REVOLUTIONIZING PRE-PROBATION ASSESSMENTS IN KENYA: A MIXED-METHOD ANALYSIS OF JUVENILE EVALUATION PRACTICES AND RECIDIVISM REDUCTION

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ABSTRACT

Purpose of the Study: The study's purpose was to assess existing juvenile assessment practices prior to probation placement and their effect on probation outcomes.

Methodology: The current study used a concurrent-triangulation mixed-method approach, with 226 respondents drawn from Nairobi County's juvenile probationers and probation practitioners. Data was collected using structured questionnaires and a key informant interview guide, and it was analysed descriptively (frequency and percentages), inferentially (binary logistic regression model), and qualitatively.

Findings: The study found that properly carried out pre-probation assessment practices significantly reduce recidivism. However, the lack of juvenile-specific Risk-Need-Responsivity (RNR) assessment tools, a one-week induction period with only passing mentions of juvenile issues, and insufficient training in the existing juvenile assessment mechanisms hampered the optimal juvenile assessment procedure. Rushed assessments were also identified as a barrier to the optimal juvenile assessment process.

Conclusion: Overall, while the existing probation assessment process plays an important role in shaping the outcomes for juvenile offenders by lowering recidivism rates, a number of flaws limit its effectiveness.

Recommendations: The study recommends that probation develop and implement specialized Risk Needs and Responsivity (RNR) assessment tools tailored to juveniles. The probation department's entry-job induction guidelines should be revised to include training with a strong emphasis on juvenile topics, as well as the use of RNR assessment tools. Further, juvenile probation officers require more training focused on the juvenile offender population.

Keywords: *Revolutionizing, Pre-Probation, Juvenile, Recidivism, Reduction*

INTRODUCTION

The probation department is regarded as a vital part of the juvenile justice system. According to Siegel and Welsh (2009), in order to make appropriate decisions about placement and programming for juvenile offenders, probation departments are required to conduct a social inquiry into the offender's life. The current study classifies this as pre-probation assessment practices, which often involve the collection and synthesis of detailed background information about a juvenile offender, the circumstances of the offense, and the impact on the victims. According to the NIJ and OJJDP (2014), this is critical in two ways: the information is useful in determining a juvenile's risk of recidivism and identifying other underlying criminogenic factors that, if addressed, can contribute to a reduced likelihood of reoffending. In addition, it informs pre-disposition decisions, such as the offender's suitability for rehabilitation through a variety of community interventions, including probation supervision. Probation research in Kenya looks at how it is used as a non-custodial rehabilitation mechanism. For instance, Omboto (2022) used secondary data to examine probation order sentences and their application in Kenya.

The study looked specifically at Kenya's probation history, probable probation conditions, probation rehabilitation techniques, and probation use in the country. The Kenya National Crime Research Center (NCRC) (2019) primarily investigated the extent to which probation orders are used by Kenyan courts and the factors that influence the use of probation order sentences. Omboto's (2022) research is critical in understanding probation offender management processes. However, the study provides no information on the relationship between probation offender assessment processes and recidivism. The NCRC (2019) found that probation is widely used as a community-based offender rehabilitation mechanism, but there is little information on how probationers are assessed. The two studies also do not include juvenile probationers. This study aimed to expand knowledge on juvenile probationer assessment processes and recidivism in Nairobi County, Kenya, using the studies mentioned above as a foundation. The study focused particularly on probationer assessment tools, needs, and risks. This was a departure from the majority of research, which has focused on the impact of juvenile custodial offender management initiatives on recidivism. It also differs from previous research that focused on the use of probation order sentences as a community-based sentence.

