

Transitional Services Available to Rehabilitees Exiting Juvenile Rehabilitation Institutions in Kenya

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Abstract: *Current research and practical experience have yielded evidence regarding best practices in transitional services. Transition, from a correctional education perspective, is a process that promotes the successful passage of a juvenile offender from the community to a correctional facility and back again. As the trend toward confining greater numbers of juveniles in corrections facilities continues, increasing attention is being paid to transitional services and to what happens when the juveniles are released back into the community. Literature in Kenya show that transitional services were non-existence and that a government task force dubbed the Kochung report had more than a decade ago recommended strengthening of the exit strategies and transitional services for children exiting juvenile rehabilitation programs. This study sought to establish the current transitional services available to juvenile offenders in Kenya. Phenomenology research design was used where focus group discussions and interviews were used to collect data. Forty-six respondents participated in the study; they included forty children in their last year of rehabilitation, three children's officers, and three managers. Research in Kenya indicates weak transitional services and lack of follow-up services. The current study established that children undergoing rehabilitation had good future aspirations. However, the current exit strategies could not facilitate their aspirations. The study recommended strengthening of exit strategies through facilitation of proactive life trajectories of exitees. The study also recommended a tracer study to determine rates of success versus recidivism.*

Keywords: Transitional Services, Exitee, Juvenile Rehabilitation

1. Introduction

Historically, few transition programs have proven successful for adjudicated youth. However, current research and practical experience (Focal Point, 2001)[1] have yielded evidence regarding best practices in this area, and have highlighted the need for a comprehensive approach, to transition services for youth within the juvenile justice system. Transition, from a correctional education perspective, is a process that promotes the successful passage of a juvenile offender from the community to a correctional facility and back again (Focal Point, 2001)[2].

As the trend toward confining greater numbers of juveniles in corrections facilities continues (Watt, 2006), increasing attention is being paid to transitional services and to what happens when the juvenile are released back into the community. As a result, countries have sought new ways to reintegrate rehabilitation graduates into their communities while also ensuring public safety. Consequently, policymakers and professionals have begun experimenting with transition, after-care and other reintegration models (Altschuler & Armstrong, 1999)[3].

Rutherford, Griller-Clark, & Anderson, (2001)[4]; Watt, (2006)[5] argue that although there is a consensus in literature that education programs containing effective transition components aid in the post-release success of both juvenile and adult offenders, it is a challenge to provide these services within a correctional setting. They continue to say that providing transition services to youth with disabilities in the juvenile justice system is even more difficult. For

example, although law in the United States of America mandates the delivery of appropriate transition services to children with special needs, the role of special education programming in corrections has only recently been recognized.

Altschuler, & Armstrong, (1999)[6], present similar sentiments, they say that transition usually is the most ignored component of correctional education programs. Transition experiences and outcomes of juveniles with disabilities are often disheartening. Many juveniles released from correctional settings do not receive adequate vocational and educational training and other supports necessary to succeed in the community. The preparation for transit from rehabilitation institution back to the community involves preparing a released child with skills for proactive community life. These skills enable the child fit in any environment they find themselves in post-institutional lives.

Altschuler, & Armstrong, (1999)[7] suggests that committed children/youth should be afforded the opportunity to develop advanced academic and vocational skills needed to be competitive in today's labour market, and that education should be regarded as the most important component of the rehabilitation process. This argument suggests that the exited children will seek employment; this is not always the case, especially where a child is committed at a tender age and leaves the rehabilitation institution during early and mid teenage years. Bullis, & Cheney, (1999)[8] and Stephens, & Arnette, (2000)[9] suggests that the components of effective transition include:

a. Inter-agency collaboration

They say that effective transition practices are those that are shared by correctional education staff as well as by personnel from the public schools and other community-based programs such as mental health and social services that send and receive students. The quality of educational and vocational services for students is contingent upon successful interagency collaboration.

b. Team-based planning

The second component of effective transition services is team-based planning. Under this component the transitional services need to be developed and implemented by the ITP or transition team in cooperation with correctional counsellors and other staff. This team generally includes the youth, special educators, general educators, other school personnel, family members, and community agency personnel. This team engages in a systematic process of decision making that includes determining eligibility for special education services, planning for appropriate placement, developing ITPs that include transitional services and goals, and providing appropriate educational, vocational, and related services to juveniles with disabilities.

c. Tracking and monitoring

Tracking and monitoring is the third suggested component of effective transition. They argue that systematic and continual monitoring of youth through the juvenile justice system facilitates achieving transition goals and outcomes and allows for periodic evaluations of transition processes.

