



EVALUATING EFFECTS OF PUNISHMENT ON VICTIMS OF CRIME IN NAKURU COUNTY, KENYA

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ABSTRACT

The research project purposed to evaluate effects of imprisonment, fines and community sentence on the victims of crime in Nakuru County, Kenya. This would provide improved understanding of these consequences of punishment and their attendant benefits to victims of crime. The survey utilised stratified random sampling to acquire data from 390 respondents through interviews and questionnaires. Obtained data was analysed descriptively and presented via percentages, figures and tables. Ensuing findings evince that victims of crime are conspicuously left out in the administration of justice and that their plight goes unattended. Imprisonment was most popular and considered more effective over fine and community sentence but none of the three criminal punishments comprehensively encapsulates the welfare of the victims. The study concludes that victims ought to be included in the punishment of offenders and that such punishment benefits them.

Key words: Crime, Victims of Crime, Punishment, Criminal Justice System, Benefits

INTRODUCTION

Criminal justice system has continually been blind to social realities when it comes to victims of crimes. Punishment has always focussed on the offender and very less on victims. Philosophy of punishment does not usually look into the welfare of the victims and how best they may benefit from its outcome. In Kenya, most criminal cases victims may attend court sessions only when they are required to testify, where majority opt to keep off for fear of the court or reprisals from accused persons. Families of deceased victims would only attend court sessions to observe in silence. These victims and/or their lawyers are just limited to 'watching brief,' without impact on how the case is prosecuted or punishment dispensed. This research study sought to evaluate the consequences of imprisonment, fines and community sentences on the victims of crime in Nakuru County, Kenya using descriptive survey. Using sampling techniques, a sample size of 390 respondents was engaged for data collection. It was necessary to look into the undue focus given to offenders than victims who suffer from acts of lawlessness and shortcomings of criminal justice with an inclination on how victims may benefit from whichever criminal sanction is meted out on offenders.

Victims of Crime

Crime is any act of omission or commission which violates the rights of another as described in some written laws. Victims of crime are as many and as varied as the acts of crime. In Kenya, the Victim Protection Act (2014), provides a wide ranging classification of victims of crime as the nature of the crimes are and describes victim as one who suffers injury or is aggrieved following commission of a crime. This definition describes the complainant, his nuclear and extended family and members of the community. Family members can be victims where the primary provider is incapacitated, for instance. The general public can be victims where they suffer psychological trauma from witnessing violent crimes. Prior to enactment of the Act, victims of crime suffered systemic injustice perpetrated by those working in the system. There are also 'hidden victims' who are usually dependants or close associates of the offender (Davies, Francis & Greer, 2017). This offender puts an undue burden on his dependants and close associates when they are imprisoned or fined. Case in point, the number of minors aged five years and below living with their mothers in correctional facilities stood at about 300 as confirmed in the Kenyan State of the Judiciary and Administration of Justice report (SJAJ, 2018).

Criminal sanctions are mainly in three modes, which are imprisonment, monetary fines and community sentences. Whichever of these three that is handed down to an offender ought to have intrinsic benefit to the victim. However, this is usually not the case, the due process and the justice system is chiefly focussed on the criminal and actions to be taken by the state.

Criminal Punishment

The criminal justice system dispenses justice in three basic punishments: imprisonment, community sentences and fines (monetary sanctions). Crime victims have borne the brunt of punishment in the justice system for long with most criminological studies focussing more on offenders than victims. Even though punishment is an integral part of our lives as a common response to crime and deviance across societies, the criminal justice system has continually been reticent and blind to social realities as to matters victims of crimes.

In the core of restorative Justice concept, is the acknowledgement of crime not merely as a transgression against the establishment but as harm done to another person as well. Therefore, any remedy ought to take into account the aggrieved person; the victim. Founded on this tenets/ideals, the United Nations General Assembly (UNGA) adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in 1985 (GA/RES/40/34).

Criminal justice system ought to consider an array of interests, to ensure fairness to all parties. The system calls for consideration of the position of the offender, the victim and close associates as well as the public. Recent years has seen great progress in law and policy reforms, in majority of common law jurisdictions, to provide space for inclusion of victims in criminal proceedings in various capacities. They now have right to information and general support during the process and its progress. Victims of crime are facilitated to present victim impact statement at the sentencing phase and may further petition for restitution settled directly by the offender.

