

HAND OUT ON

COMMUNITY SERVICE PROGRAMME

IN UGANDA

PRESENTED TO CFPO TRAINEES AT
KIBULI POLICE TRAINING SCHOOL

BY: A.S. TAMBWE SSP
DEPARTMENT OF COMMUNITY AFFAIRS
POLICE HEADQUARTERS, KAMPALA

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COMMUNITY SERVICE PROGRAMME IN UGANDA

INTRODUCTION

The National Community Service Programme in Uganda was started as a result of the Pan African Conference on prison conditions held in Kampala in 1996.

The interim committee on Community Service, comprising of agencies in the criminal justice system and civil society was formed in 1997 to lay the ground foundation for the introduction of community service orders. The activities of this committee later resulted into the Community Service, Act 2000 and statutory instrument No. 55 of 2001 as Regulation to the Act.

What is community service?

Community Service is an alternative penalty to imprisonment. It is defined as an order passed by a court of law in the case of a minor offence, in order to let the offender perform unpaid work of public benefit while continuing to reside in his or her home and in order that the offender is rehabilitated and constructively reintegrated into society.

An offender can be considered for community service if the court would otherwise have passed a sentence of imprisonment not exceeding two years.

The order can only be passed if the offender consents to it. Community work will then be carried out under the supervision of an officer appointed by the sentencing court to ensure that the offender complies with the order's requirements.

Community service is a sentence that requires an offender to undertake unpaid public work within his/her community up to a maximum of 960 hours which has to be completed within a 6 month period.

What does the court base itself?

1. An offender having been convicted or pleaded guilty to an offence for which the court may pass a sentence of not more than 2 years imprisonment. Therefore it is only suitable for minor offenders.
2. An offender should express remorse and guilt for the crime and he/she must give consent to a community service order being made.
3. Views of the local community and the victim must be considered.
4. An offender should have a fixed place of abode where he/she resides for more than 3 months.
5. Only first and second offenders (depending on circumstances) will be given community service orders.
6. The offender must be over the age of 18 years and be able to complete the order within 6 months. The maximum hours an offender can work each day is 8 hours, maximum of 5 days a week and it should not exceed 40 hours per week.
7. Placement institutions and supervisions must be willing to accept the offender.
8. Absence of the possibility of mob justice to the offender.

Advantages of community service

1. It reduces in the overcrowding of prisons where conditions are very poor which increases the risk of illness, death, contamination of minor offenders with the hard core ones.
2. Enables minor offenders to remain within the family.

3. It lessens the burden on the tax payers.
4. Minor offenders are able to retain their jobs, dignity and respect within the community.
5. Savings made from the prison department can benefit the tax payers, Government and local communities.
6. It assists the offenders to gain new/more skills and seeks counseling in any personal problems. This allows the offender to be rehabilitated to avoid re-offending in the future.
7. The community sees the offender undertaking unpaid work for the benefit of placement institution and the community.
8. It promotes human rights of offenders and allows minor offenders to obtain guidance and counseling in order to re-educate and re-socialize them within society.
9. The community becomes actively involved in the monitoring of the offender.
10. It saves babies and children from having to stay in prisons within their mothers who are serving a prison sentence.
11. It increases the public's confidence in the police force to investigate minor offences and take into account the views of the local communities and the victims.

Who are the stakeholders in the community service programme?

1. The offender
2. The police
3. The victims
4. Prosecutors
5. Probation and welfare officers
6. Community Development Officers
7. Magistrates

8. Court clerks
9. Supervisors/placement institutions
10. Prison Department
11. Parish Chiefs, LC1s and Local Community
12. District Community Service Committee
13. National Community Service Committee
14. National Secretariat's office
15. Non Government Organizations

The role of police in implementation of the community service programme

1. Investigate a crime and assess the suitability for community service.
 - The police have a duty to investigate a crime and make an objective assessment on whether there is evidence.

Where an offender has committed a minor offence, the police will find out the following details:

- (a) Views of the victims and local leaders towards the crime and the offender.
They will also establish whether the victims will consider compensation, reconciliation and restitution.
- (b) Whether the offender has committed a similar offence in the past.
- (c) If the victims and the offender can settle the dispute with minimal delays.
- (d) If the victims and local leaders would object to the offender working in the local area as a means of punishment.
- (e) Any evidence of mob justice being committed if the offender is released back into the community.
- (f) If the committed offence is regarded as a minor offence in the local area/district.

- (g) If a suitable placement institution can be found near the offender's home and whether work and supervision can be identified.

