmental factors that may inform the errant behaviour.

As LeMarquand and Tremlay 2001⁴ note, low intelligence and poor academic achievement can be connected to juvenile delinquency which if not addressed early may see the youthful offenders graduating into adult criminality. Interest in and education achievements have a connection with criminal behaviour

³Ibid.

⁴David LeMarquand and Richard E. Tremlay, *Delinquency Prevention Programmes in Schools. Handbook of Assessment and Treatment* (Edited by Clive R.Hollin) 2001, John Wiley and Sons, England.

much as the positive side of this can be useful as a positive risk factor. It is thus important for the probation officer to confirm whether the juvenile is enrolled in school and his or her academic qualifications and, if in school, the report from the school including indication as to truancy and school misconduct.

How a youthful offender spends his or her leisure time and with whom is crucial. What hobbies and interests the juvenile offender has and how he or she generates money to sustain such hobbies. The reason why youthful offenders commit a specific crime is important. The circumstances in which the offences was committed, the number of previous findings of guilt, what were the mitigating or aggravating factors, the contribution of friends, relatives, are all significant in understanding the risk factors. The probation officer will always note the offender's attitude towards the offence and previous criminal activities including whether there is any genuine repentance, tendency to blame others or any revelation about his previous criminal activities.

The decision to release or commit juvenile offenders may also be influenced by victim's and community thoughts on the offender. The probation officer must assess what they professionally think of the action of the youthful offender, whether there is any room for reconciliation or need of compensation and, the extent to which the offence has impacted on the life of the victim(s). It is imperative that any protective measures that may be necessary are noted. It is important to note that the probation officers always have access to the juvenile's court file detailing the offence and the full recorded proceedings.

2. Adoption of the Presentence Report

The presentence report generated by the probation officers is a core instrument for juvenile justice in Kenya. In all cases where a child has been found guilty and intends to make a committal or supervision order, the court has to refer the matter for advice by the probation officer. The probation report illuminates the issues above and makes a cogent recommendation on the best way of disposing the case taking cognisance of the applicable legislation and the best interest of the child. The court often adopts the recommendation and in very rare circumstances will the court divert from the suggestions of the probation officer. The recommendations in the presentence report will always adopt one or a combination of the methods listed below where admissible.

B. Methods of Dealing with a Child Offender

There are both custodial and non-custodial options available for dealing with child offenders found guilty of offences. Aside from a child found guilty of a capital offence (who must be held in custody at the President's pleasure), any other alternative to imprisonment may be granted. The applicable legislation in this regard includes, the Criminal Procedure Code, the Probation of Offenders Act, the Borstal Institutions Act, the Prison Act (For Committal to Youth Corrective Training Centre) and the Children's Act Of 2001.

According to the Children Act, a child offender may be dealt with:

- by discharging the offender conditionally or absolutely
- by discharging the offender on his entering into a recognisance, with or without sureties
- by making a probation order against the offender under the provisions of the Probation of Offenders Act
- by committing the offender to the care of a fit person, whether a relative or not, or a charitable children's institution willing to undertake his care
- if the offender is above ten years and under fifteen years of age, by ordering him to be sent to a rehabilitation school suitable to his needs and attainments;
- by ordering the offender to pay a fine, compensation or costs, or any or all of them;
- in the case of a child who has attained the age of sixteen years dealing with him, in accordance with any Act which provides for the establishment and regulation of Borstal institutions;
- by placing the offender under the care of a qualified counsellor;
- by ordering him to be placed in an educational institution or a vocational training programme;
- by ordering him to be placed in a probation hostel under provisions of the Probation of Offenders Act;
- by making a Community Service Order

No child offender shall be subjected to corporal punishment.

C. Assessment for Supervision and Rehabilitation

There are many risk factors that can be attributed to juvenile delinquency but which vary from one child to the other and from one situation to another. Some of these factors are influenced by developmental turning points in the course of upbringing, family dysfunction, education and cognitive ability, poverty as a predisposing factor, absence of social support, violence in the community and personal circumstances including special needs. Even though these factors are usually factors of inquiry by the probation officers, their in-depth examination and evaluation is significant as they inform supervision and rehabilitation plans.

Assessment is conducted in order to identify the risk/need factors, make sentencing/supervision/treatment decisions or case management decisions and providing information for a continuum of services. The essence of assessment is to enable the probation officer as a case manager to identify and document offender needs, apparent risks and strengths. It enables the officer to identify or create resources to meet the needs and to forestall risk of re-offending.