The process is engineered to be humane and considerate to reduce the trauma of giving evidence especially to such victims as of sexual offences and family violence. In a very significant sense, victims now have a place in the system.

The justice system has recognised the need to maintain a keen balance between the competing rights of a victim and those of an offender during sentencing. The rights of the victims include: privacy and equality in accessing victim's medical records, freedom of expression and rules of evidence that are meant to protect vulnerable victims. In many cases victims are considered as witnesses thereby taking care of their welfares and guaranteeing fair trial. However insufficient this is, the ultimate goal is to have the outcome as less traumatising as possible with the least negative consequences.

In Kenya, there has been some progress, especially with the ratification of Victim Protection Act, 2014. This Act provides for various means to help victims of crime with deal phenomena like psychological therapy, protection against victimisation, restorative justice, restitution and rehabilitation to name but a few. They ought to receive sustenance and welfare services from the Victim Protection Board.

The justice system has established the responsibilities of the prosecution and enshrined rights of the accused, but the plight of victims in sentencing outcome or the dispensing of punishment has not been addressed. There is no well-established database showing how victims of crime benefit from criminal punishment or the consequences of the three main mode of punishment on victims of crime. A direct correlation between crimes recorded and the number of victims is conspicuously lacking. Each crime has a corresponding victim, whether individual or corporate, but victims are always left out in such records. According to Tracey (2016), it is high time for the interests of victims in the criminal procedures to be acknowledged whether as participants, witnesses or otherwise. Whilst, punishment and correction are often regarded as simple, reflex response to deviance, the great philosopher of old called Durkheim (1858 – 1917) elaborates how punishments served as social rituals that unite people in communities and affords a forum for reaffirming and intensifying their commitment to mutual values and identity in particular circumstances. Aspects of repressive justice are a prevalent feature in homogeneous societies illustrated by mechanical solidarity, through myriad forms of ritual punishments employed to reaffirm collective principles and denounce evil (Alfred 2015). Victims are also members of these communities and consequences of these criminal punishments ought to be, in a form, of these social rituals that unite its members.

Effects of Punishment on the Victims of Crime

Crime is characteristically so invasive that even minor offences can have serious psychological, physical, financial or social consequences to victims. In any case, victims are directly or indirectly affected. The experience of each act of crime is unique and carries with it different risks, needs and expectations when victims engage with the justice system. There is need for database to catalogue these needs and risks. Victims of crime have varied reasons for taking part in the criminal punishment. They may want to seek justice, heal, and get offender accountability, public acknowledgment, or just protection from future victimisation. Therefore, victims may pursue financial restoration, emotional reprieve, or the need to have the offender punished.

In almost all instances, victims of crime experience financial loss, psychological, emotional as well as physical damages. They may be forced to look after their own psychological and medical treatment bearing costs for losses, damages, personal security or relocation. At times, it necessitate taking unplanned leave from their income-generating activities thus lose earnings or related benefits. All these occur resulting from actions of a third party, the offender. Sometimes, due to the nature of criminal trial, accused persons are often set free on mere technicalities leaving the victims and their families to suffer the indignity of watching helplessly as a wrong-doer evades justice. Imprisonment, fines and community sentences primarily aims at eliminating fear of harm hence enable people to discharge their daily duties and activities undisturbed. It is public interest that due process be carried out effectively and serious crime punished efficiently. This study thus aims at establishing whether victims of crime are put at ease with such interests taken care of.

There has to be a paradigm shift and recognition that victims have intrinsic interest in what manner the system responds to crime and its punishment. These concerns stem from particular crimes plus their impact on the victim's life. In a 2008 survey by the UN office on Small Arms, 37 out of every 10,000 people have been victims of armed robberies in Kenya where cities and urban centres have higher rates of criminal violence.