The question that begs answers is whether exit strategies and transitional services within juvenile rehabilitation institutions in Kenya contain these elements. This paper addressed these questions.

Altschuler, & Armstrong, (1999)[10]; Bullis, & Cheney, (1999)[11]; and Stephens, & Arnette, (2000)[12] comments that although providing comprehensive transition services to youth in the juvenile justice system is a challenge, promising practices have been identified. These practices are in line with the components forwarded by Bullis, & Cheney, (1999)[13] and Stephens, & Arnette, (2000)[14] in the preceding page. The practices include;

a. Linkages with Community, Business, and Professional Organizations

Cooperative contractual agreements among local agencies that provide transition services to juveniles are established to maintain a seamless continuum of care. Such linkages result in increased post release options for youth leaving corrections. A consistent transition planning process, curricula to support transition planning, databases to track and monitor student progress, and a planned sequence of services after release are the key ingredients of successful transition.

b. Wraparound Services to Deliver Comprehensive and Coordinated Services

Historically, transition services for juvenile offenders have been fragmented, inefficient, and disconnected. A coordinated system of care needs to be developed. Wraparound services must focus on the strengths of the individual and his or her family. These services must be individualized and encompass all aspects of the youth's life.

c. Pre-Release Training in Social Skills, Independent Living Skills, and Pre-Employment Training

Altschuler, & Armstrong, (1999)[15]; Bullis, & Cheney, (1999)[16]; and Stephens, & Arnette, (2000)[17] argue that there is evidence that juveniles who receive training in social skills, career exploration, and vocational education are more likely to succeed after release from juvenile correctional facilities. Are the transitional services in rehabilitation programmes in Kenya aligned to these practices?

2. Kenyan Context of Transitional Services

In Kenya, Section 54(2) of the Children Act (2010)[18] states that, "a child committed to a rehabilitation school shall, after the expiration of the prescribed period of his stay, be under the supervision of such person as the Director shall appoint, for a period of two years, or until he attains the age of twenty one years, whichever shall be the shorter period". This statement implies aftercare services are provided to rehabilitation exitees.

Research done in Kenya by Munyao (2006)[19], suggests that a child exiting a rehabilitation institution in Kenya should be reintegrated with their families or within the community for continued supervision. He says follow-up is essential to increasing the chances of successful rehabilitation outcomes. Several players including government and non-governmental organization agencies can do follow-up. Selected community-based individuals may also be involved. Munyao[20] highlighted various weaknesses in the exit strategies in Kenya. He noted that the grade tests three offered to children at rehabilitation school cannot compete favourably in the labour market, this leave the exited juveniles offenders jobless and frustrated. Secondly, he found that the reintegration process is slow and lacks adequate preparations on part of the rehabilitation institutions and field officers. Thirdly, a child's involvement in decision-making about exiting rehabilitation school is minimal and after repatriation the institutions has very limited follow-up.

This study was interested in establishing whether these weaknesses have been addressed close to a decade after Munyao's findings. This was done through establishment of the current exit strategies with an aim of enhancing improved policy, communication, and networking with grassroots organizations to improve exit strategies and follow-up services. In addition, in view of Munyao's findings, the study sought to establish whether the current exit strategies have the potential to deter recidivism in post-institution lives.