STATEMENT OF THE PROBLEM

Pre-probation juvenile assessment practices play an important role in informing interventions tailored to each juvenile offender's unique needs and circumstances. Kenya's probation services have existed for more than seven decades. However, the probation department continues to use a more than 50-year-old approach in pre-probation juvenile assessments, which impedes accurate and optimal evaluation of juvenile delinquents' ever-changing risks and needs. The majority of studies in Kenya do not examine the relationship between pre-probation assessment practices and recidivism. A review of the literature reveals scanty data on the relationship between juvenile probationers' assessment processes and recidivism. There was thus a need to conduct a thorough investigation into the relationship between juvenile probationers' assessment processes and recidivism in Kenya, using juvenile probationers and probation officers from Nairobi County. The goal was to provide a thorough understanding of the components of juvenile probationers' pre-assessment processes, which inform not only the modification of probationers' treatment and rehabilitation plans, but also the development of new ones. Therefore, the likelihood of recidivism decreases.

OBJECTIVES OF THE STUDY

To examine the influence of juvenile pre-probation assessment process on recidivism in Nairobi County.

RESEARCH HYPOTHESIS

H_{01}: There is no statistically significant influence of pre-probation assessment processes on recidivism in Nairobi County.

LITERATURE REVIEW

The risk-need-responsivity (RNR) approach is a widely used mechanism in pre-probation assessments. The RNR is a conceptual model based on three key principles: risk, need, and responsivity. The risk principle states that correction interventions should be proportional to the offender's risk of offending. Simply put, those at high risk of reoffending should receive increased supervision services. At the same time, low-risk cases should receive little or no attention because their chances of reoffending are virtually zero. According to research, intensified supervision

significantly reduces recidivism among high-risk offenders (Duwe & McNeeley, 2021), while low-risk offenders are more likely to reoffend when given intensified supervision services (Lowenkamp & Latessa, 2006). The need principle suggests addressing criminogenic needs that predict reoffending behavior. The responsivity principle states that treatment and rehabilitation interventions should be delivered in a style and mode that is appropriate for the juvenile offender's specific characteristics.

A number of studies have found that these principles are effective in reducing recidivism. For example, Viera et al. (2009) discovered that juvenile probationers whose criminogenic risk factors were addressed based on their individual needs were less likely to reoffend than their peers who received inconsistent services (25% to 75%). Similarly, Luong and Warmith (2011) found a 38% reduction in reconviction rates when assessed needs were matched with appropriate intervention programs. Thirteen years later, Rettenberger and Eher (2024) reported a decrease in recidivism among male sexual offenders released from Austrian prisons. Their findings were based on a longitudinal study that looked at the impact of risk assessment and management efforts after criminal laws were revised, linking recidivism risk to professional risk management efforts.

The RNR framework's evidence-based components highlight the ongoing and strong advocacy for incorporating practical correctional decisions about how to shape and deliver programs. The development and standardization of the use of RNR tools among criminal justice agencies represents the most significant advancement in pre-probation assessment in the twenty-first century (Taxman & Coudy, 2015). Serin et al. (2019) emphasize the importance of these instruments in determining an offender's likelihood of reoffending. Empirical evidence suggests that the tools are useful in identifying the types of offenders who should receive intensified rehabilitation interventions (Barnes & Hyatt, 2018; Bouchard & Wong, 2018; Duwe & McNeeley, 2021). Approximately 60 different RNR tools with different formats are used for offender assessment worldwide (Desmarais et al., 2018). These tools include a checklist of scientifically proven risks and needs factors that are associated with recidivism. They also use Actuarial and Structured Professional Judgement approaches in the offender assessment process (Development Services Group 2015).
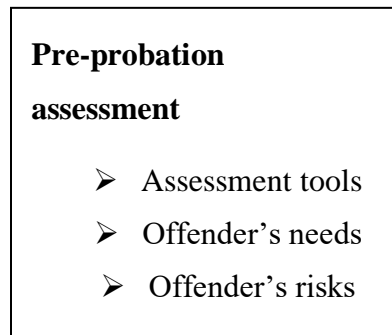
Since the 1990s, the juvenile justice system has seen an increase in the use of risk and needs assessment instruments, which have proven useful. Despite the numerous and effective approaches