Consequences of punishment on crime victims can be put into four general categories. They are: political consequences, economic consequences, social consequences, and psychological consequences. They impact on the victims differently since such variation depends on the criminal act itself and the ensuing punishment to an offender. In social consequences, the most common impact is the disruption of family and community ties (Tonry, 2007). Imprisonment takes away the offender from the society for a considerable period. Whether it was a direct victim or a hidden victim, there is social deprivation off that person. Losing a loved one, like in violent crimes, is an irreparable damage to social ties. Punishment for such crimes does not make good any of these losses. Replacement of property that may be done by well-wisher or mandated state institutions, may force victims to relocate or seek shelter elsewhere disrupting their schooling, work and other social functions of a family. Loss of freedom is a common and intended repercussion of criminal punishment. Punishments such as imprisonment, electronic monitoring, and community sentences usually entail loss of autonomy and restriction of movement. Vulnerable victims and victims of rape are sometimes reprieved by the knowledge of the severe punishments that means an offender cannot procreate and raise a family. The loss of freedom, isolation and seclusion means that an incarcerated offender cannot participate in any of society's activities. Extreme forms such as castration and death sentences have permanent social consequences that impact the family, society and the state heavily but give 'satisfaction' to victims.

Fines and monetary sanctions directly impact on the offenders' economic status and that of their dependants. In rare cases financial resources that could be channelled to more productive developments are diverted to make good one's offence and compensate the victim. A bread-winner or a family provider may be taken away hence drive a household into poverty.

Psychological consequences mainly include stigma, shame and discrimination in the community (Tonry, 2007). Stigma, depression and suicide have been a common impact of various criminal sanctions. Various types of criminal punishments that are perceived as

miscarriage or subversion of justice can lead to trauma and psychological distress in forms of dejection, unexplained apprehension as well as Post-Traumatic Stress Disorder (PTSD). The modes of punishment perceived as too lenient in comparison to the crime in question and the situation of the victim are the main causes. Crawford and Goodey (2019), argue that those who interact with the justice system have been documented to have increased hostility and anger issues that further predispose them to further victimisation.

Policies to control crime have always been a staple issue for politics and 'rule of law' proponents have insistently been calling for harsher punishments (Funk, et al. 2014). If we are to realise a positive impact, the aims and concept of criminal punishment require significant resources such as funding for victim compensation, prisons management and other correctional programs, whose allocation have political implication especially during budgeting. Issues of punishment have often caused polarisation, with some factions advocating for victim-centric system, others calling for harsher punishments of offenders and others advocating for rehabilitative community-friendly approaches. According to Alexander (2010), a more common consequence of punishment in the recent past has been that of emergence of civil rights organisations, protests and legal challenges. Some agitate and advocate for the rights of victims of crime while others are against certain aspects of criminal punishment that are perceived to be unjust or excessive. Some features of punishments put offenders and victims in close proximity hence making good the damages they had caused that is also aided by time. This gradually improves relations between victims and former criminals leading to ease of pain and suffering of victims, and reintegration of a former offender. In restorative justice, offenders assume full responsibility for their actions and make amends to their victims, which have a positive impact on the victims' healing process.

Benefits of Punishment on the Victims of Crime

In the Anglo-Saxon period, monarchs permitted victims of crime to punish criminals themselves. In case of murder, and as a way of retribution, the victim's household had the right to track down and eliminate the murderer in what became branded as 'blood feud'. The method did not offer real justice to those incapable or averse to using violence (Gray, 2016). Sentencing phase of the criminal process attracts the highest attention. Victims look forward to absolving their suffering and mark the crime in a befitting punishment on the criminal. The literature and history of imprisonment has been that of swings in public mood (Woolaver and Williams, 2016). Objectives of the imprisonment in criminal justice have been obscure to majority who do not also consider the welfare of victims. They have craved a punishment method that does not only benefit them, apprehends and exacts pain upon the guilty but also; rehabilitates- models offenders to be more virtuous; deters- discourages prospective criminal from lawless inclinations; incapacitates- protects the innocent against being victimisation by lawbreakers; and reintegrates offenders- facilitates return of former offenders as productive citizens into the community; and most importantly to ensure victims are well taken care of to ease their suffering or eliminate it entirely. Victims of crime expect the system's realisation of these objectives while strictly adhering to the principles of: humane treatment, constitutional rights, cost containment besides strengthening the society, state traditions and local administration.