Other literature shows that exit strategies for rehabilitees leaving the programmes in Kenya are sketchy (Wakanyua 1995[21]; Okumba, Mwangi, & Ndungu, 2005[22]; Mugo, Kangethe, & Musembi, 2006[23]). Furthermore, these scholars agree that there are no aftercare-services for graduates of juvenile rehabilitation in Kenya. These researches were however done more than a decade ago. Around the same time, a government task force dubbed the Kochung Report (2003)[24] recommended strengthening of the exit strategies. The question remains, were the recommendations implemented? What transitional services are currently available to children exiting the juvenile rehabilitation in Kenya? These were pertinent issues addressed in this paper.

3. Methodology

The study employed Phenomenology research design because it allows studying a small number of subjects through extensive engagement to develop patterns/relationships of meaning of lived experiences (Creswell, 2009)[25]. Through this research design, children's lived experiences were examined in terms of preparation for exit (exit strategies) and children's expectations from from rehabilitation institutions during exit. Three rehabilitation institutions based in Nyeri, Kiambu, and Nairobi Counties were involved in research. They included one girls' and two boys' institutions. The research sample comprised 40 children in their last year of rehabilitation, three children's officers (CO), and three institution managers.

Focus group discussions and interviews were administered to the children and managers respectively. Focus group discussions of involving 5-7 children were used to gather collective views from children on their reconstructions of daily rehabilitation experiences in preparation for exist and their post institutional life expectations. Interview guide sought information from managers on transitional services available to exitees.

4. Research Findings

The following were the research findings based on information gathered to find out children's expectations of rehabilitation experience and whether rehabilitation exitees are well prepared for proactive living and to discover whether current exit strategies could deter an exitee from recidivism.

4.1. Children's Responses on Post-Institutional Life Projections

Respondents were asked questions on exit strategies and preparation for post-institutional life. In particular, children were asked what they planned to do after exiting rehabilitation school in a bid to establish the rehabilitation expectations of the committed children. The analyses yielded three themes namely, pursue higher education, seek employment, and start a business. The results imply that these children looked forward to a bright future after rehabilitation. Their responses were analyzed and presented as follows.

a. Pursue Higher Education

A large number 33(82.5%) of children mentioned that they wished to pursue higher education after exiting the rehabilitation institutions. This implies that many children committed to rehabilitation institutions are interested in academic education. This is very conflicting with the scenario at rehabilitation institutions in terms of learning hours (academic education is offered on a half-day basis, as opposed to full day at regular schools) and the importance attached to academic education. For example, one girl said that,

"If I fail Kenya Certificate of Primary Education (KCPE) I will repeat until I pursue higher education.... I will go to secondary school, then to college," asserted 'Joan'.

For children like 'Joan', the stay at rehabilitation institutions can be very frustrating, especially while considering that rehabilitation institutions only offer education up to standard 8 and any child who does not perform well at KCPE is not exited but rather is made to progress to vocational courses. One wonders, how the children can excel in KCPE when they learn half the time that their peers in regular schools learn. Other children planned to look for employment after exiting rehabilitation institutions.

b. Seek Employment

Some of the children at the rehabilitation institutions had taken vocational courses, which they had completed and acquired certificates. Such children reported that they planned to utilize the certificate and acquired skills to look for employment. For instance, 'Joseph' said on 28th February 2012 that he had acquired a certificate in masonry, which he would use to find a job at construction sites. Such children appreciate the courses offered at rehabilitation institutions. Some were ready to start it off on their own in post-institutional lives. It is however worth noting that some children leave the institutions when they are still too young secure employment. A third category of children felt they would want to start a business of their own after rehabilitation.

c. Start a Business

Other children were very ambitious and reported that they wished to start their own businesses after exiting rehabilitation institutions. An example is 'Sylvia' reported that she would get employment as a tailor for some time, but her ultimate goal was to start a tailoring college to help the less fortunate girls acquire courses.

4.2. Preparation of Children Exiting Rehabilitation institutions

The rehabilitation COs and managers described how a child is prepared to exit from rehabilitation institutions. This aimed at finding out whether the preparation given enabled the child to settle back into the community and pursue a proactive life. This is in line with the Havana Rules Section N (UN, 1990)[26], which outlines in details how the rehabilitee should return to the community. The rules

recommends that assistance be given to the exitee in form of suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration, and until they re-establish themselves in the community.