to risk and need prediction and classification, the Kenya Department of Probation and Aftercare Service continues to grapple with the threat of increased recidivism. The probation service report (2015) shows a recidivism rate of 75% between 2010 and 2014. According to the report, July 2015 accounted for 55% of repeat offenders out of 240,000 convicts. Although the rate fell four years later to 65.9 percent, it remains high, according to a study of the effectiveness of probation and CSO in Nairobi County (Mutisya, 2019). In 2022, the juvenile recidivism rate increased to 78.1% (National Crime Research Center, 2022). This calls for responses to three questions: Is the department using the risk and needs assessment instruments in the pre-probation assessment before deciding whether to place a juvenile offender on probation? If the answer is affirmative, is the assessment effective? Or is the assessment completed but remains in the file, waiting to be dusted? Non-custodial sanctions, such as probation and community service orders, do not appear to reduce recidivism unless they are based on RNR principles (McMasters, 2015; Baglivio et al., 2017). The use of risk assessment tools that only partially reflect the risk profile and rehabilitation needs of native juveniles has the potential to exacerbate the situation (Vincent et al., 2012). Application of standardized risk assessment instruments developed and normed for adults and slightly modified based on common and general criminogenic risk factors associated with recidivism to assess juvenile offenders oversimplifies the complexity of juvenile pre-probation assessments (Lockwood et al., 2018). Inadequate assessments from customizing adult tools for juvenile offenders ignore critical cultural differences that shape delinquency. This approach, as highlighted by Vincent et al. (2012) and Lockwood et al. (2018), may exacerbate recidivism among Kenya's juvenile population by ignoring specific risk profiles and rehabilitation needs. Essentially, research into the current juvenile assessment practices prior to probation placement and their effects is critical. Such a study is exemplified by the limited information available on how juvenile offenders are assessed in Kenya.

Despite the prevalence of empirical research in the United States and many European countries demonstrating the importance of well-thought-out offender assessment practices, very few publications exist on African content, particularly in East African countries such as Kenya. The current study fills a gap by employing a concurrent-triangulation mixed-method approach to investigate pre-probation assessment practices and their effects on probation outcomes in Kenya, a country regarded as having better probation services in East and Central Africa.

CONCEPTUAL FRAMEWORK

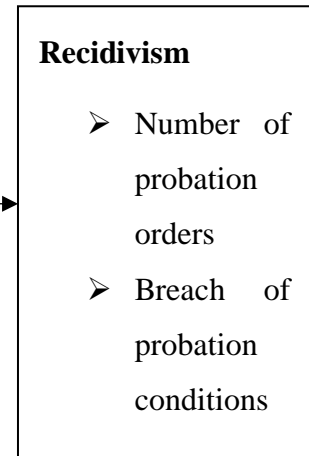Independent Variable   Dependent Variable

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┌─────────────────────────┐                      ┌──────────────────────────┐
│ Pre-probation           │                      │  Recidivism              │
│ assessment              │                      │                          │
│                         │ ──────────────────▶  │  ➢ Number of             │
│   ➢ Assessment tools    │                      │     probation            │
│   ➢ Offender's needs    │                      │     orders               │
│   ➢  Offender's risks   │                      │  ➢ Breach of             │
│                         │                      │     probation            │
│                         │                      │     conditions           │
└─────────────────────────┘                      └──────────────────────────┘
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Figure 1: Conceptual Framework

RESEARCH METHODOLOGY

The study employed a mixed-method research design, sampling 226 respondents, including juvenile probationers, probation officers, center managers, and the county director of Probation and Aftercare Services in Nairobi County, using structured questionnaires and interviews. Juvenile respondents were selected from five probation centers, excluding Mathari and JKIA stations due to their specific focus areas. Data collection involved administering face-to-face questionnaires to juveniles, self-administered questionnaires to probation officers, and conducting interviews with center manager. The study's independent variables were pre-probation assessment practices, while recidivism served as the dependent variable. Quantitative data was analyzed using SPSS version 27, employing descriptive and inferential statistics, with a binary logistic regression model used to assess the relationship between assessment practices and recidivism. Qualitative data was analyzed thematically using Max QDA software. The logistic regression model incorporated dichotomous variables, measuring the likelihood of recidivism with a 95% confidence interval.