Kenya, like majority of her commonwealth counterparts, is an ‘abolitionist de facto’ state having abolished death sentence. Death sentences are commuted into life imprisonment, often without the option of parole or presidential pardon. In the judiciary’s annual Report (2017-2018), one of the challenges facing Office of the Director of Public Prosecution (ODPP) is, “archaic and unresponsive laws.” The report elaborates how the current criminal procedures are seldom applicable to new emerging crimes, advance in technology and addressing the plight of crime victims or their treatment.

In the state’s perspective, the cost of maintaining and operating correctional facilities and programs is very high at about half a billion shillings yearly (Okwara, 2013). The standard minimum rules for the treatment of offenders, as adopted by the United Nations, make it even costlier. It requires, among many other things, proper medical care for prisoners, hygienic conditions with adequate sanitary facilities and proper segregation in case of diseases. The laws require that prison authorities, for the use of prisoners, a library for recreational and instructional books (Jeremy, 2008). All this elaborate measures are done at the expense of the victim who was already dropped in the former stages of a proceeding. Such measures leave these victims of crime bitter and disappointed. The system that is supposed to care for the suffering and the vulnerable is interested only in the welfare of those who cause pain and suffering to others and oppressing the already underprivileged.

Fines or monetary penalties are usually imposed of offender and the proceeds go to the state or the court of law hearing the matter. This form cuts in two ways, into the offenders reserve and also the victim’s. Fine can be a significant burden, particularly for those who are already struggling financially. This form of punishment is responsible for ‘hidden victims’ and worsening the condition of the general victims of crime. The fines are directed to the state as opposed to the victims and in addressing their problems. The courts do not weigh the damages done to the victims in considering what amount to impose rather, they are guided by laid down statutes that cap such amounts. Moreover, whatever little is fined the offender, the victims is conspicuously left out. He then engages in a lengthy, draining and sometimes embarrassing procedure in seeking compensation.

Uniquely though, criminal punishment has both intended and unintended, as well as latent and manifest consequences. In the writings of Plato (428-348 BC), the great philosopher defines the aims, intended consequences, of punishment and the purpose it ought to serve. There are four consequences: commensurate compensation for the aggrieved; satisfaction for the victim, pleasure of triumphing over an adversary; betterment of the offender via deterrence; and, improvement of society, and if necessary through elimination of the offender by exile or death (Jorge 2021). These are guided by the four civic ideals of punishment namely: promote justice, fostering secure communities, restoring crime victims, and promoting non-criminal options.

Engagement of a victim into the justice system occurs immediately a crime is committed. The crime may be reported, causing its entry into the system officially, or may remain unreported. Unreported crimes, mostly by the victims, contribute to what is referred to as ‘dark figures’ of crime. The concept of victim participation takes into account their desire of being engaged as party to the case. This participation serves to remind criminal justice professionals and practitioners that behind the “state” there is a suffering victim keenly concerned with how the proceeding is ultimately determined. It is crucial to have the justice

system to work in a victim-sensitive way right from the beginning, which is usually the reporting stage. This is among factors that determine whether victims can develop trust in the process. Acquisition of information, collections of physical evidence as well as the setting to which victims are exposed; while reporting the crime; matters a lot. Traditionally the role of victims as witness of the prosecution required victims to testify without having the choice to opt out, or input into the terms on which they shared the information (Wemmers, 2017). This role ought to be done away with and pave way for more modern victim-centric approaches.

There are jurisdictions, such as the UK, USA and Canada, which encourage, and take seriously, input from victims. These inputs allow the victim of crime to relay/give/provide relevant material or information to the court during sentencing process with a view to personalizing the crime and elevate their status. This concept is valuable in victim's emotional recovery and healing. It has also been argued that by way of such participation, victims may confront an offender manifesting the impact of the crime hence contribute to rehabilitation. In his argument, Alfred (2015), it is evident that victim participatory rights are gradually being enshrined in criminal justice proceedings in many countries. The concept of victim participation has potential to be an integrated practice and an approach to enshrine restorative justice into the adversarial justice systems.