Although Kenya Probation Service has not fully adapted to the application of structured/actuarial assessment instruments, the understanding of risk and needs assessment is well grounded. As such, the Service is at a trajectory point using both the qualitative strength and needs assessment informed by in-depth social inquiries and on (pilot) structured risk-need assessment tools for juvenile offenders. Even so, the qualitative SWOT analysis method used still delves into the criminogenic needs specifically the juvenile's anti-social patterns, social support for crime, criminal attitude, substance misuse, family dysfunction, education and pro-social activities. In addition, other areas, health (including mental health) and criminal history, are examined.

1. Supervision on Probation Orders

One of the alternatives to institutionalisation that courts often use on child offenders is probation orders. The United Nations as early as 1951 described probation as:

“The conditional suspension of punishment while the offender is placed under supervision and is given individual guidance or treatment”

Rule 10.1 of the United Nations Standard Minimum Rules for Non-custodial Measures⁵ (the Tokyo Rules) describe the purpose of supervision as being to reduce reoffending and to assist the offender's integration into society in a way which minimises the likelihood of a return to crime. Probation orders were established in Kenya in 1943 but became operational in 1946 and have been in use for the last 11 decades. The concept of probation can best be understood by the interplay between the offender, the probation officer and the courts. Hamai et al. (1995)⁴ conceives probation as a judicial function that entails supervision and therapy, and practiced in the community where the offender is helped to re-adjust and cease re-offending while at the same time be seen as a distinct discipline within the criminal justice system. The essence of the probation order is to accord an offender who is deemed not to be dangerous to the community, statutory supervision by a probation officer, in an effort to assist him to change his criminal behaviour while at the same time offering protection to the community.

Juvenile offenders cannot be convicted as per the Children Act and the Probation of Offenders Act. Supervision is between six months and three years as may be pronounced by the court upon the advice of the probation officer. Offenders are instructed to willingly commit themselves to set conditions; failure to comply may result in the order being revoked. The probation order may also entail an order to reside in a probation hostel for not more than one year. It is during this period that supervision and therapy are exercised to forestall reoffending and help the offender change his or her character.

Much of probation order supervision strives to improve on self-control, interpersonal skills, education (Shapard 1995)⁶. The officer ensures that the offender adheres to the court orders and helps the client in solving his or her problems in line with a supervision plan developed with the offender and significant others. Counselling therapy in groups and family conferencing is also used during probation order supervi-

⁵General Assembly resolution 45/110, annex.

⁴Hamai, K., Viler. Harris, R., Hough and Zvekic, U., (1995) (eds), Probation around the World: a Comprehensive Study, Routledge.

sion.

2. Supervision on Community Service Orders

Community service order is a sentence of the court handed down to offenders guilty of an offence punishable by imprisonment for a term not exceeding three years with or without the option of a fine. It is an order of the court requiring the offender to perform unpaid public work for the benefit of the community for a period specified in the order. The sentence seeks to give a chance to non-serious offenders to reform under some form of community supervision executed by probation officers and other auxiliary community supervisors and volunteer probation officers by way of repaying the community for the offence committed through performing unpaid public work within their localities. Community service orders were established in Kenya in 1998 through the community Service Orders.

A juvenile offender can only be placed on community service order for a period between one day and up to three years, and for a child he or she must be sixteen years or above. Placement must take consideration of the offender's age, health status and the overall well-being including schooling. According to the Act, an offender can only work on public projects. All necessary case work may be given to the offender as he continues to perform community service.

D. Assessment for the Development of Individual Supervision/Treatment Plans

The result of the social investigation and assessment is used in developing individual supervision and treatment plans. The SWOT analysis has been adopted as a resource method for developing supervision and treatment objectives given the risk factors already identified during the interviews with the child, significant others and through case conference.

Strengths, Weaknesses/Limitations, Opportunities, and Threats (SWOT) analysis is a case planning method used to assess the individual and family strengths and needs during supervision and rehabilitation. In our circumstances, it is used by the probation officers to assess the positive risk factors and the criminogenic needs of the child and also to identify the resources necessary to help the child with problem behaviour.

The specific setting of the objective for supervision and intervention is done after the SWOT analysis has been carried out.

- Strengths: These are personal characteristics of the child that give him or her advantage. Strengths are positive aspects that are inherent or have been achieved and can be used for behaviour change.
- Weaknesses: (or Limitations): are internal characteristics that place the child at a disadvantage relative to others or it is the inhibitions within the individual child that may militate against the child's good behaviour.
- Opportunities: These are chances/resources available to improve the behaviour of the child. These are external positive factors.
- Threats: These are external elements in the environment working against the child that could cause trouble for the child leading to re-offending. Examples of threat may be the criminogenic environment, negative peer influence.