The police will then make a report (witness statement and offender's statement) and make recommendation in accordance with the police regulations regarding bail, bond etc.

2. Preparing and presenting pre-sentence reports.

- The police is expected to make a pre-sentence report in cases of all minor offenders.
- The Police Form PF 103 (pre-sentence report) is a written document that provides details of the offender's offences. The information on this form will have been obtained during the initial investigation. In order to complete PF 103 other people like probation and Welfare officers, and Community Development officers, Parish chiefs, placement institutions will have to be interviewed.
- The IO makes a professional judgment on whether the offender can be recommended for Community service. Court can also make a direct placement order after it is satisfied that all information on the offender is available.

3. Recommendation for police bond and court bail

- In minor offences this can be given to allow time for proper reconciliation and investigation to be completed. During this time consideration for community service can be made and PF 103 completed.

4. Identification of placement Institution:

- These should be non-profit making organizations e.g. schools, NGOs, Health centre.
- They should be located nearer to the offender's home and they must agree to accept offenders and nominate a supervisor.

5. Supervision of an offender at a police stations/post

- Where police officers have been identified as supervisors, they should keep a close check on what and how the offender is working.
- Close supervision ensures total compliance by the offender.

6. Identification of work for an offender:

- In identifying the work, a supervisor should consider the offender's age, health, family responsibilities, skills, physical strength, education etc. and match this with the assigned task. At the same time an offender's religious belief should also be respected.

7. Monitoring and evaluation

Police officers can also be instructed to monitor the offenders within the local community and to liaise with the probation and welfare officers in the event of the placement institution or offender experiencing any difficulties.

8. guidance and counseling for an offender:

Police officers should try and explain to the offender about community service and establish his/her views on whether they would be able to complete such a sentence. It is important that offenders are guided and counseled before they attend court and during post sentence.

**It is unethical and unlawful for a supervisor to develop an intimate relationship with an offender.

9. Ensure compliance with the community service order

- when an offender is given a community service order there are certain terms that are given to him/her which should be adhered to and any violations constitutes a breach and the offender could be punished.

10. Review and variation of community service orders:

- Under what circumstances can the offender or supervisors status change?

(a) Where the health (physical or mental) of an offender has deteriorated making it impossible for the offender to complete the community service work.

(b) When there are personal differences between the offender and the supervisor to a level where they cannot work together.

(c) When an offender has changed his/her address.

In the above situation an application to the court can be made for the variation of a community service order.

11. Liaison with other stakeholders:

Networking with all the stakeholders in the programme makes its implementation easier.

12. Sensitizing of the local community on community service:

- This is important in the sense that it enables the offenders, their families, victims and the local community understands the importance of community service and its benefits.

13. maintain confidentiality of information relating to the offender:

- The right to confidentiality ensures that offenders continue to trust and talk to a police officer freely and openly without fear that any information shared will be discussed with others.

14. Discriminatory practices

The Community Service Programme emphasizes a fair and equal treatment of all offenders.

POLICE FORM NO. 103

Community Service Programme Pre-Sentence Report (PSR)

- 1. POLICE CASE REF NO.....2. COURT CASE NO.....
- 3. NAME OF OFFENDER.....4. AGE.....5. SEX.....
- 6. RELIGION.....7. LOCALITY: ZONE/LC1.....
VILLAGE.....PARISH.....SUB COUNTY.....
- 8. OCCUPATION.....
- 9. BRIEF FACTS OF OFFENCE.....
- 10. PREVIOUS CONVICTIONS:
- 11. BACKGROUND OF OFFENDER:
- 12. DOES THE OFFENDER HAVE A SETTLED PLACE OF ABODE?
- 13. IS THE VICTIM LIKELY TO CONSENT TO A COMMUNITY SERVICE SENTENCE?
- 14. DOES THE COMMUNITY SUPPORT CS IN THIS PARTICULAR CASE?
- 15. DOES THE OFFENDER UNDERSTAND AND IS HE/SHE WILLING TO DO CS?
- 16. DO YOU RECOMMEND COMMUNITY SERVICE?
- 17. GIVE BRIEF REASONS FOR 16 (ABOVE)
- 18. PLEASE SUGGEST AN APPROPRIATE PLACEMENT INSTITUTION.
- 19. DATE OF ARREST.....20. DATED RELEASED ON BOND
- SIGNATURE OF OFFICER COMPLETING FORM.....
- DATE.....
- SIGNATURE OF OC CID FORWARDING FORM.....
- DATE.....
- COURT DECISION AND, DATE..... (FOR COMPLETION AFTER COURT)