Victims of crime, though central in criminal justice, are mostly not accorded any formal recognition in the trial of their transgressors. They bear minimal influence over whether (or how) the state elects to progress against the criminal. According to Chiao (2018), many actors and agencies utilise their discretion in their conduct at the expense of the victim. For instance, law enforcement authorities may not apprehend an offender, or the prosecutor may opt to not file a case. Though a suit may be filed, it could be stayed or withdrawn. Prosecutors have the leeway to execute matters even if the victim does not cooperate, in what is popularly termed as a "no-drop" policy. In recent developments, compulsory detention laws and no-drop prosecutorial policies acknowledge that victims of domestic violence are particularly vulnerable to retaliation from the culprit if they institute charges. The United Nations declaration on the Prevention of Crime and Treatment of the Offender (1985) requires that victims get an opportunity to submit their views and concerns at suitable stages of the justice process. There is, however, very limited data on victims' participation in Kenya. Various scholars have documented victims' predicaments but none is as comprehensive in detailing their adequate engagement in the system. On the contrary, however, participation in criminal proceedings may lead to psychological harm to the crime victims in what is termed as secondary victimisation. Latest proffering of more elevated rights risks giving on to 'victim fatigue' on the part of the officials in-charge of operations in criminal justice system.

THEORETICAL FRAMEWORK

The main theories that helped navigate the study on evaluating the consequences of punishment on victims of crime in Nakuru County included; constitutive theory and the broken windows theory. The Constitutive theory being a postmodernist affirmative criminological theory propounded by Stuart Henry and Dragan Milovanovic in their seminal work "Constitutive criminology: beyond postmodernism" (1996), was inspired by Anthony Giddens' in "The Constitution of Society" (1984). According to this theory, the linear principle of causation and perceptions of the complexity of people's interaction within their

social structure, culture and community ought to be put aside when searching for the cause of crime. This helps therefore to understand effects of punishing such criminals unto their victims. We basically assign meanings to the practices and norms around us.

Secondly, there is the broken windows theory that was first introduced in 1992 by a political scientist cum criminologist James Q. Wilson and George L. Kelling. The theory posits that any visible signs of crime, deviance and civil disorder, such as dilapidated structures, broken windows in buildings, vandalism, loitering and various forms of public disturbances create an environment that promotes crime and disorder.

Community disengagement as detailed thus far, weakens social controls that kept criminals in check. Soon as it kicks off, the process recycles: disorder breeds crime and crime leads to more disorder and crime. A notable upside of the theory, in contrast to a number of previous criminological theories is that it facilitates and encourages initiatives within the scope of criminal justice policy to effect change, as opposed to just depending on social policy.

METHODOLOGY

The study used mixed method applying both qualitative and quantitative methods. Consequences of punishment on victims of crime are social problems that have been considered a solution for other problems. Its evaluation is necessary using a method that will try and overcome the limitations of purely quantitative methods in offering comprehensive explanations of the social and behavioural problems under study.

The researcher collected and collated both primary and secondary data. The quantitative data obtained was analysed using descriptive statistics. Further, qualitative data from the study underwent transcription and reported thematically and in sub-themes. Data collection adhered to strict ethics and code of conduct in respect to participants' confidentiality, safety and security especially in soliciting informed consents so as to ensure research participants suffer no harm from the research process and outcomes as well as safeguard their rights. The survey was carried out in Nakuru County in the Rift Valley region, a cosmopolitan with an heterogeneous demography and third most populous county in Kenya and has an area of about 7,496.5 square kilometres (km²). Literacy levels greatly vary among the populace, as well as economic and social statuses. It hosts several justice agencies such as the high court. Nakuru County has an estimated population of about 2,162,202 according to the last national population census (KNBS, 2019). This gave the population sample for study. Using the sample size formula, the Yamane's formula: $n = \frac{N}{1+N(e)^2}$. Where variables in this formula are: n = the sample size, N = the population of the study, e = the margin error in the calculation. With the stated population, 95% confidence level and a 5% margin of error; the sample size arrived at was 385 respondents in addition to an extra 5 key respondents who were arrived at using the snowball sampling technique, to make it 390 in total. The target population were persons living and/or working in the county. The emphases were on those who have been crime victims and those involved in criminal justice directly and/or indirectly. There is a rich mixture of different cultures, traditions, educational background, literacy levels, social status, political orientations and occupational engagements. The mixture provides a fertile ground for an effective research study and scholarly works.