⁶Shepard, J. Jr. (1995), State Pen or Playpen? Is prevention 'pork' or simply good sense? American Bar Association Journal of Criminal Justice 10: 34-37 in in Sims B, and Preston P, Handbook of Juvenile Justice, Theory and Practice, Taylor and Francis, London.

Table 1: SWOT Analysis and Risk Factors

STRENGTHS	Identify the child's strengths and positive attributes	Internal positive and personal attributes of the child Positive Risk Factor
WEAKNESSES	Identify the child's negative attributes	Internal personal attributes of the child Negative Risk Factors
OPPORTUNITIES	Identify positive opportunities within the family and community	External positive attributes from the environment including social capital Positive Risk Factors
THREATS	Identify negative threats that may work against the child change process	External negative attributes from the environment including peers Negative Risk Factors

Probation officers identify and use the strengths and the opportunities to manage or address the weaknesses and the threats. All the factors identified as strengths and opportunities are used or considered in addressing the dynamic factors identified as weakness and threats. The Probation officer is then expected to set and prioritize the risk and needs assessed (setting them as problem areas and turning them into objectives) starting with the ones which can be addressed easily and then moving to the ones which pose greater challenges. The problems identified must be those that have a bearing with the crime committed or those that have a higher chance of influencing positive change.

The result of the assessment done using the SWOT method or Risk/Need Assessment (RNA) tool is then tabulated clearly where most of the weaknesses, where changeable, are classified as objectives of treatment or supervision. Appropriate intervention is then apportioned and executed accordingly. This process can be repeated several times during the period of offender supervision in the community or in the institutions.

IV. SOCIAL REINTEGRATION OF CHILD OFFENDERS

Effective aftercare is an important component of institutionalisation for juvenile offenders (Howell, 2009)⁷. Social reintegration of those leaving correctional facilities begins with generation of a pre-release assessment report being written by a probation officer. This does not preclude the fact that there is continuous communication between the probation officers and the Borstal, rehabilitation schools or probation hostel personnel. For the Borstal, there is established a Board of Licence which exercises the function of determining premature release of youthful offenders. Although courts commit offenders to the facility for a mandatory period of three years, the Board has the power under the Act to release the offenders subject to certain conditions. The rehabilitation schools also require a pre-release report from probation officers as do the probation hostels.

A. Purpose of the Pre-Release Reports

The purpose of the pre-release reports is to help competent authorities make more informed decisions in post-sentence dispositions. The report helps in identifying for intervention and for protection purposes both positive and negative risk factors necessary for re-entry and also for the prevention of relapse. For offenders due for pre-release disposition, the reports help in identifying key reintegration issues which are the embodiments of the risk factors. There are many of reasons why a report may be necessary, considering the type of the report and the offender in question. Nevertheless, the following are some of the general objectives of a pre-release report which must be taken cognisance of when the same is being prepared.

- To provide the competent authority or releasing organ with information regarding the home condition of the inmate
- To provide information to the competent authority about the inmate's acceptance by his family or community.

⁷Ibid.

- To provide information on the resources available for continued post-release rehabilitation depending on the needs of the offender
- To indicate potential risks, if any, and likelihood of the offender reverting to criminality
- To indicate availability of accommodation upon release
- To indicate availability of a person(s)—guardian, parent or care-giver—who is ready to take immediate charge and in accordance with release conditions if any
- To verify information on the offender, family and other circumstances already available to the holding authority
- To indicate any fears by the victim(s) about the offenders potential return
- To verify if there is objection by other authorities, e.g., the police about the offender's release on license.
- To find out if the offender had faulted/breached previous licenses
- To indicate to the holding authority of the supervision arrangements necessary for observation of the release license and thus forestall re-offending
- To prepare concerned parties of the potential return of the ex-offender
- To generate a possible reintegration case plan to be implemented upon release
- To provide a plausible suggestion or recommendation and if the offender may be subject to release, to propose any condition(s) that may be attached to the release if applicable

B. Contents of the Pre-Release Reports

There are many issues that the report can contain subject to the information collected during the interviews and inquires and the audience of the report. Generally they may be summarised as risk protective factors (1) Common offenders reintegration 'needs' (2) acceptance by the family or community (3) accommodation and housing (4) substance and alcohol misuse (5) healthcare including mental health and (6) employment (7) presence of alluring negative peers including previous acquaintances and those picked during confinement, (8) training acquired and how this may be used as an asset in reintegration, conclusion and recommendation. The recommendation should be tailor made to the specific authority or organ requesting the report

During the social reintegration of the youthful offender, the probation officers have to work with the family, community, government agencies, e.g., schools and colleges, county governments, volunteer probation officers and other non-governmental organisations interested in the empowerment of offenders.