RESULTS AND DISCUSSIONS

The study received 177 responses from a total of 226 participants. This represents a 78.32% response rate. Table 1 shows the overall response rate as well as that of the sampled participant categories. The structured interviews yielded responses from the County Director of Probation and Aftercare Services and probation centre managers. Probation officers and juvenile probationers

did not achieve a score of 100%. This is for a variety of reasons. For probation officers, some questionnaires were rejected because they contained multiple entries in a single question or were incomplete. Some juvenile probationers could not be contacted during the study because they had relocated without the knowledge of their probation officers or had vanished from their homes. The 78.32% response rate was deemed appropriate for analysis, interpretation, and recommendations. Idrus and Newman (2002) argue that a response rate of 50% or higher is sufficient for social science research. Mugenda and Mugenda (2012) agree that a 50% response rate is sufficient. They go on to say that 60% is good, and 70% or higher is considered excellent.

Table 1: Rate of Response to Instrument.

Category of Participants	Sample	Response Rate	%	Data Collection Instrument
County Director of Probation Aftercare Services	1	1	100	Structured Interview schedule
Probation Center Managers	7	7	100	Structured interview schedule
Probation Officers	91	75	82	Closed-ended questionnaire
Juvenile Probationers	127	94	74	Closed-ended questionnaire
Overall	**226**	**177**	**78.32**	

The study's Key Informants were 7 probation center managers in the probation stations within Nairobi and the County Director of PACS. They were well-seasoned group of professionals, with the shortest tenure being 15 years and the longest being 30 years. The significant length of service suggests a deep level of expertise and familiarity with the juvenile pre-probation assessment process. The seasoned officers were stationed at various centers including trafficked stations like Makadara, Milimani and Nairobi Stations. This information is summarized in Table 2 below.

Table 2: Key Informants' Demographics

Key Informants	Current Station	Years in service as a Probation Officer
1	County Director, PAS	30
2	Milimani Station	18
3	Nairobi Station	18
4	Makadara Station	15
5	Kibera Station	17
6	Ngong Station	20
7	JKIA Station	17
8	Mathari Station	26

Rate of Recidivism

The findings in Figure 1 show that a significant majority of juvenile probationers (73.3%) have no previous probation orders, indicating a high prevalence of first-time offenders in the probation system. In contrast, 26.7% of juvenile probationers have received one or more prior probation orders. This smaller but notable group represents the probation system's recurring participants. In terms of violating probation conditions, the vast majority (95%) did not do so, indicating high compliance rates. In contrast, only 5% of juveniles violated their probation terms, indicating that a small percentage of juveniles who struggle to follow probation requirements.
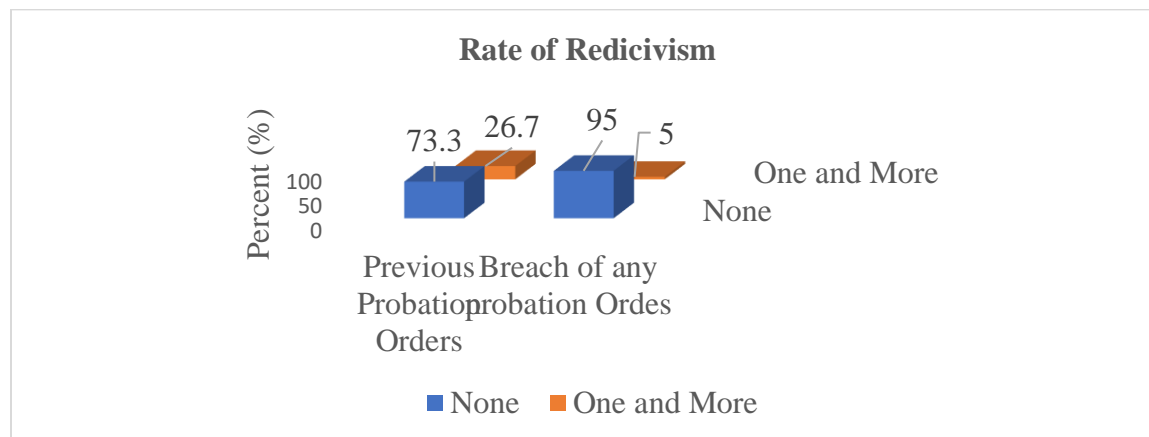