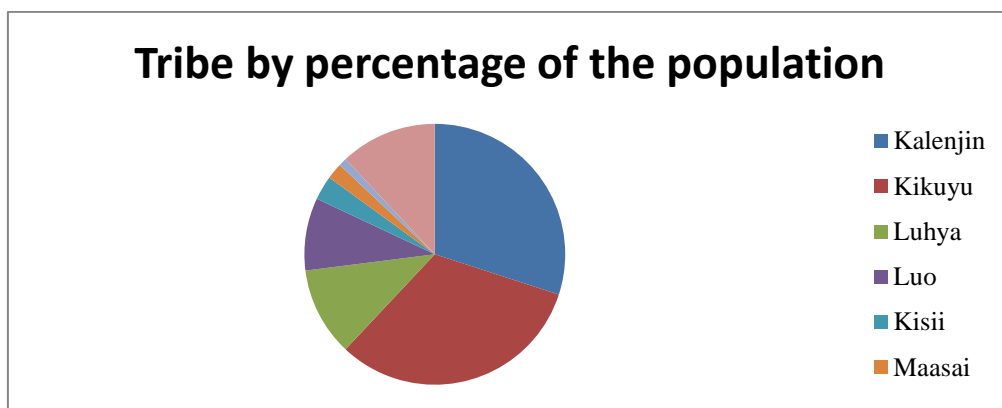


Figure 1: Cultures represented by various tribes living in Nakuru County, Kenya. (Source: KNBS, 2022)

Age years	Description	Male	Female	Total
Under 1	Infants	27196	26886	54082
Under 5	children	110821	108428	219249
4-5	ECDE	55187	53081	108268
6-8	Lower Primary	79573	78417	157990
9-11	Upper Primary	82561	81181	163742
12-14	Lower Secondary school	84443	82935	167378
15-17	Upper secondary school	75795	73659	149454
18-35	Youth	333247	354195	687442
15-64	Working age population	631900	641339	1273239
65+	Elderly	33832	39721	73553

Figure 2: Population Distribution by Selected Age Groups, 2019 (source: KNBS, 2022)

Learning Institutions	Number
Primary schools	1133
Secondary schools	512
Vocational Training centres (VTC) & Technical and Vocational Education and Training (TVET)	58
University	2
Adult education centres	83
Digital Centres	5
Teachers Training Centres	3

Figure 3: Number of learning institution in the county. (source: Nakuru County Statistical Abstract, 2022)

In general, findings revealed that victims should realise some gain irrespective of criminal sanction dispensed. However, contravening findings argued that imposing any of these three forms of sanctions should be left to the state actors: the courts and the prosecution. Despite this, majority of respondents agreed that victims of crime, or their representatives, ought to be at the centre of criminal proceedings through use of, but not limited to, victims as witnesses, use of victim impact assessment reports (VIARs) and victim protection. Having lawyers for victims or any of their appointed representatives and updating victims on cases were found to be ways to enhance victim benefit in the justice process. Yet, with continuous emphasis and legalization of victim participation in the justice process through submission of victim impact statements, it can be said that victim's emotion narration be part of sentencing and punishment. In the same line, there is great concern that investing more power in victims to participate in punishment process without empowering the defendants' is risky and may promote confidence in judicial process while at the same time compromise justice. This is based on the fact that defendants' rights can be trampled upon, diminishing the legal fair trial principle. Victims' participation in criminal justice process and sentencing plus its benefits should remain to the extent that rights are observed without subduing any. This agrees with Crawford and Goodey (2019) who found that integration of victim in criminal justice process is vital in promoting the concept of justice in the society. Additionally, continued empowering of victims to realise some benefit in sentencing process need to avoid bias. Conclusively, victims should have meaningful input into offender's sentence. This is based on the fact that they are at the centre of crime and in whose absence there is no receiver of justice. They therefore, have a role to play in the criminal justice process (Victorian Law Reform Commission, 2016). By encouraging their input, victims can attain emotional closure, forgiveness and the resultant benefits. Nonetheless, putting in an admixture of restorative justice and the traditional administration of justice process, participation can serve victims' emotional needs, be it retaliatory or tolerant, and hence perception of justice. This need is explored by Phillips and Abdulla (2021) in their study on judicial agents' experiences on embracing victim impact reports in the justice process. This study found that judicial officers failed to consistently incorporate victim impact reports (VIRs) which then obstructed the furtherance of victims' rights. This study is cognisant of the absence of directly-impacting legislation, a weakness in the literature and a need for specialized victim services. This study also points to the need for strategies to expand on victim empowerment programmes in the criminal justice processes.