The data collected from the COs and managers was analyzed thematically and yielded rich information that generated the process of exiting a child, and the seven steps of exiting a child from a rehabilitation institution. The following are the findings presented in order of occurrence of steps.

Step 1: A child is informed on Expiry of Committal Order

The research established that a child exits from a rehabilitation institution under three conditions. These conditions include when:

- A committal order is expired,
- Rehabilitation officers agree that a particular child's rehabilitation objectives have been achieved,
- A child completes class 8, passes the KCPE examination, and joins a secondary school.

Regardless of the condition occasioning the exit from rehabilitation institution, a child is prepared for life outside the school. The name for this preparation is exit strategy. Customarily, according to one manager, exit strategies begin immediately after admission to the rehabilitation institution. The committal period and the date of expiry of the committal order, is disclosed to the child during admission. They are therefore always aware of their time to exit from the rehabilitation institution.

Step 2: A Child as Provided with Vocational Course(s)

According to one CO, as part of exit strategy, soon after admission to a rehabilitation institution, every child is encouraged to take at least one vocational course and sit for government trade test for which a child acquires a certificate. This equips the child with skills for employment or self-employment in post-institutional lives.

Step 3: Keeping in Touch with Family during Rehabilitation

The child is also encouraged to keep in touch with their home continually where possible through calling or writing to people at home. This ensures maintenance of that a positive relationship between the child and the family during committal period.

Step 4: Environmental Adjustment Report

The actual exit and preparation for reintegration into the society begins when the rehabilitation institution sends a child's Environmental Adjustment Report (GoK, 2008)[27] to the committing officer. The committing officer or an authorized agent traces the home of the child and assesses the suitability of the home for reintegration of the child. A Welfare Officer visits the child's home from the school, 3-4 months ahead of exiting a child. This home visit prepares the

family for the child's return. It also ensures favourability/habitability of the home environment for the child. A child's behaviour change is communication to the family (based on review of the social progress report in the individualized treatment plan). This home environment preparation involves the people (family members/guardian/adopting parents) who are likely to stay with the exited child. Finally, family group decision is made on the future of the child.

Step 5: The Child Counseled for Exit and Reintegration

At the same time, the child is prepared for exit and reintegration through counselling. This is meant to prepare the child for post-institutional life and pro-active community life. Upon completion of the counselling sessions, the child is given a two weeks leave of absence to visit home and test/experience life at home/society and bring back report to the rehabilitation institutions on the conduciveness of the home.

Step 6: Seeking Authority to Release the Child

When a home is found to be conducive and the child is ready to exit, the rehabilitation institution seeks the authority of the committing court of law in writing through the director of children to release the child. At this point the court of law can either consent to the release or transact another order based on the report from the CO/district children's officer.

Step 7: Release and Reintegration of the Child

When a committing court consents to the child's release, the parent picks the child. Alternatively, a CO or a welfare staff member takes the child home. This marks the end of the work of the rehabilitation institutions. The institutions are not mandated to follow-up their graduates after release. This implies lack of follow-up as a part of the rehabilitation process. The rehabilitation institutions handover the duty of following-up exitees to the field officer (district children's officer); who is supposed to pick it up from there and supervise the exitee for a period of at least two years. However, one CO and two managers reported that the post-institutional supervision is almost non-existence due to inadequate work force and resources.

5. Conclusion

Based on the children's responses the researcher concluded that the children undergoing rehabilitation desire a better future and have plans for bettering their lives. It can also be concluded that the rehabilitation programmes may present impediments to the children whose projections are to pursue higher education in view of the fact that a child in secondary school who is committed to rehabilitation institutions is forced to go back to primary school for three years or to forego secondary education and pursue vocational courses. Furthermore, this creates a special needs case within the rehabilitation institutions classrooms where a child is bored with what subject content, because it is below their capabilities. Such scenario may cause frustration and behaviour disorders at school.