C. Aftercare

The provision of aftercare for released youthful offenders takes more or less the same case management style like that of offenders under probation supervision. This entails assessment, social case work, empowerment, training, work placement, and educational programmes. Individual counselling is one of the most common treatment methods employed by probation officers. As noted by (Siegel 2002)⁸, the purpose is not to try to change the child's personality but rather to help him or her deal with adjustment problems as changing personality is a process. Any relapse may call for breach of release licence and having the offender returned to the correctional facility for the remainder of the residue or as may be determined by the Board of Licence. Probation officers seek the empowerment of the ex-inmates especially those coming from Borstal Institutions who have acquired technical skills. Community resources including use of non-governmental organisations and Probation Volunteers is significant.

V. COMMUNITY INVOLVEMENT WITH JUVENILE OFFENDERS THROUGH VOLUNTEER PROBATION OFFICERS PROGRAMME

The Children's Act provides avenues in which charitable non-governmental organisations can participate in the administration of juvenile justice by establishing institutions for rehabilitation and welfare support. But it is the direct involvement of the community through individual participation that is a relatively new concept in Kenya.

The Volunteer Probation Officers programme was started in 2005 as an initiative of the department in

⁸Siegel, L, (2002) *Juvenile Delinquency: The Core*, in Sims B, and Preston P, *Handbook of Juvenile Justice, Theory and Practice*, Tailor and Francis, London.

order to address shortcomings identified in the general offender supervision. In line with in the United Nations Standard Minimum Rules for Non-Custodial Measures, (Tokyo Rules) and within the scope of the departmental legal mandate, the VPO programme was commenced with the objective of providing auxiliary support to mainstream probation officers but specifically:

- To expand the departmental reach in the community in criminal justice dispensation
- To intensify offender supervision and
- To increase the capacity and speed within which probation officers can be able to provide court services.
- To increase effectiveness in service delivery

A. VPO Management and Selection Criteria

The head of the probation station is the programme coordinator at the station level while the county probation directors provide regional coordination and management. The policy direction and national coordination is provided from the Probation Service headquarters. Although there is still no written policy on the operations of the programme, the limited legal mandates as per the Probation of Offenders Act and Community Service Orders Act provide the instruments of engagement and work.

The programme survival depends on the calibre of persons selected who ideally should come from retired probation officers/civil servants, church leaders, social workers, and community leaders. In addition consideration is given to remote areas that provide a challenge to the probation officers in terms of reach or effectiveness. The DPOs are expected to liaise with stakeholders and identify suitable VPOs based on the following criteria.

- Must be over 30 years of age
- Have reasonable level of education
- Must be a respectable member of the community
- Must be willing to create time for volunteer work
- Must be willing to provide free service
- Must be a role model, of good virtues and with integrity

B. The Duties of the VPO

The duties of the VPO include:

1. Assisting line probation officers in the generation of information for social inquiry reports
2. Provide auxiliary support in the supervision of offenders in the community
3. Engaging the community to accept and provide for the offenders as a measure of resettlement/re-integration of offenders back into their communities
4. Linking up the probation officer with the community
5. Creating public awareness on issues related to delinquency
6. Serving as agents of delinquency prevention within their communities

The programme is entirely voluntary, operating on individual free will and thus does not provide an opportunity for employment. The selection is devoid of job seekers. The VPOs are trained on elementary probation work at the initial point before being advised to formally apply for engagement upon which they are provided with letter of appointment to serve for a renewable period of three years. There are over 300 VPOs enlisted but only about two-thirds are actively engaged. This is because of challenges related to funding to facilitate training and transport reimbursements.

VI. CONCLUSION

The role of the probation officer in the supervision and rehabilitation of juvenile offenders cannot be underestimated. The salient variables underpinning the maturation of a juvenile are not factors which the court may be able to discern on its own. Thus, a comprehensive inquiry and assessment will always bring out these criminogenic needs which must be targeted for intervention. Rehabilitation of offenders in the community, whether for those on probation orders or any other community supervision order can only be effective if skilled personnel who follow professional standard procedures are the ones to work with the

offenders. This must, however, be preceded by effective inquiry and assessment of salient variables that may militate against the juvenile under supervision.

Although Kenya, like most democratic societies, has maintained institutionalisation alongside community correction of juvenile offenders, the role of the community and agencies working therein is crucial. It is only a multidimensional approach and engagement of stakeholders that will ensure effective social reintegration of offenders.