RESEARCH FINDINGS AND DISCUSSIONS

Established from the results of this research study, it has been found that victims desire to relive their lives with the normalcy that was before experiencing the effects of crime, or better than it was. This also comes with an inherent intuitive desire for vengeance. Thus, when crime is committed, victims always want to get back at the offender at the same time demanding for deterrence. Victims' welfare, crime and society are therefore, aspects that must be balanced in order to realize justice (Davies, Greer and Francis, 2017). Particularly, understanding the victims of crime is a significant aspect of the justice process that can help to guarantee justice (Dinisman and Moroz, 2017). Within the concept of criminal justice system, an offender always commits two wrongs: A wrong against an aggrieved and

vulnerable victim and a wrong against socially acceptable norms. The two violations are often handled differently with a focus on either having possible interference with the other. Within the two realms, victims always desire to see justice being delivered to them (Dearing, 2016). In Kenya, the criminal-justice law basically covers disputes between the state and the perpetrator. As a result, victims are not direct stakeholders to the criminal proceedings. In particular, they lack adequate power to initiate or even stop a criminal procedure. This also extends to how to punishment is dispensed. Their role is initially confined to reporting whatever harm they have suffered to the authorities: either to the area chief or a police station. In Kenya's state-centric criminal justice system, victims are likely to be left unsatisfied and without any gain, giving rise to the need for inclusion/participation in the sentencing process. There is thus, need to change the way to make victims benefit from and more involved in sentencing. This can have the potential to enhance victim well-being without negative impact on the social needs. Essentially, victims need to understand their role in a crime and have the right to determine the punishment to criminals (Walklate, 2013). This agrees with the concept of victimology where parties in a crime must know their contribution to the crime. This can help to support victim-empowerment as well as mediation which are vital in emotional healing process for victims as one way they can benefit.

For justice to be realized and perceived, victims need to have meaningful input into the offender's sentence. The aim of this control is to offer a 'carrot' that motivates offenders to pursue mediation and reparation. Through mediation, victims can achieve forgiveness or emotional healing, and compensational benefits. Nonetheless, by converging aspects of restorative justice and the traditional criminal adjudication, victims' emotional needs, be it retaliatory, forgiveness, or either can be attained. Victim preferences are thus, vital in the entire criminal-justice process. For instance, police and prosecutors need to accept victim's input in arrest, charging, bail, trial as well as sentencing decisions. Victims also need to work with investigators, police officers as well as prosecutors to ensure that they are part and parcel of the criminal justice process. According to the findings of this research, victims can enjoy the satisfaction of being involved in the punishing of an offender. This is of critical importance because it assists victims to alleviate their need for retaliation, anger, fears, and helplessness. This can also help to enhance victim confidence in the sentencing as well as the entire criminal justice process. With continued increase towards harsh sentences for offender who target the vulnerable, victim participation and involvement can help to reduce victimisation.

Based on many criminology scholars, punishment can only be satisfying if the transgressor responds to its communicative intent (Funk, McGeer and Gollwitzer, 2014). Therefore, besides punishments helping victims getting their retaliatory satisfaction, it also helps to make them perceive attained justice. When victims participate in sentencing, they can also meet the offender leading to restorative justice (Umbreit, 2023). While the largest value of victim involvement in sentencing is not to attain retaliation to offender, it also motivates offenders to seek reconciliation with victims (Johnstone, 2013). This reconciliation can be in form of apology, genuine explanation and restoration.