Figure 1*: *Rate of Recidivism

Descriptive Analysis: Probation Assessment Process and Recidivism

Probation Officers' Perceptions about the Assessment Practices

Probation officers were requested to indicate their level of agreement with various probation assessment practices. The levels of agreement are categorized as Strongly Agree (SA), Agree (A), Neutral (N), Disagree (D), and Strongly Disagree (SD). The findings are depicted in Table 3.

The findings in Table 3 show consensus on diverse probation assessment practices influencing probation decisions. Over half (54.6%) of the officers agreed with the idea that the court often requests that a social inquiry be conducted. This implies lack of universality in the practice However, a notable minority (29.3%) were undecided on the matter, suggesting inconsistencies in the experiences. Consideration of offenders' relative's input during social inquiries recorded overwhelming favorable responses, with 98.7% in a combined agreement. The high positive values in responses are also mirrored in consideration of an offender's attitude and level of responsibility, with a combined agreement of 95% in each. Community input and the victim's statement were deemed critical in making probation recommendations. A majority (84%) of probation officers agreed that the court frequently relies on the probation officer's pre-sentence report when issuing a probation order. The strong consensus among probation officers on probation assessment processes points to the importance of the elements therein in the decision-making process. These views underscore the role of family, community input, the offender's mindset, and the victim's statement on the suitability for a probation sentence and likelihood of reoffending.

Table 3: Probation officers' Perceptions about the Assessment Practices.

Statement	SA	A	N	D	SD
The court always requests that a social inquiry be conducted.	1.3%	53.3%	29.3%	6.7%	9.3%
Offenders' relative's input is considered during the social inquiry.	72.0%	26.7%	1.3%	0.0%	0.0%
An offender's attitude is key to consideration in social inquiry.	69.3%	28.0%	1.3%	1.3%	0.0%
The offender's level of responsibility informs probation order sentence recommendations.	52.0%	42.7%	4.0%	1.3%	0.0%
Community input is considered before making a probation order.	61.3%	33.3%	5.3%	0.0%	0.0%
The victim's statement is paramount in determining the suitability of the probation order.	53.3%	25.3%	12.0%	6.7%	2.7%
The court frequently relies on the probation officer's pre-sentence report when issuing a probation order.	46.7%	37.3%	14.7%	1.3%	0.0%

Juveniles' Perceptions about the Assessment Practices

To affirm or negate officers' assertions on probation assessment practices, the study surveyed the extent to which juvenile probationers agreed with some of the practices during their probation assessment process. Table 4 below presents their findings. A significant majority of juvenile probationers felt that their views were considered before being placed on probation. A combined agreement of 75.9% supported the practice, with 18.1% having contrary views. This suggests that while the majority felt that they were heard, a notable minority did not share this sentiment. Regarding the engagement of relatives, a combined total of 71.7% were in agreement, while 20.8% disagreed, suggesting that though the practice was fairly common, it was not universal. The practice of interviewing individuals about their attitude prior to probation placement saw high agreement (80.8%) pointing to a well-established practice. Interviews concerning emotional status were also common, though a sizable minority (24.2%) disagreed, suggesting some inconsistency in this practice. However, home visits by probation officers prior to probation placement recorded less support, with 45.9% in total agreement. Inquiries on juveniles' criminal history and general needs received favorable responses, though a minority, 20.8% and 24.2%, respectively, disagreed. This implies that while this practice is prevalent, it is not universally applied.

Table 4: Juvenile Experiences with Probation Assessment Practices.