The rehabilitation institutions have a labelling aspect, such that few Kenyans privy to the child's background will offer them employment. For instance, most people will shy away from children who have just been 'released' from rehabilitation after committal due to prostitution, possessing an illegal fire arm or raping another child. This implies that most children will find themselves jobless unless the rehabilitation institutions is involved in attaching them to an employer, employment bureau, and offer to supervise them for the two years as required by the Children Act (GoK, 2001)[28] section 54, part 2. It states that a child committed to rehabilitation shall, at the expiration of prescribed stay be under supervision for two years or until they attain 21 years of age whichever shall be shorter.

Otherwise, children may become despondent and become recidivists in post-institutional phase of rehabilitation. This implies a serious need for post-institutional follow-up and job attachment where possible to ensure the children lead proactive post-institutional lives. Okumba, Mwangi, & Ndungu, (2005)[29] and Munyao, (2006)[30] supports these findings; he highlighted various weaknesses in the exit strategies. For instance, he observed that the grade tests three offered to children at rehabilitation institutions cannot allow them to compete favourably in the labour market. Thus, the exited child is often jobless and frustrated. In view of this background, the researcher sought to establish how the children are prepared to exit from the rehabilitation institutions and to find out whether the preparations cater for the concerns derived in this discussion.

Based on the research findings, it emerged that:

1. A child can exit from a rehabilitation school under three conditions which include;
 - When a committal order expires,
 - When the teachers and welfare officers agree that a particular child's rehabilitation objectives have been achieved,
 - When a child completes standard 8, passes the KCPE well and is to join a secondary school.
 - This is violation of section 53 of the Children Act (2001)[31] which implies that a child committing order shall remain in force unless the court orders otherwise.
2. The third scenario is not provided for in the Children Act (2001)[32]. It implies that rehabilitation school do exit children whose behaviour modification objectives are yet to be achieved, just because the child has completed primary education. The exit strategies in this case may be responsible for unsuccessful rehabilitation outcomes.
3. The children negotiating life at rehabilitation school had grand life projections for their post-institutional lives, including, pursuing higher education, looking for employment and starting a business, as show earlier.
4. The exit strategies involve counselling the child and informing the child's family of the child's behaviour change, equipping the child with a vocational skill, and taking the child back to their home at the expiry of the committal order.
5. The exited child is supposed to be under the supervision of the county children's officer for two years or until they are 21 years old. However, this supposed post-institutional supervision was almost none-existent. This may be attributed to lack of funds for the necessary logistics.

6. At exit, the exited child is labelled and may find it difficult to get employed even with the acquired vocational skill.
7. The exited child is left at home after release without resources to start a business, besides, many of them may not pursue further education due to lack of funds and sponsorship.
8. There are no government provisions for a child whose family is not ready to accept them back, or to a child who is not ready to return to an unwelcoming home. These situation leads to despondence and high likelihoods for recidivism.

Furthermore, a child who excels in KCPE exits rehabilitation to attend secondary education before achievement of rehabilitation objectives. A child can also exit when a committal order expires. Based on these findings the exit strategies were found to be weak and unable to deter a child from reoffending. Furthermore, there are no aftercare services for graduates of rehabilitation schools.

6. Recommendations

- a) The study recommended that soon after the achievement of rehabilitation goals, a child should be exited and post-institutional services offered by reintegration agents such as employment bureaus and non-governmental organizations.
- b) In addition, the exitees should be linked to government programmes such as 'Kazi kwa Vijana' or 'Youth Development Fund' available to Kenyans (GoK, 2014)[33], to acquire employment or funds to start own employment for those with vocational training.
- c) The study also recommended that the government facilitate post-institutional phase of rehabilitation through adequate funding and provision of necessary personnel.
- d) Other recommendations to the Ministry through the County Children's Officer include:
- e) Provide rehabilitation graduates with resources that enable them to become self-reliant, by introducing them to agencies of government funds for youth and employment bureau to reduce recidivism.
- f) Recommendations for further study
- g) In view of the lack of follow-up and weak exit strategies, there is need for a tracer study to establish the post-institutional life trajectories of graduates of rehabilitation institutions, with an aim of establishing the successful stories, and the push factors for recidivism.

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