Despite this, having victims over participate in the sentencing of offenders can lead to issues in the criminal justice system. This includes influencing punishments beyond penal code dictates. The current study has established that imprisonment, and fines are perceived as

more satisfying to victims compared to community sentences. Imprisonment and fines have been perceived as retaliation to crimes committed against the victims. This study has also found that when an offender is punished, victims feel relieved and heal for the criminal ordeals they underwent. Lastly, the study has established that victim's participation in the punishment of offenders is vital. In summary, punishment seems to make victims perceive justice along two principles of punishment. These are majorly retribution and restitution. Their involvement in the criminal justice process can therefore, enhance this perception and hence confidence with the justice system. This study therefore, points to both future research and policy recommendations in victim's involvement in sentencing.

RECOMMENDATIONS

Based on the results of this survey, several recommendations and suggestions are made in the attempt to ease the negative consequences of punishment on victims. This aims to achieve successful participation of victims of crime in the criminal justice and a more just system. These recommendations are to key stakeholders, being: The implementing authorities, Service users or beneficiaries among other stakeholders.

The authorities for implementation

1. **Victim Impact Statements:** authorities should encourage the use of Victim Impact Statements, which provide an avenue for victims to recount the physical, emotional, and financial impact of crime on their lives. These statements can be submitted in writing or presented in person during the sentencing hearing.
2. **Victim Liaison or Advocate:** Authorities should provide victims with access to a victim liaison or advocate who can guide them navigate the legal process, help in appreciating their rights, and assist them in preparing their impact statements and the follow-up later on.
3. **Restitution:** The criminal justice system should ensure that restitution is a standard part of the sentencing process. Victims should be compensated for their losses by the offender, and the court should monitor the payment of restitution.
4. **Notification of Hearings:** Criminal justice should ensure that victims are promptly and effectively notified of all court proceedings related to the case, including sentencing hearings.
5. **Protection and Safety:** Victim protection agencies and other stakeholders should put up measures to ensure the safety of victims who may be in fear of retaliation or harm from the offender. This can include providing security measures and restraining/protective orders.
6. **Training for Criminal Justice Professionals:** The government needs to always provide training to judges, prosecutors, and defense attorneys on the importance of victim involvement and the rights of victims during the sentencing process.

7. **Feedback and Evaluation:** Justice system needs to have a method to continuously seek feedback from victims and assess the effectiveness of victim participation in sentencing, making improvements as needed.

Service Users/Beneficiaries

1. **Restorative Justice Programs:** Within communities, there is need for promotion of restorative justice programs that focus on repairing the harm caused by the offense and involve victims in the decision-making process.
2. **Public Awareness and Education:** service users need to raise public awareness about the importance of victim participation in sentencing and educate the community on the rights and services available to victims.
3. **Victim Rights Legislation:** Service users should advocate for the passage of legislation that codifies and strengthens the rights of victims in criminal justice system. Many jurisdictions have victim rights bills that outline specific rights and protections for victims.
4. **To other stakeholders:** Monitoring and Accountability is recommended. The stakeholders and the entire public needs to establish mechanisms to monitor and ensure compliance with victim-related laws and procedures within the criminal justice system.
2. **Information and Support:** stakeholders need to offer victims information and support services, such as counseling, to help them cope with the emotional impact of the crime and the sentencing process.
3. **Mediation and Dialogue:** stakeholders should be allowed to explore opportunities for victim-offender mediation or restorative justice programs where victims and offenders can engage in a dialogue to understand each other's perspectives and work toward restitution and reconciliation.

RECOMMENDATIONS FOR FURTHER RESEARCH IN THIS FIELD OF STUDY

Future research needs to focus on challenges that hinder victim participation in sentencing. Addressing this gap will help supporting victims of crimes perceive justice in sentencing and the due process. There is need for a comparative (comparative penological studies) study to establish why certain Nordic countries are closing down their prisons while some have continuously low incarceration rates.

The researcher recommends future research to be conducted in the area of the victims' interaction with the community and its impact on these victims.

A paradigm shift is necessary to promote victimological research and practice. There is a conspicuous lack of adequate local victimology literature, thus more studies can be carried out to supply this need.

The researcher also recommends study to look into the relationship between increased legislation and consequent increase in crime rates in democratic societies like Kenya.

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