Statement	SA	A	N	D	SD
My views were considered prior to probation placement.	41.7%	34.2%	5.8%	2.5%	15.8%
My relatives were engaged prior to probation placement.	35.0%	36.7%	7.5%	3.3%	17.5%
I was interviewed on my attitude prior to probation placement.	40.8%	40.0%	1.7%	2.5%	15.0%
I was interviewed on my emotional status prior to probation placement	36.7%	33.3%	5.8%	7.5%	16.7%
My home was visited by an officer prior to probation placement.	24.2%	21.7%	21.7%	9.2%	23.3%
I was asked about my criminal history prior to probation placement.	45.0%	31.7%	2.5%	3.3%	17.5%
I was asked about my general needs prior to probation placement.	45.0%	29.2%	1.7%	5.0%	19.2%

Integration of Probation Officers and Juvenile Probationers' Experiences

The findings of the study reveal both alignments and discrepancies on a number of probation assessment practices. Both probation officers and juvenile probationers acknowledged the importance of assessing an offender's attitude and level of responsibility. This is shown by slightly higher affirmation from probation officers (95%) compared to juvenile probationers (80.8%). The convergence of views signifies assessment of offender's attitude and level of responsibility as a well-established practice in the probation process. However, a number of divergences are evidenced between perceived officers' implementation of the practices and the probationers' experiences. While probation officers demonstrate a strong consensus on importance of the elements of pre-probation assessment, the applicability of the practices is not universal from probationers' experiences. For instance, engagement of offender's relatives, recorded a lower agreement (71.7%) compared to the near-universal agreement among officers. Home visits also recorded divergent perspectives, with only 45.9% of the probationers affirming the prevalence of the practice. Addressing these small but notable discrepancies guarantees close alignment probation intentions and the probationers' experiences.

Binary Logistic Regression Analysis

Table 5 depicts the cumulative impact of pre-probation assessment practices on recidivism, based on probationer responses. The pseudolikelihood ratio value of (-66.365) indicates that the applied

binary logistic model, as well as the selected assessment practices and sociodemographic explanatory variables, fit the data correctly and contribute significantly to explaining recidivism determinants. Although some sociodemographic variables were found to be insignificant, the estimated binary logistic model has adequate explanatory power, as evidenced by a pseudo R2 value of 0.1963 and a significantly higher Wald Chi-Square value of 21.380 (p-value = 0.0007 < 0.05). As shown in Table 5, binary logistic regression results indicate that gender and pre-probation assessment practices are significant predictors of juvenile recidivism. Gender has a significant positive effect on recidivism (β=1.313; p=0.012≤0.05) at a 5% significance level. This means that being a female offender increases the log-odds of recidivism by 1.313 units. This suggests that females are more likely to reoffend than males. Pre-probation assessment practices had a significant negative impact on recidivism (β=-0.823; p=0.000≤0.05) at a 5% significance level. Therefore, improved pre-probation assessment practices significantly reduce the likelihood of reoffending. Every unit improvement in assessment practices reduces the log-odds of recidivism by 0.823 units, demonstrating the importance of effective assessment practices in reducing recidivism.

Table 5: Binary Logistic Regression Analysis

Variable	Coefficient	Standard Error	Z	P>Z
Constant	0.449*	1.700	0.260	0.792
Gender	1.313**	0.521	2.520	0.012
Age	-0.105*	0.331	-0.320	0.751
Education	0.140	0.367	0.380	0.702
Duration	0.225	0.169	1.330	0.182
Probation Assessment Practices	-0.823***	0.205	-4.020	0.000
Log pseudolikelihood	-66.365			
Wald chi^2	21.380			
Prob > chi^2	0.0007			
Pseudo R^2	0.1963			

Note: * p<0.10; ** p<0.05; *** p<0.01

Experienced Key Informants specialising in juvenile probation assessment offered valuable insights into the procedural aspects and instruments used in the process, starting with the court's initial request for a social inquiry. The first phase, known as "noting the file," enables probation officers to collect meticulous information regarding the offence, court orders, and other pertinent details. In-depth interviews with juvenile offenders' centre around their personal history, criminal

record, family dynamics, and individual attitudes. The assessment is customised to suit the specific requirements of the juvenile, prioritising a more permissive approach in contrast to adults, taking into account their emotional and psychological growth. Decisions on non-custodial sentences such as probation are informed by this procedure, where community and family input are crucial. While the Risk Needs Responsivity (RNR) model is commonly employed for adult offenders, there is a recognised requirement for tools specifically designed for juveniles to guarantee thorough and suitable evaluations.

According to the Key Informants, it is crucial to adopt a comprehensive strategy that includes conducting interviews with the family of the juvenile, school authorities, and victims, when applicable. A comprehensive evaluation guides the development of an individualised treatment plan (ITP) designed to target fundamental factors that may contribute to delinquent behaviour. Analysis conducted by Smith and Johnson (2022) and Chen and Williams (2023) confirmed the significance of evaluating the needs of offenders in decreasing the likelihood of reoffending. Conversely, Muntingh and Schoeman (2019) highlighted the ability of risk and needs assessments to accurately predict outcomes in probation procedures. Despite the existence of adult-oriented tools such as Tool A, B, and C, which are tailored to assess juveniles, probation officers clearly indicated a significant demand for specialised tools specifically tailored for juvenile offenders. An overview of the assessment tools underscores the demand.

Tool A, a comprehensive tool, provides a structured way to classify offenders into low, medium, or high-risk categories. The design and content of the tool is centered on adult offenders. Though it is customized for juveniles, there are high chances that the tool may inadequately account for the unique factors influencing juvenile behavior. Tool B which lacks clear guidelines for classifying risk levels under each sub-section, suggest bias interpretations and inconsistencies in assessments. The tool's areas of focus though relevant for adults, fails to capture juveniles' development context, further informing the inadequacy in customizing adult tools. Tool C appears to be a logical follow-up tool presents the interventions based on the assessment areas identified in Tool A. The interventions may not align with the best practices for juvenile rehabilitation because of its reliance on the adult-oriented assessment from Tool A.

Customizing the adult tools for juvenile assessments may not sufficiently consider the distinct developmental aspects that influence juvenile behaviour. This echoed by Lockwood et al. (2018)

who observed that the use of standardized risk assessment instruments developed and normed for adults and slightly modified based on common and general criminogenic risk factors associated with recidivism to assess juvenile offenders oversimplifies the complexity of juvenile pre-probation assessments. Accordingly, as noted by Vincent et al. (2012), the use of risk assessment tools that partially mirror the risk profile and rehabilitation needs of juveniles could limit the efficacy of the rehabilitation outcomes.

CONCLUSION

Overall, while today's probation assessment process plays an important role in shaping the outcomes for juvenile offenders by lowering recidivism rates, a number of shortcomings limit the optimal assessment process. Some of the limitations to effective juvenile assessments were demonstrated by the lack of specialised tools designed specifically for juveniles as well as specialised juvenile training among correction officers. Though the current practice of tailoring adult-oriented assessment tools has overcome the former challenge, such efforts to some extent fail to capture their unique needs. As a result, some juveniles' individual risk factors and needs may be misidentified or addressed. Despite the existing probation and aftercare service guidelines, which provide a solid foundation for conducting assessments, juvenile probation officers require additional training geared towards the juvenile offender population. The trainings are based on juveniles' prime formative stage, which has distinct psychological, social, and developmental characteristics. Officers who receive this training will be better able to interpret the results of their assessments and implement more effective intervention strategies.

POLICY RECOMMENDATIONS

Based on the study findings, the study recommended that the probation department develop and implement specialized Risk Needs and Responsivity (RNR) tools specifically tailored for juveniles to ensure accurate identification of their unique needs, thereby improving pre-disposition decisions and rehabilitation interventions. Additionally, it was recommended that the probation department revise its entry-level induction guidelines to include comprehensive training on juvenile-specific topics and the use of RNR tools. This will better prepare new employees to interpret assessment results and implement more effective intervention strategies, complementing the current on-the-job training and mentorship programs.

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